

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda												
Date:	Thursday 6 December 2018												
Time:	PART A Commences at 10.00 am PART B Commences not before 1.00pm (see list of agenda items for further details)												
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-collapse: collapse;"> <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 Peter Stevens Vacancy</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>Independent (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 Peter Stevens Vacancy	<u>Charter Group Members (2)</u>	David Nettleton	Julia Wakelam	<u>Haverhill Indys Member (1)</u>	John Burns		<u>Independent (non-group) Member (1)</u>	Jason Crooks	
<u>Conservative Members (12)</u>	Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox	Susan Glossop Ian Houlder Peter Stevens Vacancy											
<u>Charter Group Members (2)</u>	David Nettleton	Julia Wakelam											
<u>Haverhill Indys Member (1)</u>	John Burns												
<u>Independent (non-group) Member (1)</u>	Jason Crooks												
Substitutes:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (6)</u></td> <td style="vertical-align: top;">Patrick Chung John Griffiths Sara Mildmay-White</td> <td style="vertical-align: top;">Richard Rout Peter Thompson Frank Warby Patrick Chung</td> </tr> <tr> <td style="vertical-align: top;"><u>Charter Group Member (1)</u></td> <td style="vertical-align: top;">Diane Hind</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>Haverhill Indys Member (1)</u></td> <td style="vertical-align: top;">Tony Brown</td> <td></td> </tr> </table>	<u>Conservative Members (6)</u>	Patrick Chung John Griffiths Sara Mildmay-White	Richard Rout Peter Thompson Frank Warby Patrick Chung	<u>Charter Group Member (1)</u>	Diane Hind		<u>Haverhill Indys Member (1)</u>	Tony Brown				
<u>Conservative Members (6)</u>	Patrick Chung John Griffiths Sara Mildmay-White	Richard Rout Peter Thompson Frank Warby Patrick Chung											
<u>Charter Group Member (1)</u>	Diane Hind												
<u>Haverhill Indys Member (1)</u>	Tony Brown												
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
<p>SITE VISITS WILL BE HELD ON THURSDAY 29 NOVEMBER 2018 AT THE FOLLOWING TIMES (please note all timings are approximate):</p>	
<p>The coach for Committee Members will depart West Suffolk House at <u>9.30am sharp</u> and will travel to the following sites:</p>	
<ol style="list-style-type: none"> <li data-bbox="236 421 1331 595"> <p>1. Planning Application DC/18/0900/FUL - Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds, IP33 3SH Planning Application - 1no. flat over existing car parking spaces with additional car parking bay created Site visit to be held at 9.35am</p> <li data-bbox="236 633 1437 880"> <p>2. Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington, IP29 5RG Planning Application - (i) change of use of site from agriculture use (Sui Generis) to equine educational establishment (Class D1); (ii) conversion of existing agricultural storage barn to stables, tack room and storage; (iii) 1no. manege; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building Site visit to be held at 10.10am</p> 	
<p>The coach will then return to West Suffolk House to allow for a short comfort break, before progressing to the following site <u>on foot</u>:</p>	
<ol style="list-style-type: none"> <li data-bbox="236 1025 1444 1346"> <p>3. Planning Application DC/18/0464/FUL - King Edward VI Upper School, Grove Road, Bury St Edmunds, IP33 3BH Planning Application - Provision of sixth form college with new access from Beetons Way and associated parking and landscaping; provision of new signalised junction; improvements to existing playing fields and replacement of existing all-weather pitch with 3G pitch for King Edward VI Upper School. As amended by plans and documents received on 16th August, 5th October and 1st November 2018 Site visit to be held at 11.15am</p> 	
<p>Committee administrator:</p>	<p>Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk</p>

Agenda Notes - Version for Publication

**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:

Decision Making Protocol - Version for Publication

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/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee

- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

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

(commences at 10am)

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 8

To confirm the minutes of the meeting held on 1 November 2018 (copy attached).

4. Planning Application DC/18/0464/FUL - King Edward VI Upper School, Grove Road, Bury St Edmunds

9 - 60

Report No: **DEV/SE/18/042**

Planning Application - Provision of sixth form college with new access from Beetons Way and associated parking and landscaping; provision of new signalised junction; improvements to existing playing fields and replacement of existing all-weather pitch with 3G pitch for King Edward VI Upper School. As amended by plans and documents received on 16th August, 5th October and 1st November 2018

5. **THIS APPLICATION HAS BEEN WITHDRAWN BY OFFICERS Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington**

61 - 98

Report No: **DEV/SE/18/043**

Planning Application - (i) change of use of site from agriculture use (Sui Generis) to equine educational establishment (Class D1); (ii) conversion of existing agricultural storage barn to stables, tack room and storage; (iii) 1no. manege; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building

6. Planning Application DC/18/0900/FUL - Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds

99 - 110

Report No: **DEV/SE/18/044**

Planning Application - 1no. flat over existing car parking spaces with additional car parking bay created

On conclusion of the above items the Chairman will permit a short break

Part B

(commences not before 1pm)

- 7. Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield 111 - 134**
Report No: **DEV/SE/18/045**

Outline Planning Application (all matters reserved) - 9no. dwellings
- 8. Planning Application DC/18/1376/FUL - Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley 135 - 150**
Report No: **DEV/SE/18/046**

Planning Application -(i) 1no dwelling with attached ancillary outbuilding, (ii) new access and (iii) associated works (following demolition of 2no existing barns)
- 9. Planning Application DC/17/2539/FUL - 5 High Street, Haverhill 151 - 166**
Report No: **DEV/SE/18/047**

Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking
- 10. Planning Application DC/18/1507/FUL - Paltry Farm, Brand Road, Great Barton 167 - 184**
Report No: **DEV/SE/18/048**

Planning Application - Change of use of B8 storage and distribution building to 1no. residential dwelling
- 11. Planning Application DC/18/1862/FUL - Prospect House, 57 Hollands Road, Haverhill 185 - 196**
Report No: **DEV/SE/18/049**

Planning Application - 1 no. Portacabin to be used as treatment room

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 1 November 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

Paula Fox

Carol Bull

Susan Glossop

Mike Chester

Ian Houlder

Terry Clements

David Nettleton

Jason Crooks

Julia Wakelam

Robert Everitt

55. **Apologies for Absence**

Apologies for absence were received from Councillor Peter Stevens.

56. **Substitutes**

There were no substitutes present at the meeting.

57. **Minutes**

Councillor Terry Clements made reference to Minute No 50 (Report No DEV/SE/18/035). He asked that the reference to flooding within the minute in question be strengthened to more accurately reflect the level of discussion and concern raised by the Committee on this matter.

The minutes of the meeting held on 4 October 2018 were then unanimously received by the Committee as an accurate record and were signed by the Chairman, subject to the following amendment to Minute No 50:

"The flooding risk of the site" be amended (in both cases where it appears within the Minute No 50) to read: "*The evidence and risk of flooding in the vicinity and the further impact the development could have on this*".

58. **Planning Application DC/17/0688/FUL - 46 to 47 St Andrews Street South, Bury St Edmunds (Report No: DEV/SE/18/040)**

Planning Application - 3 storey building with basement level to comprise 16 no. residential apartments (following demolition of

existing buildings). As amended by revised plans and documents received on 25 September 2017, 24 May 2018, 2 July 2018, 23 July 2018 and 30 August 2018

This application had been referred to the Development Control Committee at the request of the Ward Members (Abbeygate) and because Bury St Edmunds Town Council objected to the proposal.

The application had been originally considered by the Committee at their meeting on 5 April 2018 where Members resolved to defer the item in order to enable amendments to be made to the design of the building to address concerns regarding the basement accommodation proposed as part of the scheme.

The Committee was advised that a number of amendments had been made to the proposal which included changes to the elevational treatment of the building and significant alterations to the basement flats which had been raised and were now half-basement units. Further details had also been provided in respect of cycle parking and bin storage.

Officers were continuing to recommend that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 92 of Report No DEV/SE/18/040.

Since publication of the agenda a supplementary paper had been circulated which related to the Council's standard water efficiency condition.

As part of her presentation the Senior Planning Officer made reference to:

- **The marked improvement to the basement accommodation** now proposed;
- **The lack of affordable dwellings** that were to be provided in light of it having been evidenced by the applicant that this was not viable;
- **The waste bin storage** proposed which was in line with what the Council's Waste Officers had requested; and
- Whilst **there remained no on-site parking proposed**, Officers were still of the view that on balance this was acceptable given the sustainable location of the site which already had nearby on road parking restrictions in place.

Speakers: Dr Brian Jones (on behalf of the Churchgate Area Association) spoke against the application
Dr John Cochrane (neighbouring resident) spoke against the application
Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application
Mr Rob MacKay (applicant) spoke in support of the application

As part of the discussion on the application, the Chairman invited the Principal Conservation Officer to verbally elaborate on her reasoning for citing no objection to the scheme proposed.

Councillors John Burns, Terry Clements and David Nettleton all made reference to the resident parking schemes in the vicinity of the application

site and the need for this to be promoted with future residents. Councillor Clements also stressed that communication with regard to parking season tickets was something that needed to be strengthened by the Borough Council.

The Service Manager (Planning – Development) explained that use of a residents' parking scheme/parking season ticket was not something that could be conditioned as part of the planning process. However, an informative could be added to a decision notice advising of the parking provision available. The Senior Planning Officer also agreed to amend the wording of condition 18 in order to similarly make reference to the parking provision.

The Service Manager further advised that she would raise the matter of corporate communication in respect of parking with relevant colleagues outside of the meeting, as it was not something that fell within the remit of the Development Control Committee.

Councillors Susan Glossop and Jason Crooks both drew attention to Paragraph 11 of the report and the recommendation therein from the Suffolk Fire and Rescue Service with regard to providing an automatic fire sprinkler system.

The Service Manager (Planning – Development) explained that this matter would be addressed via the Building Regulations process, however, a further informative could be added to a decision notice to reflect the request made by Suffolk Fire and Rescue Service.

A number of Members remarked on the improvement the development would make to the street scene. Comments were made on the fact that the site was unlikely to be able to support future retail provision, therefore, the residential development was viewed as appropriate in the sustainable location.

Councillor David Nettleton moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 12 voting for the motion and with 2 against, it was resolved that

Decision

Delegated Authority be granted to Officers to **GRANT** planning permission subject to the applicant first entering into a Section 106 Agreement in respect of education, library and open space contributions.

Any such approval thereafter be **GRANTED** by Officers to also be subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in complete accordance with the details shown on the approved plans and documents.
- 3) No development shall commence until the following components to

deal with the risks associated with contamination of the site have each been submitted to and approved in writing by the Local Planning Authority:

- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
- 4) No occupation of any part of the development shall take place until a verification report demonstrating the completion of works set out in the remediation strategy approved under Condition 3(iii). The long term monitoring and maintenance plan approved under Condition 3(iii) shall be updated and be implemented as approved.
 - 5) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
 - 6) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
 - 7) No development shall commence until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.
 - 8) The use of penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
 - 9) No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
 - 10) No development shall commence until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The

scheme of investigation shall include an assessment of significance and research questions and:

- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 11) No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.
 - 12) All HGV and construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to or from the site other than in accordance with the routes defined in the Plan, and no equipment or materials shall be stored on the highway. The Construction and Deliveries Management Plan shall include, but not be restricted to, adequate parking of vehicles for demolition and construction site staff and visitors, means to ensure mud, water and other debris does not migrate onto the highway, times and movements of delivery vehicles including routes to and from the site and times and duration of site operation, storage of equipment and materials and location of site security fencing. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.
 - 13) Demolition and construction works shall not take place outside of the hours of 8am to 6pm Mondays to Fridays or outside of the hours of 8am to 1pm on Saturdays. There shall be no demolition or construction works at any time on Sundays, public holidays or bank holidays.
 - 14) No work of construction above slab level shall commence until samples of the external materials and surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
 - 15) No works involving the installation of windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and

vertical cross-section drawings to a scale of 1:2 fully detailing the windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

- 16) No work of construction above slab level shall commence until details of the proposed electric fob-operated pedestrian gate, motion sensor lighting and electric fob-operated rear door to improve the accessibility of the building for all users have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to any of the flats being first occupied and shall thereafter be retained.
- 17) No work of construction above slab level shall commence until details of the cycle store enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for a minimum of 2 cycle spaces per dwelling and the storage shall be secure from theft, damage and weather. The approved cycle storage facilities shall be provided prior to any of the flats being first occupied and shall thereafter be retained and used for no other purpose.
- 18) Not less than 3 months prior to the first occupation of any flat, details of the contents of a Residents Travel Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Pack shall include details of existing permit provision schemes in the area. Within one month of the first occupation of any flat, the occupiers of each of the flats shall be provided with a Residents Travel Pack. The Residents Travel Pack shall be maintained and operated thereafter.
- 19) The areas shown on drawing no. 6405/1222 Revision D for the storage of bins shall be provided in their entirety prior to any of the flats being first occupied and shall be retained thereafter for no other purpose.
- 20) No development shall commence until details of the highway works to reinstate the footway at the existing vehicular crossover have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include the raising of kerbs, associated surfacing and drainage and the re-siting of street lighting and traffic signs from the proposed pedestrian access. The agreed works shall be carried out before the development is first occupied.
- 21) No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

And to include informatives in respect of:

1. Parking provision/schemes in the area; and
2. The recommendation from Suffolk Fire and Rescue Service that a sprinkler system be used.

59. **Planning Application DC/18/1220/FUL - 2 & 4 Mill Road, Haverhill
(Report No: DEV/SE/18/041)**

Planning Application - (i) Change of use from financial and professional services (A2) on first floor (2a and 4a) to 3no. flats (C3) with ground floor access to Mill Road; (ii) internal and external alterations

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 one of the Ward Members, Councillor Paula Fox (Haverhill South).

Haverhill Town Council objected to the application which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 11.1 of Report No DEV/SE/18/041.

Since publication of the agenda a supplementary paper had been circulated which related to the Council's standard water efficiency condition, as had a 'late paper' which set out further information supplied by the agent with regard to parking.

Councillor John Burns drew attention to Paragraph 9.12 of the report which made reference to "*the close proximity of bus and rail services*". Councillor Burns queried this in light of Haverhill not having a rail station within the town.

The Senior Planning Officer apologised and confirmed that the reference to rail services was an error. However, the application site was still considered to be in a sustainable town centre location.

In response to comments made by Members with regard to emergency services' access in the vicinity of the application site, the Service Manager (Planning – Development) explained that relevant emergency services would need to raise this with Suffolk County Council as Highways Authority if they had any concerns.

A number of the Committee made reference to one of the flats being slightly below space standards. The Service Manager (Planning – Development) advised that a refusal on this basis would be considered unsound by Officers and was not recommended.

Councillor Jason Crooks spoke in support of the application and stated that the change of use of the building to residential was likely to result in less demand for parking than the current occupying business required. He therefore moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Andrew Smith.

Upon being put to the vote and with 8 voting for the motion and with 6 against, it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 4 The use shall not commence until the area(s) within the site shown on Drawing No. AV/2270/5 for the purposes of secure cycle storage have been provided and thereafter those areas shall be retained and used for no other purposes.
- 5 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. AV/2270/5 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 6 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

The meeting concluded at 11.17am

Signed by:

Chairman



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/042

Development Control Committee 6 December 2018

Planning Application DC/18/0464/FUL – King Edward VI Upper School, Grove Road, Bury St Edmunds

Date Registered:	04.04.2018	Expiry Date:	04.07.2018 EoT until 13.09.2018
Case Officer:	Marianna Hall	Recommendation:	Approve Application
Parish:	Bury St Edmunds	Ward:	Risbygate

Proposal: Planning Application - Provision of sixth form college with new access from Beetons Way and associated parking and landscaping; provision of new signalised junction; improvements to existing playing fields and replacement of existing all-weather pitch with 3G pitch for King Edward VI Upper School. As amended by plans and documents received on 16th August, 5th October and 1st November 2018.

Site: King Edward VI Upper School, Grove Road, , Bury St Edmunds

Applicant: Wates Construction Ltd

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Marianna Hall

Email: marianna.hall@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

The application is referred to the Development Control Committee at the request of one of the Ward Members (Risbygate).

Proposal:

1. Planning permission is sought for the provision of a new sixth form college, referred to in the application as 'Abbeygate', within the grounds of King Edward VI Upper School in Bury St Edmunds. The new college comprises a detached four storey building together with a multi-use games area (MUGA) and car park and would be sited on an area of playing field associated with the existing Upper School. The college building would front onto and be accessed from Beetons Way and would accommodate up to 1,700 students with approximately 200 teaching staff.
2. The proposed college would be operated by the Suffolk Academies Trust which was set up in 2015 as a collaboration between One Sixth Form College in Ipswich and West Suffolk College in Bury St Edmunds. The development forms part of the Education & Skills Funding Agency's (ESFA) Priority School Building Programme. The ESFA is an Executive Agency of the Department for Education and supports the delivery of building and maintenance programmes for schools, academies, free schools and sixth form colleges. Academies are free, state-funded schools run by charitable trusts and are not controlled by local authorities.
3. The proposed college building would have a total floor area of 12,948m² and is arranged as a C-shaped block. The central section of the building contains the main entrance and reception area, general offices, kitchen, dining and study areas and the double-height assembly and sports halls. The teaching areas are predominantly provided within two four-storey wings that extend eastwards from the central section. The design incorporates areas with central voids to create connections between floors. There are a variety of formal learning spaces including classrooms, laboratories and studios and more informal spaces including study zones and 'open classrooms' for tutorials and group work. The assembly hall on the ground floor would provide a communal space for college performances, presentations and showcase events. The sports hall on the second floor together with two activity studios would be used for recreational sports and fitness activities for students and for formal exams in addition to delivering the PE curriculum. The building has been designed to be fully accessible and inclusive with level floors and thresholds and a lift serving all floors. The principles of Secured By Design have also informed the design process, and this is covered in detail in Section 4.8 of the submitted Design and Access Statement.

4. In terms of external materials the central section would be finished in dark 'blue' facing brickwork with dark blue render above. The assembly and sports halls project forward of the main face of the building and it is proposed to clad this area in yellow panelised metal cladding to contrast with the rest of the building and create visual interest. For the two rear building wings it is proposed to use the same dark brick base as the central block but with light grey coloured render above. The application documents indicate that the development would achieve a BREEAM rating of 'Very Good' and would include the provision of a solar PV array on the roof of the building.
5. The proposals include the provision of a new vehicular access onto Beetons Way for the proposed college together with the replacement of the existing mini-roundabout at the junction of Western Way and Beetons Way with a signalised junction. The main car park for the college is proposed to be sited on the lower area of playing field to the north of the building itself and this would provide 245 no. spaces. Directly in front of the building a drop-off layby and minibus/coach turning area are provided together with 12 no. disabled parking spaces, 2 no. visitor spaces and 13 no. powered two-wheeler (PTW) spaces. Within the site and on the southern side of the college building is a separate area for commercial vehicles and servicing, close to the substation, plant room and bin store.
6. A separate entrance to the site for pedestrians and cyclists is proposed to the north of the new vehicular access, providing access from Beetons Way to the main front entrance of the building and the cycle store areas. A second pedestrian and cycle access is provided from the north of the site through the new car park, with this linking to the existing public footpath along the northern site boundary. Cycle storage is provided on the north side of the college building for 70 cycles with a further 30 spaces for cycles on the southern side of the building. An additional pedestrian connection is proposed between the new college and the existing upper school to facilitate the movement of staff between the two sites.
7. In terms of outdoor space for the college the scheme includes a landscaped courtyard area to the rear of the central block between the two rear wings together with a multi-use games area (MUGA) immediately adjacent to the college building. The MUGA aims to support informal sport and recreational activities. On the southern side of the building an additional social space is provided with terraced seating within the existing embankment. It is proposed to make the MUGA and parts of the college building available for use by the local community, including the assembly hall, sports hall, activity studios, and areas for ICT training.

8. The existing playing fields at King Edward VI Upper School are described within the application documents as the 'upper field' and 'lower field', reflecting a significant change in levels between these two areas. A treed embankment marks the change in levels between the upper field in the southern part of the site and the lower field in the northern part of the site. The proposed college building would be sited on part of what is currently the upper field, with the remainder of the upper field being outside of the application site and not affected by the development. The car park for the college would be sited on part of the lower field. As part of this application it is proposed to carry out improvement works to the remainder of the lower field in the northeast part of the site.
9. These works comprise altering the levels of the lower field to provide a gradient of 1:100, with the current gradient of the lower field being 1:25, and the provision of drainage. The improved area of the lower field would remain part of King Edward VI Upper School, and is included within the application red line solely due to the physical works being carried out in this area. To the east of the upper field is an existing all-weather pitch that also forms part of the Upper School site. The proposals include the upgrading of this pitch to a '3G' ('third generation') rubber crumb artificial grass pitch. Again, this pitch will remain part of the Upper School site and is included within the application red line solely due to the physical works to be carried out.
10. The scheme has been subject to several amendments during the course of the application and additional information has also been provided in respect of highway impacts, the existing and proposed community use of the site, energy efficiency and BREEAM. This is discussed in more detail within this report. In summary the amendments are:
 - The inclusion of the upgrading of the existing all-weather pitch at the Upper School to a 3G pitch as part of this application;
 - extension of the application red line to include additional land around the proposed signalised junction;
 - improvements to the pedestrian and cycle access and approach from Beetons Way;
 - provision of an additional pedestrian and cycle access linking to the existing public footpath to the north of the site and the provision of a clear route through the car park from this access point;
 - improvements to the car park including the provision of a turning circle for buses/coaches and a lay-by for drop-offs;
 - additional landscaping along the site frontage to improve the appearance and setting of the college building within the street scene;
 - the addition of a solar PV array (details of which are to be secured by condition); and
 - a revised drainage scheme that follows the SUDs hierarchy.

Application Supporting Material:

11. Information submitted with the application is as follows:

- Application Form
- Plans
- Design & Access Statement
- Planning Statement including Addendum
- Energy Statement
- Sustainability and BREEAM Technical Note
- Statement of Community Involvement
- Planned and Projected Pupil Numbers
- Environmental Noise Assessment
- Transport Assessment including Addendum
- Transport Assessment Trip Generation Update Technical Note
- Junction Performance Data as existing
- Signalised Junction Input Data & Results including for Future High Level Scheme
- Sketch of Further Upgrade to Proposed Signalised Junction
- Transport Flow Diagrams – robust case and worst case
- Framework Travel Plan
- Car Survey of West Suffolk College
- Emails from bus companies
- Land Contamination Questionnaire
- Preliminary Phase 1 & 2 Desk Study and Site Investigation Report
- Preliminary Ecological Appraisal
- Sports provision Statement including Addendum
- Flood Risk Assessment
- Drainage Strategy
- Soakaway Results

Site Details:

12. The application site comprises part of the existing playing fields associated with King Edward VI Upper School together with an existing artificial pitch also within the Upper School grounds. The playing fields and artificial pitch are designated as Recreational Open Space within the local plan. The application red line also includes part of Beetons Way and Western Way due to the proposed highway works associated with the development to replace the existing mini-roundabout with a signalised junction in this location. The site lies within the defined settlement boundary for Bury St Edmunds. The total site area is 5.69 hectares.

13. The topography of the existing playing fields comprises two distinct levels with an approximate 4 metres difference between the upper and lower fields. There are two grass embankments, one to the southern site boundary with the leisure centre and another between the upper and lower playing fields within the site itself. Both embankments are well treed. The

western boundary of the site with Beetons Way is marked by a tall Leyland cypress hedge. There is an existing gated maintenance access adjacent to the mini roundabout at the Beetons Way/Western Way junction.

14. To the north of the application site is an existing public footpath connecting Beetons Way with Spring Lane, beyond which are the railway line and the A14. Further north are a number of commercial units on Anglian Lane. To the east of the site is King Edward VI Upper School's remaining playing fields and the school buildings themselves. The Spring Lane Allotments/Tayfen Meadows Local Wildlife Site also lies to the east. To the south is the Abbeycroft Leisure Centre and athletics track, beyond which is West Suffolk College. To the west of the site, on Western Way, is the former Vinten's building which has planning permission to become a STEM Academy for West Suffolk College. The Council Offices at West Suffolk House also lie to the west of the site.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/15/1817/CR3	Regulation 3 Planning Application (application on behalf of Suffolk County Council) - Installation of 1 No. double temporary classroom unit	No Objection	08.09.2015	18.09.2015
DC/15/1818/CR3	Regulation 3 Planning Application (application on behalf of Suffolk County Council) - (i) Six class base extension to existing Media Block, with associated toilet facilities (ii) External works to provide additional	No Objection	08.09.2015	24.09.2015

	parking and improved access			
SE/08/0934	Regulation 3 Application - (i) Demolition of single storey link building and (ii) erection of single storey education building infilling existing courtyard to provide extended reception and library with 2 no. individual offices and meeting room	Recommend Approval to SCC	04.07.2008	08.07.2008
SE/07/0244	Regulation 3 Application - Erection of communications suite, provision of car parking and alterations to existing vehicular access	Recommend Approval to SCC	09.02.2007	23.03.2007
SE/06/1697	Regulation 3 Application - Erection of new piers and entrance gates (to replace existing)	Application Granted	11.05.2006	30.05.2006
SE/04/3694/P	Regulation 3 Application - Erection of fitness suite (adjoining sports barn)	Application Granted	21.10.2004	16.12.2004
SE/04/3637/P	Regulation 3 Application - Erection of extension to Science wing and replacement cafeteria plus new pedestrian	Application Granted	13.10.2004	15.12.2004

	concourse to Performing Arts Centre			
SE/03/3492/P	Regulation 3 Application - Erection of detached arts building as supported by artist's impression received 29th October 2003	Application Granted	22.10.2003	20.11.2003
SE/02/2675/P	Regulation 3 Application - Provision of a double classroom unit for temporary period	Application Granted	10.07.2002	09.09.2002
SE/01/1933/P	Regulation 3 Application - Erection of staff I.T. training extension	Application Granted	08.05.2001	07.06.2001
E/98/1649/P	Regulation 3 Application - Infilling of west courtyard	Application Granted	09.04.1998	29.04.1998
E/96/3037/P	Regulation 3 Application - Installation of floodlighting (8 columns) to proposed athletics track as amended by plan received 13/02/97 indicating repositioning of floodlighting on northern side of athletics track	Application Granted	13.12.1996	11.03.1997
E/96/1186/P	Regulation 3 Application - Construction of all weather pitch on existing playing	Application Granted	05.02.1996	11.03.1996

	fields with floodlighting and perimeter fencing (alternative location)			
E/95/2887/P	Regulation 3 Application - Construction of all weather pitch on existing playing fields with floodlighting and perimeter fencing	Application Granted	01.12.1995	16.02.1996
E/91/1959/P	Outline Application - (i) Highway works; (ii) enhancement of sports facilities including regrading of playing fields; (iii) provision of sites for residential, motor showrooms, retail, B1 and B8 developments and wildlife reserve as amended by letter and plan received 21st November 1991	Application Withdrawn	12.06.1991	23.02.1994
E/86/2145/P	Retention of 1 temporary classroom	Application Granted	30.05.1986	25.06.1991
E/85/2365/P	Continued siting of temporary classroom unit	Application Granted	04.07.1985	23.07.1985
E/83/3559/P	Erection of garage for school mini-bus Letter to CCP 29/12/83 - no objection	Application Granted	13.12.1983	29.12.1983
E/84/1104/P	Rebuilding of small link blocks between two workshops	Application Granted	18.01.1984	13.02.1984

E/83/2136/P	Provision of two temporary classrooms to accommodate increased numbers of pupils at school	Application Granted	27.05.1983	20.07.1983
E/82/2079/P	Erection of temporary classroom unit	Application Granted	04.06.1982	30.06.1982
E/80/2629/P	EXTENSION AND REMODELLING OF THE WEST SUFFOLK COLLEGE OF FURTHER EDUCATION	Application Granted	30.06.1980	15.09.1980
E/80/2628/P	EXTENSION AND REMODELLING OF THE WEST SUFFOLK COLLEGE OF FURTHER EDUCATION	Application Granted	30.06.1980	15.09.1980

Consultations:

15.The consultation responses received are summarised below, with the full responses available on the website.

Town Council

16.Comments 12th April 2018:

- No objection based on information received.

17.Comments 24th May 2018:

- Supports application subject to consideration of highway concerns and loss of amenity.

18.Comments 13th September 2018:

- No objection based on information received.

Bury St Edmunds Society

19.Comments 13th April 2018:

- Support. Welcomes plans but concerned there may not be adequate parking provision given existing problems with parking local to this site.

County Archaeological Officer

20. Comments 6th April 2018:

- We have been provided with a results of ground investigation works and advise there does not need to be further works on the site.

21. Comments 8th May 2018:

- Previous response stands.

Public Health & Housing

22. Comments 25th April 2018:

- No objection. Noise report indicates nearest noise sensitive properties in Grove Road will not experience an increase in noise disturbance. Conditions recommended regarding hours of construction and burning of waste.

Environment Team

23. Comments 17th April 2018:

- Based on the information provided we are satisfied that the risk from land contamination is low. Do not require any further assessment in this regard.
- No Air Quality Assessment has been carried out, however, this is unlikely to identify any significant material impacts specifically relating to this development. Condition recommended to secure electric vehicle charge points.
- Note many inconsistencies and inaccuracies in submitted Energy Statement that need to be addressed. Would not support the application based upon the information provided.

24. Comments 15th June 2018:

- An updated and corrected Energy Statement has been submitted.
- Building is to be designed to achieve BREEAM Very Good in line with funders' requirements, siting increased cost of Excellent affecting viability.
- Although compliant with building regulations the design lacks ambition and does not represent current best practice.
- Higher ongoing energy costs and environmental impacts will make it difficult for the building to achieve a BREEAM Very Good rating.

25. Comments 18th September 2018:

- Welcome updated energy statement.
- Query level of saving reported by provision of solar PV array. Request figures are reviewed and confirmed. Energy credits are important in achieving the BREEAM Very Good rating stated.

- Agree BREEAM Very Good is an acceptable aspiration in this case but would like a commitment to achieving as close to the optimum target of 65.36% Very Good rating as possible.
- Welcome commitment to test and rectify thermal bridging and air leakage prior to handover.
- Welcome thermal modelling of building using projected climate scenarios.
- Conditions recommended regarding BREEAM credits.

Environment Agency

26. Comments 30th April 2018:

- Refer to Standing Advice regarding Flood Risk. Your drainage manager should be consulted.
- EA will respond direct to HSE under separate cover.
- No objection to proposed development.
- Site is located in a groundwater protection zone and is therefore vulnerable to pollution as contaminants may contaminate the protected water supply. Conditions recommended.

27. Comments 13th August 2018:

- Previous comments remain pertinent.
- Infiltration is proposed as preferred method of surface water disposal. Proposed treatment of surface run-off from car park includes a swale or permeable sub-base. Given environmental sensitivity of the site we recommend additional treatment should be incorporated into the system design.
- Proposed treatment of roof water run-off is acceptable.

28. Comments 31st October 2018:

- Unclear whether geotextiles are to be installed beneath all filtration SuDS at the site. If geotextiles are installed beneath permeable paving in the car parking areas we would not object to the surface water strategy for the site.

Anglian Water

29. Comments 4th May 2018:

- AW assets are within or close to the development boundary that may affect the layout of the site. Informative recommended.
- Wastewater Treatment: Foul drainage is in the catchment of Fornham All Saints Water Recycling Facility that will have capacity for these flows.
- Foul Sewerage Network: Sewerage system at present has available capacity for these flows.
- Surface Water Disposal: Surface water strategy/flood risk assessment submitted with the application relevant to Anglian Water is unacceptable. No evidence has been provided to show the surface water hierarchy has been followed.

- Trade Effluent: Proposal includes employment/commercial use. Consent required to discharge trade effluent to a public sewer, informative recommended.

30. Comments 16th August 2018:

- As per comments above with the exception of Surface Water Disposal: preferred method of disposal would be to a sustainable drainage system with connection to sewer as the last option. From the details submitted the proposed method of surface water management does not relate to AW operated assets. As such we are unable to provide comments on the suitability of the surface water management.

31. Comments 24th August 2018:

- No further comments to add to our previous response.

County Flood and Water Engineer

32. Comments 19th July 2018:

- Holding objection as no drainage strategy has been submitted at this time. Development is over 1000m² in roof area, as such a drainage strategy must be submitted to comply with national and local legislation.

33. Comments 13th August 2018:

- Holding objection.
- Further clarification on the infiltration capacity of the site is required.
- Planting near perforated pipes is unacceptable and contravenes best practice.
- Information needed regarding where and how the improved drainage for the sports pitches will be delivered, and whether cut and fill techniques are being used to level out the current slope.
- Information needed on how existing drainage features along the northern boundary are going to be protected.

34. Comments 6th September 2018:

- Holding objection.
- Strategy does not comply with national and local standards.
- Infiltration should be used in the first instance where ground conditions allow. Report states northern section of the site has good infiltration, as such open or shallow infiltration devices should be used to dispose of all surface water.
- Latest strategy proposes a 75/25 split in favour of discharging to public sewer over infiltration. Connection to public sewer is the last option on the hierarchy. This ratio is unsustainable.
- Require further testing in far NE corner to confirm suitability. Natural fall of site ends here thus lending itself to SuDs features. There is space for a large overflow basin with minimal risks to people and good practice to be employed.

- Request soft landscaping be superimposed on drainage strategy, concerns regarding proximity of trees to pipes.
- Request clarification of drainage system for new pitches as conflicting methods are stated.

35. Comments 1st November 2018:

- SCC Flood & Water Management have no further objections, however certain elements of the strategy will need further clarification at detailed design. Conditions recommended.

Suffolk County Council Highways Authority

36. Comments 11th May 2018:

- Cannot support application at this time.
- Lack of information on the access from Beetons Way. Transport Assessment (TA) indicates traffic signals but application does not show the access in detail. Cannot therefore comment on highway impacts.
- Scheme does not provide any spaces for PTWs.
- Parking spaces do not meet our standards in terms of size.
- More spaces are provided than needed however there is limited on-street parking available if parking is underprovided.
- Other means of sustainable transport need to be encouraged and planned for.
- Cycle parking provision is below our standards and must be increased.
- Query where coaches and busses will drop off. Require tracked path plan.
- New access does not safely provide for cyclists to enter the site.
- New access crosses an existing cycle path, consideration needs to be given to the safety of this. A signalised junction with a crossing phase on this arm would resolve this.
- TA assesses impacts on Tollgate Lane West and Western Way. We have evidence these junctions are already close to capacity, will require modelling to ascertain if mitigation is required.
- Framework Travel Plan is very generic and does not provide any idea of how the vehicular impact of the development will be mitigated. Amendments will be required prior to determination of the application. Conditions and S106 requirements recommended.

37. Comments 21st June 2018:

- Holding refusal.
- Lack of detailed design of main entrance in terms of junction alignment, signalisation of junction and replacement of mini-roundabout, how existing cycle path will be crossed and treated and how cyclists are to enter the site. Would expect at least one separate access for pedestrians and cyclists.
- Car parking spaces still do not meet the standards in term of size. Robust justification needed.

- Number of spaces appear to meet the guidance but more information on staff numbers is required to assess this.
- Still no PTW provision.
- Cycle provision remains well below the guidance and will not encourage sustainable travel. Require more provision initially with scope to add to this in future.
- TA states that parking is available in local facilities but these have restrictions and are not suitable for medium to long term parking.
- Details of coach spaces have yet to be provided, swept path analysis required.
- Request a cycle/pedestrian path is provided linking to the existing footpath along the northern site boundary to remove students and staff from the main access and provide access for those with restricted mobility. This would reduce travel time to the train station and encourage sustainable travel.
- Modelling of Tollgate and Western Way junctions still required.
- Query whether background growth has been applied to Vision 2031 data. If not this is required to be done.
- No information provided regarding student catchment.
- Bus stop facilities are inadequate for the use being predicted.
- Design currently requires pedestrians to cross the access road in two places, this does not minimise pedestrian vehicle conflict.
- Taxis have not been assessed within traffic flows.
- Further information required regarding how vehicle trip impacts have been calculated as this is unclear.
- Model of signal junction is not evidenced in terms of frequency of pedestrian stage and could result in an overestimation of capacity.
- Right turn storage shown is not evidenced and looks tight.
- Query how parking will affect operation of junction given proximity of first car parking spaces to the access. This could result in queueing back onto the highway.
- Number of car parking spaces meets the guidance however the demand is stated as being higher than this.
- Assessment does not appear to include all of the growth associated with the Bury 2031 Vision.
- Drawing does not show the northern arm tying in.
- Impacts on Newmarket Road and Tollgate junctions are notable but have not been modelled in the report.
- Statement that there are no capacity issues across peak-hour bus services is not evidenced. Given the reliance on public transport in the TA this must be evidenced.
- Travel Plan seems to underestimate the number of trips generated by the site during peak periods.
- No evidence of engagement with local bus companies to provide suitable services to the college.

- Extra traffic flows onto Newmarket Road and Tollgate may be able to be mitigated however the proposed signalised access would be over capacity and in its current design cannot be supported.

38. Comments 19th July 2018:

- Holding objection.
- These comments are offered following our meeting in response to the points raised. Model has now been reviewed in detail and we would reserve the right to do so once all remaining elements of the assessment are resolved.
- Signals to main entrance are not suitable to obtain approval from our traffic signals team. There should be no traffic islands in the junction as there is no method to maintain these without road closure under current guidance. If all other issues are resolved the design of the signals could be conditioned for approval. All other small amendments to the local design could also be conditioned with the detailed design checked at S278 stage.
- There is poor pedestrian connectivity from the car park to the main entrance. There is one footway link behind parked cars but no way of accessing it. This needs to be addressed together with how persons with mobility issues access the main entrance from the car park.
- The TA states 15 DDA spaces however only 7 are shown on plan.
- Submitted parking survey suggests a higher percentage of vehicles using the site are likely to be middle-sized vehicles and below. Whilst the parking space sizes are below standards we accept in this location and based on the information provided that cars will have space to park and people to alight in a reasonable manner.
- The car parking numbers comply with our guidance.
- Previous queries regarding PTW provision, cycle storage, bus tracking, improvements to existing junctions, access for mobility impaired persons and catchment information have all been resolved.
- Response to concerns regarding off-site parking are accepted, this can be mitigated in the travel plan by way of a S106 contribution.
- Remains poor pedestrian connectivity through the site.
- Content that future scenarios have been assessed up to 2024 plus the Western Way Masterplan.
- Still concerns regarding the bus use predicted given the existing bus stop facilities. Walking distance between site access and Newmarket Road bus stops is over the recommended distance which may deter some students. Bus service on Western Way is also inferior to Newmarket Road. Is not therefore appropriate to use the modal split data from West Suffolk College in this respect. This point is not resolved.
- Assessment assumes all students and staff being on site at any one time which would not be the case. If a more realistic but robust assessment may show a reduced impact even if a lower percentage of students were to travel by bus.

- It is accepted that the inclusion of taxis in the traffic flows will make a negligible difference to the assessment.
- Vehicle trip calculations have now been provided.
- Concerns regarding capacity for vehicle stacking remain unresolved.
- Still awaiting information regarding capacity of bus services.

39. Comments 17th September 2018:

- Recommends conditions to be attached to permission if granted.
- Further work has been undertaken by the applicant to resolve previous issues and queries.
- Mitigation is required on three main junctions and bus provision is required to be improved.
- Following the original TA an additional assessment has been carried out of the potential impacts to address concerns about the anticipated number of students travelling by bus.
- Worst-case results indicate that proposed arrangements would function better than the existing layout in this location, albeit the junction will be broadly at capacity for the AM peak hour.
- Results also indicated a range of impacts on links and junctions within the surrounding road network.
- Additional assessment has been undertaken of the proposed junction in relation to the allocated One Public Estate development adjacent to the site. This indicates the junction would be over capacity however there is land available to deliver a larger scheme to accommodate both developments.
- Conditions recommended regarding access, HGV traffic movements, manoeuvring and parking areas, visibility and Travel Plan.
- S106 contributions requested to provide a new bus stop shelter and improvements to Tollgate and Newmarket Road junctions.

Sport England

40. Comments 25th April 2018:

- Objection.
- Sport England were consulted on this scheme at pre-application stage and raised a number of concerns.
- Proposal would result in loss of approximately 2 hectares of playing field at King Edward VI Upper School.
- Application has been submitted without including existing winter/summer sports pitch layouts in order to allow a comparison to be made.
- Upper School currently has a roll of approx. 1,600 students falling to approx. 1,200 with the construction of the sixth form college. Addition of 1,700 new pupils at the college would increase student numbers to close to 3,000 on the new campus.
- Proposal would result in the loss of the existing artificial cricket wicket which is understood to be used by the school for competitive fixtures.

- Illustrative masterplan indicates north-eastern section of playing field would fall within control of new sixth form college with access maintained for existing school. This would reduce school's playing field within their own control to the existing artificial pitch and adjoining playing field that could accommodate a single 9v9 junior grass pitch.
- It is understood the adjoining primary school (St Edmundsbury) have use of the existing playing field for 7v7 mini soccer matches. Site is also used for football tournaments for the Suffolk WAYS League, for the Suffolk Youth Games, and by two local running clubs for training (West Suffolk AC and St Edmund Pacers).
- Benefits from the scheme would be a two court sports hall and Multi-Use Games Area (MUGA) at new sixth form with community access outside college hours, and levelling of the north-eastern part of the playing field to accommodate two football pitches and a cricket wicket. Assessment for this has not yet been carried out therefore it is difficult to quantify the benefits from this proposal.
- The Football Foundation/Suffolk FA have commented on the proposals as follows: Support proposals provided suitable grass football pitch provision is maintained on the remaining grass space as outlined in the Design and Access Statement. Due to age group of children attending the school and proposed sixth form this would need to be in the form of 9v9 and 11v11 pitches to maintain existing and new football activity. School also acts as a hub for local primary school sport and events and due to the low quality surface of the synthetic pitch the remaining grass pitch provision would need to be maintained to ensure there is no reduction in football participation at the site.
- The England and Wales Cricket Board has commented on the proposals as follows: Suffolk Cricket Board have been consulted and although not aware of any community use of the existing outdoor cricket pitch, the school enter a lot of school cricket competitions so would be a concern if cricket pitch provision was lost and no alternative provided.
- Proposal would result in a significant loss of playing field on this site (c. 2 hectares) to a largely non-sporting proposal that would result in c3,000 students on the campus, almost double the existing school population.
- Reduced area of playing field would not allow the school to provide existing levels of sports pitch provision and would reduce potential for community access to the playing field including the primary school access for football matches.
- Proposal would result in loss of existing artificial cricket wicket which is used by the school for competitive matches. It is proposed to replace this with a grass wicket on the improved north-east part of the playing field, however, it is shown to be sited within the run-off area of the two junior football pitches, compromising the quality of this facility. Any new artificial cricket wicket would need to be sited outside the run-off areas for grass football pitches, for health and safety reasons. Sport England considers that a new artificial cricket wicket should be provided as part of this scheme to replace the existing facility to be lost. Such a facility would

need to be provided outside the limits of any grass football pitch (plus run-offs).

- Application documents are inconsistent regarding the orientation of the pitches on the NE section of playing field.
- Scheme would not meet any of the exceptions identified in the Sport England Playing Fields Policy as it would result in a significant loss of playing field for a use that is primarily educational.
- Sport England policy exception E5 permits provision for indoor/outdoor sports facilities where the benefits to the development of sport outweigh the detriment caused by the loss of playing field. In Sport England's judgement, the benefits to sport in terms of the qualitative improvements to the remaining playing field and the proposed two court sports hall and MUGA (including community access at non-college times) would not outweigh the detriment to playing field provision and the subsequent reduction in number of pitches that can be provided to meet the needs of a significantly increased student population. It should also be noted that the site survey in relation to the qualitative improvements has not yet been carried out, therefore it is impossible to quantify the scale or cost of these proposed improvements. It is not considered that any of the other exceptions to Sport England's policy would apply in this instance.
- Conditions recommended should the LPA be minded to approve.

41. Comments 11th May 2018:

- Objection.
- Submitted Sports Provision Statement states lower field does not support sports use due to poor drainage and sloping nature. My visit however clearly indicated the lower field is used for competitive sports fixtures and evidence from satellite photography shows this field marked out for pitches. Photograph on submitted TGMS Report also indicates this field is used for siting of football and rugby pitches.
- Accept there will be a qualitative improvement to the remaining playing field.
- Also accept the West Suffolk Playing Pitch Strategy (2015) highlighted need for qualitative improvements to existing pitches rather than additional pitches. King Edward School's pitches were not however included in this assessment on the basis that they were school pitches.
- Chief concern remains the significant reduction in available playing field to meet needs of the secondary school and the 6th form centre.
- Benefits in terms of qualitative improvements to remaining playing field and limited community benefits from access to the sports hall and MUGA do not outweigh the detriment caused by the significant loss of playing field provision on the remaining site.
- Still require existing pitch layouts to allow comparison to be made.
- Concerns set out in our comments of 25th April remain.
- Should also be noted that submitted agronomist report highlights some additional issues with regard to proposed pitch layouts that do not meet

our requirements and the issue regarding the new cricket provision remains.

- Playing Pitch Strategy also identified need for an additional 3G artificial pitch in the Bury St Edmunds area and an opportunity may exist to convert the existing sand based pitch at the school to meet this requirement. Unless the scheme was amended to make such provision however this cannot be considered within the scope of the current proposal.
- Conditions recommended should the LPA be minded to approve.

42. Comments 25th June 2018:

- Objection.
- An amended Sports Provision Statement has been submitted and we have also received a letter from West Suffolk Council regarding their intention to replace the current all-weather pitch with a rubber crumb 3G surface in 2019. It is also proposed to review the current arrangements for all the leisure facilities on the 'education campus' including the leisure centre and athletics track.
- We acknowledge that there will be a significant benefit to sport in the town through the replacement of the artificial pitch surface with a 3G pitch. This does not however form part of this current application and cannot therefore be taken into account.
- Key issue is whether the school and proposed college will retain sufficient playing field provision to meet its requirements as well as the existing community access highlighted in the Sports Provision Statement.
- We are also concerned that no provision for outdoor sport apart from the MUGA will be made for the students attending the 6th form centre.
- The benefits to sport from the proposed development will not outweigh the detriment caused by the loss of playing field/open space and the proposal is not therefore considered to meet exceptions E4 or E5 of our policy.
- Conditions recommended should the LPA be minded to approve.

43. Comments 18th September 2018:

- Remain concerned with loss of playing field/open space but accept there will be benefits to sport that marginally outweigh the detriment caused.
- Do not wish to object to application.
- Application has been amended to include the existing all-weather pitch and further information provided on existing users of the site and proposed links between the proposed college and existing school and leisure centre.
- Revised plans and additional information put forward following benefits to sport from the development: inclusion of resurfacing existing all-weather pitch with a 3G surface enabling the timescale of this to be conditioned; qualitative improvements to remaining playing field; community access to proposed hall, activity studio and floodlit MUGA; replacement of existing artificial cricket wicket with a new facility which

comprises a qualitative improvement; links between proposed college and adjacent leisure centre in terms of work placements and apprenticeships; and assurance that none of the existing community uses of the site will be displaced.

- Accept strong support for new educational facilities in revised NPPF.
- Football Foundation/Suffolk FA have been re-consulted and are supportive of the 3G pitch.
- Is important that new MUGA is floodlit to allow evening use by the community during the winter months.
- Conditions recommended regarding surfacing of existing artificial pitch, a sports pitch implementation scheme, community use agreement, design and layout of replacement artificial cricket wicket and floodlighting of new MUGA.

Ecology and Landscape Officer

44. Comments 18th September 2018:

- Proposals represent a significant change in the character of this area.
- Removal of leylandii hedge is not contested however replacement tree planting to the site frontage would be beneficial in landscape and ecological terms (this has now been included).
- There were not sufficient replacement trees to soften the development, this appears to have been addressed.
- The frontage was dominated by car parking and drop-off areas at the expense of a safe and attractive pedestrian approach and provision for cycling. There was also no clear route for pedestrian access between the car park and building entrance. This has been addressed. Request slight amendment to disabled parking area to provide continuity to pathway.
- Electricity sub-station should be softened with appropriate planting (this is addressed).
- Tree protection will be required during construction period.
- Native hedge to the front of the site has been added. Tree species for car park has been amended.
- Recommend hedge between playing fields and car park. A fence is shown here but will not soften the car park. A number of small trees are proposed but will have a minimal effect and may conflict with the drainage channel. Lime species should be amended due to proximity to car parking.
- Query why fencing needs to be so high and whether close-boarded fencing around MUGA will attract anti-social behaviour.
- Proposals may impact perception of safety for users of the PRoW to the north. Planting here should be amended to be more visually permeable e.g. low shrubs with trees with a high canopy. Mix has been amended but some clear stemmed trees would have been of benefit.
- Biodiversity report fails to identify the site's location as being adjacent to the Springfield Nature Reserve however avoidance and general mitigation

measures protect boundary features and require precautionary measures to be implemented on site.

- Measures in ecological report should be conditioned including a lighting strategy and enhancements.
- An ecology and landscape management plan should also be conditioned, including monitoring of the enhancement features.

Representations:

45. Representations have been received from the following properties:

91 Wesham Park Drive Preston
King Edward VI Upper School Grove Road Bury St Edmunds
122 Horringer Road Bury St. Edmunds
109 Kings Road Bury St Edmunds
8 Highbury Road Bury St Edmunds
20 Creed Walk Bury St Edmunds
West Suffolk College Out Risbygate Bury St Edmunds
55 Scarlin Road Bury St Edmunds
Abbeycroft Leisure Centre Beetons Way Bury St Edmunds
20 Longacre Gardens Bury St Edmunds

46. The comments received are summarised as follows:

- Concerned about impact of additional traffic.
- Concerned about impact of traffic on existing access to West Suffolk College.
- Concerned about impact of traffic on access to and from Bury St Edmunds Leisure Centre.
- Proposal does not comply with adopted county parking standards.
- Site is used by local primary school for sports day and weekly football matches and training. Primary school does not have a playing field, removal of this facility would be detrimental to the school's sporting offer and opportunity to pupils.
- Concerned about erosion of facilities for outdoor PE at King Edward Upper School.
- Lower field has been used for formal sport and has never been unfit for use due to poor drainage.
- Remaining pitches will be available for community use leading to increased wear and tear and reducing their quality.
- There are few quality accessible green spaces in the town and they should be protected.
- Site boundary has been amended to include an existing astro turf pitch however this is already available to the school and works to upgrade this to a 3G surface were already planned and cannot therefore mitigate the impact of the development.

- Support proposal, will improve the educational offer for young people in West Suffolk.
- King Edward VI School has reviewed its PE curriculum and facilities to be retained will be amply sufficient to meet our curriculum demands and honour the vast majority of our current community use arrangements. There is no intention to reduce community use of the site outside of school hours.
- Proposal will improve prospects for young people which will in turn support the local economy.
- Query whether new road will bisect the nature reserve.
- Query whether possible to utilise the old Vintens site.
- If there is a need for a college it should be provided on the outskirts of town.
- Alternative sites should be considered including Moreton Hall, Western Way site or the former site of St James Middle School.
- There has been a lack of consultation with parents of pupils at King Edward's.

Policy:

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

St Edmundsbury Core Strategy (December 2010):

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS4 - Settlement Hierarchy and Identity
- Policy CS7 - Sustainable Transport
- Policy CS14 - Community Infrastructure Capacity and Tariffs

Bury St Edmunds Vision 2031 (September 2014):

- Policy BV1 - Presumption in Favour of Sustainable Development
- Policy BV14 - General Employment Areas - Bury St Edmunds
- Policy BV15 - Alternative Business Development within General Employment Areas
- Policy BV24 - Safeguarding Educational Establishments

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 DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species

- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM41 Community Facilities and Services
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Other Planning Policy/Guidance:

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Suffolk Guidance for Parking Technical Guidance (Second Edition - November 2015)

Other Relevant Policy/Guidance:

- Policy Statement – Planning for Schools Development (August 2011)
- Sport England Playing Fields Policy and Guidance (March 2018, updated August 2018)
- West Suffolk Playing Pitch Strategy (January 2015)

Officer Comment:

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

- The Revised National Planning Policy Framework (NPPF)
- Principle of Development
- Design and Impact on Character
- Sustainable Design and Construction
- Impact on Open Space, Sport and Recreation
- Highway Matters
- Flood Risk and Drainage
- Contamination and Air Quality
- Biodiversity Impacts
- Amenity and Noise Impacts
- Heritage Impacts

The Revised National Planning Policy Framework (NPPF)

49.The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 of the revised NPPF 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 Framework. 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.

50. The Policies set out within the Joint Development Management Policies Document have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

Principle of Development

51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for St Edmundsbury comprises the Core Strategy, the three Vision 2031 Area Action Plans and the Joint Development Management Policies Document. Policies set out within the NPPF and the presumption in favour of sustainable development contained at its heart are also material considerations.
52. Core Strategy Policy CS1 confirms the towns of Bury St Edmunds and Haverhill as being the main focus for the location of new development. This is re-affirmed by Policy CS4 which sets out the settlement hierarchy for the district.
53. Strategic Objective D of the St Edmundsbury Core Strategy is to maintain and develop leisure, cultural, educational and community facilities, including access to green space, commensurate to the level of housing and employment growth to meet the needs of residents and visitors in the borough. The Vision for St Edmundsbury within the Core Strategy states that the educational offer of Bury St Edmunds will be increased with the expansion of West Suffolk College and the provision of both further education and higher education to retain skills and talent within the borough. Objective 9 of the Bury St Edmunds Vision document seeks to ensure that residents have access to schools, further and higher educational opportunities, vocational and technical training. The Vision document recognises that that Bury St Edmunds is playing an increasingly important role in education provision.
54. Paragraph 94 of the NPPF indicates that the Government attaches significant importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. This reflects the Government's Policy Statement on planning for schools development (August 2011) which sets out its commitment to support the development of state-funded schools and their delivery through the planning system.

55. The national Policy Statement on planning for schools development states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools include Academies and free schools. The Statement sets out the Government's desire to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities to allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. It states that the creation of free schools remains one of the Government's flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. It is stated that by increasing both the number of school places and the choice of state-funded schools, educational standards can be raised which will help children to reach their full potential.
56. The Statement sets out the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective in a manner consistent with their statutory obligations. It is stated that the answer to proposals for the development of state-funded schools should be "yes" wherever possible. The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools. It is stated that there should be a presumption in favour of the development of state-funded schools and that local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Statement sets out that the Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision. A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence. Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.
57. In this case the Planning Statement accompanying the application for the proposed 6th form college sets out how the scheme will broaden and enhance education provision in the local area. The college aims to replicate the success of One Sixth Form College in Ipswich which has been rated "outstanding" by Ofsted, and will offer over 40 A-level courses to pupils.

The college will also offer the Extended Project Qualification (EPQ) to challenge students and provide the opportunity to gain additional UCAS points. The Planning Statement explains that the curriculum will be timetabled to allow students to study specialist vocational qualifications at West Suffolk College alongside their A-levels, with this partnership allowing students to benefit from combined academic and vocational qualifications. Students will also have access to West Suffolk College's new STEM (science, technology, engineering and mathematics) Academy at the nearby former Vinten site on Western Way. The Planning Statement states that this option of combining both A-level and vocational qualifications is currently not available elsewhere in West Suffolk.

58. Having regard to the Government's aim of widening choice in education and strong support for the creation of new state-funded schools to drive higher standards, together with the strategic objectives set at the local level to develop educational facilities in the borough and Bury St Edmunds in particular, the principle of development is considered to be acceptable in this case.

Impact on Open Space, Sport and Recreation

59. The proposed college and associated development would be sited on part of the existing playing fields at the adjacent Upper School, resulting in the loss of an area of approximately 2 hectares of playing field. The playing fields are designated as Recreational Open Space within the local plan. Policy DM42 of the Joint Development Management Policies Document states that development which will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:

a) it can be demonstrated that the space or facility is surplus to requirement against the local planning authority's standards for the particular location, and the proposed loss will not result in a likely shortfall during the plan period; or

b) replacement for the space or facilities lost is made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility.

Any replacement provision should take account of the needs of the settlement where the development is taking place and the current standards of open space and sports facility provision adopted by the local planning authority.

60. The NPPF emphasises the importance of access to a network of high quality open spaces and opportunities for sport and physical activity for the health and well-being of communities (paragraph 96). Paragraph 97 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

61. Sport England are a statutory consultee on applications for development that affects playing fields. Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of the following five specific exceptions:

Exception 1 - A robust and up-to-date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

Exception 2 - The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

Exception 3 - The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;
- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

Exception 4 - The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- Of equivalent or better quality, and
- Of equivalent or greater quantity, and
- In a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Exception 5 - The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the

development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

62. Paragraph 21 of Sport England's Guidance explains that their Playing Fields Policy is in line with the Government's commitment to the protection of playing fields set out in paragraphs 96 and 97 of the Framework. Sport England's policy and supporting guidance provides clarification and additional guidance to assist all with assessing planning applications affecting playing fields. Exceptions 1, 4 and 5 to Sport England's Playing Fields Policy relate to the three criteria within paragraph 97 of the Framework. Exceptions 2 and 3 provide additional reasons why Sport England, in its response to a local planning authority on a planning application, may not raise an objection to a proposed development.
63. Local planning authorities are required to refer certain planning applications to the Secretary of State for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) where they are minded to grant planning permission despite an objection from Sport England. This referral must take place prior to a local planning authority granting any planning permission. The applications subject to this referral process are those on a playing field owned by a local authority, or used by an educational institution as a playing field at any time in the five years before the making of the application. In the case of this application Sport England originally objected to the development due to the resulting loss of playing field and none of the five exceptions listed above being met. As outlined in paragraphs 39 to 42 of this report Sport England submitted two further objections following the applicant's submission of a Sports Provision Statement in April and a revised Sports Provision Statement in May. Sport England's most recent consultation response, dated 18th September 2018 and summarised in paragraph 43 of this report, confirms that they no longer object to the application. This follows the amendment of the application to include the upgrading of the existing artificial pitch at the Upper School and the submission of an Addendum to the Sports Provision Statement in August 2018. This is discussed in more detail later within this report at paragraphs 69 to 71. The removal of the objection from Sport England means that referral of the application to the Secretary of State would not be required in the event that Members resolve to approve the development.
64. The submitted Sports Provision Statement (revised May 2018) states that the area of playing field described as the upper field is primarily used for sports, but that the lower field 'does not support sports use satisfactorily' due to poor drainage and inappropriate levels. It is noted that the existing levels do not comply with Sport England recommendations due to the slope of this lower area. The lower field does nevertheless form part of the existing playing fields and historically has been used for sport and recreation, with pitch markings being clearly visible on aerial photographs. The Statement considers the development to meet Exception 3 of Sport

England's Policy, i.e. that the proposed development affects 'only land incapable of forming part of a playing pitch'. This is not agreed by Sport England or officers for the reasons set out above.

65. The submitted Statement makes reference to the West Suffolk Playing Pitch Strategy (January 2015), stating that this confirms there is sufficient provision for the current and future levels of demand for 'playing pitch' sports in West Suffolk. The Strategy does conclude that for grass pitches facility provision for football appears to meet demand in West Suffolk, and that for Bury St Edmunds there is also a sufficient supply of rugby pitches to meet demand. A significant undersupply of rugby pitches was however identified elsewhere in the wider West Suffolk area, and as such this statement is not entirely accurate. Notwithstanding this point, the Strategy does not appear to indicate a surplus of provision that may have otherwise supported a reduction in the existing playing field area.
66. The Sports Provision Statement states that King Edward VI Upper School has an excess of sports facilities, currently having access to the upper and lower playing fields, the running track and football pitch to the south of the site, a 4-court sports hall, gym, fitness suite, 4 tennis courts and a MUGA. It explains that the existing sports provision is based upon a pupil roll of 1400 which is expected to reduce to 1200 when the sixth form pupils transfer to the proposed new college. It is furthermore explained that the loss of part of the existing playing fields will not have any impact on the ability of the Upper School to provide a full PE curriculum within the remaining facilities. The facilities are listed in paragraph 4.1.2 of the Statement. This statement is supported by comments that have been received from the Chair of Governors of King Edward VI School regarding the application. Whilst this information similarly does not demonstrate a 'surplus' in the terms set out within Policy DM42 or within the NPPF, it is useful as background information in terms of the impact of the development on the existing school.
67. The Sports Statement explains that the construction of the college building will result in the loss of one football pitch on part of the upper field. The improved part of the lower field would be altered to provide a gradient of 1:100 (currently 1:25 with Sport England's maximum recommendation being 1:80) and drainage installed. This would provide a 123mx114m sports field that can accommodate a cricket pitch, 1 no. 79mx52m football pitch, 1 no. 97mx61m football pitch and 1 no. 104m x 55m rugby pitch. The improvements would increase the playing time available on this part of the playing fields. These improvements to the retained part of the lower field are clearly beneficial, both to the existing school and to any members of the public and community groups that will be permitted (by the school) to use them. The West Suffolk Playing Pitch Strategy notes that the majority of grass pitches in West Suffolk are of standard quality with only a small percentage marked as 'good' or 'poor' and that there are often issues of

waterlogging following extreme weather due to the primarily clay-based pitches in the area. It is also important to recognise however that the improvements to the remaining lower field are required, at least partially, to mitigate the loss of the existing football pitch on the upper field, which the Sports Provision Statement notes is currently used for competitive fixtures.

68. The submitted Statement also considers that the development complies with Exception 4 of Sport England's Policy. This requires the area of playing field being lost to be replaced by a new area of playing field of at least equal quality and quantity, in a suitable location and subject to at least equivalent accessibility and management arrangements. Again, this position is not agreed by Sport England or officers. The area of playing field associated with the Upper School being lost in this case is not being replaced by a new area of playing field. Instead, the remaining playing field – which is already existing – is being improved. Whilst this improvement is welcomed, and is necessary due to the loss of a football pitch on the upper field as a result of the development, there remains an overall loss of playing field in terms of quantity. Reference is made to the college's proposed MUGA, sports hall and activity studios, however, these do not form part of the Upper School site and are not in any event a 'new area of playing field' as set out in Exception 4.

69. The application was amended in August to include the replacement of the existing all-weather pitch at King Edward VI Upper School with a '3G' pitch. This existing pitch is to the east of the playing fields and close to the school buildings themselves. This is currently a sand-filled artificial pitch and it is proposed to replace the underlay and surface with a rubber crumb filled surface. The West Suffolk Strategy document explains that these third generation artificial grass pitches are becoming increasingly important to service the needs of football for both competitive play and training. The Strategy identifies full-size 3G artificial grass pitches as a key gap in facility provision and a priority for the County Football Association. The existing all-weather pitch is leased to St Edmundsbury Borough Council until 2047 and is sub-leased to Abbeycroft Leisure until 2020. The upgrade works are programmed to take place during the summer of 2019 and to be carried out by St Edmundsbury Borough Council at its own expense, funded by the Council's Leisure Capital Assets Renewal Fund. The management of the existing pitch is governed by a Management Agreement between Suffolk County Council, The Governing Body of King Edward VI Upper School and St Edmundsbury Borough Council. Whilst these works are already programmed to take place next year, the inclusion of the pitch within the application enables its delivery to be secured through the planning system with a condition requiring such within a set timescale and in accordance with details to be approved by the LPA in consultation with Sport England.

70. Following re-consultation as a result of this addition to the application, Sport England no longer object to the scheme and advise that it meets Exception 5 of their Policy: *The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.* Sport England remain concerned about the substantial loss of playing fields but recognise the following benefits to sport arising from the development:
- The inclusion of the resurfacing of the existing all-weather pitch to a 3G surface which allows the delivery of this to be secured by condition within a set timescale;
 - qualitative improvements to the remaining playing field to reduce the slop and improve drainage;
 - community access to the proposed sports hall, activity studio and MUGA as part of the 6th form college;
 - the replacement of the existing artificial cricket wicket with a new facility, representing a qualitative improvement to this facility;
 - the siting of the sixth form college adjacent to the existing leisure centre which will aid students enrolled on the Active Leisure and Tourism course, including work placements, students studying for lifeguard qualifications and students entering into apprenticeships; and
 - the continuation of the existing community use of the site.
71. Exception 5 to Sport England's Playing Fields Policy relates to criteria C of Paragraph 97 of the NPPF: *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless... (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."* Whilst the sixth form college has been acknowledged by Sport England as being a 'largely non-sporting proposal', the benefits to sport arising largely from other aspects of the application are considered to 'marginally outweigh the detriment caused by the loss of playing fields.'
72. Notwithstanding Sport England's view that the development now complies with the NPPF, meeting Exception 5 of their Policy, applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). 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. As such the loss of part of the existing playing fields must also be assessed against Policy DM42 of the Joint Development Management Policies Document.
73. It is important to highlight that where development will result in the loss of existing sport open space or facilities, Policy DM42 requires the space or facilities lost to be replaced (officer emphasis added). This must be of at

least equivalent *quantity and quality* and in a suitable location to meet the needs of users of the existing space or facility. Whilst the development includes qualitative improvements to the retained playing fields and the artificial pitch, and these are clearly welcomed and of significant benefit to sport, the development will still result in a quantitative loss of approximately 2 hectares of existing playing field. The NPPF also makes reference to the requirement for replacement provision under Paragraph 97 criteria B, but crucially there is also the alternative criteria C which supports schemes where the benefits to sport outweigh the loss of the current use. Policy DM42 does not include this third criteria. As such there is a difference between the NPPF and Policy DM42 when considering proposals that result in a loss of sports open space or facilities. There is clearly a conflict with Policy DM42 in the case of this development for the reasons set out above. This must be acknowledged as weighing against the scheme in the planning balance.

74. Officers have considered the amount of weight that should be given to Policy DM42 in terms of its degree of consistency with the revised NPPF. Policy DM42 could be interpreted as being more restrictive than the NPPF as it does not expressly provide for a more nuanced assessment of the benefits to sport and whether these outweigh any loss. The now superseded 2012 NPPF however contained almost identical wording to the current 2018 NPPF in respect of building on existing open space, sports and recreation land. Policy DM42 forms part of the Joint DM Policies Document that was adopted post the 2012 NPPF, and as such the Policy was found by an Inspector to be sound and in accordance with the NPPF at that time. Given the near-identical wording of the relevant paragraph of the revised NPPF, it is entirely reasonable and appropriate to consider Policy DM42 as remaining highly consistent with the Framework. It is therefore also appropriate to give it full weight in the assessment of this application.
75. The submitted Sports Provision Statement and Addendum include details of the existing community uses of the facilities at King Edward VI Upper School, including by other schools. The Table set out on page 2 of the Addendum (dated 8th August) indicates that all of these will still be accommodated despite the loss of part of the playing fields, albeit there will be some disruption during the construction of the college. The Addendum also confirms that the Upper School are already signatory to an agreed and established community use agreement, although no further details are provided.
76. In terms of the proposed 6th form college, the application documents confirm that its sports facilities will be available for use by members of the public and community groups when not required by the college or the existing school. This can be secured via a planning condition requiring a community use agreement prepared in consultation with Sport England. This would apply to the new sports hall, activity studio and MUGA and include details

of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. This accords with Aspiration 23 of the Bury Vision for education facilities to fulfil a wider community role by making greater use of facilities through sharing with local communities. The community use of the new 6th form sport facilities is recognised as a clear benefit of the scheme.

77. It is noted that Sport England has not requested a community use agreement in respect of the improved playing fields or the artificial pitch that will be retained as part of King Edward VI Upper School. Officers have considered whether this would be appropriate, noting the concerns that have been raised previously both by third parties and Sport England regarding a potential reduction in community access to the playing fields in particular. Given however that these facilities form part of the existing school and in planning terms are not currently obligated to provide any community use (albeit there are likely to be existing agreements in place that fall outside of the planning system), it is not considered to be reasonable to obligate the Upper School to provide this via this application. If this had been offered as part of the application package this would have been an additional factor that weighed in favour of the development, however, in the absence of such officers are of the view that it is not something that can be insisted upon having regard to the relevant tests regarding the imposition of conditions. As outlined in paragraph 75 of this report, information has been provided which indicates that the existing community uses of the Upper School site can and will continue to be accommodated and there is nothing to the contrary to suggest that this will not be the case.

Design and Impact on Character

78. The proposed college building would have a substantial footprint and be four-storeys in scale. The introduction of a building of this size together with the construction of a large car park represents a significant change in the character of the site, which is currently playing fields and devoid of any buildings. The scheme also includes the removal of the existing tall leylandii hedge along the site frontage with Beetons Way. Whilst the removal of the hedge is not in itself contested, this will open the site up to views from both Beetons Way and Western Way and the development will undoubtedly be visually prominent in this location.

79. Officers previously raised concerns regarding the layout of the frontage and approach to the college building due to this being dominated by car parking with limited strategic soft landscaping – both to mitigate the loss of the existing leylandii hedge and to provide an appropriate setting for a development of this scale. Concerns were also raised regarding the pedestrian access from Beetons Way as originally proposed. This access was narrow, stepped, located between parked cars and required users to

cross the internal access road at two points in order to reach the main building. The scheme has been amended in order to address these concerns. The majority of the car parking was removed from the area in front of the college building, with only the disabled parking spaces, two visitor spaces and powered two-wheeler (PTW) parking now proposed in this area. This has benefitted the layout in several ways. A spacious and attractive pedestrian and cycle access is now provided from Beetons Way. Whilst this still crosses the internal access road this is now at a single point and the layout has also been designed to prioritise pedestrian movement. The additional space has also enabled new soft landscaping to be provided within the frontage to the college building including groups of trees which will help to filter and frame views of the building from Beetons Way and Western Way. These changes have significantly improved the scheme and are considered to have addressed the concerns previously raised regarding this aspect of the scheme.

80. Concerns were also raised by officers regarding the lack of permeability of the layout due to the absence of a clear and safe pedestrian route through the main car park in the northern part of the site to the college building. Officers requested an additional pedestrian/cycle access to be provided at the northern boundary of the site to link to the existing public footpath here that leads to Spring Lane and onwards towards the town centre and railway station. The scheme has been amended to address these concerns, providing a second pedestrian/cycle access from the public footpath to the north and a safe route through the car park that follows desire lines and is made clear to pedestrians via appropriate crossing markings on the car park surface and a line of tree planting. This has significantly improved the permeability of the site and its connectivity to its surroundings.

81. The proposed college is a substantial building at four storeys in height but would be viewed in the context of existing development on Western Way and Beetons Way including the nearby former Vintens building which is three storeys and West Suffolk House which is four storeys. Adjacent and nearby land uses are educational, commercial, leisure and public sector facilities and as such the proposal would not be out of keeping in this respect. The building would be set back from Beetons Way by approximately 30 metres at its closest point and around 45 metres at its furthest point and, as outlined above, benefits from a more spacious and landscaped frontage as a result of the changes made to the scheme. The landscaping scheme also includes new hedge and tree planting along the eastern boundary of the site with Beetons Way which will further help to soften the appearance of the development in the street scene and provide an appropriate setting for the building. With the exception of the conifer hedge and a single tree, the existing trees within the site are to be retained as part of the development. New tree planting is also proposed within the site in the car parking areas, the rear courtyard, to the area in front of the substation and bin store and between the attenuation pond adjacent to the main car park and the public

footpath to the north. In addition, details have been submitted to demonstrate that important off-site trees to the south and east of the site are not harmed by the proposals.

82. The main car park serving the college would be sited on part of the playing fields on the northern part of the site. This area of playing field is set at a lower level than the location of the college building itself. There is a substantial grassed bank between the site boundary and Beetons Way, above which is also an established hedgerow which is to be retained. Beetons Way continues to slope downwards heading north from the application site. Given this topography and existing boundary landscaping, it is considered that the visual impact of the car park is of an acceptable level from this vantage point.
83. The site is open to views from the public footpath adjacent to the northern boundary of the site which leads to Spring Lane via the local wildlife site. The northern boundary is currently marked by palisade fencing. This is to be retained with the exception of a small section where an access gate is to be provided to link the footway through the new car park with the existing footpath. In terms of the improvement works to the retained areas of playing field and artificial pitch, these are not considered to have a harmful visual impact. The retained area of playing field is proposed to be altered in terms of levels and the drainage provided will be beneath the pitches. The car park will be visible from the public footpath and it is proposed to provide low level planting between the footpath and the new attenuation pond at the northern end of the car park. This together with the provision of a hedgerow along the eastern boundary of the car park with the improved playing field will help to mitigate the visual impact of the car park as far as possible. Views of the college building will also be available from the public footpath, however, these would be more distant and would also be interrupted by the embankment with established trees that lies to the immediate north of the new building. Distant views of the King Edward VI Upper School buildings are similarly available from this vantage point beyond the playing fields and artificial pitch. When securing new planting in the areas of the site close to the footpath, officers have sought to strike a balance between softening the appearance of the development with landscaping and ensuring that the public footpath retains its current open aspect for safety reasons. Whilst extensive tree planting along the northern site boundary could further mitigate the visual impact of the development from the public footpath, it would also alter the character of this route and make it more secluded and therefore less safe for users. Overall officers are satisfied that the visual impact of the development has been mitigated to an acceptable degree having regard to the constraints of the site.
84. In terms of the design of the college building itself, the building is arranged in a C-shape with the central block forming the principal elevation facing Beetons Way and providing the main entrance. Variations in the building

line and roof line here, with the projecting assembly and sports hall elements, together with the mix of materials and colour finishes helps to create visual interest. The two rear wings are of a simpler form and a change in colour finish here again helps to break up the visual bulk of the building. Officers consider the building to be of a good standard of design that reflects its educational purpose.

Sustainable Design and Construction

85. Policy DM7 of the Joint Development Management Policies Document requires all proposals for new development to adhere to the broad principles of sustainable design and construction and optimise energy efficiency. All major non-residential developments are required to achieve the BREEAM Excellent standard unless at least one of the following conditions apply:

- It is not possible to meet one or more of the mandatory credits for an Excellent rating due to constraints inherent within the site. In this case development will be expected to accrue the equivalent number of credits by targeting other issues while achieving an overall Very Good rating.
- The cost of achieving an Excellent rating can be demonstrated to compromise the viability of the development. In this case applicants will be expected to agree with the Council whether the target should be relaxed, or whether cost savings could be achieved in another aspect of the development.

Developments will also be expected to include details of how it is proposed that the site will meet the energy standards set out within national Building Regulations.

86. An Energy Statement was submitted as part of the application and has been amended and updated following comments from the Council's Environment Team. In this case the building has been designed to achieve a BREEAM rating of Very Good in line with the funding for the project from the ESFA. Concerns were raised by the Council's Energy Advisor that the scheme lacks ambition and does not represent best practice, and that a Very Good rating would be difficult to achieve due to higher ongoing energy costs and environmental impacts. The applicant has subsequently confirmed that a solar PV array will be included within the scheme, details of which can be secured by condition, and a Sustainability and BREEAM Technical Note has also been provided. Our Energy Advisor is satisfied on the basis of the information submitted that a BREEAM rating of Very Good is an acceptable aspiration in this case. An appropriate condition can be imposed to ensure that this is achieved for this scheme.

87. It is noted that the Council's Energy Advisor has queried the level of saving reported for the provision of the solar PV array, and has requested that the development achieves as close as possible to the optimum target of 65.36% within the Very Good BREEAM rating. Our Advisor has also recommended

conditions requiring specific BREEAM credits to be obtained. These requests however are considered to go beyond what can be reasonably required having regard to the provisions and wording of Policy DM7. The BREEAM Pre-Assessment for the development confirms that there are constraints relating to the inherent characteristics of the site and suggests that a number of credits are not achievable for the college which reduces the target potential. With regard to the query raised regarding the output of the solar PV array, the applicant would need to address this as part of BREEAM. Officers are satisfied that the development complies with Policy DM7.

Highway Matters

88. The application is accompanied by a Transport Assessment (including Addendum), a Framework Travel Plan and various supporting technical documents as listed in paragraph 11 of this report. Members will note that Suffolk County Council as Highway Authority originally objected to the application on a number of grounds and that concerns regarding the proposals continued to be raised thereafter. The scheme has been subject to extensive discussion and negotiation in order to address these issues and the latest Highways position is a recommendation of approval subject to conditions and a S106 agreement. Their most recent consultation response is summarised in paragraph 39 of the Consultation section of this report.
89. The scheme includes the replacement of the existing mini-roundabout at the junction of Western Way with Beetons Way with a signalised junction. A new vehicular access onto Beetons Way would also be provided for the proposed college. The submitted Transport Assessment (TA) and associated documents consider the capacity of the junction as existing and provide evidence to support its proposed upgrade to a signalised junction and to demonstrate that this will provide sufficient capacity for transport following the development of the college. Additional details of the new signalised junction, vehicle trip impacts, modal split data and modelling of the impacts of the scheme on the nearby Western Way/Newmarket Road and Tollgate junctions arising from the development have all been provided during the course of the application in order to address the County Council's concerns. In terms of the upgraded junction, Highways are content that the transport flow 'worst case scenario' results indicate that the upgraded junction would function better than the existing arrangement in this location, albeit the upgraded junction will be broadly at capacity for the AM peak hour.
90. In terms of the nearby Western Way/Newmarket Road junction the modelling that has been carried out indicates that the proposal will result in a 5-6% increase in traffic at peak times in this location. For the nearby Tollgate junction the increase is calculated as 4% at peak times. Given that these junctions are already close to capacity Highways have advised that mitigation will be required in order to make the development acceptable.

This would be in the form of S106 contributions, and is discussed in more detail below.

91. The site is located close to the Western Way Development (WWD) site which is proposed to be redeveloped to provide a Public Service Village. The WWD site is identified within the Bury Vision document as a General Employment Area under Policy BV14 and Policy BV15 states that the site has opportunities for re-use or redevelopment for alternative business/mixed activities. Paragraph 6.18 of the Vision document explains that the site, which is centred on West Suffolk House, has been identified as suitable for the development of a Public Service Village, bringing together a linked cluster of public service users on a single site. A masterplan for the development of the area was adopted in January 2007 and the first phase of development was completed in 2009 with the construction of West Suffolk House. An updated masterplan for the site was adopted in 2016 and the Outline Business Case for the development was recently agreed at the St Edmundsbury Borough Council Full Council Meeting held on 30th October 2018. The assessments provided to support the proposed sixth form application have taken into background traffic growth up until 2024 and the WWD has also been specifically included within the sensitivity test.
92. Due to the proximity of the proposed sixth form college and WWD sites to each other and the implications for the Western Way/Beetons Way junction and the surrounding road network, the applicant's transport consultants have explored the possibility of a larger signalised junction in this location that would provide capacity for both developments in the future. A sketch plan showing this option has been submitted to demonstrate that there is sufficient space to deliver a larger junction with increased capacity. Whilst it would not be reasonable or appropriate to require this larger scheme as part of this application, as this is solely for the college, the information submitted provides assurance that the sixth form development would not fetter the redevelopment of the Western Way Development site. This is a key point given the importance of the WWD.
93. In terms of the proposed college development concerns were previously raised by Highways and officers regarding the parking layout, space sizes, PTW parking, inadequate cycle parking and inadequate disabled parking. The scheme originally included the provision of parking spaces within the site frontage in close proximity to the new vehicular entrance. These spaces have now been relocated due to concerns that cars manoeuvring in this area could cause queuing on the internal access road, and that this could in turn impact the upgraded junction. The car parking spaces comply with the national standards set out within the Department for Transport's Manual for Streets, this being 2.4m by 4.8m, but do not meet the Suffolk Guidance in this regard which recommends bay sizes of 2.5m by 5.0m. This larger size is recommended to make entering and exiting vehicles as convenient as possible for the widest range of people. Whilst the scheme has not been

amended in this regard, Highways have advised that a larger number of national-standard spaces are preferred to a smaller number of more generous spaces in this case. This is having regard to the potential impact of on-street car parking in the vicinity of the site. For Class D1 further and higher education establishments the Suffolk Guidance requires 1 space per 15 students for staff plus 1 space per 15 students for student parking. Based upon 1700 students the maximum car parking requirement is 227 spaces. The scheme provides a total of 259 spaces which exceeds the maximum standards, and this includes 12 disabled parking spaces and 13 spaces with electric charging points. 13 PTW spaces are also provided together with cycle parking for 100 cycles. It is proposed to further increase the cycle parking provision as the college grows to its full capacity, and this will also reflect cycling uptake. The levels of provision have been agreed with Highways.

94. The changes that have been made to the layout of the car park have also enabled an appropriate turning area for buses/coaches within the site in addition to a drop-off layby. As outlined earlier in this report, significant improvements have been made to the pedestrian and cycle access arrangements within the design, with safe and attractive accesses now provided that are also separate from the vehicular access. This will help to encourage sustainable travel and has greatly reduced the potential conflict between vehicles and pedestrians/cyclists.
95. The site is in a sustainable location with nearby bus stops on both Beetons Way and Western Way and the train station approximately 1.6km from the site. Highways have however identified that a new bus stop shelter is required on Western Way in order to meet the aims of the submitted Travel Plan in terms of encouraging the use of public transport to access the site. A contribution of £10,000 is requested by Highways for this work to be undertaken and this would be secured via a Section 106 Agreement. Contributions are also requested towards improvements to the nearby Western Way/Newmarket Road and Tollgate junctions having regard to the impact of the development on these junctions. Highways advise that there is a current scheme for improvements to the Tollgate junction and have requested a contribution towards this based upon the percentage increase in traffic using this junction as a result of the development. A contribution of £35,000 has been agreed for this. In terms of the Western Way/Newmarket Road junction Highways are currently considering options to improve this, one of which is the relocating of kerb lines on Newmarket Road and on Western Way to provide a longer two-lane approach at these arms. A contribution of £200,000 has been agreed for these works. Officers are content that the obligations are directly related to this development and are fairly and reasonably related in scale and kind to the development, in accordance with the relevant tests under the CIL regulations.

96. Having regard to the above considerations officers are satisfied that the proposals are acceptable in terms of highway matters subject to the above mitigation measures being secured via a S106 Agreement and subject to conditions as recommended by Suffolk County Council. These conditions require, in summary, the following:

- The signalised junction to be implemented in full prior to the first use of the college;
- the agreement of a Construction and Deliveries Management Plan including details of access arrangements during the construction phase;
- All parking and manoeuvring areas to be provided as approved and thereafter retained;
- visibility splays for the new access to be provided and permanently maintained; and
- a Full Travel Plan to be submitted and approved with details of Travel Plan Co-ordinator to be provided.

Flood Risk and Drainage

97. The site is located within Flood Zone 1 defined by the Environment Agency and is therefore classified as being at a low risk of flooding. The application is accompanied by an appropriate Flood Risk Assessment. Members will note that Suffolk County Council as Lead Local Flood Authority initially submitted a holding objection to the proposals as the drainage strategy did not comply with national and local standards. In accordance with the drainage hierarchy, infiltration should be used in the first instance to dispose of surface water runoff where ground conditions allow. The submitted site investigation report indicated that the northern part of the site has good infiltration, and the Flood and Water Engineer therefore advised that open or shallow infiltration devices should be used here to dispose of all surface water. The scheme proposed a 75/25 split in favour of discharging to public sewer over infiltration. Connection to the public sewer is the last option on the hierarchy of runoff destinations. Given the good soakage rates on the northern portion of the site, the ratio was considered to be unsustainable.

98. The drainage scheme has subsequently been amended in order to address the above concerns. A tanked permeable sub-base is proposed under the upper car park and MUGA which will attenuate runoff from these areas. Surface water from the building and external areas will discharge into a new pond located to the north of the site. The lower car park will drain into the new pond and dry swales to the north and a high level overflow from the pond will connect to new cellular soakaways installed under sport pitches. The County Flood and Water Engineer has advised that this is revised scheme acceptable, with conditions recommended in order to secure further details.

99. In terms of wastewater treatment Anglian Water advises that the foul drainage from the development is in the catchment of Fornham All Saints Recycling Centre which will have available capacity, and that the sewerage system also has capacity for the development.

Contamination and Air Quality

100. The site is located within a groundwater source protection zone and is therefore within the immediate catchment of a groundwater abstraction used as drinking water supply. The site also overlies a principal aquifer. The Environment Agency (EA) explains that principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow on a strategic scale. The overlying soils at the site are classified as having a high leaching potential, meaning they can readily transmit a wide variety of pollutants to the groundwater. The local and regional use of groundwater in this area makes the site highly vulnerable to pollution. The EA has raised no objections to the proposals subject to conditions. Further consultation with the EA was carried out following the revision of the surface water drainage scheme as this has implications for groundwater as a result of the increase in infiltration proposed. The EA has advised that provided geotextiles are installed beneath permeable paving in the proposed car parking areas, they would have no objection to the drainage strategy for the site. The applicant has confirmed that this will be provided, and this detail can be secured by condition.

101. In terms of land contamination the Council's Environment Team has assessed the reports accompanying the application and are satisfied that the risk from land contamination is low in this case. No further assessment is required in this respect. The Environment Officer notes that no Air Quality Assessment has been carried out as part of the application, and that there are potentially significant traffic implications and therefore impacts on local air quality. Given however that residential properties are a significant distance away, these being the relevant receptor locations, impacts are likely to be limited or well below the relevant Air Quality Objectives. Impacts will also be limited to term times only, meaning that annual objectives are less likely to be significantly impacted. The scheme includes the provision of 13 no. electric vehicle charge points which equates to 5% of the total car parking provision. This will help to enhance the local air quality through the enabling and encouraging of zero emission vehicles. Other measures to promote sustainable transport and reduce air pollution will be dealt with through the travel plan.

Biodiversity Impacts

102. The application is accompanied by a Preliminary Ecological Appraisal which identifies the site as being of negligible ecological importance due to the

majority of the area being heavily managed amenity grassland. No further assessments or surveys were identified as being necessary. The Appraisal advises that boundary hedgerows and trees should be retained if possible and that any trees lost to development should be replaced with appropriate species. As one of the suggested measures to enhance the ecological value of the site the Appraisal also suggests the planting of a native hedgerow on the northern boundary.

103. The landscaping scheme submitted for the development reflects the recommendations of the Appraisal, with tree and hedge removal kept to a minimum and appropriately compensated and a native hedgerow proposed along the northwest boundary with Beetons Way. Our Ecology & Landscape Officer notes that the Appraisal fails to make reference to the Local Wildlife Site immediately adjacent to the application site, but is content that the avoidance and general mitigation measures will protect boundary features and require precautionary measures to be implemented on site. Conditions are recommended to secure appropriate mitigation including a lighting strategy, enhancement measures and an ecology and landscape management plan.

Amenity and Noise Impacts

104. The site of the proposed college building and its associated car park is a notable distance away from residential properties. Housing to the northwest of the proposed car park, in Oakes Road, is approximately 100 metres away and beyond the railway line and A14. Housing to the southeast of the proposed college building in Grove Park is approximately 130 metres away with the existing athletics track and artificial pitch between. Having regard to these relationships, the development does not raise any issues in terms of overlooking, overshadowing or having an overbearing impact on residential amenity.
105. The application is accompanied by an Environmental Noise Assessment which considers the operational impact of the development on the surrounding area in terms of noise. This identifies the existing noise climate as being dominated by road traffic noise from the A14 and Beetons Way and concludes that given the urban environment and existing traffic noise, the development is not likely to have an impact. Factors that have been taken into account include the location of the main entrance to the site which is located off Beetons Way towards the western boundary. This area is away from noise sensitive receptors to the east and the building will provide screening, mitigating potential noise impact to noise sensitive receptors. The arrival and departure of vehicles will be concentrated into periods at the beginning and end of the day coinciding with the existing rush hour and less noise sensitive periods of the day. Proposed parking areas are also generally located to the north and west of the site where the noise climate

is already dominated by prevailing road traffic noise on the A14 and Beetons Way and are located away from noise sensitive receptors.

106. In terms of potential noise from external areas including the new MUGA, given the distance from noise sensitive receptors to the east, the partial screening provided by the building and the existing use of the surrounding area (i.e. existing schools and college, playing fields and sports centre) the Assessment concludes that there is no anticipated impact on noise sensitive receptors. The Assessment also demonstrates that the required indoor ambient noise levels for educational facilities can be met in this case. The Council's Public Health and Housing Team has raised no objections to the proposals, recommending conditions regarding hours of construction and the burning of waste.
107. Having regard to the above considerations, the proposals are not considered to give rise to adverse impacts in terms of amenity and noise and are therefore acceptable in these respects.

Heritage Impacts

108. The site is not located within or close to a Conservation Area and there are no listed buildings close to the site that would be affected by the proposals, the nearest being the former barracks, walls, gates and keep at West Suffolk College beyond the leisure centre and athletics track. The County Archaeologist has also confirmed that no archaeological works are required on the site. The development is therefore considered to have no adverse impact on heritage assets.

Other matters

109. Officers have considered the provisions of the Equality Act 2010, including the potential impact of the development on people with 'protected characteristics' in the assessment of the planning application but the proposals do not raise any significant issues in this regard. The Building Regulations would ensure that the development is provided with nationally prescribed minimum accessibility standards as part of the construction.

Planning Balance and Conclusions:

110. The proposed development would deliver a new sixth form college and the National Planning Policy Framework attaches significant importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities are to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Core Strategy Policy CS1 confirms the town of Bury St Edmunds as being one of the main focuses for the location of new development and the maintenance

and development of education facilities forms part of Strategic Policy D. The Vision for St Edmundsbury states that the educational offer of Bury St Edmunds will be increased with the provision of both further education and higher education in order to retain skills and talent within the borough. The Bury St Edmunds Vision document recognises that the town is playing an increasingly important role in education provision. Given this national and local policy context, there is clearly strong support for the principle of a new sixth form college.

111. The impacts of the development have been assessed and officers are satisfied that the proposals do not raise any adverse issues in terms of design, the character of the surrounding area, flood risk, drainage, contamination, air quality, biodiversity, amenity or heritage assets. The impact of the scheme on transport, the local road network and upon highway safety has been subject to extensive assessment led by Suffolk County Council as local highway authority and officers are satisfied that the impacts of the scheme will be at an acceptable level following the improvements to nearby junctions which will be secured via a Section 106 agreement.
112. The proposed development will result in the loss of an area of playing fields forming part of King Edward VI Upper School. Sport England now no longer object to the proposal and consider that the benefits to sport of the scheme as a whole, which includes improvements to the remaining playing fields and artificial pitch, outweighs the loss in this case. Notwithstanding Sport England's position the proposals must be considered against Policy DM42 of the Joint Development Management Policies Document and, when so assessed, it is noted that there is a conflict with this policy. Whilst the proposals include the improvement of the lower playing fields and the existing artificial pitch there would still remain an overall quantitative loss of playing field that is not being replaced, leading to the identified conflict with Policy DM42. This weighs against the scheme in the balance of considerations.
113. A number of benefits to sport arising from the scheme have been identified by Sport England and it is appropriate to also afford these weight in the planning balance. The works to the remaining area of the lower field will provide pitches that accord with Sport England's recommendations, therefore increasing the usability of this facility. The existing artificial cricket wicket is to be replaced with a new facility, again representing a qualitative improvement. The new sports hall, activity studio and Multi Use Games Area would also be available for community use outside of teaching time, thereby benefitting the wider community. This enduring community use can be secured by condition. The existing Upper School has confirmed that following the development there would remain sufficient capacity within its site to accommodate the existing community uses of the school facilities in addition to delivering the PE curriculum to its pupils.

114. Taking all of the above into account and as a matter of balance officers are of the view that the significant benefits of delivering a new sixth form college, which will contribute to ensuring a sufficient choice of school places and widening choice in education within the Borough, outweigh the modest conflict with Policy DM42 having regard also to the benefits to sport arising from the scheme as a whole. A recommendation of approval is therefore appropriate, as set out below.

Recommendation:

115. It is recommended that delegated authority be granted to Officers to **GRANT** planning permission subject to the applicant first entering into a Section 106 agreement to secure the following:

- a) A contribution of £10,000 to provide a new bus stop shelter on Western Way.
- b) A contribution of £35,000 towards improvements to the Tollgate junction.
- c) A contribution of £200,000 to make improvements to the Western Way/Newmarket Road junction.

Any such approval to thereafter be granted by officers to also be subject to conditions covering the following matters (the full wording of conditions will be provided within the Late Paper for this Item):

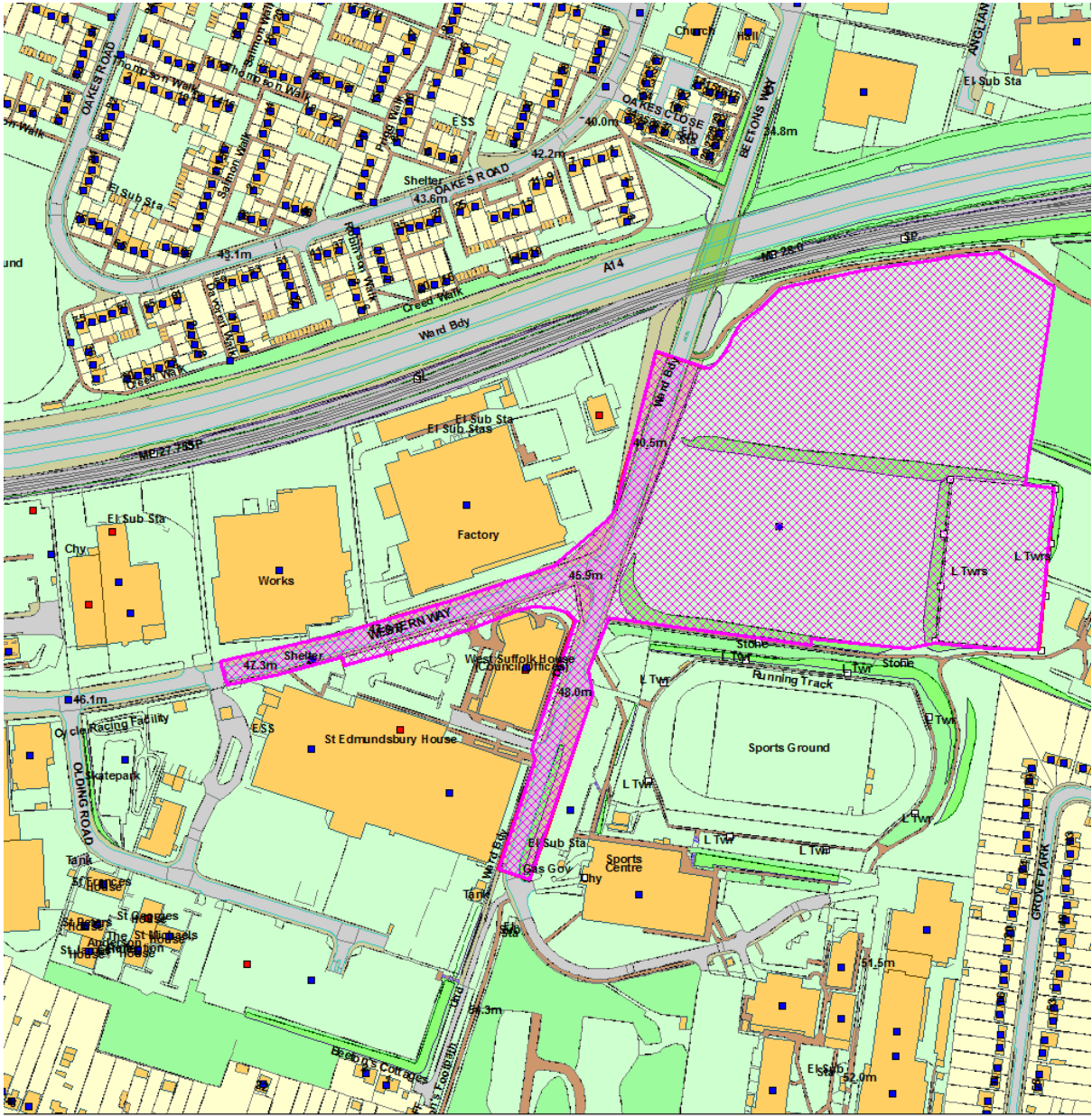
- 1) Standard time limit condition.
- 2) Approved plans and documents to be adhered to.
- 3) Details of external materials and colour finishes to be submitted and approved.
- 4) Details of solar PV array to be submitted and approved.
- 5) Development to achieve a BREEAM 'Very Good' rating.
- 6) Existing artificial pitch to be resurfaced with a 3G surface within 12 months of the date of permission in accordance with a specification approved by the LPA in consultation with Sport England.
- 7) Sports Pitch Implementation Scheme to be submitted and approved including details of proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- 8) Community Use Agreement to be submitted and approved relating to new sports facilities within the new college site (sports hall, activity studio and MUGA).
- 9) Details of replacement artificial cricket wicket to be submitted and approved.
- 10) Details of floodlighting of MUGA to be submitted and approved.
- 11) Operational Waste Strategy to be submitted and approved.
- 12) Detailed surface water drainage scheme to be submitted and approved, to include provision of geotextiles beneath parking areas.
- 13) Construction Surface Water management Plan to be submitted and approved.

- 14) Contamination Remediation Strategy to be submitted and approved.
- 15) Construction and Deliveries Management Plan to be submitted and approved including details of proposed access for construction vehicles.
- 16) Details of access gates, visibility splays and cycle and pedestrian crossing facilities to be submitted and approved.
- 17) Signalised junction and new vehicular access to be implemented as approved prior to first use of development.
- 18) Visibility splays to be provided and maintained.
- 19) Details of cycle stores to be submitted and approved.
- 20) Parking and manoeuvring areas including cycle storage to be provided prior to first use of development and thereafter retained.
- 21) Electric vehicle charging points to be provided prior to first use of development and thereafter retained.
- 22) Details of Travel Plan Coordinator to be provided.
- 23) Full Travel Plan to be submitted six months following first occupation and to be approved.
- 24) Timescale for implementation of approved landscaping scheme.
- 25) Arboricultural Method Statement (AMS) to be submitted and approved, to include details of any works to existing trees.
- 26) Existing trees to be protected in accordance with approved plans and AMS.
- 27) Ecology mitigation measures to be implemented.
- 28) Lighting strategy to be submitted and approved.
- 29) Ecology enhancement measures to be submitted and approved.
- 30) Ecology and landscape management plan to be submitted and approved including monitoring of enhancement features.
- 31) Details of substation and bin store to be submitted and approved.
- 32) Details of terraced seating within embankment to be submitted and approved.
- 33) Hours of construction restriction as recommended by Public Health & Housing.
- 34) Maximum pupil number of 1700.

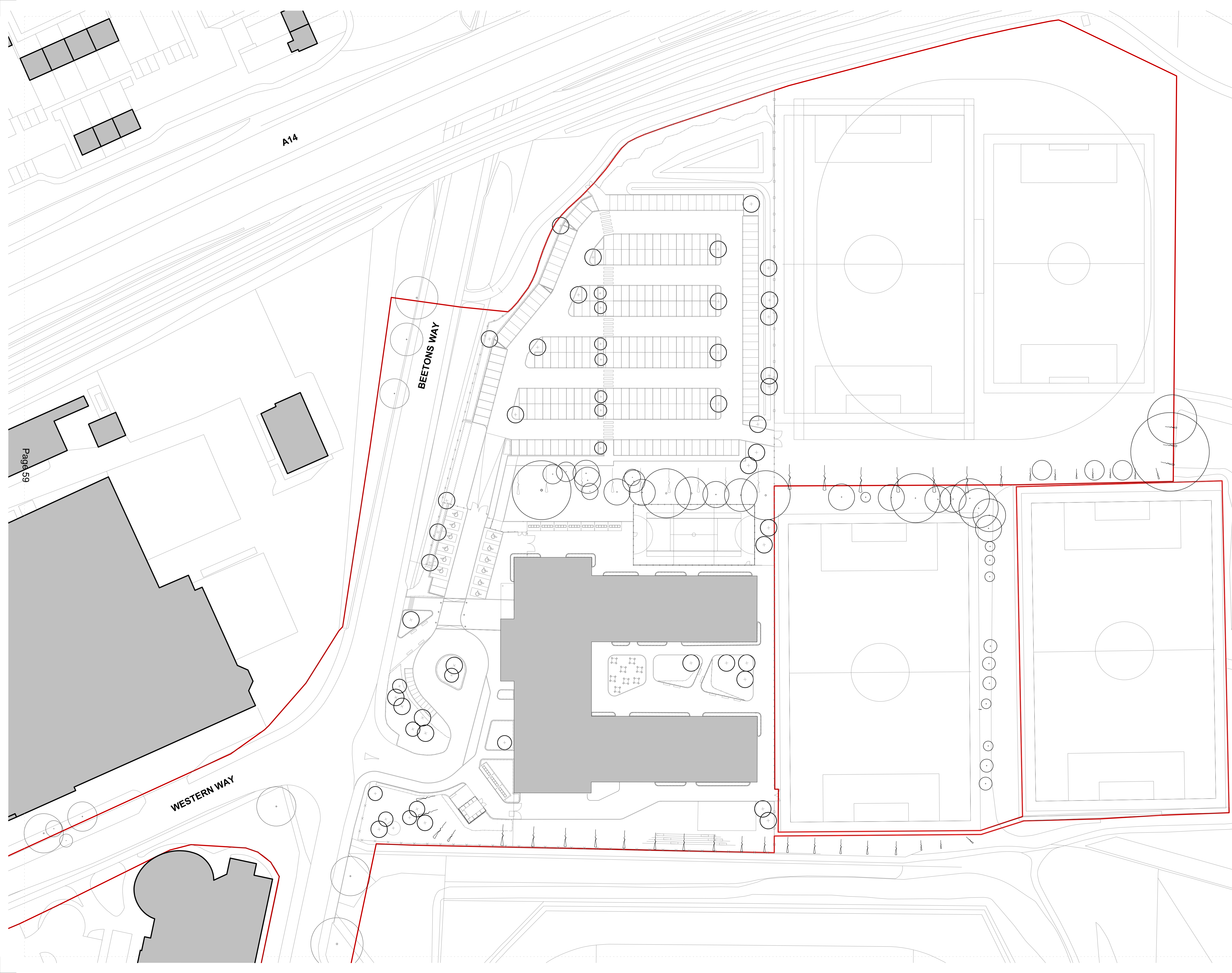
Documents:

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

This page is intentionally left blank

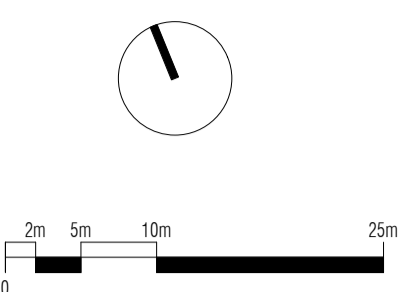


This page is intentionally left blank



DO NOT SCALE THIS DRAWING. ALL DIMENSIONS MUST BE CHECKED ON SITE. INFORM THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

KEY PLAN



TO BE PRINTED IN COLOUR

NOTES

APPLICATION BOUNDARY

PO2	14.08.18	UPDATED RED LINE BOUNDARY	HV	MG
PO1	01.03.18	PLANNING APPLICATION	TW	MG
REV	DATE	DESCRIPTION	DRN	CHK

jestico + whites

Sutton Yard 65 Goswell Road
London EC1V 7EN

+44 (0) 20 7380 038
jesticowhites.com
architecture + interior design
london + prague

CLIENT
WATES
PROJECT
ABBEYGATE 6th FORM COLLEGE

DRAWING TITLE
PROPOSED SITE PLAN

SCALE 1:500 A1 SHEET

SUITABILITY DESCRIPTION FOR INFORMATION STATUS S2

DRAWING NO. FS0621-JW-ZZ-ZZ-DR-A-00003 REV. P02

© 2017 jestico + whites. all rights reserved. J+W REF:2880

This page is intentionally left blank

DEV/SE/18/043

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee 6 December 2018

Planning Application DC/18/1018/FUL – Land at Queens Hill, Chevington

****THIS APPLICATION HAS BEEN WITHDRAWN BY
OFFICERS****

Date Registered:	25.05.2018	Expiry Date:	24.08.2018 (EOT 7.12.18)
Case Officer:	James Claxton	Recommendation:	Approve Application
Parish:	Chedburgh / Chevington	Ward:	Chedburgh
Proposal:	Planning Application - (i) change of use of site from agriculture use (Sui Generis) to equine educational establishment (Class D1); (ii) conversion of existing agricultural storage barn to stables, tack room and storage; (iii) 1no. manege; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building		
Site:	Land at Queens Hill, Chevington		
Applicant:	Ms Julie Brega - The Open College Of Equine Studies		

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 reported to the Development Control Committee at the request of local Ward Member Mike Chester (Chedburgh) given the level of public interest in the proposal.

Proposal:

1. The proposal comprises of 5no. elements as listed below.

- (i) Change of use of site from agricultural use (Sui Generis) to equine educational establishment (Class D1)

The change of use covers the entire site which is approximately 6.80 hectares in area. As detailed in the "Planning Statement and Definitive Statement of Operations" the proposed equine educational establishment specialises in the delivery of courses relating to; equine management, equine science, equine therapy and equine veterinary nursing courses via tutor-supported e-learning.

The courses run from a foundation level through to advanced, using a similar learning model to the Open University. There are online tutor-supported studies using for example e-learning materials, combined with live and pre-recorded webinars and online lectures. The courses are also supported by practical and clinical skills study days which provide tutorials, lectures and practical sessions. The delivery of those practical and clinical study days are proposed to be delivered from this site.

- (ii) Conversion of existing agricultural storage barn to stables, tack room and storage

As detailed on the drawing Conversion to barn - Proposed plans and elevations referenced 1718-201 REV B, no extensions to the existing building are proposed. The extent of the works would be limited to the internal works to provide a mezzanine level for storage, tack room and 11 loose boxes on the ground floor with space to store a horse box.

A new roller door is proposed on the southern elevation, and a replacement roller door on the north elevation, both with grating along the bottom. A new window is proposed on the second floor of the southern elevation, and two further windows are proposed on the ground floor of the west elevation.

- (iii) 1no. manege

The ménage as detailed on drawing 102 REV B titled ménage plan and Construction Notes measures approximately 40 metres in length by 25 metres in width, with post and rail fencing. A woven membrane material is proposed, forming the base and sides which are approximately 0.80m high, to retain the surface materials in the event of flooding. The proposed surface materials are waxed silca sand (10cm) with 5cm of top surface over laid. No flood lighting is proposed.

2. The following elements of development are proposed to be delivered as a single building which is roughly "n" shaped. Proposed materials are Pan roof tiles, Black weather timber boarding over brick plinth, with uPVC windows

and doors. The first leg of the "n" is approximately 7m wide by 14.3m long and contains the accommodation for the rural workers dwelling. The span between the two legs is approximately 17.6m across the base and 10.5m wide for the internal width. The second leg is approximately 11.9m wide by 18m long and contains the rooms associated with the educational use of the site.

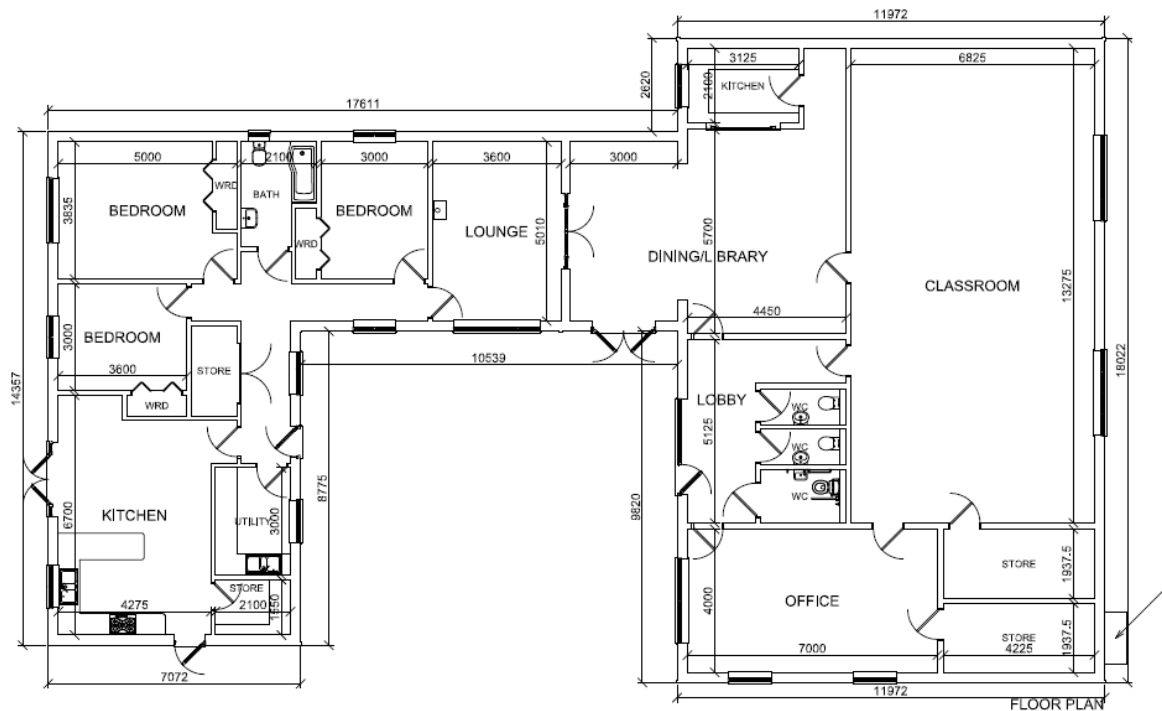
(iv) 1no. rural worker dwelling

The rural workers dwelling forms the most southerly part of the building, and consists of 3no. bedrooms, kitchen, utility room, bathroom and lounge.

(v) 1no.classroom building

The educational element of the building consists of the classroom, 2no. stores, office, lobby area with toilets, combined dining and library, and kitchen.

The drawing below shows the layout of the building for elements (iv) 1no. rural worker dwelling and (v) 1no.classroom building, and provides dimensions for the rooms and the building.



Application Supporting Material:

3. As listed in the definitive document list:
 - Application Form
 1. Definitive Document List
 2. Location Plan
 3. Existing Block Plan
 4. Site Location Layout Plan
 5. Access Plan and Improvements

6. Visibility Splay Drawing
7. Multipurpose Building Plan
8. Ménage Plan and Construction Notes (2)
8. Flood Risk Assessment (Addendum to Menage Plan)
9. Existing Building (Barn Floor Plans and Elevations)
10. Proposed Barn Conversion
11. External Lighting Plan (2)
12. Signage Plan
13. Equine Planning Solutions Planning Statement
- 13a. Planning Statement and Definitive Statement of Operations
14. Topographical Survey
- 14a. Finished Slab Levels
15. Alternative Premises - Search Evidence and Rationale
16. Rural Enterprise Dwelling Appraisal
- 16a. R Payne MRCVS Letter of support for Rural Enterprise Dwelling Appraisal
- 16b. R Frost MRCVS Letter of support for Rural Enterprise Dwelling Appraisal
17. Landscape and Visual Impact Assessment (May 2018)
- 18a. Professional Landscaping Scheme and Schedule of Species
- 18b. Landscaping Scheme and Schedule of Species (2)
19. Ecology Report
20. Ecology Report GCN
21. Ecology Report Reptile
22. Transport Statement
23. and 24. Transport and Highways Supporting Document
25. Flood Risk Assessment
26. Land Contamination Survey Report
- 26a. Land Contamination Appendix A1
- 26b. Land Contamination Appendix A2
- 26c. Land Contamination Appendix B
27. Value of TOCES' Business to the Local Rural Economy
28. UKPN Electricity Supply Construction Plan Not required
28. Site Drainage Plan
29. The Jockey Club
30. Rosssdales Equine Hospital and Diagnostic Centre
31. Hawkedon and Homefield Vets Ltd
32. The British Racing School

Drawing detailing piped bund

Ecology report for Non-Licensed Method Statement Greater Crested Newts

Summary and context of The Open College of Equine Studies business.

4. The proposed use for the site is for an equine education centre that provides courses on equine science and management. The Open College of Equine Studies (TOCES) was established in 1988, and provides training to those already employed, or aspiring to work, within the equine industry. This established and local business is seeking to relocate from rented premises in Higham due to the constraints that this imposes on the business because of limited accommodation and field space. Activities that would be happening on the site are office administration, study weeks, and horse management.
5. Further investigation confirms that the endorsements and accreditation for the standards of the education courses detailed within the planning

statement, which include The Royal Veterinary School, Lantra, Register of Animal Musculoskeletal Practitioners Recognised Education Provider, Pearson Edexcel BTEC, The British Horse Society, Accreditation Committee for Veterinary Nurse Education, and City and Guilds, are up to date and current.

6. The courses cover topics such as equine management, equine science, equine therapy and equine veterinary nursing courses, using tutor-supported e-learning akin to the model used by the Open University, with some courses requiring practical and clinical skills tuition via attendance at study days.
7. As stated in the "Planning Statement and Definitive Statement of Operations" courses/programmes are the training programmes that lead to the award of the qualification, and are not study weeks. Study weeks are four day blocks of attended practical training which form part of some courses/programmes. For example the training programme that leads to the award of the City and Guilds Level 3 Diploma in Veterinary Nursing (the course) includes nine four-day study weeks. Study weeks generally run for four days, Monday to Thursday or Tuesday to Friday. Students attend lectures based in the classroom where clinical and laboratory skills are learnt and practiced. Some courses do not have study weeks, and they are studied only via tutor-supported e-learning.
8. TOCES is currently providing training to equine related groups such as the Ministry of Defence's Equine Veterinary Nurses of the Royal Army Veterinary Corp, the Household Cavalry, University of Edinburgh Royal School of Veterinary Studies, Rossdales Equine Hospital, Newmarket Equine Hospital, the Animal Health Trust, Department of Veterinary Medicine, Cambridge Veterinary School (University of Cambridge) and the Royal Veterinary College.

Site Details:

9. The site is located approximately 1.3km to the east of Chevington, on the southern boundary of Queens Lane. The site has an area of approximately 6.80 hectares, and consists of three areas, two are fields of cultivated grassland of roughly equal size which represent the main area of the site. Both fields have mature hedgerows along their external boundaries. Across the middle of the site is a boundary formed from a loose and sparse row of trees. The mature hedgerows are continuous and extend around the entirety of the site broken by single field gates for each field providing access from Queens Lane. The third section of the site is located on the north eastern boundary of the site, and consists of an access, drained hardstanding area, agricultural building and ponds. In the north eastern corner is a pocket of trees. The road known as Queens Hill runs along the northern boundary from west to east, and in this immediate location marks the southern edge of the Special Landscape Designation in this area. The main access for the site is also from Queens Hill and is located in the north eastern corner of the site.
10. The immediate area around the site consists of agricultural fields. Scattered around the site are dwellings. The following distances are measured in a straight line from the centre of the agricultural building located on the site. To the north at a distance of approximately 235 metres is a single dwelling known as Shoemeadow Cottage (Grade II heritage asset). At a distance of

approximately 400 metres to the east is a loose collection of four dwellings known individually as Weathercock Farm, Weathercock Hill House (Grade II heritage asset), Braziers Barn, and Braziers farmhouse (Grade II heritage asset). To the west of the site at a distance of approximately 250 metres, is a small pocket of five dwellings which follow Queens Lane and Queens Hill. Three dwellings run south to north along Queens Lane. This row of dwellings starts with the dwelling known as Ufford, then heading north, Mallaby House, and Kings View. Two further dwellings are located facing onto the road known as the Old Post Office road which heads west towards Chevington, and are known as Easter Cottage and Fieldside Cottage.

11. The village of Chevington is approximately 1km north west of the site, and the site sits on the parish boundary between Chedburgh and Chevington.
12. The site is located at the bottom of a "u" shaped valley, the western flank is convex in profile, and the eastern flank is of a similar profile albeit slightly flatter. Within the site area there is approximately 10metres height difference between the lowest section of the site along the eastern boundary, and the highest point along the western boundary as it follows Queens Lane.
13. The diagram below is taken from the authority's GIS and details an aerial view of the site which is outlined in red.



Key



Address points



Special Landscape Area.

Existing development on site

14. There is an existing building on site approved under application referenced SE/10/1075 with an associated area of hardstanding. In association with this is an existing access approved under application referenced SE/07/1590.
15. The existing building is approximately 8.4 metres high at the ridge, 5.7m at the eaves, 24.8m long and 18.4m in width, and is constructed from metal cladding. The building orientated along its ridgeline is roughly north south, with a roller door and separate pedestrian door on the northern elevation.

Planning History:

16. SE/07/1590 – Planning Application - Construction of agricultural access onto a Class C highway – Approved

SE/10/1075 - Determination in Respect of Permitted Agricultural Development - Erection of 18m x 24m building for the storage of hay and machinery – Approved

DC/17/1267/FUL - Planning Application - (i) Change of use of site from agricultural use (Sui Generis) to equine educational establishment (Class D1); (ii) conversion of existing agricultural storage barn to stables, tack room and storage; (iii) 1no. manege; (iv) 1no. rural worker dwelling (v) 1no. classroom building. As amended by the definitive list of drawings and reports received 13th March 2018 – Application Withdrawn

Consultations:

17. Ecology and landscape Officer

Comments submitted for assessment of previous application DC/17/1267/FUL still apply, however objections have been removed due to the submission of supporting detail in this application. As confirmed in discussions with the Ecology and landscape Officer on the 15.11.2018.

18. Environment Agency

Comments received 15.10.2018

No objections, recommend conditions securing flood plan, and that mitigation measures listed in the FRA and Ménage plan are adhered to.

19. Environment Team

Comments received 25.06.2018

No objections, no conditions recommended.

20. Highways

No objections, recommend conditions securing parking, advanced warning signs, a bus stop, vehicular access to the appropriate standards, the use of bound surface materials, locations for bin storage, submission of details for works associated with the ditch under the access, details of the position of

any gates located within the access, the submission of a construction and deliveries management plan, provision of cycle storage, and the creation of appropriate visibility splays.

21. Kernon Countryside Consultants limited

- There is a marginal functional need for a resident worker, based on the information provided. As previously mentioned in our appraisal of DC/17/1267, there may be other benefits from a resident worker relating to the overall running of TOCES. The Applicant's proposals have evolved since the original application, to increase the number of horses stabled on-site. It remains unclear however, whether and to what extent there will be foaling on site each year. Were there to be more than one mare foal down a year, this would significantly increase the argument for a resident worker
- Overall, we conclude that an essential need for a resident worker will exist;
- No other dwelling can meet that need;
- The overall TOCES enterprise is established and viable. The horses are part of the TOCES enterprise, and whilst they are not commercially viable in their own right, they are a key part of TOCES;
- The siting is acceptable;
- The size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned.

22. Planning Policy

Comments submitted for assessment of previous application DC/17/1267/FUL still apply, which detail no objections.

23. Public health and Housing

Comments received 11.06.2018

No objections, recommend conditions securing hours of construction, prohibition on burning of waste materials on site, acoustic insulation of dwelling.

24. Natural England

Comments received 11.10.2018 - Natural England has no comments to make on this application.

25. Suffolk Wildlife Trust

Comments received 05.07.2018

Any new planting should be comprised of native species.
Proposed bird boxes to be mounted on mature trees rather than buildings
Submission of surveys for: - Greater Crested Newts
 - Badgers

Recommendations made within the ecological survey reports are implemented in full, via a condition of planning consent

Comments received 18.10.2018

Request the submission of further assessment in relation to Great Crested Newts resulting from proposed works to bund.

Great Crested Newt Method Statement submitted by applicant 12.11.2018

Comments received 15.11.2018

No objections. Recommend condition securing all of the recommendations in the Ecological reports submitted as part of the application.

26.Surface Floods and Water

Comments received 08.10.2018

Holding objection, but only in relation to flooding matters, which are within the remit of the EA, and which have been resolved to the EA's satisfaction - recommend conditions securing submission of a surface water drainage scheme for site, including infiltration testing and modelling, and management and maintenance plan for site.

27.Strategic Housing

No contributions required.

Representations:

28.Chevington Parish Council

Comments Received 22.06.2018 – Object:

- Traffic
- Flooding
- Business working anti-social hours
- Provision of appropriate access
- Impacts on landscape and environment from development
- Potential impacts on bus service

Comments Received 12.10.2018 – Neutral:

The Council were discussing the new amendment to the flooding situation and managed to have a useful discussion with both parties. However, the Council felt that they could not make a decision for or against the amendment as they did not have sufficient technical knowledge and agree that Suffolk County Councils' Flood and Surface Water Engineer probably had more of an idea and he had liked the changes.

29.Chedburgh Parish Council

Comments Received 16.08.2018 – Support:

- Subject to the implementation of the relevant recommendations of the Environment Agency concerning flood risk mitigation being included as conditions in any approval granted by the planning authority.

- Noted the level of concern amongst residents relating to existing road safety along the stretch of Queens Hill from the junction with Queens Lane to beyond the bend on Weathercock Hill. Request reduction in the speed limit on Queens Hill to 30mph.

Comments Received 09.10.2018 – No objections subject to consultation Responses.

As you are aware, the Parish Council considered the original application in August and resolved to support it, subject to the implementation of the relevant recommendations of the Environment Agency concerning flood risk mitigation being included as conditions in any approval granted by the planning authority.

I understand that the amendment to insert pipe work through the bund, to counteract the water retaining effect that it might otherwise have, arises from advice from the County's Flooding Officer. I also understand that the whole flood- -mitigation strategy will now be re---assessed by the relevant agencies and that their comments will form part of the Planning Authority's considerations. That being the case (and I would be grateful if you would advise me if any part of my understanding is incorrect) further consideration by the Parish Council is unnecessary as this eventuality is covered by its previous response.

Accordingly I would simply reinforce the Parish Council's previous response, and re-state for clarity, that the application has the Parish Council's support, subject to the relevant recommendations of the Environment Agency concerning flood risk mitigation being included as conditions in any approval granted by the planning authority.

30. Comments were received from the addresses detailed below, and the material planning considerations detailed in them have been summarised and bullet pointed below. Full copies of those representations are available and can be viewed on the Local Planning Authority's website.

31. Neighbour responses:

BRAZIERS FARMHOUSE	Object
22 GRANGE MILL	Object
WEATHERCOCK HILL HOUSE	Object
HIGHBURY COTTAGE	Object
16 GRANGE MILL	Object
CEDAR COTTAGE	Object
FIELD SIDE COTTAGE	Object
2 HARGRAVE ROAD	Object
CLOCK COTTAGE	Object
UFFORD	Object
KINGS VIEW	Object
MALLABY HOUSE	Object
RIDGEMOUNT	Object
ROWAN HOUSE	Object
22 MAJORS CLOSE	Object
CONAMORE HOUSE	Object
WEATHERCOCK FARM	Object

LAVENDER COTTAGE	Object
MAJORS	Object
CONAMORE HOUSE	Object
HOLLY COTTAGE	Object

32. Objections related to the following:

- Road safety – roads are narrow and dangerous. There are increased risks of further accidents from additional cars and larger vehicles resulting from this proposal using this road, especially during periods of bad weather. In addition to the speed of traffic along this section of road which includes blind corners.
- Traffic and construction traffic will cause further movement difficulties on Queens Hill.
- Landscape impacts due to inappropriate or inadequate landscaping, risks on the setting of the National Trust Obelisk and grounds, and the Special Landscape Area.
- Impacts to bus service which has indicated concerns about the route and existing traffic using the road.
- Flood risks rising from the sections of the site being in flood zone 3, in addition to the existing surface flood that is experienced on the site. Lack of information submitted with the application detailing data that models flood impacts created by the proposal.
- Contamination to land and wildlife, and the river Linnett which
- Impact on shops in current location of proposal
- Legality of existing building which has not been erected in accordance with its planning permission which details open sides rather than closed, and was previously used for a commercial rather than agricultural business.
- Impacts on neighbouring amenity resulting from the proposed use of the site and its associated operating hours.
- There are alternative sites available for this business to move to.
- Site does not have access to mains sewer, and an onsite treatment system will be required.

2 GRANGE MILL	Support
---------------	---------

33. Support

One letter of support was received from 2 Grange Mill:

- Provides employment for young people
- The proposed business activity is entirely consistent with existing local businesses of agriculture and a number of small studs in the village.

34. A letter was received from Stephenson's of Essex who run the local bus company which has been summarised below:

- Pleased my original concerns regarding large vehicle movements from the property impacting on our bus service in the area have been taken on board.
- Current issues along road with other large vehicle road uses.
- How will vehicle movements be managed and will someone be appointed to be contactable if issues arise with vehicles using the site.
- Concerns regarding the viability of the bus service due to ongoing and previously experienced problems.

35. Further letters of support have been received from local businesses which have been summarised below.

Rosssdales Veterinary Surgery	<p>Support</p> <ul style="list-style-type: none"> • Excellent fit and could certainly add value to the attraction and appeal of Newmarket as a centre of equine excellence. • Supporting an equine educational facility which ultimately improves the supply of knowledgeable qualified and experienced personnel would be a benefit to our local equine community.
Hawkedon and Homefield Vets	<p>Support</p> <ul style="list-style-type: none"> • Continued need for colleges such as TOCES to provide distance learning for the equine industry. • College has so far managed in rented premises but the needs of an equine college are so specific and so far have not been fully accommodated by landlords.
Jockey Club	<p>Support</p> <ul style="list-style-type: none"> • Two main equine veterinary practices in Newmarket (Rosssdales and Newmarket Equine Hospital), have both been involved in courses run by the College. • Jockey Club Estates is satisfied that the applicant provides training services that have been beneficial to the Horseracing Industry.

36. Representation letters

The following letters were received and have been categorised as representation letters because they have been submitted on behalf of clients objecting to the proposal.

Sound Footing	<p>Object</p> <ul style="list-style-type: none"> • The location of the proposed arena is at the most vulnerable zone of the site. This is by no means an ideal location for this type of installation. • The construction of the arena, including the permanent fencing and other materials which are deemed porous will have to impede the flow of water on the site. • It is recommended that an investigation is made regarding the drainage efficiency of the existing hardcore base to meet the requirements of such an installation. • Not only porous materials are included in the installation process. • Confirmation is required that the surface additives are all environmentally friendly if submerged in water, with no leachates.
---------------	--

Winthrop Planning	<p>Object</p> <ul style="list-style-type: none"> • Existing buildings on site unlawful. • Re-use of existing building does not use it to its full potential • Evidence of completed searches for other dwellings not comprehensive. • Inaccurate information submitted in support of the application • Further assessment of site drainage and the impacts on the wider area required. • The consultation process has failed to adequately inform local residents and consultee's. • The proposal is contrary to adopted planning policy
GH Bullards	<p>Object</p> <ul style="list-style-type: none"> • Increase in traffic and impacts on road safety. • Inaccuracy in number of predicted vehicle movements. • Provision of bus stop. • Provision of parking on site.
Christy Kilgour	<p>Object</p> <ul style="list-style-type: none"> • There are not enough horses to meet the essential need for a rural workers dwelling. • The premises are not currently equipped with suitable facilities to undertake a breeding operation. • Generated traffic levels • Environmental implications of the flood zone 3 designation • Alternative accommodation is available • The design of the stables is heavily compromised by the re-use of the existing barn. • Impacts of manége and risk of flooding
Suffolk Preservation Society	<ul style="list-style-type: none"> • Impacts to landscape and rural location from development. • Increase in traffic movements

37.A local petition was also received detailing the names and addresses of 69 properties, however this has been treated as one representation. The objections detailed on the petition have been summarised as follows:

- Increased traffic through the parish of Chevington.
- Building on a green field site, and visual and physical impacts to environment
- Increased flood risk.
- Impacts to local bus service

Policy:

38.The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010, the Rural Vision 2013 documents have been taken into account in the consideration of this application:

39. Joint Development Management Policies Document:

- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM2 – Creating places
- Policy DM5 – Development in the Countryside
- Policy DM6 - Flooding and Sustainable drainage
- Policy DM7 – Sustainable Design & Construction
- Policy DM11 – Protected Species
- Policy DM12 - Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 – Landscape Features
- Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 – Residential design
- Policy DM26 - Agricultural and Essential Workers Dwellings
- Policy DM32 – Business and Domestic Equine Related Activities
- Policy DM33 – Re use or Replacement of Buildings in the Countryside
- Policy DM45 – Transport assessments and travel plans
- Policy DM46 – Parking Standards

St Edmundsbury Core Strategy December 2010

- Policy CS2 – Sustainable development
- Policy CS4 – Settlement Hierarchy and Identity
- Policy CS13 – Rural Areas

Rural Vision

Policy RV1 Presumption in Favour of Sustainable Development

Other Planning Policy:

39. NPPF 2018. 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. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

Officer Comment:

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

- Principle of Development
- Design and layout
- Amenity
- Highway safety
- Landscape
- Flooding
- Ecology
- Land Contamination

- Other matters
- Use of building on site.

Principle of development

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the plan unless material considerations indicate otherwise. Within this plan-led system, at the heart of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development. Whilst this does not change the statutory status of the development plan as the starting point for decision making, it is an important material consideration that carries significant weight in the planning balance.
42. The application site is located approximately 900m east of Chevington which is defined in policy CS4 as an Infill village. However the site is located outside of the settlement boundary, in the countryside as defined in the Core Strategy.
43. Given the countryside location, key considerations in the determination of this proposal are set out in the provisions of policies DM5 and DM32. Policy DM5 states *"...areas designated as countryside will be protected from unsustainable development. A new or extended building will be permitted, in accordance with other policies within this Plan."* Relevant in the assessment of this proposal is criteria C of that policy which states where development is for *"...development relating to equine related activities and the horse racing industry"*. Policy DM32 sets out the considerations for business and domestic equine related activities in the countryside. The following assessment is made against those policies with relevant criteria stated in brackets.
44. Furthermore policy DM32 provides further assessment on the characteristics of proposed development, and where appropriate additional assessment of the criteria within DM32 are provided in the relevant sections of this report as detailed in the issues to be considered in the determination of the application.
45. It is considered that the proposal meets the requirements as set out in criteria C of DM5, as it is an equine related activity which is inherently rural in character that in itself would help maintain and manage the countryside which is a principal element of the character of West Suffolk. This is due to the size, scale, design and siting of new development not having a significant adverse effect on the character and appearance of the locality. This same consideration is assessed under criteria (a) of policy DM32. Further assessment of the proposal against this criteria has been made in the sections of this report titled "Design and Layout" and "Landscape".
46. In addition to that, criteria E of DM5 states that *"...a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM26"* will also be permitted. This element of the proposal is addressed in the section below titled "Rural Workers dwelling".
47. Policy DM5 also provides support for proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic

character and beauty of the countryside. Specifically detailing that there should be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests. These remaining considerations are assessed in further detail in the sections of this report titled Landscape, and Ecology. In regards to historic environment, there are no archaeological records or buffer zones effected by the proposal. The nearest heritage asset is Shoemeadow Cottage (Grade II) located to the north of the site, however given the distances between this dwelling and the site, and the intervening topography and vegetation, it is considered that there would not be any significant impacts to its character or setting.

48. Policy DM5 also provides further support to the proposal where development would not result in the irreversible loss of the best and most versatile agricultural land. Whilst the site has an Agricultural Land Classification of grade 2, the proposal is not considered to result in the significant irreversible loss of agricultural land, which is a requirement detailed in policy DM5. This is because the built development is located and contained within the north east corner of the site. The new building has a footprint of approximately 374 metres² which would result in the loss of agricultural land, however this would represent a loss of a very small proportion (0.55%) of the entire site. The ménage has a foot print of approximately 1000m² however it is located on top of the existing drained hard surfaced area, and its construction does not involve the loss of agricultural land. The remainder of the site is subject to a change of use from agricultural land to equine educational establishment (Class D1) which in itself would not create an irreversible loss of agricultural land, because it could be physically farmed again if desired. This also accords with subsection (b) of policy DM32 which seeks to ensure that proposals do not result in the irreversible loss of best and most versatile agricultural land and it is demonstrated that there are no suitable alternative locations.
49. Whilst equine related activities may be permissible in the countryside, this is subject to compliance with other policies within the Plan. Policy CS13 – Rural Areas states *"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 while promoting sustainable diversification of the rural economy."*
50. Policy DM33 sets out the considerations for the re-use or replacement of buildings in the countryside. The following assessment is made against that policy with the relevant criteria detailed in brackets. The reuse of the existing building as stables on site is considered to accord with the thrust of adopted local policy DM33.
51. It is considered that the reuse of the existing building accords with the further requirements of DM33; the building is capable of conversion without the need for significant extension, alteration or reconstruction (a); the proposed use, associated operational area and provision of services would not harm its appearance or adversely affect the setting of the existing building as it is utilitarian in appearance, and it is considered that further soft landscaping can be secured to help assimilate the development into its surroundings (b); the equine nature of the proposal is compatible with the rural location (c); the proposal would create approximately 3no. full time

and 2no. part time jobs. The local bus route runs along Queens Hill and there is an opportunity to secure the installation of a bus stop at this location which has been offered by the applicant to support the use of public transport as part of the proposal (d); the proposal does not include tourist accommodation, however what private curtilage is proposed is shown to be suitably screened in the accompanying scheme of soft landscaping (e); the highway safety element of this proposal is assessed in the section titled 'Highways' below, however in regards to influence of the proposal on the rural character of the road, it uses an existing access and is not considered to create significant harm (f); no extensions to the existing building are proposed (g).

52. Criteria (c) of policy DM32 requires proposals the re-use of existing buildings where appropriate, which as detailed in the above assessment against DM33, it is considered the proposal achieves this.

53. It is considered that the provision of a bus stop at this location as detailed in part (d) of DM33 provides some positive weight to the proposal where it may conflict with the requirements of DM5 that otherwise seek to prevent unsustainable development. Given that proposals for economic growth and expansion of businesses that recognise the intrinsic character and beauty of the countryside will be permitted where they accord with the requirements as set out in the assessment above, which this proposal is considered to do, and noting of course that this business is already located in the countryside in West Suffolk, albeit elsewhere, this must be a balanced issue. The element of conflict that does arise from this proposal and the considerations of DM5 where development may be unsustainable, is, for example, through the siting of an educational facility in an otherwise remote area away from sustainable means of transportation, with consequential effects on the travel methods adopted by those studying at the site. The provision of a public bus stop, and the details in the Transport & Highways Supporting Document for the encouragement of users of the equine education centre to use public transport, are considered to provide positive weight that is of equal weight to that conflict, again recognising therefore the balanced nature of this consideration.

Rural Workers Dwelling

54. As confirmed in the independent report provided by Kernon Countryside Consultants, overall it is concluded that an essential need for a resident worker exists to support the overall TOCES enterprise, which is an established and viable rural business that is relocating from rented premises in the village of Higham due to the limits that location imposes on course delivery and business development. Details of searches completed by the applicant have been submitted as part of this application which are considered to appropriately demonstrate that there are no other dwellings available that would meet the need of the business. By virtue of the nature of the business delivering equine science and management courses, the horses are recognised as part of the TOCES enterprise. Whilst they are not commercially viable in their own right i.e. if the proposal was a stud, they are a key part of the business. In addition the provision of a workers' dwelling on site, as recognised in Kernon's report, would provide TOCES with the potential to take in other horses for use in teaching, for example with injuries that could not be taken in if there was no residential presence.

55. Through revisions to the application the overall size of the proposed dwelling has been reduced. As confirmed in the Kernon's report it is considered to be of a size and nature which is commensurate with the needs of the enterprise. Furthermore, by virtue of its location, contained in close proximity to the existing building and access on site, whilst also conforming with the flood zone constraints of the site, the proposed dwelling is not considered to represent intrusive development in the countryside and will not therefore have a significant impact on the character and appearance of the area.

56. It is therefore considered that the need for a rural workers dwelling tied to the business through the use of a condition is justified, and that the need is in accordance with DM26, and criteria (i) of DM32 which states where there is no dwelling available on the holding, proposals must demonstrate the site selection procedure and arrangements for animal supervision and welfare.

Manege

57. Policy DM32 sets out the considerations for Business and Domestic Equine Related Activities in the Countryside. The following assessment is made against the policy with the relevant criteria detailed in brackets.

58. Assessing the proposed equine college against the requirements of this policy, it is considered that the size, scale, design and siting of new development would not have a significant adverse effect on the character and appearance of the locality, further assessment of the proposal against this criteria has been made in the sections of this report titled "Design and Layout" and "Landscape" (a). In addition the proposal is not considered to result in the irreversible loss of the best and most versatile agricultural land, as detailed in the assessment and it has demonstrated to the satisfaction of the local planning authority that there are no suitable alternative sites on lower grade land.

59. It is considered that the proposal accords with criteria (g) of policy DM32, which seeks to ensure that sufficient land is available for grazing and exercise where necessary.

Conclusion on Policy Matters

60. Assessing the proposal against policy, it is apparent that there is a degree of conflict with policies that seek to deliver sustainable development (CS2, CS4 and DM1 and DM5). However the nature of the intended use is inherently rural and would not be appropriate in other locations such as within settlement boundaries, or in commercial or industrial locations. It is also recognised that this proposal is an expansion of a current enterprise already located in the countryside, albeit elsewhere. There are policies which offer conditional support for development in the countryside (DM5, DM26, DM32, DM33) and it is considered that the proposal accords with these, making this, therefore, a balanced matter. This results in a significant level of positive weight in favour of the development, which it is considered outweighs the negative weight identified where there is conflict with policies regarding sustainable development. Therefore the principle of development is considered acceptable.

Design and Layout

61. The design and layout of the proposal is considered to be appropriate for the location. It has been steered by the requirement to re-use the existing development to its full extents, deliver a usable layout that supports the proposed use on site, whilst working with constraints that are applicable to the location (for example flood zones).

Class room and rural workers dwelling building

62. When considering the individual uses within the proposed building, its overall design and layout is of an appropriate scale. The dwelling proposes an appropriate level of accommodation, of a scale that is considered in keeping with the size and operation of the site. This is further confirmed within the assessment made by Kernon Countryside Consultants.

63. The educational element of this development is also of a scale that is considered to be appropriate to the site and the level of use that is proposed as part of this application. Considering it is possible that by 2019 there will be approximately 42 weeks of training per year, and the nature of the courses running from the site are equine management, equine science, equine therapy and equine veterinary nursing. Consisting of modules such as anatomy, husbandry, veterinary nursing, stable management, nutrition, biomechanics, exercise physiology, behaviour, welfare, reproductive technology and stud management. The overall design and layout of the proposal is conservative in relation to the amount of space proposed, balancing the requirements of TOCES against potential negative impacts to the character of the site and the surrounding landscape.

64. The positioning of the combined classroom and dwelling by the main entrance to the site ensures that a level of security is provided, but not in a way that is otherwise considered intrusive noting the topography of the site and the existing mature boundary treatments. In addition, this location reduces the overall footprint of development on the site, creating a small cluster in the north eastern corner. It is not considered that the building should be moved from its currently proposed location due to on-site constraints resulting from flood zones and possible visibility within the landscape. The building in its currently proposed position, when viewed from public vantage points (such as the gates located along Queens Lane, or via glimpses from Queen's Hill) the mass of the proposed building would blend into that of the existing.

65. The proposed materials, pan roof tiles, timber weather boarded elevations over a brick plinth are also considered to be appropriate for this location, being of a style that is commonly seen in rural locations. However to ensure appropriate types are used the submission of material samples is recommended to be secured via condition.

Re-use of the existing building

66. The re-use of the existing building on site was, in previous versions of this proposal, more extensive. However the re-use of this building had to be revised by moving the classroom element into a separate building as detailed above, due to the flood zone constraints of the site.

67. Internally proposed changes include the installation of a first floor mezzanine level to provide storage, and redesign of the ground floor to provide stable boxes and a storage area for a horse box.
68. Externally three windows are proposed, two serving the ground floor, overlooking the proposed ménage, and a third located on the first floor serving the mezzanine level located on the southern elevation. The installation and renewal of doors are also proposed, but these are of a scale that is commensurate with the building, and in addition, no extensions or major changes to this building are proposed. As such the design and layout of this building is also considered to be acceptable, and the proposed changes are not considered to impact significantly on the character of the site or surrounding area.

Manege design

69. The proposed ménage is of a design and scale which is typical of such development. As assessed in this report under the section titled "Flooding", through the use of a woven permeable membrane to hold in the surface materials, the detailed design is considered appropriate for the site.
70. The position of this element is located behind the existing building on site and is considered to be well related with the layout of that and the proposed dwelling and classroom building. From public views afforded into the site, it is not considered the manege would create significant impacts. This is in part due to the rural nature of the development, the existing mature hedgerow located along the eastern boundary of the site, and that the overall form of the manege which would again blend into the mass of the existing and proposed buildings.
71. To conclude, the proposals, when assessed as individual elements or as a whole, it is considered to accord with policies DM2, DM22, DM32 subsection (a) and CS13, in that the design and layout are considered to be of an appropriate size and scale for their purpose. In addition to those characteristics, the new development is located adjacent to the existing building, the use of which has been assessed against policy DM33, and concluded that no significant impacts to the immediate character of the site, and that of the wider area would arise. Conditions securing the submission of materials are recommended to ensure that the development is aesthetically sensitive to the locality.

Amenity

72. It is considered that the proposal would not create significant negative impacts to residential amenity by virtue of its design and location within an existing extensive site. There are no immediate neighbours to the site. Distances between the proposed buildings where the majority of onsite activity would be located and the closest dwellings to the north and west, at approximate distances of 235m and 250m respectively, are considered to be sufficient not to create any significant negative impacts. In addition by virtue of the layout of the proposed development, the manege for example, which provides outdoor space for teaching of courses, is screened to a degree by the buildings on site, the existing boundary treatments, and the pocket of trees located in the north east corner of the site. In addition no flood lights are proposed to be installed.

73. However, to safeguard the wider amenity of the locality, Public Health and Housing have recommended conditions regarding hours of construction, the burning of waste material (which is not necessary to condition as it is controlled through other legislation), external lighting, & the disposal of stable waste. Given the requirement of DM2 and DM32, all of these conditions are considered reasonable and necessary. In addition a further condition is recommended requiring the details of any external lighting (for example security lighting) is submitted for approval to ensure that light spill is kept to a minimum.
74. The proposal may result in an increase of traffic visiting the site. However this is not considered to be of a level that would create significant negative impacts to the amenity of nearby properties. Firstly given the distances from the location of the proposal and the nearest dwelling, and that the traffic would not be moving along roads any nearer to those dwellings than where existing vehicles already travel. In addition to this, as detailed within the application, there is no office/classroom business activity at weekends or on bank holidays, which are the times that can be considered to be the most sensitive to impacts on amenity.
75. Further assessment of vehicle movements is provided in the section below titled 'Highway Safety'.
76. To conclude, it is considered that the proposal accords with subsection (e) of policy DM32, which seeks to secure development that does not result in significant detrimental impacts to residential amenity in terms of noise, odour, light pollution or other related forms of disturbance. Conditions securing the details of any proposed lighting to be submitted for approval by the Local Planning Authority also provide further opportunity to control any possible impacts to neighbouring amenity.

Highway safety

77. The criteria for the assessment of proposals on highway safety is set out in this instance by criteria (f) of policy DM32, which seeks to secure development that provides appropriate parking and access, and that associated traffic movements do not compromise highway safety.
78. As confirmed in the Highway consultation response the proposal is not considered to be harmful to Highway safety due to the reuse of the existing access (approved in the application referenced SE/07/1590) and by virtue of the nature of the proposal, and the types of vehicles that would be using the access on a daily basis.
79. As stated in the "Planning Statement and Definitive Statement of Operations" the proposed timings of the business have been calculated to avoid possible conflicts between cars and buses on Queens Hill. The following proposed opening times have been detailed for the office on non-study week days as 9.15am - 4.45pm, and study week days as 8.45am - 5.35pm. Study week timings for students have been proposed as 09.20am - 5.35pm and these can be conditioned.

80. Study weeks generally run for four days, Monday to Thursday or Tuesday to Friday. There is no office/classroom business activity at weekends or on bank holidays.
81. The number of movements and timings have been detailed in the Transport Statement and the Transport and Highways Supporting Document submitted by the applicant, the details of which are considered to be acceptable by the Highway Authority.
82. As confirmed in the consultation response provided by the Highway Authority, the proposal would use an existing access, which has approval for agricultural use. The use of this access is considered to be acceptable for this proposal, and standard conditions have been recommended for securing visibility splays, alongside bound surface materials. In addition further conditions have been recommended which seek to improve the current standards of water management that have been incorporated into the access, through the submission of works detailing either a piped or bridged approach to the ditch in this location.
83. Confirmation has also been provided that an appropriate level of parking can be provided on the site for the proposed use as per the application details, and it is considered that the proposal accords with the requirements of DM46. A condition has been recommended securing those details.
84. The submission of a Construction Management Plan for approval has also been suggested as a condition, with further recommendations set out by the Highway Authority detailing that a scheme of advance warning signs is secured. In addition the provision of a bus stop at or near the access is required. It is considered that the provision of this additional stop supports the use of public transport and strengthens the existing bus network, which accords with the provisions of DM32 and DM45.
85. In the assessment of this site, the Highway Authority, noting that the proposal would use an existing access which has approval for agricultural use, is considered to be appropriate, subject to conditions, for the provision of a safe access for this development. This is linked to there being no accidents recorded at this location, and that the Suffolk County Council has received no customer complaints regarding the road width, visibility or road safety at this location. Furthermore, the additional vehicle movements cannot be considered so significant that they could have a detrimental impact on highway safety to justify refusal.
86. To conclude, it is considered that the proposal accords with subsection (f) of policy DM32, which seeks to secure development that provides appropriate parking and access and associated traffic movements should not compromise highway safety. This has also been achieved through compliance with policies DM45 and DM46 in that the proposed development provides a robust approach to the management of vehicles movements associated with the use of the site, and delivers an appropriate amount of onsite parking to support that.
87. Conditions have been recommended by the Highway Authority securing the provision of advanced warning signs, a bus stop, vehicular access to the appropriate standards, the use of bound surface materials, locations for bin storage, submission of details for works associated with the ditch under the

access, details of the position of any gates located within the access, the submission of a construction and deliveries management plan, provision of cycle storage, and the creation of appropriate visibility splays.

88. Alongside these recommended conditions, it is suggested that a further condition is imposed securing the installation of an electric vehicle charging point, given the nature of the proposal which will create additional vehicle movements. This strengthens the network and provision of such charging points within west Suffolk, and also provides further weight offsetting the identified conflict with policies that seek to secure sustainable development. In addition to this it also accords with the requirements of DM14 which seeks to protect and enhance natural resources, by minimising pollution.

Landscape

89. The site is located on the edge of a Special Landscape Area which starts on the northern edge of Queens Hill. Policy DM32 states that proposals for equestrian development in the countryside should meet criteria which are set out in policy. Those criteria seek to secure the size and scale of new development so that it does not have a significant adverse effect on the character and appearance of the locality, re-using existing buildings where appropriate and locating new development within close proximity.
90. As confirmed by the Landscape and Ecology Officer, their consultation response submitted for the previous application referenced DC/17/1267/FUL for this site, is appropriate in the assessment of this application. The key physical change between the previous application and the current is that the educational building and the dwelling are now proposed to be delivered as one building, rather than two as per the original application. However where concerns were detailed in that consultation response, that a robust scheme of landscaping was required, it has been confirmed that the detail submitted as part of this application, appropriately address those concerns.
91. The site is within the landscape character types of Undulating Estate Farmlands. The key forces of change in this landscape are change of land use to horse paddocks and other recreational uses, and conversion and expansion of farmsteads for residential uses. It is considered that there would be some impact from the proposal on the landscape, however the visual envelope for the site is relatively restricted given the topography of the site and the existing boundary treatments, and this would not create significant negative impacts to the Special Landscape Area located to the north of Queens Hill. Given that the classroom building and dwelling are combined into one building, and which is single storey and also in close proximity to the existing building to be re-used in this proposal, the built development is confined to a relatively small area. This is a moderately sensitive landscape and the proposals would be most noticeable from the properties on Queens Lane. From this location the proposals could create an element of negative impacts to the existing visual amenity presently enjoyed in the short term. However those impacts are not considered to be significant, and can be mitigated through the delivery of the scheme of soft landscaping, submitted as part of the landscape assessment, by condition
92. The change of land use to horse paddocks, could result in the proliferation of post and rail fencing and subdivision of land into small paddocks using temporary tape which could have a significant landscape impact. However,

impacts can be mitigated through measures such as: appropriate planting schemes; securing the type and extent of fencing to be used including the colour; a field layout that is in keeping with the local field pattern or the historic pattern of boundaries; and the location of field shelters and material storage areas. It is considered that further mitigation and enhancement required can be secured via the conditioning of the scheme of landscaping submitted as part of the proposal.

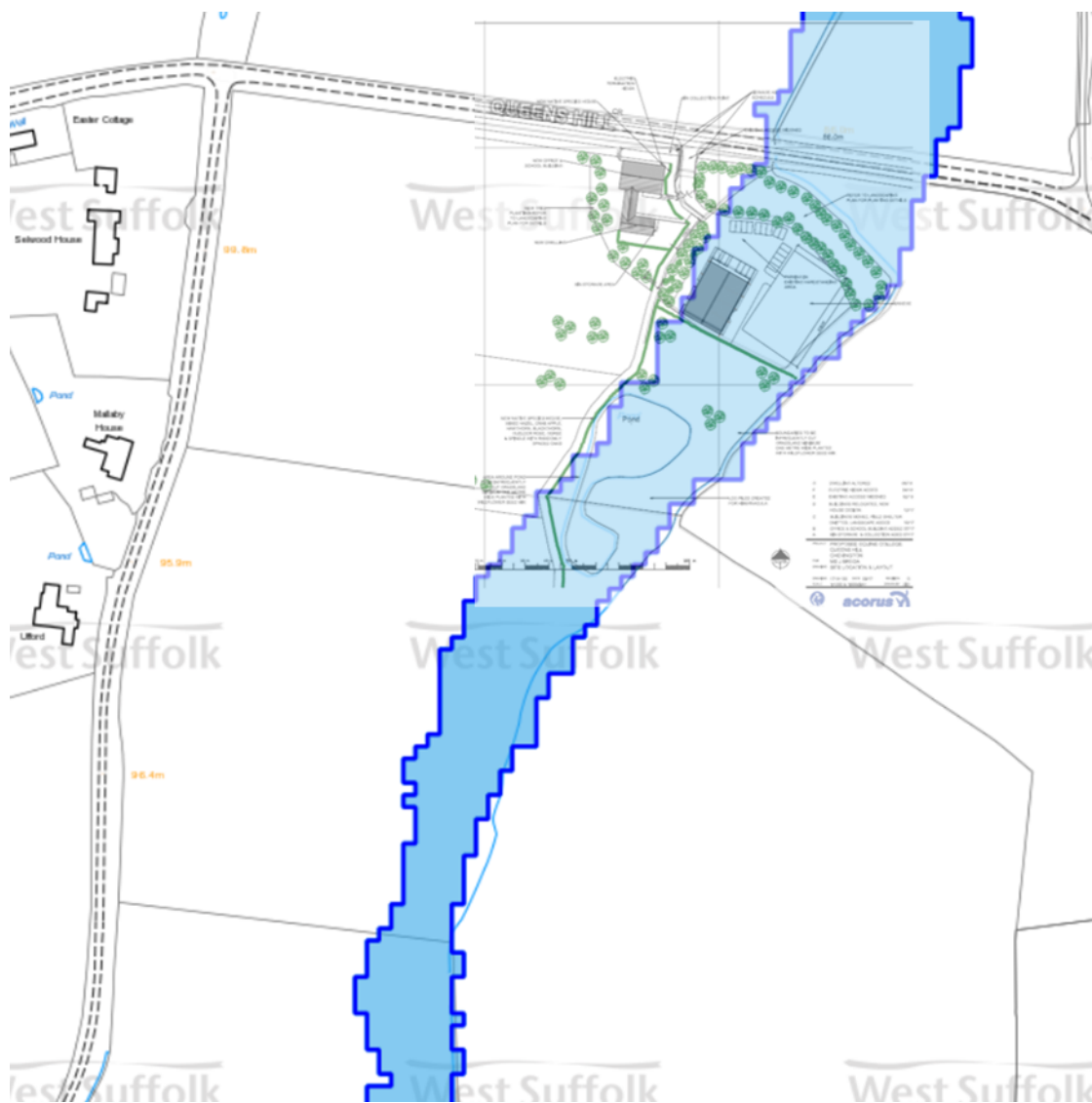
93.To conclude, subsection (c) of policy DM32 also requires any new buildings should be located in or adjacent to an existing group of buildings and have minimal visual impact within the landscape, which it is considered the proposal achieves and can be enhanced through the securing the implementation of the proposed scheme of soft landscaping by planning condition which accords with subsection (d) of the same policy. Policy DM13 permits development where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. As confirmed by the Landscape and Ecology Officer, and through further assessment by the case officer, the proposal is not considered to create significant negative impacts to the landscape, and accords with the provisions of DM13. In addition the conditioning of the scheme of soft landscaping would also provide further opportunity to offset any impact the proposal may create in the short or long term.

94.Further assessment of the possible impacts created by the proposal on wildlife are detailed in the section titled "Ecology" below.

Flooding and related matters

95.Policy DM6 - Flooding and Sustainable drainage states "*Proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.*" As confirmed in the Environment Agency's consultation response, they do not object to the proposal. This was achieved by changing the location of the proposed class room and house so that it was located outside of the flood zone areas.

96.The extent of the flood zones are shown on the diagram below, which also details the layout of the proposal. The diagram confirms that the manège and the barn are located within the areas of the site that flood in accordance with flood zones 2 and 3, and that the classroom and dwelling are located outside of those flood zones. In addition the extents of flood zones 2 and 3 are the same.



Key

- Flood zone 2
- Flood zone 3

97. The manège is considered to be water compatible development suitable for locations within flood zone 3. Amendments to the design of the manège were required, through the use of a permeable membrane shaped to create a deep tray which holds in the surface materials but also allows water to pass through. It is acknowledged that students would enter areas in the floodplain for lessons, for example when using the manège, but they would not be riding the horses, which would be classed as a leisure use and not compatible with the flood zones.

98. The proposed use of the existing agricultural building on site was previously more extensive in previous applications, with the educational elements of the development located on a proposed first floor. However buildings used for dwelling houses and educational establishments are classified as being more vulnerable uses where there is flooding and are not considered appropriate uses within flood zone 3. Therefore the upper floor use of the existing building was revised and is proposed to be used for storage only, with the stables located on the ground floor. However, the main teaching

facility where the majority of the classes will be held is located within Flood Zone 1. In addition it is very likely that teaching would not operate if the site does flood. If a flash flood event occurred students, horses and staff do not have far to go to get outside of the floodplain. Therefore it is considered that the proposal accords with policy DM6 and the statutory guidance for development within flood zones.

Foul Drainage

99. The site is not serviced by a mains foul sewer, however it is considered that a private foul drainage system following appropriate guidance for environmental protection, that adheres to environmental permit requirements would be an acceptable solution to this.

100. As confirmed in the Environment Agency's response, this method is considered to be acceptable. To ensure the development is flood resistant, resilience measures as detailed in the Flood Risk Assessment are recommended to be secured via condition, alongside a scheme of drainage plans for foul water collection. It is considered that this element of the proposal accords with the relevant sections of policy DM14.

Stable waste and manure

101. The Environment Agency has confirmed that Foul water from stables and water from hay washing must not enter any watercourse. Requiring Manure/dung heaps to be sited in areas where they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The proposed location of the manure heap is considered to be appropriate and the measures as set out in "Planning Statement And Definitive Statement of Operations" are considered to be acceptable and in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers". The details of that report are recommended to be conditioned. That position is further supported by the consultation response received from Public Health and Housing which confirmed the procedures set out in that report as being acceptable, and they too have recommended conditions. It is considered that this element of the proposal accords with the relevant sections of policy DM14 which to secure safeguarding from pollution through mitigation measures.

Surface Water

102. As confirmed in the Surface Floods team consultation response, the proposal is considered to be minor in terms of development footprint (>1000m² residential floorspace), however Queens Hill road and part of the site is within a high risk surface water flood zone and it is recommended that a form of Sustainable Drainage System is secured, i.e. soakaways or rainwater harvesting techniques (i.e. Skeletanks) to drain the new classrooms and workers dwelling via condition to reduce additional runoff towards these areas of flood risk.

Bunding on site

103. An element of earthworks are located along the edge of the ditch that runs along the north eastern boundary of the site, and are considered to result from the construction works associated with the agricultural building.

The bund is approximately 1.30m in height by approximately 65m in width. The General Permitted Development Order (GPDO) does afford permitted development rights for excavation or engineering operations within agricultural units of 5 hectares or more. It is considered that the bund accords with this element of the GPDO, notwithstanding the passage of time. There is an element of conflict with the provisions of the GPDO in that a section of the bund is within 25 metres of a classified road, it too can be regularised through the granting of this permission.

104. This is a reasonable approach considering additional information has been supplied with the application detailing a series of pipes to reinstate this section of the flood zone. This approach as confirmed in the Environment Agency's consultation response is acceptable in principle, and as detailed in the recommendations set out by the Surface Floods team, the pipe work should be designed to allow for water to flow both onto and out of the site. The specifications of those pipes can be secured via the proposed conditions provided by the Surface Floods and Water team.

Conclusion on Flooding and related matters

105. In terms of flooding the proposal is considered to accord with policy DM6 and the statutory guidance for development within flood zones, as confirmed by the Environment Agency. It is also considered that the proposal accords with subsection (h) of policy DM32, which seeks to secure development that provides a satisfactory scheme for the disposal of waste. In addition the proposal, when assessed as individual parts, or as a whole is considered to accord with policy DM14, in that appropriate measure have been detailed within the application to ensure that hazards and pollution are avoided. Furthermore as confirmed in the consultation response received it is considered that through the submission of details for a scheme of Sustainable Drainage appropriate management of surface water and flooding can be achieved.

Ecology

106. Policy DM11 – Protected Species states "*Development which would have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to:*

- *a. reduce disturbance to a minimum; and*
- *b. i. maintain the population identified on site; or ii. provide adequate alternative habitats to sustain at least the current levels of population.*

Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum."

107. The overall site is large, containing several habitats of ecological value, such as hedgerows, woodland, grassland, a watercourse and a pond. The consultation response from the Suffolk Wildlife Trust confirms that the proposal would not cause harm to protected species if it the recommendations detailed in the submitted Ecological reports are followed.

The submission of a *Non-Licensed Method Statement* for works which may affect Greater Crested Newts was requested which has been confirmed as being acceptable.

108. It is considered that the fully proposal accords with the provisions of DM11, and that through securing the recommendations of the submitted ecology reports.

Hedgerows

109. It is noted that the planting of new hedgerows is proposed as part of the landscaping for the development, and it is recommended that it is comprised of native species appropriate to the area.

Ecological Enhancements

110. The ecological enhancements proposed for the site include owl nest boxes integrated into the proposed new building which is welcomed. However given the location and orientation of the proposed building and therefore the direction that these openings would be facing, it is recommended that rather than integrated nesting, two barn owl nest boxes are erected on mature trees on the eastern and/or southern boundary of the site would be an appropriate enhancement.

111. In line with policy DM12 protection of biodiversity and the mitigation of any adverse impacts should be secured alongside enhancements for biodiversity. As confirmed in the consultation response received from the Suffolk Wildlife Trust there are no objections to the proposal and the recommendations detailed in these reports should be secured via planning conditions. It is therefore considered that the proposal accords with DM12.

Conclusion

112. It is considered that the proposal accords with subsection (j) of policy DM32, which seeks to secure development that would not cause significant detriment to biodiversity, geodiversity or the surrounding landscape character. In addition the proposal is considered to accord with policy DM11 and DM12 through the implementation of conditions on any permission granting the proposal to secure the proposed mitigation as detailed in the submitted ecological reports.

Land Contamination

113. Policy DM14 seeks to protect and enhance natural resources, by minimising pollution and provide safeguarding from hazards. Land for proposed development should be suitable for the use proposed, or capable of being made suitable, through the confirmation of site investigations and studies together with proposals for mitigation measures and implementation schedules where appropriate.

114. As confirmed in the consultation response from the Environment Team, based on the information submitted in the report "Contaminated Land Risk Assessment, reference SES/TOCES/LQ/1#1" dated 24th May 2017, the risk from contaminated land is low, and notes are recommended to be attached to any permission granted.

115. It is considered the proposal accords with Policy DM14 which seeks to ensure that any hazards or contamination on sites is appropriately assessed and where required secure mitigation. No conditions are required in regards to Land contamination.

Other Matters

Use of building on site

116. The site location plan submitted with the application is detailed showing the red line around the boundary of the site with the existing barn included in it. Emails from members of the public received during the course of this application detail how the barn was not used in accordance with that permission granted nor with the approved plans, questioning whether it is legal development.
117. Assessment of the building shows that it is located within an agricultural holding of over 5 hectares, is less than 465 sq. m and is beyond 20 metres from a classified road. The building has not been used for the housing livestock and is therefore considered to be classed as permitted development. It is apparent that the barn has not been built exactly to the permission granted in 2010 referenced SE/10/1075 with elevations being cladded rather than open.
118. However the proposed building is of agricultural appearance and of a suitable size for the extent of the land holding. Further details may be required on occasions where there are concerns regarding the siting or appearance of a proposed development in the landscape or in relation to heritage assets. The building would be located in a position set back from the public highway and largely screened to the north and west by mature trees and hedges. By virtue of the proposed position, scale and materials of the development, it is not considered that it would have a significant negative impact on the landscape. No heritage assets are located within the vicinity. Further details are therefore not considered necessary. In addition, any conflict with the planning system from this development would be primarily addressed through the submission of an application to regularise it. Notwithstanding the passage of time from the granting of that permission and completion of the building, it is considered that the barn on site can be regularised through the granting of this permission.

Representations

119. It is considered that the assessment as detailed in this report appropriately addresses the objections received regarding this application. This is due to confirmation being received from the Highways Authority detailing that the proposal is not considered to create a severe level of additional traffic nor create significantly negative impacts to highway safety. Where appropriate through the use of conditions further information has been either secured for submission, for example a Construction Traffic management Plan which will detail movements and mitigation of such traffic, or the details in the application have been accepted and conditioned as such. In addition the securing of a bus stop is considered to be appropriate in supporting and strengthening the use of the existing bus service in this location. Furthermore the conditions securing details

associated with the access provide the opportunity in the future for larger vehicles to this location as a passing place.

120. The Landscape officer has confirmed that the proposal has a limited visual window, and that through securing an appropriate scheme of soft landscaping an impacts the proposal may have can be mitigated. It is also considered that the proposal would not create negative impacts to the Special Landscape Area located to the north of Queens Hill to the extents that would warrant a refusal, due to the existing screening that is afforded to the site, the compact layout of the proposal, and as previously stated the delivery of a scheme of soft landscaping via condition.
121. In addition it is considered that the distances between the proposed development and existing dwellings in the immediate area are such that no significant negative impacts would be created. This conclusion is further supported by the nature of the proposal for an education establishment which provides courses in equine medical science and management, which are positively recognised by local businesses in similar fields, and that appropriate conditions can be implemented to ensure that impacts to amenities, for example through limitations on opening hours, are created.
122. The layout of the scheme has also been carefully considered so that it does not significantly exacerbate flooding in this location, for example the detailed design of the proposed manege. As confirmed by the Environment Agency and the Surface Water and Floods team in their response where they do not object to the proposal, and have recommended conditions to secure further information, for example a scheme of Sustainable Drainage Systems, to mitigate against the flood risks on site. Furthermore through the submission of detail in regards to the bund for approval, the opportunity to improve and reinstate the flood zone in this location can also be achieved.
123. In addition as confirmed by those consultees, and the Suffolk Wildlife Trust, the proposal is acceptable in terms of not creating significant risks to the environment and local wildlife on the site. This has been supported by evidence submitted as part of the application which has been confirmed as appropriate by consultees, who have recommended securing further information, for example methodologies on the timings of works that may affect protected species.
124. The legality of the existing development on site has been explored and it is considered to be acceptable. Notwithstanding that, this application provides the opportunity to regularise that development in a manner which is not considered to create significant negative impacts as assessed in this report.
125. External consultees have been used to assess the business to ensure that there is a need for the rural workers dwelling on the site, which has been established. In addition the Local Planning Authority is satisfied that an extensive search has been completed by the applicant, and that the proposal for the relocation of an existing business can be supported as it has been proven to be viable. Furthermore whether the proposal is assessed as individual elements or as a whole, there is support within the Development Plan for such a development in this location, a conclusion which is also supported by the consultation responses received.

Overall Conclusion

126. Assessing the proposal against policy, it is apparent that there is some conflict with policies that seek to deliver sustainable development (CS2, CS4 and DM1). Which is an important element when planning for and maintaining a sustainable balance between the economic, social and environmental dimensions of new and existing development. However as detailed in this report the nature of the intended use is inherently rural and would not be appropriate in other locations such as within settlement boundaries, or in commercial or industrial locations. Details of business operations and numbers of horses being housed on the site have been provided which are considered acceptable, it has been demonstrated a search for suitable alternative sites and dwellings near the application site has been completed, and that the business is a viable enterprise.
127. Through further assessment against policies that detail requirements for development in the countryside (DM5), and policies assessing the specific characteristics of rural development (DM26, DM32, DM33) it is considered that the proposal is an appropriate type of development for this site and location. In addition to this the Kernon report and the details in the submitted Definitive Statement of Operations, confirm that the need for a worker's dwelling on site is necessary for the health and wellbeing of the horses. This results in a significant level of positive weight in favour of the development, which it is considered to outweigh the negative weight identified where there is conflict with policies regarding sustainable development, and the principle of development is therefore acceptable.
128. Whilst the principle of the development is considered appropriate, further assessment of the proposal is required to ensure that it would not create significant negative impacts to the site and the wider landscape. Analysis of this has been provided within this report, assessing both the impacts of the individual elements of the proposal, and the impacts of the proposal overall. It is considered that that it accords with policies DM2, DM22, DM32 subsection (a) and CS13, in that the design and layout are of an appropriate size and scale for their purpose. In addition the design has made extensive reuse of the existing building on site, which has been assessed against policy DM33, which has along with the characteristics of the site steer the layout of the development which has been carefully considered and does not create significant negative impacts to the character of the site or the locality.
129. It is recognised that the site is rural in character and that not all forms of development would be appropriate in this location. As detailed during the assessment of the principle of development, the proposal is inherently rural in design and character. By virtue of the nature of the proposal it is not considered that significant negative amenity impacts would arise from it being permitted to run from this site. Conditions have been recommended which control and steer the development, securing further details to ensure that impacts from noise, odour, light pollution or other related forms of disturbance are not significant. Furthermore the distances between the site and the nearest dwellings would limit what impacts may arise from the proposal. It could be considered that the additional traffic movements may create an element of negative impacts to local amenities, however the vehicles involved in its use would not differ significantly from those that are already experienced in the area, given that there are Stud's already located

there. An element of negative impact could arise during the construction phase of the site, however it is considered that this can be managed through the submission of a Construction Management Plan, furthermore this would be only a temporary impact given the construction phase would end once the proposal is built.

130. The long term impacts of the proposal are considered to be limited, as confirmed by the Landscape and Ecology officer the proposal has a narrow visual envelope within the landscape and is not considered to create significant long term negative impacts. This is due to the topography of the site, the location of the proposal within the site and the positioning and relationships between the proposed and existing buildings on site. Which is considered to accord with policies DM13 and DM32. What negative impacts it may have can be controlled and offset through the submission of a scheme of soft landscaping secured via condition. Furthermore the site contains several habitats that have ecological value, and the proposal would result in localised changes to the site's environment. The consultation response received from Suffolk Wildlife Trust confirms that mitigation measures proposed would mean the proposal would cause no harm to the site, which is in accordance with policies DM2, DM11, DM12 and DM32. Therefore where negative impacts have been identified there is an opportunity through this development to both offset them, and provide a scheme of biodiversity enhancements, which would bring a level of positive weight to the proposal that would outweigh the negatives.
131. A characteristic of the site which has a strong influence over the layout and design of the proposal are the flood zones. However as detailed in this report through careful consideration and redesign the development has been confirmed by the Environment Agency as being appropriate for this location, by repositioning the sensitive elements of the proposal, for example the classroom and manure storage, outside the flood zones. This approach is considered to accord with policy DM6, and policies DM14 and subsection (h) of DM32 which seek to control and limit pollution risks. It is considered that this accordance with policy, and that appropriate management of surface water and flooding can be achieved, with the possibility of providing improvements to the flood plain, creates positive weight in favour of the development.
132. The proposed development provides a robust approach to the management of vehicles movements associated with the use of the site, and delivers an appropriate amount of onsite parking to support the use. The installation of an electric vehicle charging point has been recommended to strengthen the network of charging points within west Suffolk, and because the proposal would create an element of traffic in association with its use. In addition to this the delivery of a bus stop alongside the charging point would also provide further positive weight to the development where conflict has been identified with policies that seek to secure sustainable development. As detailed in this report, through assessment by consultees it is considered the proposal accords with policies DM45 and DM46, and subsection (f) of policy DM32, delivering a level of parking and access that appropriate to the size and scale of the site and the proposal. As supported by compliance with these policies it is considered that the associated traffic movements would not compromise highway safety. Therefore further positive weight can be afforded to the proposal.

133. In regards to land contamination the site has been assessed which has been considered acceptable, and no further works in this regards are required, which is considered to accord with policy DM14. This is considered to be of neutral weight in the decision making process.
134. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Considering the planning balance of positive weight for, and negative weight against, the proposal, it is considered that this report robustly demonstrates that the development would not create significant negative impacts, and that the positives that can be attributed to the development significantly outweigh the negatives.
135. As detailed in this report the proposal is in accordance with policies DM2, DM5, DM11, DM12, DM13, DM26, DM32 and DM33 of the JDMPD and CS13 of the Core strategy. 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:

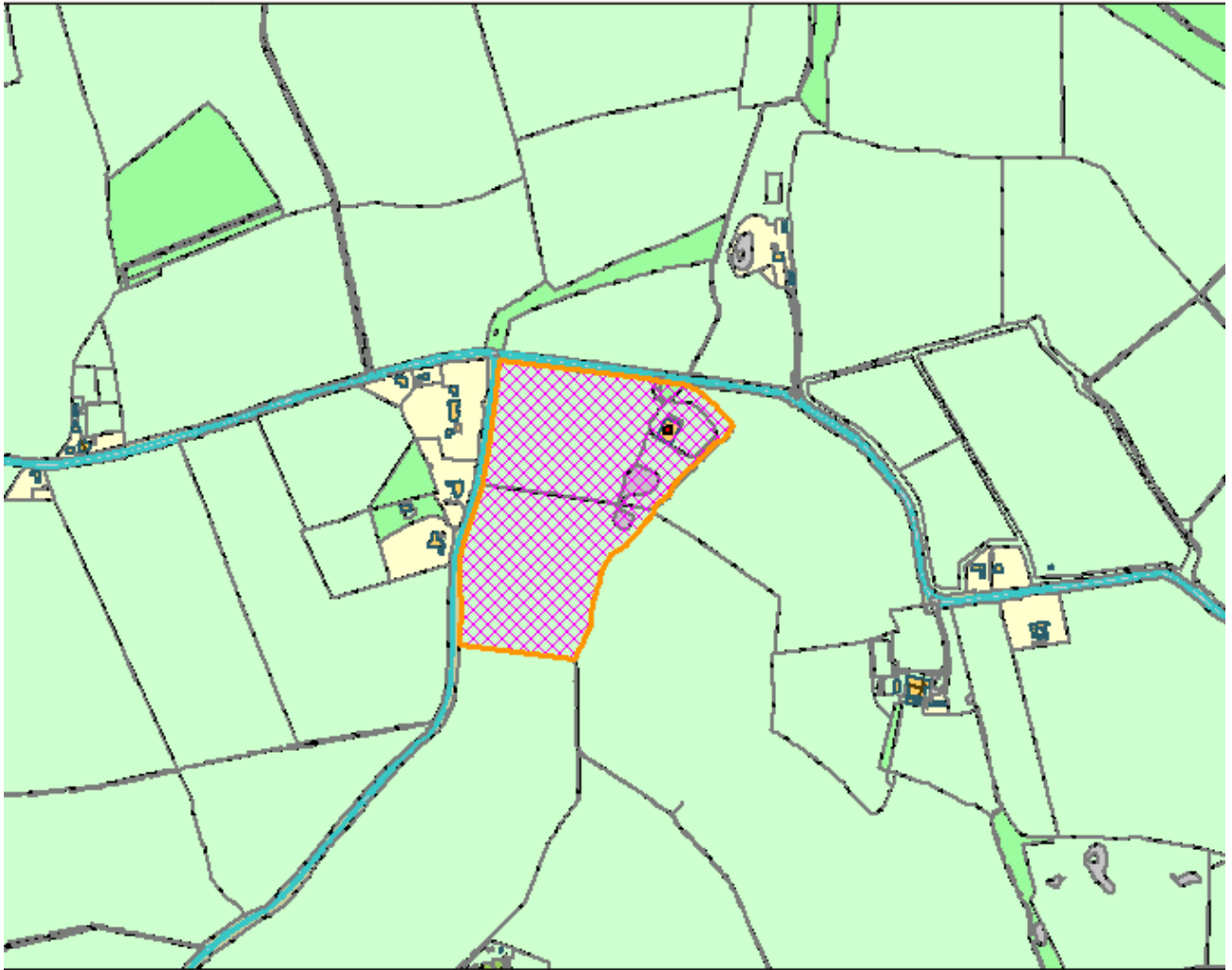
136. It is **recommended** that planning permission be **APPROVED** subject to the following conditions:
1. Time limit
 2. approved plans/documents
 3. Rural workers dwelling condition tying use to business.
 4. Material samples
 5. Landscaping
 6. Study times as per submitted details only
 7. Details of any proposed lighting to be submitted for approval.
 8. Details of Flood resilience measures
 9. Manure heap management
 10. Hours of construction
 11. Acoustic insulation of the dwelling
 12. Construction management plan
 13. Ecological Mitigation and recommendations
 14. Surface water drainage scheme
 15. Infiltration testing on site
 16. Sustainable drainage system management and maintenance plan
 17. Flood evacuation and access plan
 18. Advanced warning signs
 19. Provision of bus stop
 20. Provision of vehicular access
 21. Bound surface materials
 22. Bin storage
 23. Works associated with ditch under access
 24. Position of gates
 25. Construction and Deliveries Management plan
 26. Cycle storage
 27. Visibility splays
 28. Electric vehicle charging points
 29. Water efficiency

Documents:

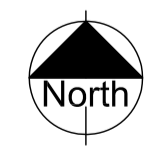
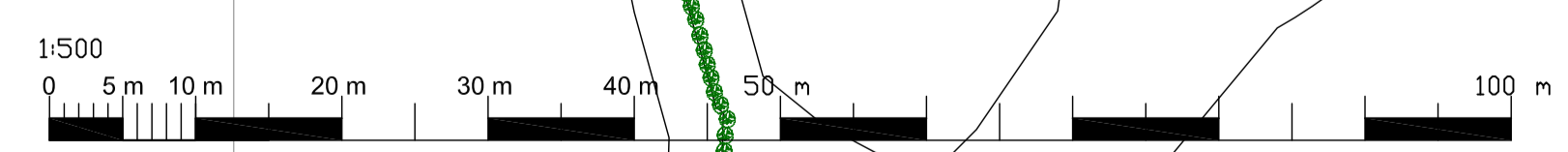
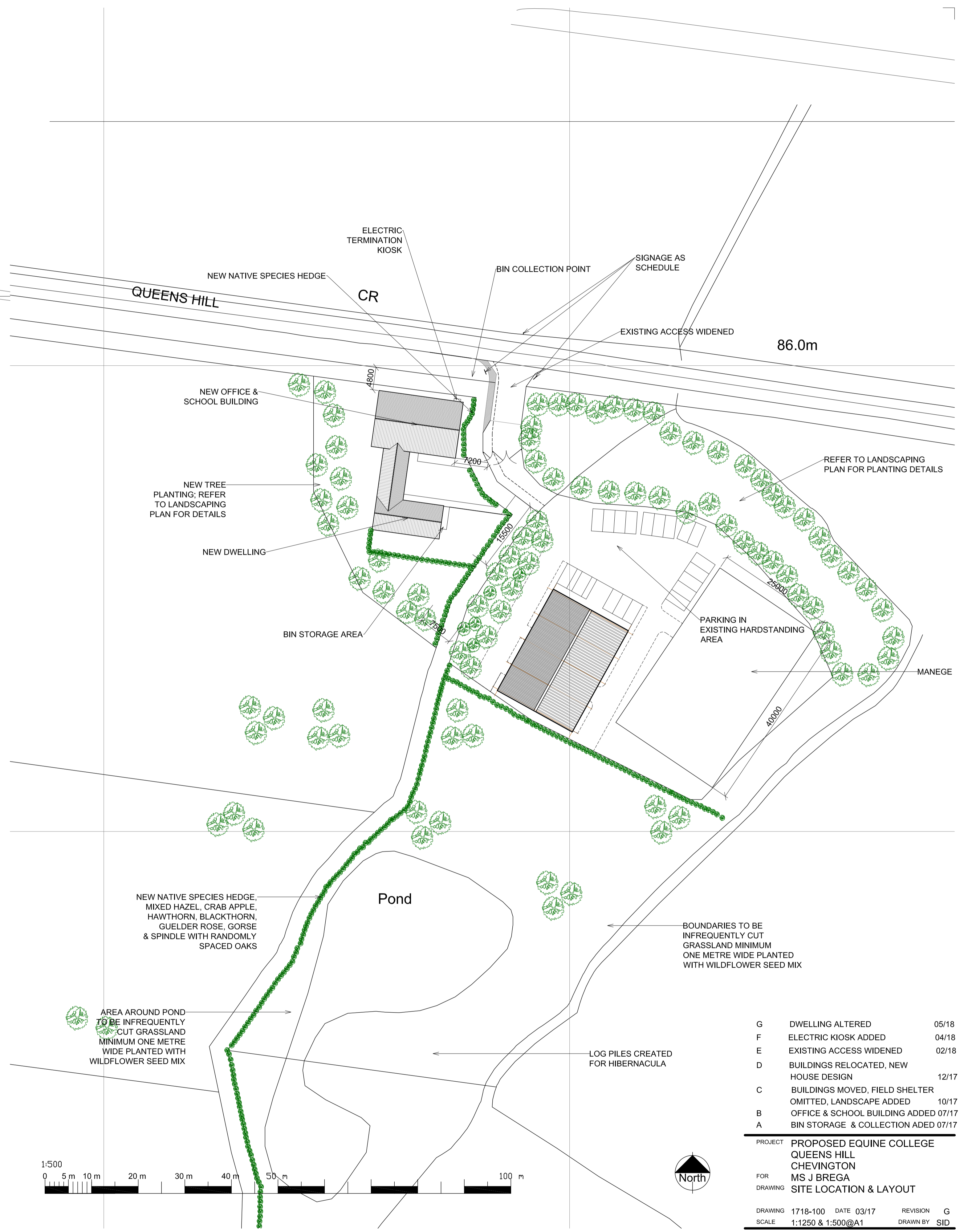
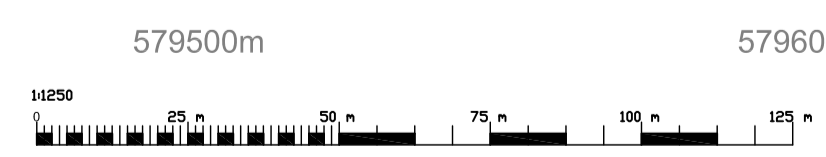
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1018/FUL](#)



DC/18/1018/FUL - Land At Queens Hill, Chevington, Suffolk



This page is intentionally left blank



G	DWELLING ALTERED	05/18
F	ELECTRIC KIOSK ADDED	04/18
E	EXISTING ACCESS WIDENED	02/18
D	BUILDINGS RELOCATED, NEW HOUSE DESIGN	12/17
C	BUILDINGS MOVED, FIELD SHELTER OMITTED, LANDSCAPE ADDED	10/17
B	OFFICE & SCHOOL BUILDING ADDED	07/17
A	BIN STORAGE & COLLECTION ADDED	07/17

PROJECT PROPOSED EQUINE COLLEGE
QUEENS HILL
CHEVINGTON
FOR MS J BREGA
DRAWING SITE LOCATION & LAYOUT

DRAWING 1718-100 DATE 03/17 REVISION G
SCALE 1:1250 & 1:500@A1 DRAWN BY SID

ORDNANCE SURVEY DATA IS REPRODUCED WITH PERMISSION
©CROWN COPYRIGHT LICENCE No. 100039456

THIS DRAWING IS FOR PLANNING PURPOSES ONLY. WHERE RELEVANT, SIGNIFICANT HAZARDS HAVE BEEN IDENTIFIED ON THE DRAWING, HAZARDS WHICH SHOULD BE OBVIOUS TO A COMPETENT CONTRACTOR OR ARE UNFORESEEABLE HAVE NOT BEEN IDENTIFIED.
DO NOT SCALE FOR CRITICAL DIMENSIONS.

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/044

Development Control Committee 6 December 2018

Planning Application DC/18/0900/FUL – Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds

Date Registered:	11.05.2018	Expiry Date:	02.11.2018 (extended until 10.12.2018)
Case Officer:	James Claxton	Recommendation:	Approve Application
Parish:	Bury St Edmunds	Ward:	Risbygate
Proposal:	Planning Application - 1no. flat over existing car parking spaces with additional car parking bay created		
Site:	Proposed Flat Parking Courtyard, Prince Of Wales Close, Bury St Edmunds		
Applicant:	Baker Project Management Ltd		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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. The Officer's recommendation is for APPROVAL and the Town Council object to the proposal, raising concerns in relation to parking, loss of amenity, and overlooking.

A site visit is scheduled to take place on Thursday 29 November.

Proposal:

1. The proposal is for a one bedroom flat over existing car parking spaces with the creation of an additional car parking bay.

Site Details:

2. The site is located within the parking area associated with the dwellings on Prince of Wales Close, Bury St Edmunds. The surrounding area in relation to the site consists of; to the north the Prince of Wales Close access and then dwellings: to the east is further parking area: to the south are the amenity areas of dwellings facing onto York Road, the boundaries of which also mark the edge of the conservation area: and to the west are the amenity areas of the dwellings that face onto Westley Road. The site is located within the settlement boundary for Bury St Edmunds.

Planning History:

3. None relevant

Consultations:

4.

Bury St Edmunds Town Council	Objections on the grounds of parking, loss of amenity, and overlooking
Environment Team	No objections
Highways Authority	No objections
Public Health and Housing	No objections

Representations:

5. Representations were received from the addresses detailed below, and the material planning considerations detailed in them have been summarised and bullet pointed below. Full copies of those representations are available and can be viewed on the Local Planning Authority's website.

19 Westley Road	Object
21 Westley Road	Object
23 Westley Road	Object
27 Westley Road	Object
29 Westley Road	Object
29 Prince of Wales close	Object
30 Prince of Wales close	Object
84 York Road	Object
85 York Road	Object
86 York Road	Object

Summarised material planning considerations:

- Possible impacts on amenity
- Overbearing impact
- Security implications
- Impact to parking provision
- Impact to conservation area

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 DM7 Sustainable design and construction
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - St Edmundsbury Spatial Strategy

Other Planning Policy:

National Planning Policy Framework (2018)

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, DM22, CS2, CS3, and CS4, it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

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

- Principle of Development, character & appearance
- Highways Safety
- Residential Amenity
- Other Matters:
 - Representations
 - Highways
 - Sustainable construction
 - Biodiversity

Principle of Development, character & appearance

9. The site is within the Housing Settlement Boundary as defined by the Local Plan. Given that the site is within the settlement boundary the principle of a new dwelling is acceptable as being suitable and sustainable development, and accords with policies DM1, CS1, CS2 and CS3.

10. Policies DM2, DM22 and CS3 all seek to ensure that proposals respect the character, design and scale of the local area. The overall scale of the proposed dwelling is considered to accord with that in the immediate area, which consists of two storey dwellings and blocks of flats using a range of architectural styles.

11. The above policies also seek to ensure that proposed dwellings respect the character and appearance of the surrounding area, which in this location is again characterised by a mixture of dwelling types and designs.

12. As such the proposal is not considered to adversely impact on the character and appearance of the surrounding area. Furthermore the site is located within an existing collection of development and would not significantly impact on the public street scene, nor the views into and out of the conservation area, because its mass and scale would blend into that of the existing. The proposal is considered to accord with policies DM2, DM22, and CS3.

Residential Amenity

13. Policy DM2 seeks to ensure that proposed development does not result in an adverse impact on the amenity of neighbouring residents. The nearest dwelling to the site is a block of flats located to the north and north east of the location of the proposal, measured at the closest points the distance between the two buildings would be approximately 6m. By virtue of the design of the proposal, in that there are no windows proposed on the elevation facing the existing building, no significant impacts on amenity are considered to be created.

14. The nearest dwellings to the proposal that are located outside the site are those that front onto Westley Road. The proposed development would be located to the south east of them at a distance of approximately 19.19 metres, on the boundary of their rear gardens. Through negotiations with the applicant the previously proposed roof lights have been replaced with sun pipes. Whilst the roof lights provided limited views of neighbouring gardens, the use of sun pipes does not allow for views into neighbouring gardens, nor into the dwelling proposed.

15. In addition, the distance from the nearest properties to the proposal is approximately 19 metres. So whilst the development may be perceived as having an overbearing influence on those neighbouring properties, by virtue of the detailed design; no windows on the rear elevation are proposed, the roof slopes away from those properties, and the distances involved, the proposal is not considered to create a significant impact on residential amenity. The proposal is therefore considered to accord with DM2.

Other Matters

Representations

16. Representations have been received from properties located both on the site, Prince of Wales Close, and off the site, Westley Road and York Road. The material planning matters detailed in the representations, are considered to have been addressed in this report under the relevant sections. In regards to security implications, one of the representations received from a property facing onto Westley road detailed concerns about the development encouraging antisocial behaviour by providing an area under the flat that is covered. However the design of the proposal also increases the security of the area by providing further overlooking of the car park, which can be afforded positive weight. In addition the use of those parking spaces located under the proposal would have further scrutiny from the residents living above them.

Highways

17. As confirmed in the highways consultation response received on the 15th June 2018, the proposal is not considered to impact on the existing parking levels that are available at this location. The site is located in a sustainable location, which triggers a reduction in the number of parking spaces required with this development. Furthermore the detailed design of the proposal, which still allows the existing parking spaces located under the flat to be used, does not reduce the overall numbers of spaces available on site, and therefore the parking needs associated with this development can be provided by the existing parking at this location.

18. Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The new NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' On this basis a condition will be attached to the permission to secure an operational electric vehicle charge point.

Sustainable construction

19. DM7 states (inter alia) that 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 that no water fittings exceed the values set out in table 1 of policy DM7.

Biodiversity

20. Given the nature of the proposal and the existing context of the site, the proposal is not considered to have a significant adverse impact on biodiversity.

Conclusion:

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

Recommendation:

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

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

Reasons: 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, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

3. No development above slab level shall take place until the details of the materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. The use shall not commence until the area(s) within the site shown on Drawing Nos. 4040 22 and 23 for the purposes of [LOADING, UNLOADING,]

manoeuvring and parking of vehicles and secure cycle storage have been provided and thereafter those areas shall be retained and used for no other purposes.

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

6. Prior to first occupation, the dwelling shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

7. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

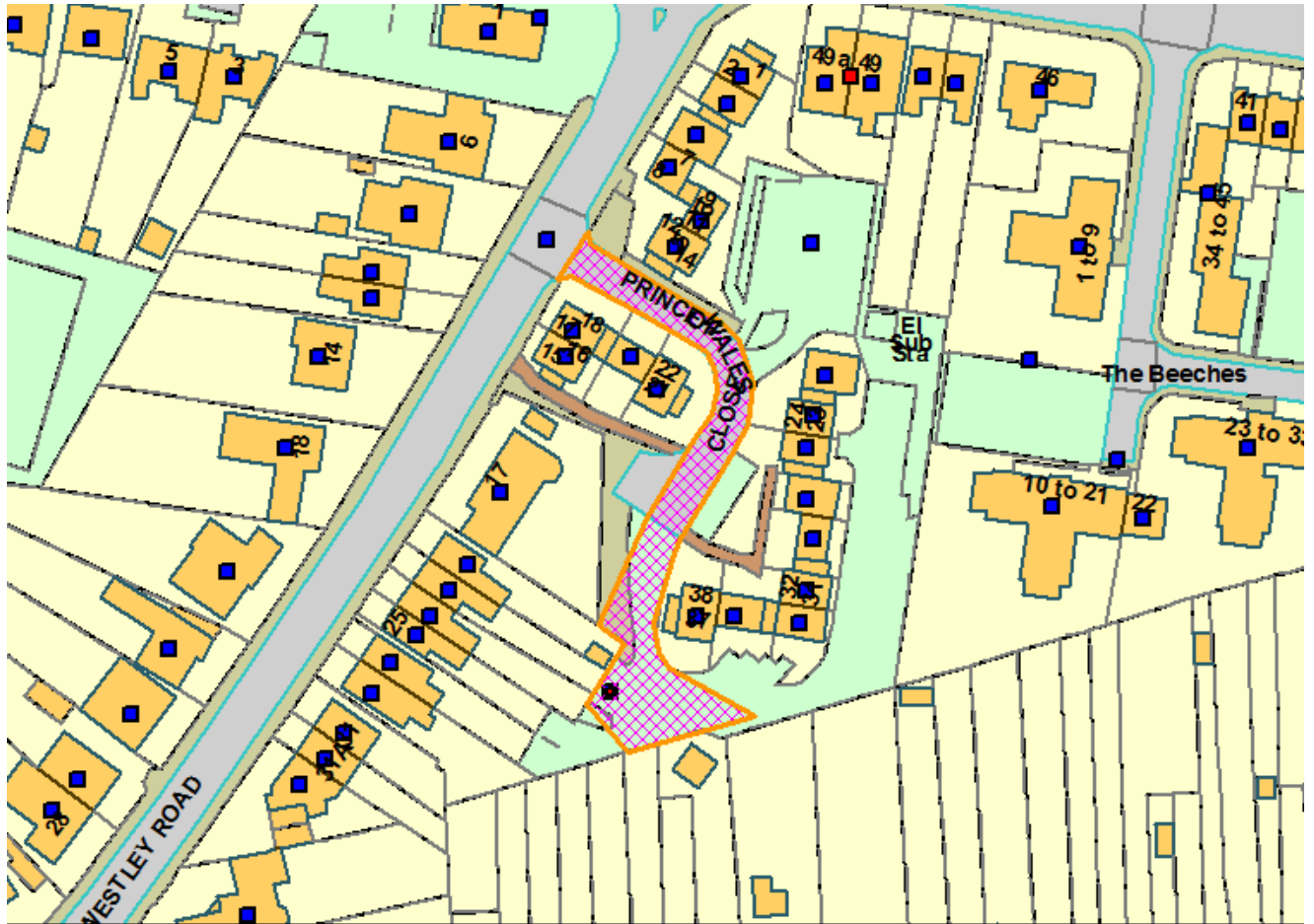
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: [DC/18/0900/FUL](https://www.suffolk.gov.uk/DC/18/0900/FUL)

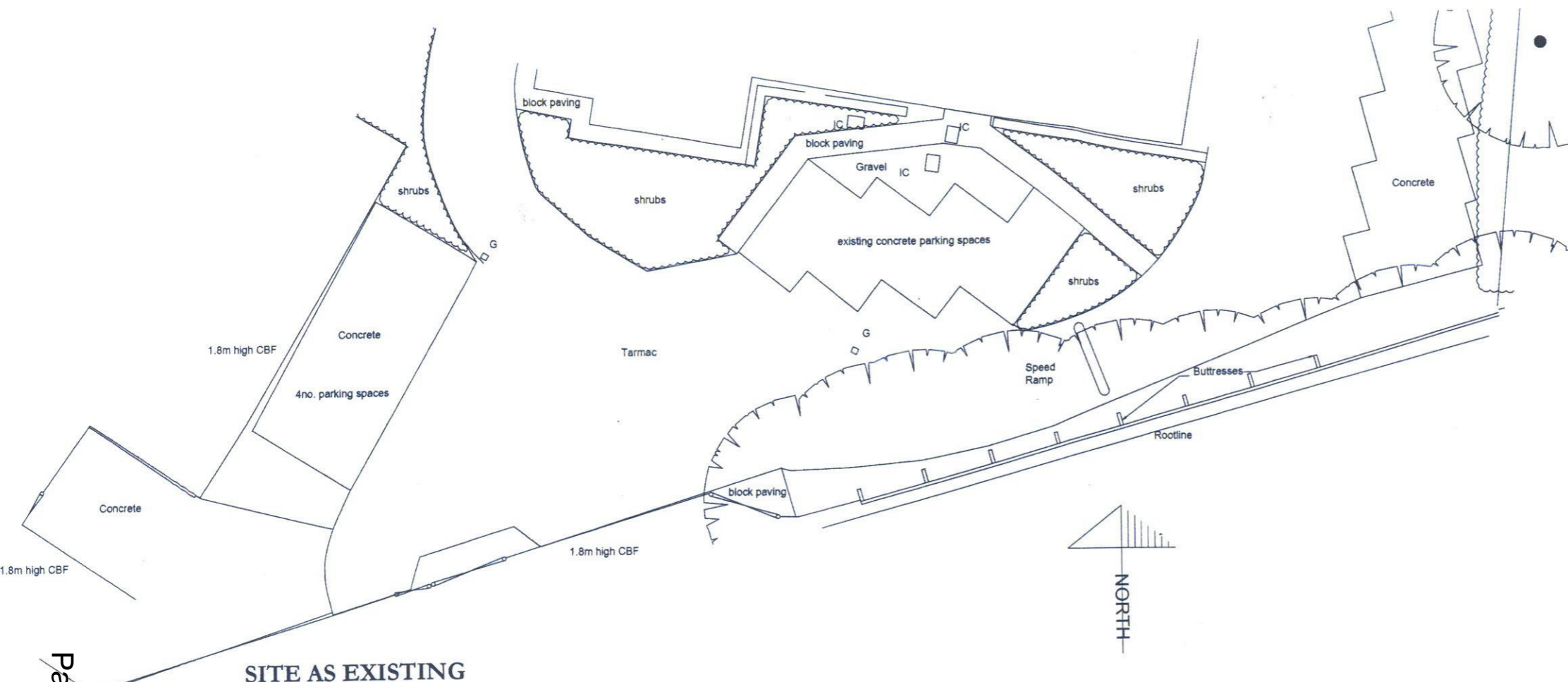
This page is intentionally left blank



DC/18/0900/FUL - Proposed Flat Parking Courtyard, Prince Of Wales Close, Bury St Edmunds, Suffolk



This page is intentionally left blank

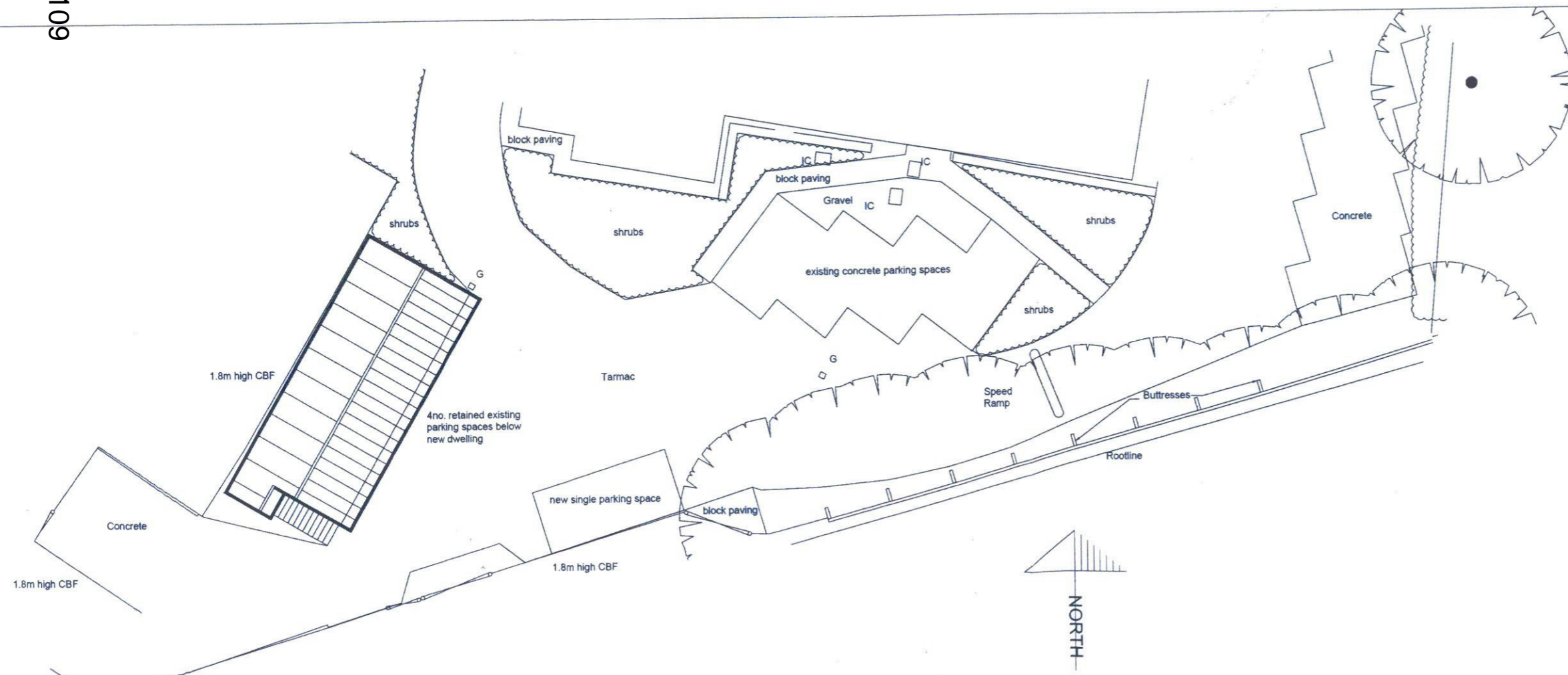


SITE AS EXISTING



SITE LOCATION PLAN

Page 109



SITE AS PROPOSED

11 MAY 2018

Client: BAKER PROJECT MANAGEMENT LTD		
Project: PRINCE OF WALES CLOSE, BURY ST. EDMUNDS DWELLING OVER PARKING BAYS - UNIT 2		
Drawing: SITE PLANS AS EXISTING AND PROPOSED AND SITE LOCATION PLAN		
Scales: 1:200 & 1:1250 (A3)		
Date: MAY 2017	Date plotted:	Initial: JDH
Contract: 4040	Drawing Number: 23	Revision:
BROWN & SCARLETT ARCHITECTS		
<small>1 Old Hall Barns, Thornton Road, Palnham, Suffolk IP31 2NG Tel: 01284 768800 Email: info@brownandscarlett.co.uk</small>		

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/045

Development Control Committee 6 December 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 21.12.18
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

Committee Report DC/18/1222/OUT

Section A - Background:

1. This application was deferred from consideration at the Development Control Committee meeting on 4th October 2018. Members resolved that they were minded to refuse planning permission contrary to the officer recommendation of approval. 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 27th September 2018. At the subsequent Development Control Committee meeting on 6th September 2018 Members were minded to refuse the application given the lack of detail included as it has been submitted in outline form as well as concerns over flooding.
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 refused.
4. The previous officer report for the 4th October 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 for a description of the proposal.

Site Details:

6. Please refer to Working Paper 1 for a description of the site and surroundings.

Planning History:

7. Please refer to Working Paper 1 for a summary of the relevant planning history.

Consultations:

8. Please refer to Working Paper 1 for a summary of consultation responses received.

Representations:

9. Please refer to Working Paper 1 for a summary of third party comments received.

Policy:

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

Officer Comment:

11. Please refer to Working Paper 1 for the officer assessment of the proposals.

Section B - Update:**Flooding**

12. Following October's Committee meeting the applicant has commissioned a Flood Risk Assessment (FRA). This report, produced by WtFR Ltd identifies the site as at high risk of surface water flooding (pluvial). High risk means that the probability of flooding in any given year is greater than 1 in 30 (3.3%). It also confirms that surface water flows into the site from surrounding plots.
13. It states that the site is positioned over a major aquifer intermediate. An aquifer is an underground layer of water-bearing permeable rock, rock fractures or unconsolidated materials (gravel, sand, or silt). As such, the site is considered a groundwater source protection zone. The FRA states that minimal groundworks are required and consequently, the impact on ground water is negligible. This is a common situation encountered and is not considered a reason for refusal of planning permission.
14. The report confirms that the site is not at risk of fluvial (river) flooding or tidal flooding and is located within Flood Zone 1 (low probability).
15. There is a water course running to the West of the site and it is proposed within this report that surface water is dispersed via this watercourse. Other recommendations are made including the use of water butts, permeable paving, attenuation storage and a further ditch on the boundary to intercept flows onto the site from elsewhere.
16. Suffolk County Council Flood and Water Engineer agrees that as the site is

within a hollow the majority of the water comes from a much wider area than just the application site. Whilst SCC have queried some of the recommendations (in respect of infiltration) SCC's solution to protect the site is a new ditch system to intercept flows from elsewhere and channel it around the site. As well as potentially the use of SuDS.

17. On this basis, whilst it is acknowledged that there is an issue with surface water flooding at present, it is possible to manage this with a variety of simple solutions to ensure that it will not threaten the proposed dwellings or increase flooding elsewhere. Consequently, it is recommended that a further condition is added which allows the Local Authority to evaluate the proposed solutions in conjunction with proposed layout plans which are likely to have a bearing on mitigation measures.

'Prior to commencement of development details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.'

Outline form

18. It is acknowledged that Members have concerns regarding the outline nature of the application as this leaves a number of questions over the development unanswered in relation to scale, layout, appearance, occupation etc.
19. 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'. 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
20. An application for outline permission does not need to give details of any reserved matters. Whilst this makes it difficult to make a full assessment of the proposal, this outline application seeks to establish the principle of development only.

21. The site is outside the Housing Settlement boundary and as such, the dwellings will be affordable, as specified in the signed Section 106 agreement. They will meet a clearly identified need and will be available to those with a local connection, controlled through a S106 agreement. The Local Authority is satisfied with this approach. Should outline planning permission be granted a reserved matters application will be submitted subsequently which fully details the development proposed and will give Officers and Members (should they wish) the opportunity to scrutinise the specifics of the proposal. If those reserved matters fall short for any reason then a refusal can be justified.
22. Strategic Housing have been in discussions with the applicant and support the scheme which would provide much needed affordable housing. Housing Officers have started the process of engaging a registered provider to bring this site forward and already have two who are interested in building an exception site in Stanningfield. The applicant has confirmed their acceptance of a section 106 agreement to ensure the site is only developed on this basis and as such, members should have some comfort that this process is being managed by their Housing Officers.

Section C – Refusal Reasons:

23. The Officer recommendation for this current application remains one of approval with the conditions listed below as well as that recommended above in relation to flooding.
24. However, in response to concerns articulated by Members at the October Committee meeting, Officers have drafted the following potential reasons for refusal.

Due to the unique topography of the site which sits in a hollow it appears to be subject to high risk of surface water flooding. Whilst a flood risk assessment has been submitted listing various recommendations to combat this risk these are not fully detailed and neither is it identified how they would be achievable within the site. Without further comfort that this issue can be overcome the scheme is considered to conflict with DM6 of the Development Management Policies Document which requires schemes to detail the management of on-site drainage so as not to cause or exacerbate flooding elsewhere and to paragraph 155 of the National Planning Policy Framework which states that development should be directed away from areas at highest risk.

The application site is located within the Countryside where locally adopted policies seek to restrict unsustainable development. Without submission of a fully detailed scheme and commitment from a registered provider the Local Authority is not satisfied that an entirely affordable housing development is achievable. As such, the proposal conflicts with CS5 of the Core Strategy which requires the mix, size, type and tenure of affordable homes to be identified as well as DM5 of the

Development Management Policies Document which allows residential development outside of Housing Settlement Boundaries in exceptional circumstances only.

Section D – Implications of refusing planning permission:

25. If Members remain of the opinion that this application should be refused then they must be aware of any potential risks that may arise. The most significant potential risk is that the applicant will lodge a successful appeal which, if the Authority is unable to defend its reason for refusal, may leave it vulnerable to an award of costs.

26. The Local Planning Authority is required to defend any reason for refusal at appeal and this is clearly outlined in the National Planning policy Guidance (NPPG) which also provides guidance on awards of costs against planning authorities. Officers would draw Members attention to the following paragraph:

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- *preventing or delaying development which should clearly be permitted, having regard to its accordence with the development plan, national policy and any other material considerations.*
- *failure to produce evidence to substantiate each reason for refusal on appeal*
- *vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.*
- *refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead*
- *refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage*
- *imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations*
- *requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the National Planning Policy Framework, on planning conditions and obligation.....*

27. For the reasons set out above, it is Officers strong advice that neither reason for refusal will withstand an appeal and the application therefore, would have a very reasonable prospect of success. Furthermore, an award of costs

against the Authority is very possible on the basis that it is unable to defend these reasons for refusal.

28. The other risk to the Authority from a refusal is considered to be reputational and financial, particularly if an application for costs against the Council is awarded, which is considered likely in this case if the above reasons for refusal are maintained.
29. Members are also advised of the risk relating to any S106 agreement. The applicant has confirmed their willingness to enter into such in order to ensure that not only are the dwellings proposed affordable but also that the dwellings will be available to those with the greatest local need. The specific wording of this agreement remains the gift of the Local Planning Authority at present but a refusal would leave this at the discretion of the applicant and the Planning Inspectorate.

Section E – Conclusions:

30. For the reasons outlined above and also set out within the original report to Development Control Committee, Officers have attached great weight to the benefit of affordable housing and consider that matters in relation to scale, layout, appearance, landscaping and flooding can be adequately dealt with in the future to create a successful scheme that is in compliance with adopted policy. It is recommended that the reasons for refusal as set out above are not defensible at appeal and will leave the Local Authority susceptible to costs.
31. 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 refuse the application the reasons for the decision must be clearly articulated and should a planning appeal be submitted, members of the Development Control Committee should be available to defend their decision.

RECOMMENDATION:

32. That planning permission is **GRANTED** subject to the submission of a signed Section 106, and with the following conditions:
 1. 001B - Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or

- ii) The expiration of two years from the final approval of the reserved matters; or,
In the case of approval on different dates, the final approval of the last such matter to be approved.
2. 001H - Prior to commencement of development details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
 3. 009A - No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
 4. 009B - No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3; and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
 5. 004C - Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 6. 012A - No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.
 7. 008B - Prior to commencement of development details of the implementation, maintenance and management of the strategy for the

disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

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>

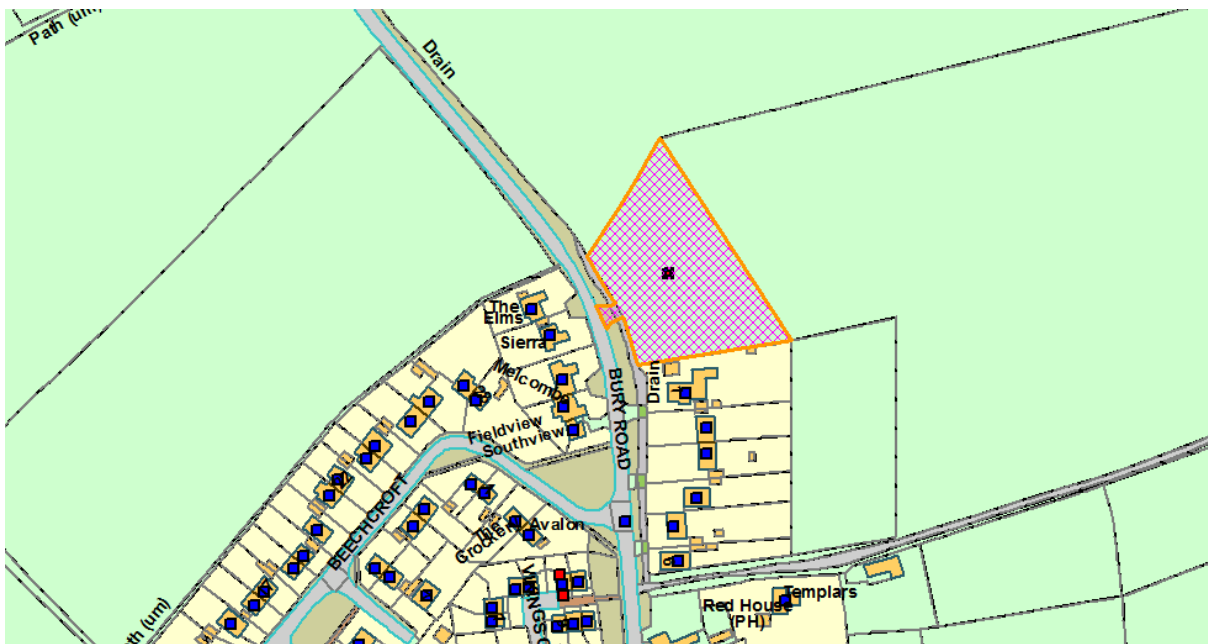
This page is intentionally left blank

DC/18/1222/OUT

Land East Of 1 Bury Road

Stanningfield

IP29 4RS



This page is intentionally left blank



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.

Visibility splay to
Highways
requirements

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.

This page is intentionally left blank



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>



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/046

Development Control Committee 6 December 2018

Planning Application DC/18/1376/FUL – Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley

Date Registered:	07.08.2018	Expiry Date:	02.10.2018 E.O.T 7.12.18
Case Officer:	Charlotte Waugh	Recommendation:	Grant
Parish:	Brockley	Ward:	Cavendish
Proposal:	Planning Application -(i) 1no dwelling with attached ancillary outbuilding, (ii) new access and (iii) associated works (following demolition of 2no existing barns)		
Site:	Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley		
Applicant:	Mr & Mrs O Cornish		

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 reported to the Development Control Committee on the basis of the identified conflict with policy, noting that, in order to progress as a delegated item, proposals otherwise need to be 'consistent' with the provisions of the Development Plan.

Members will note the conflict identified with the report as well as the material considerations that Officers believe otherwise justify an APPROVAL in these circumstances.

Proposal:

1. The application seeks consent for a new dwelling in place of an existing agricultural building within the grounds of Willow Tree Farmhouse. The dwelling would have 3 bedrooms with a flexible space that could accommodate an annexe, guest room or office. Designed with a traditional barn like appearance the building has a steep pitched roof with black stained timber boarded elevations and a clay pantile roof.
2. A new vehicular access is proposed off Mill Road to serve the dwelling with a two bay cart-lodge to accommodate parking.
3. A wooden framed curtilage listed barn is proposed to be demolished to allow the development as well as a modern steel and blockwork barn. A separate listed building consent application has been submitted for demolition of the historic barn which will be determined under delegated authority after the committee meeting.

Site Details:

4. The site comprises a collection of barns within the curtilage of Willow Tree Farm, a grade II listed building. The farmhouse itself is a two storey pink rendered building with clay peg tiles. To the north of it sits seven agricultural buildings with a vehicular access onto Mill Road and a large pond. The site is outside of any Housing Settlement Boundary.

Planning History:

5.

Reference	Proposal	Status	Received Date	Decision Date
DC/18/1377/LB	Application for Listed Building Consent - Demolition of 1no barn	Pending Decision	16.07.2018	E.O.T 7.12.18

Consultations:

6. Conservation Officer

The historic barn to be demolished is part of the historic farmstead layout but has been considerably altered in the past so little original fabric remains within the building. In addition, the replacement of the roof has robbed the building of its traditional proportions. Nevertheless, it continues to make an important contribution to the farmstead's traditional layout as a whole. The modern barn makes no contribution to the setting of the farm buildings or farmhouse and its removal would be of benefit and allow the original layout to be restored. The proposed new building is in the same location as the building it would replace and, although its orientation is slightly altered, it would maintain the traditional enclosure and relationship with the remaining agricultural buildings and farmhouse as the existing building. Its design reflects the agricultural character of the existing building, using appropriate materials (details of which are included in the application), enhancing the character and appearance of the farmstead.

The existing building is in poor condition and would, in time, deteriorate to the point where it would collapse or need to be dismantled. This would result in the loss of the traditional layout of the farmstead and enclosure which is part of the setting of Willow Tree Farmhouse. This proposal would ensure that the historic form and layout of the farmstead are maintained whilst the removal of the modern barn would further enhance the setting of the listed group of buildings.

The proposals accord with the relevant requirements of policy DM15 (Listed Buildings) and paragraph 200 of the NPPF by preserving elements which make a positive contribution to the setting and better revealing the significance of the heritage assets.

Therefore no objections to these applications and no conservation conditions are required on either application as sufficient information has been submitted.

Environment Team

No objections to phase 1 contamination report, recommend standard informative.

Public Health And Housing

No objections subject to conditions regarding hours of construction and acoustic insulation.

Suffolk Wildlife Trust	Note the findings of the ecological surveys and request that the recommendations are implemented in full as well as a condition that no works are undertaken during the amphibian hibernation season (November to March)
Environment & Transport – Highways	No objection subject to conditions
Natural England	No comment
Ecology and Landscape Officer	No objections subject to conditions
Parish Council	Support – The Parish Council believes this application is beneficial to the village as it will bring new blood into the village. And enhance the area of Willow Tree Farm. On the other hand it increases traffic flow along Mill Road and possibly increase the risk to those using Mill Road for walking. Access therefore, should have good vision.

Representations:

7. One letter of support has been received which makes the following comment:

The design of this proposed dwelling looks very good and is an improvement on what is there at present and this would be a development beneficial to the village.

Policy:

8. 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 DM11 Protected Species
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside

- Policy DM46 Parking Standards

St Edmundsbury Core Strategy (December 2010):

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

Rural Vision 2013 (September 2014):

- Policy RV1 Presumption in Favour of Sustainable Development

Other Planning Policy/Guidance

9. National Planning Policy Framework (2018)

Planning Practice Guidance

The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The key development plan policies in this case are policies DM1, DM2, DM5, DM11, DM15, DM22, DM27, CS2, CS3, and CS13, it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

Officer Comment:

10. The main considerations in determining this application are:

- Principle of Development
- Impact on Listed building and Visual Amenity
- Impacts on residential amenity
- Highway Safety
- Ecology
- Other

Principle of Development

11. The site is located outside of any Housing Settlement Boundary and as such the following policies are considered applicable, DM5 DM27, DM28, DM33 and CS1.
12. Policies CS1 and CS4 identify a spatial strategy for the Borough and a hierarchy of settlements where residential development is considered sustainable. The settlement of Brockley is considered to have such a limited range of services that it does not benefit from a Housing Settlement Boundary and as such, the site is on land considered to be countryside for planning purposes. In these circumstances, the residents predominantly rely on the motor car to get to work, shops or use other facilities. Policy CS4 states that it is considered *that in these settlements the construction of further new homes is unsustainable and it is unlikely that additional development would provide sufficient further customers to render the provision of a shop or other community facility viable*. Removal of the housing settlement boundaries prevents any further development from taking place unless exceptional circumstances apply.
13. Development Management policies outline these exceptional circumstances with DM5 listing agricultural workers dwellings, replacement dwellings and small- scale development in accordance with DM27 as instances where residential development may be acceptable within the countryside. The application has not been submitted on these grounds and as such, is not considered to be an exception to DM5 therefore, conflicting with its aims.
14. Furthermore, policies DM28 and DM33 relate to the re-use of buildings in the countryside, potentially for residential purposes on the grounds that sufficient evidence is provided to demonstrate that no other uses, such as employment, tourist accommodation, recreational and community uses, as specified in the Development Management Policies Document are viable. DM33 does allow the replacement of a building, as is the case here, in exceptional circumstances. Criteria H and I state that the proposed building will result in a more acceptable and sustainable development and will also restore the historical coherence of a group of a group of buildings which may be the true. Nonetheless, the application fails to accord with the overall provisions of this policy, principally given that no alternative uses have been explored and discounted, and consequently does not gain support from it.
15. The applicant states that there has been considerable development surrounding the site in recent years with two dwellings granted to the East on Chapel Street (DC/15/2484/FUL), two dwellings approved on Mill Road to the North (DC/17/2482/FUL) and a prior approval under Class Q to the West (within Babergh DC). Whilst this demonstrates that development in the village is not completely stagnant it does not change the policy considerations as discussed above, neither does it mean that the application accords with DM27.

16. Subsequently, the principle of development fails to accord with the development plan and this conflict weighs heavily against the scheme. As stated within the NPPF planning applications must be considered in accordance with the development plan unless there are material considerations that indicate otherwise.
17. The applicant considers that the modern barn on site proposed for demolition would comply with permitted development under Class Q, Part 3, Schedule 2 of the General Permitted Development Order which allows conversion of agricultural buildings to residential under the prior approval process and as such, this conversion is the fall-back option.
18. In assessing the barn in question against Class Q the Local Authority is satisfied with the below:
- The buildings last use was agricultural in connection with Willow Tree Farm
 - The total floor area that could be converted would be less than 450m²
 - Whilst the curtilage included in this application exceeds that allowed there is no reason why it couldn't be reduced to meet the requirement that it is no larger than the building itself as the applicant owns the entire site.
 - No agricultural permitted development has taken place within the site since 20th March 2013
 - The barn itself is not listed, within a Conservation Area, a SSSI, a safety hazard area or a military storage area.
- Prior approval is required from the Local Authority in respect of:
- Transport and Highway impacts of the development
 - Noise impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - Whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use.
 - Design or external appearance of the building
19. The majority of these aspects are considered in more detail below in relation to the submitted proposal but for the purpose of Class Q, the Highway Authority is satisfied with the proposed access, the submitted contamination report is acceptable, the site is not in a flood zone, neither is it likely to cause a significant noise impact, or equally be subjected to such from adjacent uses. The Local Authority does not consider there to be any other reasons why this development would be impractical or undesirable in this context and with regard to external appearance it is likely that an acceptable scheme could be achieved.
20. Accordingly, whilst an application has not been submitted or formally approved, it is considered that the building could very likely obtain prior approval for residential conversion under Class Q of the General Permitted Development Order and on this basis, a high level of weight must be attributed to this as a realistic fall-back position. Officers consider that the weight of this

fall-back position outweighs the harm previously identified given the location outside of any Housing Settlement Boundary and, as such, the identified conflict with the development plan.

21. Should this option be pursued, the building to be converted, albeit potentially with new cladding and new fenestration would not contribute positively to the setting of the farm house or the village generally by virtue of its bulk and shallow roof pitch and the removal of this structure and the replacement of the historic barn has significant heritage benefit, as set out below, that also therefore weighs in favour of the proposal.

Impact on Listed building and Visual Amenity

22. The proposal involves the removal of two barns to facilitate the new dwelling. The loss of the large 20th century barn steel framed and clad barn would represent an improvement to the setting of Willow Tree Farm whose curtilage it sits within. The second barn is the remnants of a traditional Suffolk timber framed barn built in the 18th-19th century. Its roof has been replaced in the 20th century and the frame has been poorly altered and repaired. This barn is curtilage listed due to its age and this loss requires greater consideration. A separate listed building application has been submitted for its removal and this will be determined under delegated authority after this application is considered.
23. The Conservation Officer considers that the barn has been so significantly altered in the past that little historic fabric remains and replacement of the roof has robbed it of its traditional proportions. However its importance is in its contribution to the farmstead's traditional layout which would be lost when the building which is in poor condition, deteriorated to the point of collapse. This proposal would ensure that the historic form and layout of the farmstead are maintained whilst the removal of the modern barn would further enhance the setting of the listed group of buildings.
24. The proposed dwelling utilises the same span, length and plate height of the barn to be demolished as well as the original 50degree roof pitch which ensures the building retains its subservience to the farm house. Historical plans and photographs shows that the building will match in scale as well as openings and will create an authentic reproduction of the original site layout. The proposal reduces the overall mass of the buildings and introduces a dwelling which is appropriate and respectful in terms of materials, scale, form, incorporates sufficient amenity space, parking and living conditions.
25. Removal of the inappropriate barn and its replacement with a sensitively designed traditional barn like structure which successfully integrates between buildings on site will improve the character and setting of the listed building for its future. The enhancement of this setting as well as the good design and high quality of the dwelling proposed are matters which weigh in favour of the scheme.

Impacts on residential amenity

26. Policies DM2 and CS3 seek to ensure new development does not adversely affect residential amenity by reason of loss of light, privacy, overlooking or disturbance in general.
27. The site sits adjacent the listed farm house but retains sufficient separation to ensure no loss of amenity through overlooking or loss privacy. In addition, positioning the access directly onto Mill Road will remove any traffic from the farm yard. It is considered that the relationship between the proposed dwelling and host is acceptable.
28. The barn to the West has been granted consent for use as an outbuilding ancillary to the adjacent barn which has gained prior approval under Class Q to be converted, albeit this conversion has not yet occurred. Therefore, given this ancillary use, this is unlikely to cause any loss of amenity to either party.

Highway Safety

29. The application proposes a new vehicular access off Mill Road. The Highway Authority are satisfied with the plans subject to the inclusion of conditions. Suffolk County Council parking standards conclude that 3 spaces are required to serve a 4 bedroom dwelling, which this could possibly be with the inclusion of the flexible space. Sufficient parking is provided and as such, the proposal complies with these standards and consequently DM46.
30. Paragraph 110 of the NPPF states '*applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe accessible and convenient locations*'. This is echoed in Suffolk County Councils parking guidance and consequently DM46 which ensures compliance with this guidance. An electric charging point is shown on the plans and to comply with this policy a condition is recommended to secure this for the future.

Ecology

31. The application is supported by a bat and bird assessment which concludes that mortice joints within the building have been used infrequently for bat roosting. The site is a roost of moderate conservation importance at a local scale given the presence of a rare bat (barbastelle), though the site is not a maternity roost. The proposed development includes demolition and replacement of the barn. Without mitigation the works are highly likely to harm bats and destroy bat roosts. To allow the works to proceed legally a Natural England European Protected Species bat licence will be required following planning approval.

- 32.No protected birds appeared to be using the barn but White Doves were observed nesting on site and as such, mitigation measures have been detailed in the ecology report which include demolition outside of nesting bird season. Enhancements are also recommended within the ecology report and these are conditioned below.
- 33.Due to the proximity of a pond to the site a great crested newt survey was also undertaken. This established that low numbers of newts are using the pond given its dissection from surrounding ponds by roads and limited areas for foraging. The survey recommends precautionary measures to protect any present during construction. Furthermore, Suffolk Wildlife Trust recommend that no works are undertaken during amphibian hibernation season.
- 34.On this basis, providing the mitigation and enhancements as detailed are conditioned the development is not considered to have an adverse impact on protected species and complies with DM11.

Other

- 35.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 a day (including external water use) or no water fittings exceed the values set out in table 1 of DM7.

Conclusion:

- 36.Whilst the principle of residential development in this location conflicts with the development plan, the Class Q fall-back position which would allow conversion of the modern steel framed building is considered to outweigh this conflict.
- 37.The dwelling proposed represents an improvement to this potential Class Q scheme by virtue of its reduction in mass, the retention of historic layout, the sensitive and high quality design and consequently, the enhancement to the setting of grade II listed Willow Tree farm.
- 38.No issues are raised with regard to highway safety, parking, amenity, contamination or ecology such to warrant refusal of the application.
- 39.In conclusion, given the fall-back position, which would allow a single residential dwelling and the improved scheme which has been put forward, combined with its heritage enhancements, the application, is on balance, considered to be acceptable in principle and detail.

Recommendation:

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

1. Time limit
2. In accordance with approved plans
3. Removal of permitted development
4. Hours of demolition and site construction
5. Acoustic insulation of dwelling
6. Copy of Natural England licence to be submitted
7. No external lighting
8. Site clearance and demolition to be overseen by an ecologist
9. Mitigation and enhancements from Ecological surveys to be provided
10. Vehicular access to be completed in accordance with DM01
11. Access to be properly bound for 5 metres
12. Visibility splays to be provided as shown
13. Parking area to be provided prior to occupation
14. Bin storage to be provided prior to occupation
15. Surface water drainage shown shall be provided prior to occupation
16. Water efficiency measures
17. Electric charging point as shown to be provided prior to occupation

Documents:

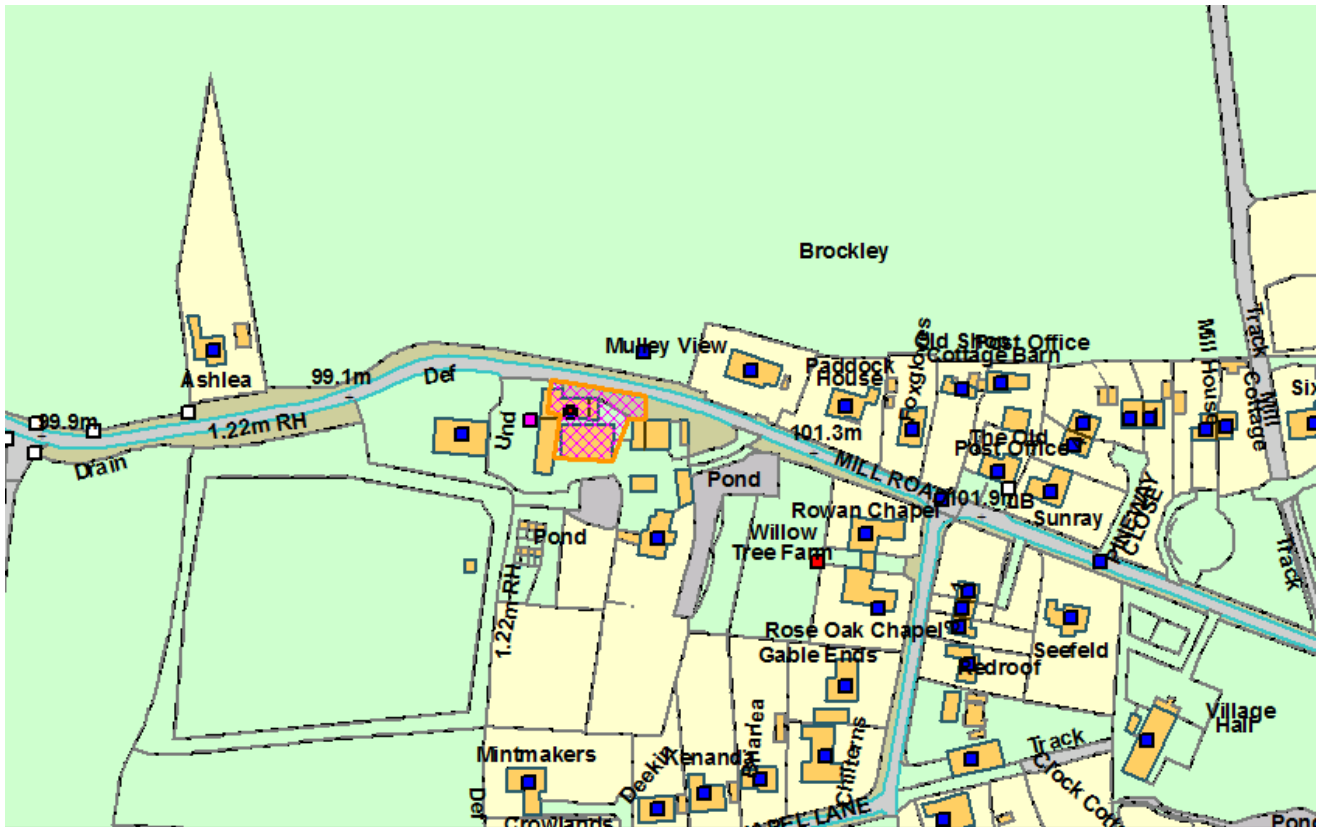
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBYKDBPD03E00>

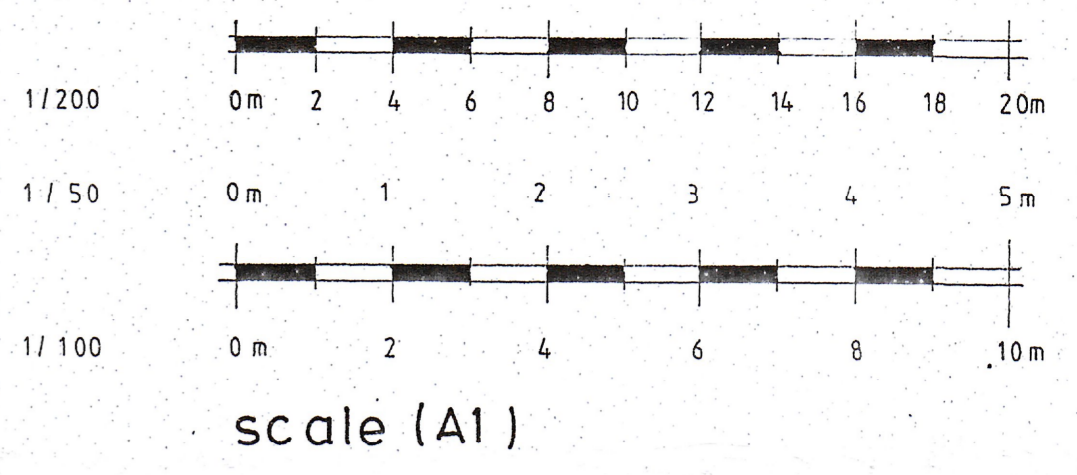
This page is intentionally left blank



DC/18/1376/FUL – Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley



This page is intentionally left blank



<p>dean jay pearce architectural design & planning ltd 2 / 3 Milestone, Hall Street, Long Melford Sudbury, Suffolk, CO10 9HZ T: 01787-378797 E: dean_pearce@live.co.uk</p>		
<p>Project: Proposed three-bedroom dwelling, attached ancillary outbuilding and associated vehicular access (following demolition of existing agricultural buildings).</p>		
<p>Site Address: Land / Barns at Willow Tree Farm, Mill Road, Brockley, BSE, Suffolk, IP29 4AT</p>		
<p>Applicant: Mr & Mrs O. Cornish</p>		
<p>Drawing title: PROPOSED SITE PLAN (COLOURED VERSION)</p>		
<p>scale: 1/200 date: 07/2018 drawn: djp checked:</p>	<p>drg no: 18/50/05</p>	<p>rev:</p>
<p><small>Do not scale this drawing. Use figured dimensions only. Contractor to set out all of the works prior to commencement and report any omissions / discrepancies immediately. Scales shown on this drawing are at A1 sheet size.</small></p>		
<p><small>This drawing & information are Copyright. ©</small></p>		

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/047

Development Control Committee 6 December 2018

Planning Application DC/17/2539/FUL – 5 High Street, Haverhill

Date Registered:	06.12.2017	Expiry Date:	07.03.2018 EoT: 14.12.2018
Case Officer:	Ed Fosker	Recommendation:	Approve Application
Parish:	Haverhill	Ward:	Haverhill South
Proposal:	Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking		
Site:	5 High Street, Haverhill		
Applicant:	Mr Andrew Gertner		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Ed Fosker

Email: ed.fosker@stedsbc.gov.uk

Telephone: 01638 719431

Background:

This application has been referred to the Development Control Committee at the request of Councillor Paula Fox (Ward Member: Haverhill South). As it is a 'major' application it has not first been presented before the Delegation Panel.

Proposal:

1. Planning permission is sought for the change of use of part of an existing building to provide fourteen flats. The change of use is from a night club (sui generis) to dwellings (C3). It also comprises associated operational development, including insertion of openings and the erection of a dormer roof extension to enable the provision of residential accommodation, 19 allocated car parking spaces, secure cycle storage for 32 cycles and bin storage.

Site Details:

2. The application site which is located within Haverhill Town centre and conservation area comprises the upper floors of 1-5 High Street, Haverhill, also known as the former Co-op building. 1- 3 High Street, is arranged over ground and one upper floor to provide a large double fronted ground floor shop (Peacocks) with a former bar/nightclub (the application site) at first floor level. 5 High Street is arranged over ground and two upper floors to provide a vacant ground floor shop with ancillary (storage) accommodation to the first floor (formally Argos) and a former bar/nightclub above, which is accessed from the rear. The site which is 0.35 hectares (0.87 acres) also includes a large car park to the rear.
3. The proposed development would comprise the conversion of the existing vacant floor space above the ground floor retail units to fourteen flats (7no one bed, 5no two bed and 2no three bed). This floor space has been vacant for a long period of time, the most recent use of the first floor comprised a night club which went out of business approximately ten years ago. The floor space at a second and third floor level appears not to have been used for a considerable period of time.

4. Planning History:

Reference	Proposal	Status	Decision Date
DC/17/1278/CLP	Certificate of Lawfulness for Proposed Use - Change of use from Office to Residential to provide 7 no. flats (first floor)	Application Withdrawn	18.09.2017
DC/17/2539/FUL	Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking	Pending Decision	

E/89/1902/P	Section 32 Application - Retention of satellite TV reception dish	Application Granted	10.08.1989
E/86/1713/P	Erection of two external fire escapes	Application Granted	07.05.1986
E/85/2647/P	Re-siting of front entrance doors and infilling part of main entrance	Application Granted	30.08.1985
E/74/2300/A	NAMEBOARDS AND DIRECTIONAL SIGN	Application Granted	07.11.1974

Consultations:

5. Highway Authority: No objection subject to the conditioning of the provision of the 19 allocated parking spaces and 32 cycle storage spaces.
6. Suffolk County Council Flood & Water Management: No formal comments to make on this application as the proposed net development is less than 1000m². We are happy for the development to follow Building Regulations Part H.
7. Conservation Officer (verbal consultation with CJ): No objection with regards to the proposed scheme and its impact on the conservation area.
8. Leisure and Culture – Parks: No comment.
9. Public Health and Housing: No objection to the revised flat sizes, the spiral staircase within the third floor bedrooms within flats 10 and 11 has been repositioned and comes down into a protected hallway on the second floor. The means of escape from the bedrooms is therefore must better. The means of escape will need to be agreed and in accordance with Building Regulations.
10. Environment Team: Although technically the application should be accompanied by a Full Phase One Desk Study assessment, this service agrees that the risks from contaminated land in this instance are limited by the fact the development is the conversion of existing first, second and third floor accommodation; no garden areas are provided and only very limited groundworks will take place. Therefore, we do not require any further land contamination information with regards to this development.
Also recommend a planning condition requesting electric vehicle charging infrastructure to ensure the development complies with the NPPF and Suffolk Parking Standards. This will enable and encourage the use of zero emission vehicles, which will in turn enhance the local air quality.
11. Historic England: Do not wish to offer any comments. We suggest that you seek the views of your specialist conservation officer.
12. Suffolk County Council Infrastructure Officer: The following section 106 contributions would be required for the proposed development:
Primary School contribution: £24,362
Pre School contribution: £16,666
Library Contribution £224

13. Strategic Housing Officer: There is a need for some open market smaller dwellings within Haverhill. One bedroom properties for sale in Haverhill are rare. Based on the fact that many still cannot afford to purchase their own home, I am always keen to see smaller units on schemes like this, especially for first time buyers.
14. Viability Consultant (Dr Andrew Golland): There would be no subsidy generated by the scheme to support any affordable housing contribution.
15. Planning Obligations Officer: Full vacant building credit should be applied to brownfield sites and is content with the findings of Dr Golland that no subsidy is generated by the scheme to support any affordable housing contribution.

Representations:

16. Ward Member – Councillor Fox: the developers are now claiming vacant possession credit (as was done for Place Court) and thus are stating there is NO provision for any affordable housing element nor any S106 cash equivalent i.e. the people of Haverhill benefit nothing from this application. Vacant possession credit applies where a property has not been made intentionally vacant. The developers are claiming they bought it with vacant possession thus are able to claim this credit. Not sure that is the reason for the credit allowance as Argos have been using it for storage up until the landlords sold the building.
17. Town Council: The Town Council agree with comments made by Public Health and Housing.
Members raised concerns over safety in the event of a fire; means of escape via spiral staircases through kitchen areas, difficulty for escape through some windows (Flats 9, 10 and 11 are dangerous with no escape route through the windows) and lack of provision of sprinklers.
The Town Council have concerns over the small sizes of the some of the flats, guidance given through LACORS provides guidance on minimum floor area and the application shows that in some flats this has not been met. LACORS Housing Health & Safety Act 2004 states that accidents are greater in too small rooms.
One flat did not appear to have a bath/shower room
Insufficient parking provision
No S106 provision referred in the Affordable Housing Viability Report’.

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

18. Joint Development Management Policies Document:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM7 Sustainable Design and Construction

- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM46 Parking Standards

19. St Edmundsbury Core Strategy December 2010

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS14 – Community infrastructure capacity and tariffs
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill
- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (SPD)

Other Planning Policy:

20. National Planning Policy Framework (2018)

Officer Comment:

21. The issues to be considered in the determination of the application are:
- Principle of Development
 - Visual Amenity
 - Impact on Highway Safety
 - Residential Amenity
 - Vacant building credit
 - Viability
 - Developer Contributions

Principle of Development

22. 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

23. Policy HV2: Housing Development within Haverhill provides that within the housing settlement boundary for Haverhill planning permission for new residential development, residential conversion schemes, residential redevelopment and replacement of existing dwellings with a new dwelling will be granted where it is not contrary to other planning policies.
24. Policy DM35: Proposals for Main Town Centre Uses provides that in addition to the main town centre uses such as A1, A3 and A4 that A2 or B1 and residential uses on upper floors could be supported subject to compliance with other policy. The proposal relates to part of the first floor and the entirety of the second floor and the third floors in addition to the dormer roof extension. The ground floor units fronting the Market Hill are retail units, one being currently occupied by Peacocks and the other which was most recently occupied by Argos is currently vacant. These retail units would not be affected by the proposed development.
25. The proposal is sited within an existing housing settlement boundary close to the town centre. Policies DM1, CS2, HV1 and HV2 support sustainable development where it is not contrary to other policies. Policy DM30 seeks to protect employment land and existing businesses, however the space is not nor has it recently been in use for employment, and in fact neither was it when the building was last in use, and therefore there would be not conflict with DM30 in this instance. Furthermore, the NPPF encourages the efficient re-use of brownfield land. The siting of the development is considered appropriate given the existing facilities nearby, located directly in the town centre town and on that basis the site is considered to be in a highly sustainable location. It is therefore, considered that the principle of development of the site is wholly acceptable and in compliance with locally and nationally adopted policy.

Visual Amenity

26. The proposed development is in a conservation area. Whilst the buildings subject to this application are not statutorily listed, they are of architectural merit and are prominent in the existing street scene. The buildings fronting Market Hill are Victorian in character and appearance and probably formed the original buildings along this thoroughfare. The façade fronting Swan Lane is a later addition, most likely 1950s in date and has architectural merit as an example of this period. The façade fronting the rear car park comprises a service yard and is of less architectural merit.
27. The surrounding conservation area comprises a range of buildings, some of which contribute less to the character and appearance of the site and wider area. The building subject to this application makes a significant contribution to the street scene. There will be limited external alterations to the buildings, which comprise the addition of the new windows to the side and rear elevations and the dormer extension. The proposed windows are in keeping with the existing building and would not adversely impact its character and appearance. It is in fact considered that these proposals would enhance the appearance of the existing building which appears dilapidated in parts, due to its long period of vacancy. The Conservation Officer has raised no concerns regarding the nature and extent of the proposed development and its impact on the conservation area.

28. Overall, the scale, form and design of the development is considered acceptable and appropriate, given the site context. The site will benefit from the development which will improve the wider character and appearance of the Town centre and Conservation area. On this basis, the proposal is considered to comply with policies DM17 and DM22.

Impact on Highway Safety

29. Policy DM46 seeks to reduce over-reliance on the private car and to promote sustainable forms of transport. All development proposals should provide appropriately designed and sited car/cycle parking and should make provision for emergency, delivery and service vehicles, in accordance with the adopted standards. 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. Given the location of the proposed development and its proximity to numerous public car parks, the proposed development will exclude visitor parking.
30. The site includes a privately owned car park to the rear, which would accommodate parking associated with the proposed development. Nineteen allocated parking spaces with lockable bollards would be provided for the residents within the south eastern side of the carpark nearest to the building and secure internal storage for thirty two cycles provided within the building. The 2no three bed flats and three of the two bed flats would have two parking spaces, the remaining two 2 bed flats and seven one bed flats would have one parking space. Given the sustainable nature of the site, it is considered that this minor reduction in car parking standards is acceptable and that the loss of two car parking spaces is not significant with the Highways Authority raising no objection to this proposed arrangement.
31. The land to the rear is in the control of the application, being a privately owned and managed carpark. It would be reasonable to impose a condition securing the provision of 19 designated car parking spaces.
32. Aspiration 2 of the Haverhill Vision 2031 is to provide walkable neighbourhoods to enable communities to meet their day-to-day needs without necessarily requiring them to drive, also good access to local centres. The site is located in very close proximity to the town centre and it is considered that the pedestrian route into the town centre provides an acceptable solution.
33. Given the Town centre location of the site and the proposed parking and secure cycle storage provided with this scheme it is considered to comply with policy DM46 and Aspiration 2 of the Haverhill Vision 2031.

Residential Amenity

34. Given the location of the proposed flats and the degree of separation involved with Market Hill and St Mary's Church to the south and western sides, the existing car park/service area to the east, and the residential properties to the north separated by the highway it is considered that the proposed scheme would not lead to any adverse impact on the amenity currently enjoyed by any of the occupiers of surrounding dwellings. It would therefore be in accordance with policies DM2 and DM22.

35. It should be noted that the units at a ground floor level, fronting Market Hill are retail units and subject to conventional retail opening hours. There would be no loss of amenity to future occupiers of the dwellings through excessive noise or odour as there might be with a restaurant or take away use at ground floor level.
36. Initially concerns were raised by Public Health and Housing and Haverhill Town Council with regard to flat size and escape in event of fire. The National Space Standards provide guidance to Local Authorities when considering developments but this is not a policy at present. Furthermore, means of fire escape is an issue that would be dealt with by building regulations which any development must satisfy.
37. Since these concerns were raised the agent has made some minor amendments to the internal layout of the proposed scheme which address the flat sizes and public health and housing now raise no concern with regard to this issue. Also the spiral staircases within the third floor bedrooms has been repositioned and come down through a fire protected hallway on the second floor.

Vacant Building Credit

38. Concern has been raised that Argos had been using part of the first floor for storage up until the landlords sold the building and questions were therefore raised with regard to the allowance of full vacant building credit. However updated planning practice guidance to reflect the National Planning Policy Framework 2018 confirms that national policy offers an incentive for brownfield development on sites containing vacant buildings. Where any vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings. In this instance this has been taken into account and even if a small section had been used for ancillary storage full vacant building credit should be allowed when calculating the viability of the proposed scheme with the Local Authorities Planning Obligations Officer and Legal team confirming this position.

Viability

39. The St Edmundsbury Core Strategy sets out the spatial strategy for development across the Borough, and identifies Haverhill as one of the main areas for development, with an expected contribution of 34% of planned housing growth across the plan period to 2031. It also lays out the appropriate level of affordable housing provision: 20% on sites of 5-9 dwellings/0.17-0.3ha and 30% on larger sites.
40. The Policy requirement is to provide 30% affordable housing on a scheme of this size, with this equating to 4.5 dwellings (4 dwellings on site, plus 0.5 secured through s106 contribution). The viability report received with this proposal for reduced affordable housing provision has been studied by an external consultant and his findings are detailed below.
41. Based on the average of 4no estate agents valuations and the latest BCIS median build cost rates the assessment shows a residual land value of

£84,818. When the assessment was reviewed by Dr Golland he assessed the benchmark land value at £350,000 which results in a viability deficit of -£265,382. Clearly with a viability deficit there is no surplus to fund any affordable housing contribution.

42. Sales Values
Valuations were received from 4 local estate agents. The average gross development value is £2,065,000 which equates to a sales value of £2,139/m².
43. Build Costs
In line with normal viability practice and the recommendations of the Planning Practice Guidance updated in July 2018 the BCIS median rate for refurbishment of apartments has been used and provides a rate of £1,138/m². No allowance has been made for any additional external works costs.
44. Developers Profit
The Planning Practice Guidance updated in July 2018 recommends developers profit in the range of 15-20% and it should reflect the risk profile of the development. A conversion scheme will have a moderately high risk profile because the full extent of build costs cannot be quantified until the structure is fully exposed and the extent of repair works understood. For this reason an 18% profit level has been adopted. However, even if the lowest level of profit at 15% was adopted the appraisal would still show a deficit of -£213,634, further confirming the lack of viability in the scheme.
45. S106 Costs
Included within the appraisal was the s106 contribution of £41,252. The viability appraisal shows a deficit of -£265,382 using the benchmark land value set by Dr Golland and therefore no subsidy is generated by the scheme to support any affordable housing contribution.

Developer Contributions

46. Regulation 122 of The Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
47. The following section 106 contributions would be required for the proposed development:
Primary School contribution: £24,362
Pre School contribution: £16,666
Library Contribution £224
These are considered to be necessary, directly related and reasonably related to the scale of development, with the applicant agreeing to enter into a Section 106 agreement to provide these funds.

Conclusion:

48. In conclusion, the site is located within the Housing Settlement Boundary and close to the town centre where there is a presumption in favour of

development. The re-development of brownfield land is encouraged in the NPPF and would create a more efficient use of the land, boosting housing supply. Furthermore, the site at present does not positively contribute to the street scene and its re-development would provide an improved appearance to the Town centre and surrounding Conservation Area.

49. Having regard to the Framework and all other material planning considerations the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

Recommendation:

50. It is recommended that planning permission be **APPROVED** subject to the following conditions and the completion of a Section 106 agreement with the contributions as listed above: 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.

- 3 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015).

- 4 The dwellings hereby approved shall not be occupied until the area(s) within the site shown on 003_A-095 Rev 03 (indicating 19 allocated vehicle parking spaces and cycle storage for 38 cycles) for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies

- 5 The dwellings hereby approved shall not be occupied until details of the areas to be provided for bin storage on 003_A-095 Rev 03 has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for on-site bin storage is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of

the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

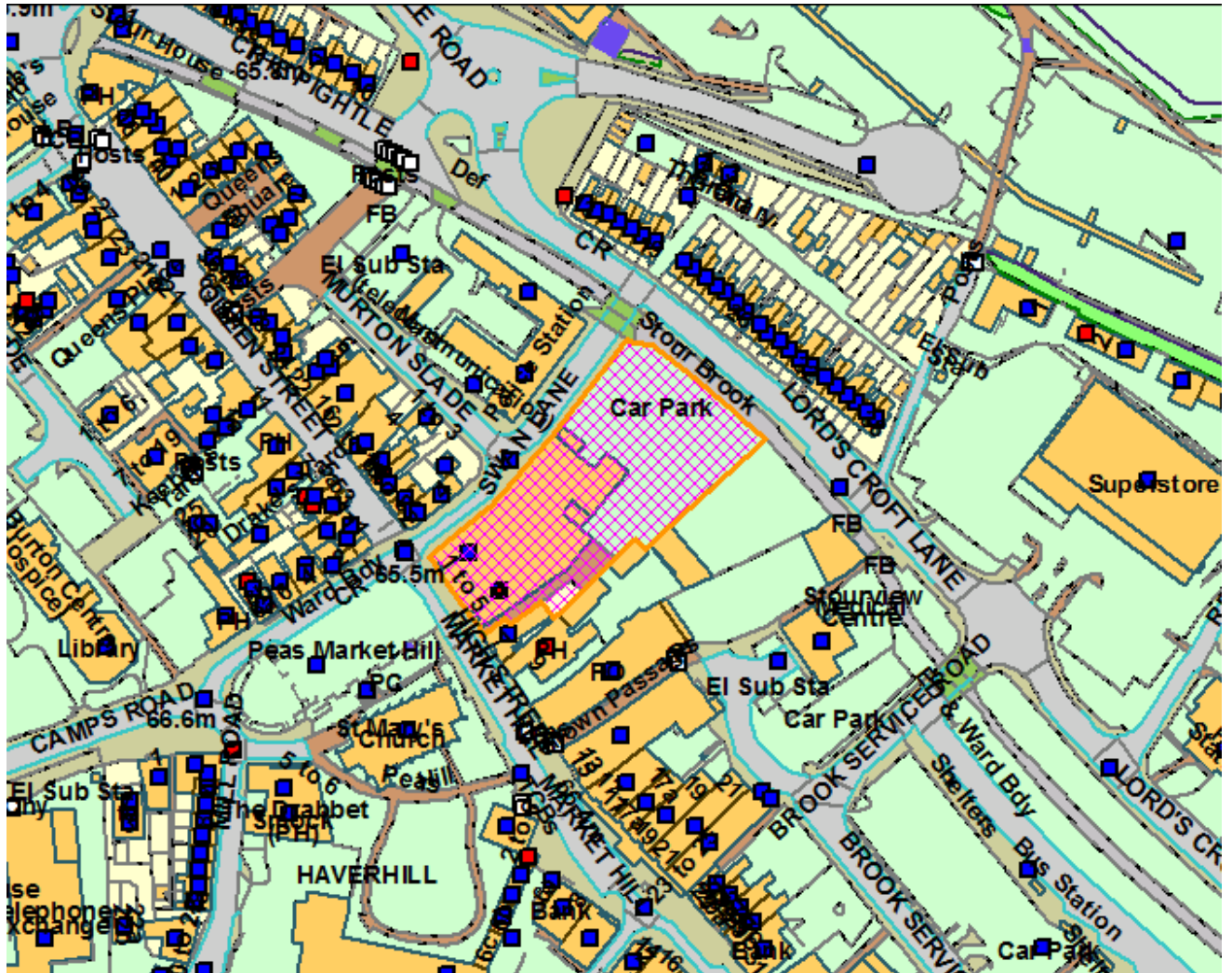
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2539/FUL](#)

This page is intentionally left blank



DC/17/2539/FUL - 5 High Street, Haverhill, CB9 8AA




This page is intentionally left blank




Page 165

DISCLAIMER:
 All dimensions are in millimetres. Do not scale from this drawing. All dimensions and conditions are to be checked and confirmed on site by the contractor. The contractor should inform the Architect of any discrepancies before proceeding with the work. This drawing is to be read in conjunction with all other relevant documentation including that produced by other consultants, subcontractors and suppliers.
 All elements of work and materials are to comply with the Building Regulations, British Standards, good industry practice and the recommendations of material and component manufacturers. All products are to be suitable for their purpose. The contractor is to install all products where noted in accordance with manufacturers recommendations, specifications and inform the Architect of any discrepancies or changes in the specification before proceeding with the work.
 This drawing is the property of ARCHANAEM LTD. Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person or company, either wholly or in part, without written consent.

NOTES:

North 

SCALE BAR
 1:200


No.	Date	Issues and Revisions	By	Check	No.	Date	Issues and Revisions	By	Check
00	06/12/17	Issued to Planning Consultant: Planning Application	CB	CB					

ARCHANAEM
 Co No: 10498892
 www.archanaem.com



Project Name: HAVERHILL
Project Number: 003
Status: PLANNING
Description: PROPOSED SITE PLAN
Scale: 1:200 @ A1, 1:400 @ A3

Drawing Number: **003 A-093** Revision: **00**

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/048

Development Control Committee 6 December 2018

Planning Application DC/18/1507/FUL – Paltry Farm, Brand Road, Great Barton

Date Registered:	15.08.2018	Expiry Date:	10.10.2018 (Extended until 14.12.18)
Case Officer:	Matthew Harmsworth	Recommendation:	Approve Application
Parish:	Pakenham	Ward:	Pakenham
Proposal:	Planning Application - Change of use of B8 storage and distribution building to 1no. residential dwelling		
Site:	Paltry Farm, Brand Road, Great Barton		
Applicant:	Mr & Mrs R Jackson		

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:

This application is referred to the Development Control Committee on the basis of the identified conflict with policy, noting that, in order to progress as a delegated item, proposals otherwise need to be 'consistent' with the provisions of the Development Plan.

Members will note the conflict identified with the report as well as the material considerations that Officers believe otherwise justify an APPROVAL in these circumstances.

Proposal:

1. Planning permission is sought for a change of use of B8 storage and distribution building to 1no. residential dwelling. The building for which the change of use is proposed is approximately 18.6m in width, 6.1m in height and 8m in depth, and is within the curtilage of Paltry Farm. The full extent of the scheme can be viewed on the proposed drawings.

Application Supporting Material:

2. The following materials have been submitted in support of the application:

- Application Form
- Existing Floor Plans and Elevations
- Location and Block Plan
- Proposed Floor Plans and Elevations
- Planning Statement
- R&R Supplies Ltd. Company Information Document
- An appeal court case considered to be of relevance to the current application
- Two appeal decisions considered to be of relevance to the current application
- Land Contamination Questionnaire
- Land Contamination Report
- Bat and nesting Survey
- Statutory Declaration
- Phase 1 Contamination Report – Parts 1, 2 and 3
- Witness Statement

Site Details:

3. The site is situated to the east of Brand Road, Great Barton and the host building currently located on the site is a detached, two storey building located in the countryside, in an area characterised by agricultural uses. The site is also within the 100m buffer of an archaeological site.

Planning History:

Reference	Proposal	Status	Decision Date
DC/17/2675/OUT	Outline Planning Application - 1 no dwelling following demolition of B8 storage and distribution building with stables	Application Withdrawn	09.02.2018
DC/18/0613/OUT	Outline Planning Application (All matters)	Application Refused	25.05.2018

	reserved) - 1no. dwelling (following demolition of B8 storage and distribution building and stables)		
SE/02/1981/P	Planning Application - Change of use from office accommodation to form dwelling	Application Granted	18.06.2002
E/95/1260/P	Planning Application - Construction of new vehicular access following stopping-up of existing access	Application Granted	10.04.1995
E/92/1362/P	Change of use of existing office accommodation to form dwelling	Application Granted	09.04.1992
E/91/1419/P	Conversion of redundant barn to form 3 no. cottages together with alteration of existing vehicular access	Application Refused	23.05.1991
E/89/3243/P	Erection of rear extension and conversion details in association with change of use of building to form offices as amended by letter and plans received 18th October 1989	Application Granted	13.12.1989
E/88/2995/P	Change of use and conversion of redundant farm building to form offices	Application Granted	31.08.1988
E/88/2603/P	Conversion of redundant farm building to form 6 no. holiday accommodation units	Application Refused	19.07.1988
E/86/2156/P	Change of use and conversion of barns for use as offices and associated dwelling	Application Refused	12.08.1986
E/84/1992/P	Erection of two storey extension to form kitchen showers and bedroom, erection of double garage and construction of vehicular access	Application Granted	06.06.1984

Consultations:

Public Health And Housing

No objection but suggested revisions and conditions

Environment Team	Suggested conditions to be attached to any given permission.
Parish Council	Object - Consider this to be a new dwelling in the countryside with no reason to go against planning policy DM27
Ward Councillor	No comments received.
Legal Services	The information provided suggests that the storage use was continuous from 1994 to 2007 and since this is more than ten years it is likely to be a lawful use and therefore appropriate to treat the prior approval option as a fall-back position
Public Health And Housing	No objection but revisions recommended to floor plan with regard to fire safety. Conditions also recommended with regard to any given permission.
Environment Team	Suggested conditions to be attached to any given permission.
Environment & Transport - Highways	Recommended conditions to be attached to any given permission.

Representations:

- 4. None received

Policy

5. 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 DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species

- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM22 Residential Design
- Policy DM25 Extensions to Domestic Gardens within the Countryside
- Policy DM26 Agricultural and Essential Workers Dwellings
- Policy DM27 Housing in the Countryside
- Policy DM28 Residential use of Redundant Buildings in the Countryside
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- National Planning Policy Framework 2018

Officer Comment:

6. 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.
7. The main considerations in determining this application are:
 - Principle of development
 - Lawfulness of the historic B8 use of building
 - Permitted Development Fallback Option
 - Impacts on residential amenity
 - Design, Form and Character
 - Highway Safety
 - Ecological Implications

Principle of Development

8. The site is located in the countryside, outside of the settlement boundary of Great Barton. The principle of residential development in this location is therefore to be considered against policies DM5, DM26, DM27, DM28 and DM33 of the Joint Development Management Policies Document, and policies CS1 and CS4 of the Core Strategy.
9. In a similar manner, Policy CS1 of the St Edmundsbury Core Strategy sets out a spatial strategy framework for environmentally sustainable economic growth, and Policy CS4 of the same documents sets out a spatial hierarchy for growth and development. In being in the countryside and outside of a town, key service centre or local service centre, the developments is considered unsustainable development and conflicts with the provisions of

policies CS1 and CS4. This conflict, as a matter of principle, weighs against the scheme in the balance of considerations.

10. Policy DM5 seeks to protect the countryside from unsustainable development. The proposal is located at a site which is approximately 1 mile from the nearest settlement boundary and 0.6 miles from the nearest public footpath when measured in a straight line. Given the lack of provision of footpaths and street lighting as well as being in a countryside location not adjacent to a settlement boundary, it is concluded that the proposal should be considered as unsustainable development and therefore conflicts with policy DM5.
11. The proposed conversion of the building to a dwelling is not considered to be an agricultural and essential workers dwelling given there has been no evidence or justification put forward as such, thus the proposal does not accord with policy DM26.
12. The proposal is also not within a closely knit cluster of 10 or more dwellings adjacent to or fronting a highway and is not considered to be an infill plot as defined in policy DM27. Therefore the proposal is not considered to accord with policy DM27.
13. In the context of the proposal it is also not accompanied by an exploration of the potential alternative uses of the building deemed to be redundant such to satisfy the requirements of policy DM28 part a., notwithstanding that the building is considered to be structurally sound and capable of conversion, of an appropriate design relative to its countryside setting and would not have a harmful impact on the character of the area by virtue of the minimal external changes to the building. Therefore, given this lack of exploration of alternative uses, the proposal is not considered to fully accord with Policy DM28.
14. Given the conflict of the proposal with Policy DM28 as outlined above, the residential use of the building is considered to also not be compliant with Policy DM33 which considers re-use or replacement of building in the countryside. The change of use of the building would not result in a more sustainable form of development than the current use of the building as also discussed above. Therefore the proposal is not considered to accord with Policy DM33.
15. As a consequence, it must be concluded that the proposal fails to comply with the provisions of the Development Plan and this conflict weighs heavily against the scheme. The proposal must be considered in accordance with the provisions of the Development Plan unless there are material considerations that indicate otherwise. As set out, and when assessed against the wider provisions of the Development Plan, it must be concluded that the proposal should therefore be refused.
16. The proposal is accompanied however by reference to a Permitted Development fall-back option relating to Class P under Part 3 of the General Permitted Development Order 2015 (As amended) that would potentially permit the building to be converted through a prior approval process. The legality and weight to be attributed to this fall-back option is therefore to be assessed below as this is a further material consideration that may need to be balance against and with the Policy conflict identified above.

Lawfulness of the historic B8 use of building

17. The applicant has submitted a statutory declaration and a witness statement confirming the use of the building for storage purposes associated with R & R Supplies Ltd. and Takeback Ltd. between the years of 1989 and 2007 with no gaps in the usage of the building as such during this period.
18. Consultation took place with Legal Services in this regard and it is concluded that the evidence submitted is of a nature and breadth sufficient otherwise to be accepted pursuant to the grant of a certificate of lawfulness for an existing use and that it is in practice unlikely, on the balance of probability, that evidence to contradict the submitted information would otherwise emerge. Since therefore the applicant is able to appropriately evidence that the storage use has been continuous for more than 10 years it is likely to be a lawful use and therefore it is appropriate to treat the mentioned Class P permitted development option as a material fall-back position. This accords with the comments received from the Legal team.

Permitted Development Fall-Back Option

19. Similar applications to the current application were recently submitted that included the same fallback option. In the case of application DC/17/2675/OUT, that application was withdrawn as limited weight was able to be attributed to the fallback option given the requirements of Class P that at that time required the use of the building to fall within Class C3 before 15th April 2018.
20. In the case of application DC/18/0613/OUT, the application was refused due to the conflict with development policies DM5, DM27 and DM28 in that the development was considered to be unsustainable development in the countryside, insufficient information being submitted with respect to the fall-back option under Class P and in respect of land contamination issues. The lack of a protected species survey to assess biodiversity issues was also considered to be unacceptable.
21. However, as of 6th April 2018, the requirements of the Class P fallback option have been amended such that the C3 use of the building must now begin no later than 10th June 2019. As such this allows sufficient time that if the fallback option were otherwise acceptable, the C3 use of the building could conceivably be achieved before the revised date. Additional information has also been submitted regarding land contamination issues and biodiversity issues.
22. Nevertheless, notwithstanding the lawfulness of the use of the building for B8 storage purposes, in order to fully assess the weight to be attached to any Class P fall-back option, the proposal must also be robustly assessed in the context of the wider requirements of the General Permitted Development Order Schedule 2, Part 3 Class P.
23. These requirements have been assessed and it is considered that the change of use fall-back option could be satisfied by the development if pursued based on the following key considerations:

- The building was used solely for a storage or distribution centre use on 19th of March 2014 or when it was last in use for a period of at least 4 years before any development under Class P would begin
- It would be possible for such a use to begin before 10th of June 2019
- The gross floor space of the building would not exceed 500m².
- The express consent for the development has been obtained from the owner of the site by virtue that the owner of the site is the applicant.
- The building is not located with an Area of Outstanding Natural Beauty, The Broads, a National Park, a World Heritage Site, a Section 41(3) area, a site of special scientific interest, a safety hazard area, a military explosives storage area, nor the curtilage of a listed building or scheduled monument.
- Evidence has been submitted to demonstrate the B8 use of the building for the period of time discussed.
- There proposal is considered to not have a harmful impact in respect to air quality, highways impacts, contamination risks, noise impacts, sustainability of local services, and that there are no significant flood risks to the site.
- The other requirements associated with paragraph W of Schedule 2, part 3 of the General Permitted Development Order are considered to be fully satisfied, in terms of the information being accompanied by the necessary information for the site and developer, the site is not considered to have an unacceptable impact upon highways issues (as discussed in the relevant section of this report), the site is not within flood zones 2 or 3, and the relevant notice periods and the relevant policy frameworks have been observed and considered respectively.

24. Therefore, given that it is considered, reasonably so, that the building could very likely obtain prior approval under Class P of the General Permitted Development Order as referenced and outlined above, strong weight should be attached to this fall-back position.

25. In assessing this matter it is considered that the weight of this fall-back position outweighs the harm previously identified as a result of the conflict with the development plan policies notwithstanding that there has been no such prior notification fall-back position submitted and formally determined to date.

26. That said, the provisions of the GPDO are noted, as is the requirement in relation to any fall back option under Class P for the change of use to have been effected prior to 10th June 2019. In assessing this matter, Officers are also mindful of the advice set out in the National Planning Policy Guidance in relation to time limits, as follows –

Under section 91 Town and Country Planning Act 1990 if the local planning authority grants planning permission it is subject to a condition that specifies the time limit within which the development must begin.

The relevant time limit for beginning the development is not later than the expiration of:

- 3 years beginning with the date on which the permission is granted, or;
- such other period (whether longer or shorter) as the local planning authority may impose.

The local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts. A longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

27. Noting this, and noting that it is open to an Authority to impose a shorter or longer time period, and respecting that the fall back situation is potentially also subject to change, as it clearly already has to this point, and noting the relatively short window until June 2019 after which the fall back situation will have no weight (unless extended of course), Officers consider it appropriate in these circumstances, all other matters being acceptable of course, to impose a shorter time period for implementation, to ensure that the change of use is implemented by 10th June 2019. There remain over six months within which implementation can be secured which, even noting the conditions suggested below, remains within the bounds of reasonableness in these specific circumstances. The applicant has been informed of this proposed shorter timescale and of the local authority's reasoning for such a requirement, and has accepted such.

Impact on Residential Amenity

28. It is considered that the degree of separation between the building in question and neighbouring properties is such that the proposal will not result in a loss of residential amenity in any aspect, to an unacceptable level. Given that there are also minimal changes to the external appearance of the building, the overall scale, massing, and appearance of the proposed dwelling is considered to be acceptable in regards to issues of local amenity, including visual amenity, such that refusal of the application would not be justified in relation to impacts in relation to local amenity. The proposal accords with policy DM2 in this regard.

29. Therefore it is not considered that the proposal would result in unacceptable impacts to local and neighbouring amenity and therefore accords with policy DM2 and the requirements of the NPPF.

Design, Form and Character

30. The building is located within a curtilage and area for which the intended proposal for a dwelling to be located is not consistent with policies DM26, DM27 or DM28 for reasons previously outlined where the principle of development was discussed. This is a concern expressed by the parish council who have objected to the proposal on similar grounds.

31. However, the permitted development fall-back position discussed is considered to be of significant weight in considering the application. Taken together with its context, the proposal leaves the property with a sufficiency of private amenity space and does not otherwise overdevelop the site by virtue of the expansive location of the proposal and that the mass of the building will not be increased. The proposal is designed with minimal changes to the external appearance of the building, such that no negative impacts to the character of the area, nor to the context of the host dwelling,

nor any adjoining sites and properties, relative to the surrounding dwellings, such to warrant refusal of the application.

32. Furthermore, it is considered that the proposal would not result in the loss of the best and most versatile agricultural land by virtue of the configuration of the proposal and the reuse of the existing footprint of the building, as well as not resulting in unacceptable impacts to hedgerows, biodiversity interests, or the character of the countryside location.

33. Suitable landscaping and boundary treatments can be secured by condition to further mitigate the potential impacts from the domestication of land within a new residential curtilage. Thus in these regards, the proposal demonstrates accordance with policies DM2, DM22 and DM25.

Highway Safety, Access and Parking

34. The access and parking arrangements proposed are considered to be appropriately designed relative to the proposed use of the building as a dwelling, given the design of the access and the adequate provision of parking and turning areas afforded to the site. This is consistent with the comments received from the county highway authority who considered that there were no major reasons for refusal of the application, subject to the proposed bin storage, parking and manoeuvring areas are carried out in accordance with the proposed drawings.

35. Based on the information submitted, it is therefore concluded that the development accords with local policy DM46 and paragraph 109 of the NPPF in so much that the access and parking arrangements are appropriate, and it is considered that the proposal would not have any significant negative impacts to highway safety such to warrant refusal of the application.

36. Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The new NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' On this basis a condition will be attached to the permission to secure an operational electric vehicle charge point.

Ecological Implications

37. The development involves the conversion of an existing rural building in the countryside and the application is accompanied by a bat and nesting bird survey as such. The survey found no evidence of bat droppings, feeding remains or any other evidence of bat activity or roosting bats in either the building to be converted or the adjoining stable block to be demolished. Similarly the buildings were considered within the survey to be unsuitable for barn owls, with no signs of barn owls recorded in the building. It is also noted that the building is not within a special protection area.

38.As such, further surveys are not deemed necessary and it is considered that the proposed development would not have a negative impact on biodiversity. However, as per the requirements of policies DM11 and DM12, each development is required to deliver enhancement measures with respect to protected species and biodiversity. As such, a condition is to be secured for enhancement measures.

Other Matters

39.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.

Conclusion:

40.The principle of the development, while considered in the context of the discussed local development management policies to be unsustainable development in the countryside, the proposal benefits from a fall-back position relating to Class P under Part 3 of the General Permitted Development Order 2018 (As amended) that would potentially permit the building to be converted through a prior approval process.

41.The fall-back position relating to Class P has been found to be a potentially lawful option which the proposal would meet the requirements of when assessed under the requirements of class P.

42.The development, by virtue of the minimal changes to the external appearance of the building and its surroundings, as well as the appropriate parking and access arrangements is considered to be acceptable and to not cause harm in relation to issues relating to the character and appearance of the area, local amenity, highway safety, nor ecological implications, such to warrant refusal of the application.

43.In conclusion, the development is, on balance, considered to be supportable when the relevant development plan policies and requirements the National Planning Policy Framework are considered in the context of the fall-back position, albeit Members will note the recommendation in relation to the time limits for implementation.

Recommendation:

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

- 1 The development hereby permitted shall be begun not later than 10th June 2019.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 and, in particular, noting the weight that has been attached to the Permitted Development fall back in this instance and the fact that this fall back under Class P of the GPDO will no longer apply after 10th June 2019.

- 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:

Reference No:	Plan Type	Date Received
REV A	Location & Block Plan	15.08.2018
200-02	Ex Elevations & Floor Plans	02.08.2018
200-03 REV C	Proposed Elevations & Floor Plans	01.10.2018

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

- 3 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. Rev.A 15.08.18 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 4 The use shall not commence until the areas within the site shown on Drawing No. Rev.A 15.08.18 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.

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

- 5 No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).

iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

Reason: In the interests of Environmental Health

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

Reason: In the interests of Environmental Health

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason: To protect the amenity of the area.

- 9 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

Reason: To protect the amenity of the area.

- 10 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 11 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

- 12 The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

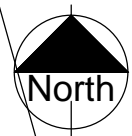
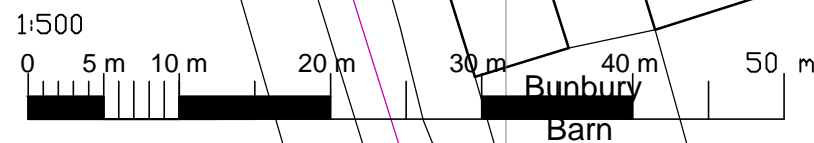
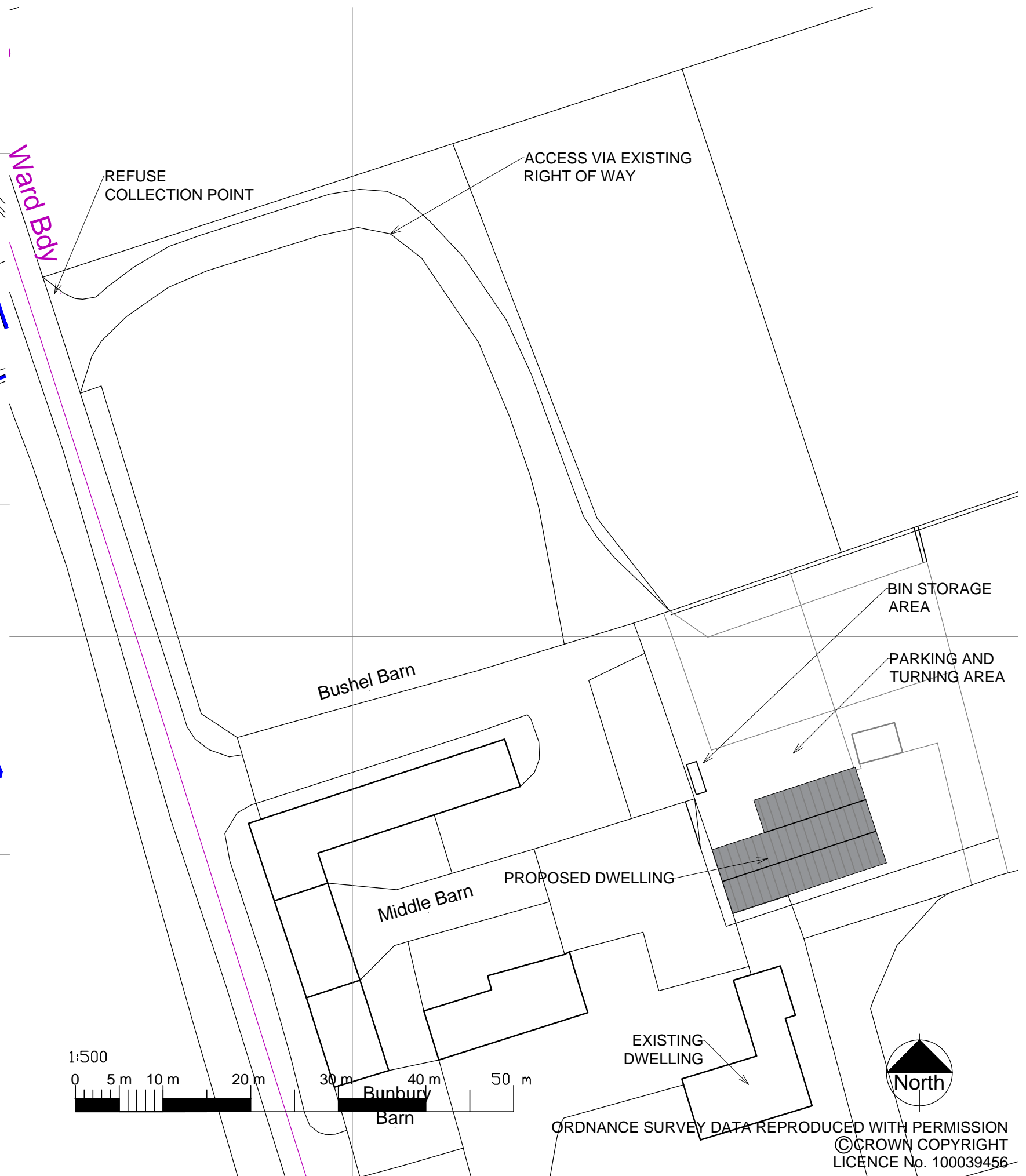
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1507/FUL](https://www.suffolk.gov.uk/DC/18/1507/FUL)



This page is intentionally left blank



©Crown Copyright and database rights 2017 OS 100019980



ORDNANCE SURVEY DATA REPRODUCED WITH PERMISSION
 ©CROWN COPYRIGHT
 LICENCE No. 100039456

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/049

Development Control Committee 6 December 2018

Planning Application DC/18/1862/FUL – Prospect House, 57 Hollands Road, Haverhill

Date Registered:	21.09.2018	Expiry Date:	16.11.2018
Case Officer:	Savannah Cobbold	Recommendation:	Approve Application
Parish:	Haverhill	Ward:	Haverhill South
Proposal:	Planning Application - 1 no. Portacabin to be used as treatment room		
Site:	Prospect House, 57 Hollands Road, Haverhill		
Applicant:	Mr Lee Button		

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:

Savannah Cobbold

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 01284 757614

Background:

The application is referred to the Development Control Committee as a Borough Councillor (Councillor John Burns) has partial interest in this application given part ownership of the business.

Proposal:

1. The application seeks planning permission for the construction of portacabin to be used as a treatment room. The proposed cabin will sit forward of the front elevation of Prospect House and measure 7.6 metres by 3.5 metres and 2.6 metres in height, incorporating a flat roof.

Application Supporting Material:

- Application form
- Photographs
- Block plan
- Location plan
- Proposed elevations and floor plans
- Planning statement
- Details of materials

Site Details:

2. The application site is located within an established industrial estate. Prospect House is a detached building located along Hollands Road which currently accommodates "Real Bodies" gym. In 2013, planning permission was granted, allowing for the construction of a single storey extension to provide a new exercise studio and the formation of additional car parking spaces. Neighbouring buildings are industrial/commercial in nature with a car dealership towards the north of the site.

Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0331/FUL	Planning Application - Erection of single storey extension to provide new exercise studio and formation of additional car parking spaces. As amended by drawing no. 01B received on 26 November 2013.	Application Granted	27.11.2013
DC/18/1862/FUL	Planning Application - 1 no. Portacabin to be used as treatment room	Pending Decision	
SE/01/1517/P	Planning Application - Change of use of building from office to health and fitness club	Application Granted	24.05.2001

E/87/3981/P	Erection of factory office and workshop units with construction of vehicular access as amended by plans received 2nd arch 1988	Application Granted	10.03.1988
E/78/3225/P	ERECTION OF EXTENSION TO FACTORY AND CAR PARK AND LANDSCAPE STRIP	Application Granted	22.06.1979

Consultations:

3. Highways: 7th November 2018 – The planning statement refers to no loss of parking as a result of this application but it is not clear how parking provision can be maintained at the existing level if the portacabin is provided. The Highways Authority request that the applicant provides further information, either showing a layout of the proposed parking spaces or evidence that there is spare capacity in the existing car park spaces under the control of the applicant.
4. 13th November – An amended block plan was submitted to the Local Planning Authority by the applicant on 12th November which was sent to the Highways Authority. Following review of this, the Highways Authority do not hold an objections, subject to a standard condition relating to the retention of space shown on the block plan for parking and manoeuvring of vehicles.
5. Suffolk Fire and Rescue: No objections – set out standard notes relating to access and firefighting facilities and water supplies.

Representations:

6. Town Council: No objections.
7. Neighbours: The following representation was received from Bolt House, Powerdrive Tools:
 - We have no objections to the principle of the application.
 - The maximum parking spaces currently available is 21 (or less depending on determination of space required per vehicle). This figure includes the area on which the proposed portacabin would be erected.
 - The statement that it is to be erected on unused land is therefore incorrect, and the available parking would be reduced.
 - The open air gym areas have already significantly compromised their available parking space.
 - We (their neighbours) have a legal right of parking for several vehicles on their parking area. There is no reciprocal right.
8. **Policy**: The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places, Development Principles and Local Distinctiveness
- DM46 Parking Standards
- Policy HV9 General Employment Areas – Haverhill

Other Planning Policy:

9. National Planning Policy Framework (2018)

Officer Comment:

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

- Revised NPPF
- Principle of development
- Impact on residential amenity
- Impact on street scene/character of area
- Design and form
- Highways issues
- Other matters

Revised NPPF:

11. 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

Principle of development:

12. Development at an existing commercial site within the settlement boundary is acceptable as a matter of principle provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing there is not an adverse impact upon residential amenity, highway safety or important trees within the street scene. Along with CS3, DM2 requires development to conserve and, where possible, enhance the character and local distinctiveness of the area.

13. The application site is located within the General Employment Area and Policy HV9 within the Haverhill Vision 2031 document states that proposals for industrial and business development within the use classes B1, B2 and B8 for Haverhill Industrial Estate will be permitted providing that space requirements, parking, access, travel and general environmental considerations can be met. Although "Real Bodies" currently operates a D2 use, this use has already been established and the proposed cabin is merely a small expansion to this business. Therefore, it is considered acceptable within the General Employment Area.

14. It is also stated within the planning statement that the creation of the cabin will create 2 full-time positions along with the opportunity for apprentice

positions therefore expanding potential employment opportunities within Haverhill.

Impact on residential amenity:

15. The proposed development is considered to have no adverse impact upon the residential amenity of occupants of any nearby properties given the location of the proposed structure. The proposed structure is to be located forward of the front elevation of Prospect House and given that the closest neighbouring properties are located towards the north-west of the site, the proposed structure will be screened by the bulk of the Electricity Distribution Site, Eastern Electricity, and the Arriva Vauxhall car dealership. Taking this into consideration, views of the proposed development from neighbouring properties 11 – 37 Duddery Hill will be extremely limited or even non-existent.

Design and Forms and Impact on street scene/character of the area:

16. The proposed development comprises the construction of a single storey, flat roof cabin to be used as a treatment room in association with "Real Bodies" gym. The design of the structure consists of a timber construction and a flat roof which is generally considered to be appropriate for the area.
17. Although the proposed cabin structure will be visible from the Hollands Road, no harm is considered to arise upon the street scene. This is because the area is characterised by industrial units of varying sizes and designs. When travelling south down Hollands Road towards Prospect House, views of the proposed development will be limited until approach of the application building. There is a high brick wall towards the northern boundary of the site, which gradually degrades in height. This is in place to support the bank given the significant increase in ground level towards the motor car garage. There is also vegetation along this boundary which contributes to the screening of this proposal. Views of the proposed development will be obscured by the gradient of the hill on land contained by the car dealership towards the north and vegetation also along this boundary. Although views may be more readily available when travelling north along Hollands Road, no harm is considered to arise upon the street scene. This is because, on balance, the wider area is generally mixed given the industrial appearance of the estate – there is no real defined character to the area. The proposed cabin is considered to be fairly discrete within the local area and therefore will not adversely affect the character and appearance of the immediate and surrounding area notwithstanding its generally utilitarian appearance and its location forward of the host building. In addition to this, the proposed development will be of single storey nature and incorporate a flat roof, making views minimal. The area is characterised by units with flat roofs and shallow pitch roofs.

Highways issues:

18. It is noted that the proposed cabin will jeopardise the use of four existing car parking spaces. However the proposed block plan shows that three of

these parking spaces will be orientated at a different angle in order to accommodate the proposed structure. It also includes the addition of a drop off point. The Highways Authority were consulted for a 21 day period and firstly requested more information in regards to parking provision being maintained at the existing level if the portacabin is provided. They required a layout plan of the proposed parking spaces or evidence showing that there is spare capacity in the existing car park spaces under control of the applicant. An amended block plan was submitted to the Local Planning Authority on 12th November which was sent to the Highways Authority for consideration. Further comments were received on 13th November indicating no objections to the proposed development subject to a standard condition relating to retaining space for the parking and manoeuvring of vehicles as shown on the amended proposed block plan. It is considered this condition is required to ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

19. Following this, a further amended block plan was then received, noting that, of the four car parking spaces to be relocated, one of these was inaccessible. This space has been omitted from the plans and replaced by secure cycle storage. Consultations have taken place on this amended plan with SCC and it was confirmed in an email dated 20th November that this option is more practical and that the Highways Authority would not change their position on this proposal.
20. Given the above, the proposal is considered to comply with Policy DM46, Parking Standards.

Other matters:

21. A letter of representation was received from the neighbouring industrial unit, Powerdrive Tools. The representation states that the maximum number of car parking spaces available is currently 21. This figure includes the area on which the proposed portacabin is to be erected. The statement that it is to be erected on unused land is therefore incorrect, and the available parking will be reduced.
22. The proposed block plan submitted shows that there will be additional car parking towards the front of the cabin, including two car parking spaces and a drop off point. Car parking towards this area has therefore been reduced by one parking space. However, the proposed block plan confirms that additional spaces will be added to the car park towards the south of the gym. The Highways Authority have been consulted on this application and raise no objections to the scheme, subject to a standard condition. Taking this into consideration, it is considered that there will be no detrimental impact upon car parking.
23. The letter of representation also states that the open air gym areas have already significantly comprised their available car parking space. The proposed block plan submitted confirms that the open air gym will be removed from the site, therefore making cycle storage towards the rear of the newer exercise studio available. The removal of the open air gym has

also been confirmed by the applicant in an email dated 14th November 2018. This can also be secured through condition.

24.They also state that they have a legal right of parking of several vehicles on their parking area and that there is no reciprocal right. This is not a planning consideration and is a civil issue between the applicant and neighbour, noting that the Authority has control over the available parking for this proposal, given its location within the submitted blue line plan.

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. Time limit
2. Compliance with plans
3. Materials as specified
4. Parking/Manoeuvring to be provided (including the removal of the outdoor gym equipment)
5. Cycle storage to be provided and thereafter retained in accordance with details which shall first have been submitted to and approved in writing by the LPA.

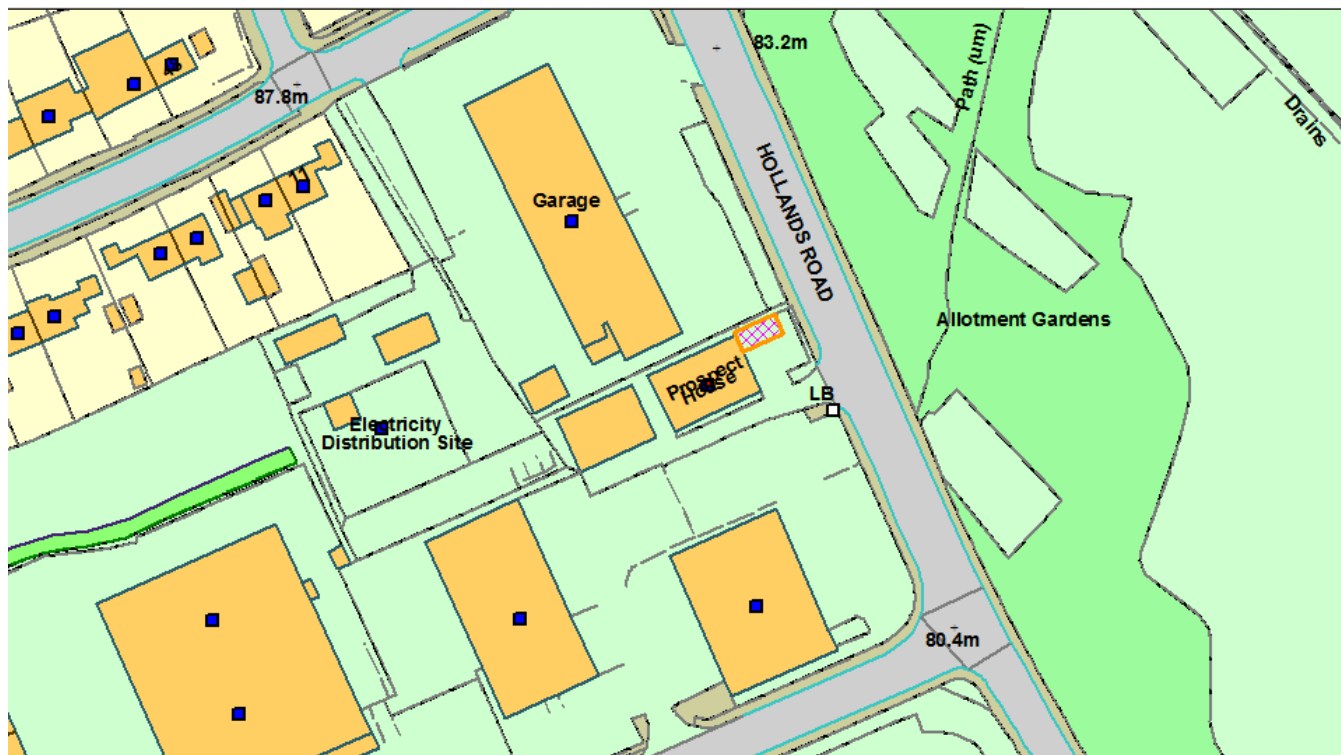
Documents:

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

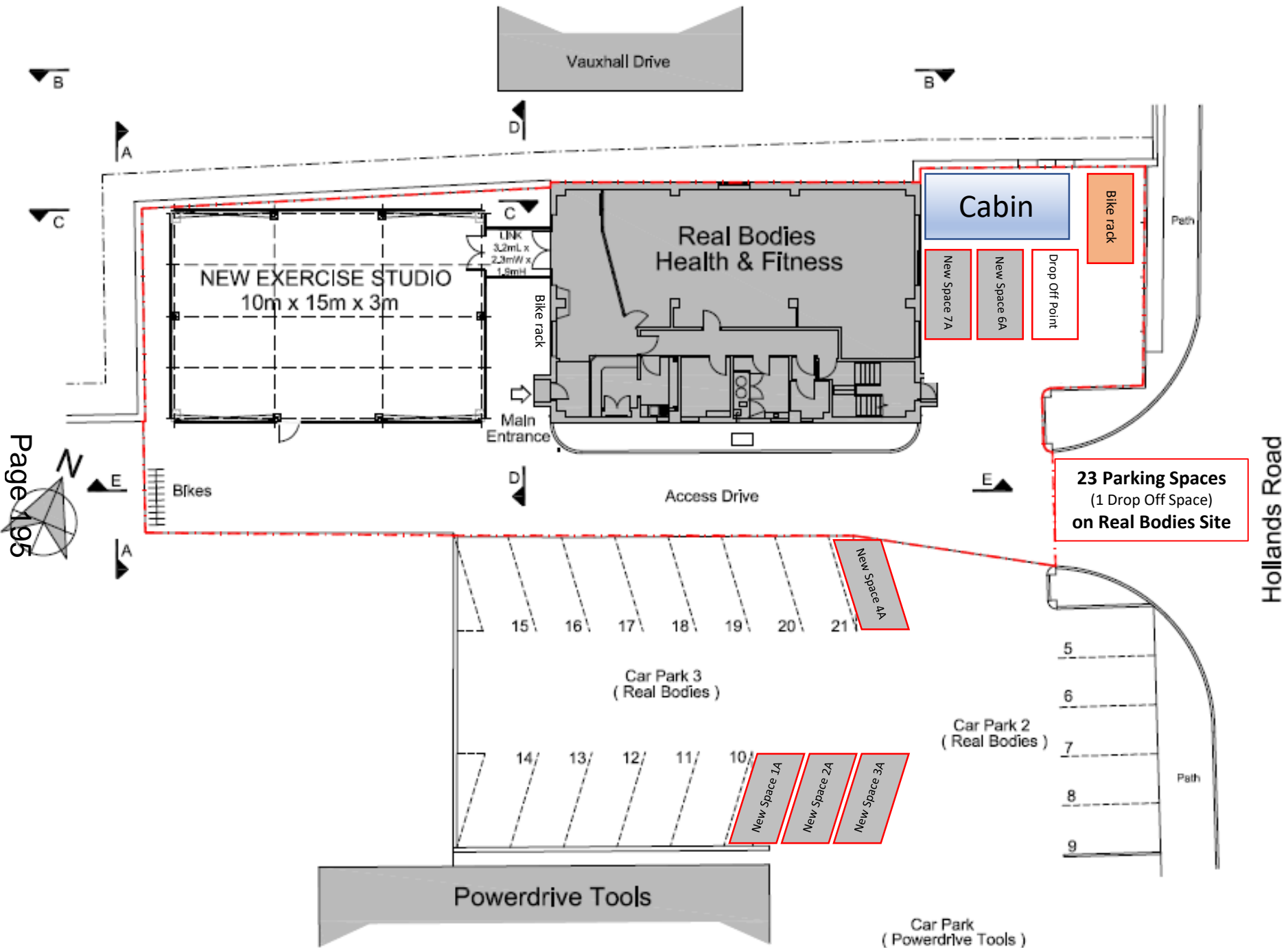
This page is intentionally left blank



DC/18/1862/FUL – Prospect House, 57 Hollands Road, Haverhill, CB9 8PJ



This page is intentionally left blank



Vauxhall Drive

NEW EXERCISE STUDIO
10m x 15m x 3m

Real Bodies
Health & Fitness

Cabin

Bike rack

New Space 7A

New Space 6A

Drop Off Point

Main Entrance

Access Drive

Bikes

23 Parking Spaces
(1 Drop Off Space)
on Real Bodies Site

New Space 4A

Car Park 3
(Real Bodies)

Car Park 2
(Real Bodies)

New Space 1A

New Space 2A

New Space 3A

Powerdrive Tools

Car Park
(Powerdrive Tools)

Hollands Road

Path

Path

This page is intentionally left blank