

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Thursday 3 January 2019</b>												
<b>Time:</b>	<b>PART A Commences at 10.00am</b> <b>PART B Commences not before 1.00pm</b> (see list of agenda items for further details)												
<b>Venue:</b>	<b>Conference Chamber</b> <b>West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU												
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Jim Thorndyke</p> <p style="text-align: center;"><b>Vice Chairmen</b> David Roach and Andrew Smith</p> <table> <tr> <td><i>Conservative Members (12)</i></td> <td>Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox</td> <td>Susan Glossop Ian Houlder Peter Stevens Vacancy</td> </tr> <tr> <td><i>Charter Group Members (2)</i></td> <td>David Nettleton</td> <td>Julia Wakelam</td> </tr> <tr> <td><i>Haverhill Indys Member (1)</i></td> <td>John Burns</td> <td></td> </tr> <tr> <td><i>Independent (non-group) Member (1)</i></td> <td>Jason Crooks</td> <td></td> </tr> </table>	<i>Conservative Members (12)</i>	Carol Bull Mike Chester Terry Clements Robert Everitt Paula Fox	Susan Glossop Ian Houlder Peter Stevens Vacancy	<i>Charter Group Members (2)</i>	David Nettleton	Julia Wakelam	<i>Haverhill Indys Member (1)</i>	John Burns		<i>Independent (non-group) Member (1)</i>	Jason Crooks	
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<b>Interests – Declaration and Restriction on Participation:</b>	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.												
<b>Quorum:</b>	Six Members												

**SITE VISITS WILL BE HELD ON THURSDAY 20 DECEMBER 2018 AT THE FOLLOWING TIMES (please note all timings are approximate):**

**The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:**

- 1. Planning Application DC/17/0339/FUL - Land to the South of A1088 and Crown Lane, Crown Lane, Ixworth, IP31 2EH**  
Planning Application - Access road to serve residential development  
**Site visit to be held at 9.50am**
- 2. Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe, IP31 1QP**  
Hybrid Planning Application - (i) Full Planning Application - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings  
**Site visit to be held at 10.10am**
- 3. Planning Application DC/18/1925/HH - Briar Cottage, Bury Lane, Stanton**  
Householder Planning Application - Oak cart lodge and office  
**Site visit to be held at 10.35am**
- 4. Planning Application DC/18/0068/FUL - 26 Angel Hill, Bury St Edmunds, IP33 1UZ**  
Planning Application - (i) Ground floor retail unit; (ii) 4 no. flats on first and second floor (following demolition of existing building). As amended by plans and documents received on 14 August 2018 removing garden areas  
**Site visit to be held at 11.15am**
- 5. Planning Application DC/18/1443/FUL - No's 2-4 St. Andrews Street North and Land to Rear of No's 106-108 Risbygate Street, Bury St. Edmunds, IP33 1TZ**  
Planning Application - (i) Change of use from shops and offices A1/B1 to 3no. dwellings - 2-4 St Andrews Street North (ii) 2no. dwellings (demolition of existing accommodation/garage building and partial boundary wall) - Land to rear of 106-108 Risbygate Street  
**Site visit to be held at 11.40am**

**The coach will then return to West Suffolk House to allow for a short comfort break (approximately 12.00-12.15pm) before re-embarking and travelling to the following sites:**

- 6. Planning Application DC/18/1187/FUL - Land South of Chapelwent Road, Haverhill, CB9 9SB**  
Planning Application - 87no. dwellings with associated infrastructure  
**Site visit to be held at 1.00pm**
- 7. Planning Application DC/18/2154/FUL - 23 Rookwood Way, Haverhill, CB9 8PB**  
Planning Application - 1no. storage building (following removal of part of existing industrial building)  
**Site visit to be held at 1.25pm**

**On conclusion of the site visits, the coach will return to West Suffolk House by the approximate time of 2.20pm.**

**Committee  
administrator:**

**Helen Hardinge**

Democratic Services Officer

**Tel:** 01638 719363

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

**DEVELOPMENT CONTROL COMMITTEE:  
 AGENDA NOTES**

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

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

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

**Material Planning Considerations**

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

**2. Material Planning Considerations include:**

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

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

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

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



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

### **Documentation Received after the Distribution of Committee Papers**

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

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

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

### **Public Speaking**

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

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

## **DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL**

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

### **Decision Making Protocol**

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

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

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
  - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
  - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
    - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
    - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/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

## Part A

(commences at 10am)

**Page No**

**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 - 22**

To confirm the minutes of the meeting held on 6 December 2018 (copy attached).

**4. Planning Application DC/18/1187/FUL - Land South of Chapelwent Road, Haverhill**

**23 - 60**

Report No: **DEV/SE/19/001**

Planning Application - 87no. dwellings with associated infrastructure

**5. Planning Application DC/17/0339/FUL - Land to the South of A1088 and Crown Lane, Crown Lane, Ixworth**

**61 - 94**

Report No: **DEV/SE/19/002**

Planning Application - Access road to serve residential development

**6. Planning Application DC/18/0068/FUL - 26 Angel Hill, Bury St Edmunds**

**95 - 120**

Report No: **DEV/SE/19/003**

Planning Application - (i) Ground floor retail unit; (ii) 4 no. flats on first and second floor (following demolition of existing building). As amended by plans and documents received on 14 August 2018 removing garden areas

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

## **Part B**

(commences not before 1pm)

**Page No**

- 7. Planning Application DC/18/0034/FUL - Suffolk Business Park, Rougham Tower Avenue** **121 - 146**  
Report No: **DEV/SE/19/004**
- DC/18/0034/FUL | Planning Application – i) Construction of Agricultural dealership building with associated offices, servicing and repairs of agricultural machinery, parking, access, cleaning facility and outside storage and display areas of agricultural machinery for sale (sui generis use) ii) Construction of new access road with cycle ways and footpaths, pumping station, substation and associated landscaping
- 8. Planning Application DC/18/1443/FUL - No's 2-4 St. Andrews Street North and Land to Rear of No's 106-108 Risbygate Street, Bury St. Edmunds** **147 - 166**  
Report No: **DEV/SE/19/005**
- Planning Application - (i) Change of use from shops and offices A1/B1 to 3no. dwellings - 2-4 St Andrews Street North (ii) 2no. dwellings (demolition of existing accommodation/garage building and partial boundary wall) - Land to rear of 106-108 Risbygate Street
- 9. Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington** **167 - 212**  
Report No: **DEV/SE/19/006**
- 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. Manège; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building
- 10. Planning Application DC/18/0544/HYB - Land North of Green Acre, Thetford Road, Ixworth Thorpe** **213 - 226**  
Report No: **DEV/SE/19/007**
- Hybrid Planning Application - (i) Full Planning Application - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings

- 11. Planning Application DC/18/2154/FUL - 23 Rookwood Way, Haverhill** **227 - 240**  
Report No: **DEV/SE/18/008**  
Planning Application - 1no. storage building (following removal of part of existing industrial building)
- 12. Planning Application DC/18/1925/HH - Briar Cottage, Bury Lane, Stanton** **241 - 250**  
Report No: **DEV/SE/19/009**  
Householder Planning Application - Oak cart lodge and office
- 13. Planning Application DC/18/2243/HH & DC/18/2244/LB - Manor House, Church Road, Great Barton, Bury St Edmunds** **251 - 262**  
Report No: **DEV/SE/19/010**  
Householder Planning Application - single storey rear extension with associated alterations

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on **Thursday 6 December 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 Chairman** Andrew Smith

John Burns

Carol Bull

Mike Chester

Terry Clements

Susan Glossop

David Nettleton

Peter Stevens

Julia Wakelam

**Substitutes attending:**

Sara Mildmay-White

Frank Warby

60. **Apologies for Absence**

Apologies for absence were received from Councillors Jason Crooks, Robert Everitt, Paula Fox, Ian Houlder and David Roach.

61. **Substitutes**

Councillor Frank Warby attended the meeting as substitute for Councillor Paula Fox. And Councillor Sara Mildmay-White attended as substitute for Councillor Ian Houlder.

62. **Minutes**

The minutes of the meeting held on 1 November 2018 were unanimously received by the Committee as an accurate record and were signed by the Chairman.

63. **Planning Application DC/18/0464/FUL - King Edward VI Upper School, Grove Road, Bury St Edmunds (Report No: DEV/SE/18/042)**

*(The following Councillors all declared non-pecuniary interests in this item due to the appointments they held as listed against their names below:*

- *Councillor Terry Clements - Co-opted Governor of King Edward VI School and Trustee of Abbeycroft Leisure*
- *Councillor Sara Mildmay-White - St Edmundsbury Borough Council representative on the King Edward VI School Bury St Edmunds Foundation*

- *Councillor Julia Wakelam - Trustee of Suffolk Academies Trust and Governor of West Suffolk College*

*All of the above Members would remain in the meeting and would take part in the discussion and voting thereon.)*

**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**

This application had been referred to the Development Control Committee at the request of one of the Ward Members (Risbygate).

Since publication of the agenda, supplementary 'late papers' were issued in respect of this item and which included:

- A corrected site plan;
- Further comments received from the Environment Agency; and
- A full list of recommended conditions.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in the supplementary 'late papers'.

The Senior Planning Officer made a detailed presentation to the meeting which was recognised and thanked by the Committee.

It was highlighted to Members, as part of the presentation, that whilst Sport England no longer objected to the application there was still a policy conflict in respect of DM42 and this had to be recognised in the planning balance.

Attention was also drawn to Paragraph 56 of Report No DEV/SE/18/042 which explained that the National Policy Statement set out the Government's view that the creation and development of state-funded schools was strongly in the national interest.

Speakers: Mr Paul Nightingale (Former PE teacher, King Edward VI School) spoke against the application  
Councillor David Nettleton (Ward Member: Risbygate) spoke against the application  
Mr Alan Gunne-Jones (agent) spoke in support of the application

Councillor Julia Wakelam (the other Risbygate Ward Member) spoke in support of the application. She considered the site to be the best location for the proposed facility in order to provide linkage with neighbouring West Suffolk College. Councillor Wakelam also highlighted that the development would, by default, free up much needed space on the King Edward VI School's existing site. She therefore proposed that the application be approved, as per the Officer recommendation.



Councillor Terry Clements duly seconded the motion for approval and equally spoke in support of the application. He highlighted the need for the development; which would provide excellent sports facilities.

A lengthy debate ensued with a number of Members making comments both in support and in objection to the application.

Particular concerns raised related to the perceived highways impact and the parking provision. Councillor David Nettleton highlighted the potential impact on air quality and the need for sustainable transport and Councillor Sara Mildmay-White queried the conflict between the loss of playing fields for car park provision and the Government's national health agenda.

Comments were also made with regard to the condition relating to a Full Travel Plan which would be required six months *after* first occupation of the college – questions were posed by Members as to whether this needed to be in place prior to first occupation and, indeed, if the application needed to be deferred to allow for this to be produced.

In response to the highways matters the Highways Officer in attendance was invited to address the meeting by the Chairman.

The Highways Officer explained why Suffolk County Council Highways had come to the position they had in relation to the application and the highways network/parking provision. The Committee was advised that occupation of the site was to be on a phased basis, therefore, the first six months of data would be used to inform the Full Travel Plan; whilst recognising that a Framework Travel Plan had already been produced.

Councillors Andrew Smith and Carol Bull both spoke on the importance of car usage for rural populations who often had a limited public transport network at their disposal. As such, they endorsed the car park provision within the application.

Councillors Wakelam and Clements (as original proposer and seconder, respectively, of the motion to approve) both remarked on the need for reasonableness when considering the potential highways impact; in that it would not be possible by way of the application to address all traffic movement issues within that part of Bury St Edmunds.

The Senior Planning Officer and the Service Manager (Planning – Development) also responded to other questions/comments as follows:

Landscaping – the maximum amount of landscaping had been secured via the scheme and as agreed with the Council's Tree Officer. The drainage infrastructure and visibility requirements restricted any additional planting;

Design – the design proposed was very similar to other local modern educational buildings. Members were also advised that the Vitec Videocom base in Western Way was to be redeveloped as part of the West Suffolk College campus and the appearance would look very similar to the building within the application site; and

Alternative Site(s) – the Committee was reminded that whether or not other sites had been considered for the application by the applicant was not a

material planning consideration for the determination of the application before them.

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

#### Decision

Planning permission be **GRANTED** 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 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) No development above slab level shall take place until details of the external facing and roofing materials to be used for the college building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to the installation of the solar PV array, details of the siting, scale and appearance of the array shall be submitted to and approved in writing by the Local Planning Authority. The array shall be installed in accordance with the approved details prior to the college being first brought into use and shall be thereafter retained as approved.
- 5) Within six months of the first educational use of the college building hereby approved, a final Certificate must be issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating VERY GOOD has been achieved for this development and evidence of such certification must have been submitted to and acknowledged in writing by the Local Planning Authority.
- 6) The existing sand-dressed artificial pitch will be resurfaced with a 3G surface within 12 months of the date of this planning permission, in accordance with a specification that shall have first been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.
- 7) No development shall commence until a Sports Pitch Implementation Scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall take into account the findings of the submitted feasibility study by TGMS dated 30 April 2018 and shall include a written specification of

the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment, together with a programme and timescale for implementation. The development shall be carried out in accordance with the approved Sports Pitch Implementation Scheme and the land shall thereafter be maintained and made available for playing field use in accordance with the approved Scheme.

- 8) Prior to the college building being first brought into use, a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to the college's indoor and outdoor sports facilities comprising the sports hall, activity studio and floodlit multi-use games area. The Agreement shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for periodic review. The facilities shall thereafter be made available for community use in accordance with the approved Community Use Agreement.
- 9) No development shall commence until details of the design and layout of the replacement artificial cricket wicket and the timescale for its implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The facility shall thereafter be constructed in accordance with the approved details and timescale.
- 10) Prior to work commencing on the new multi-use games area, full details of the proposed floodlighting shall be submitted to and approved in writing by the Local Planning Authority. The multi-use games area and floodlighting shall be implemented in accordance with the approved details prior to the college building being first brought into use and shall thereafter be retained as approved.
- 11) The development shall be carried out in accordance with the submitted Site Waste Management Plan ref. PrS-065 received on 14 November 2018, both during the construction phase and thereafter.
- 12) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The applicant shall submit a detailed design based on the FRA & Drainage Strategy by AKS Ward Construction Consultants (drawing refs. 9201 P06 & 9202 P07) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The surface water drainage scheme shall include:
  - a) Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
  - b) Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices

and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

- c) Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
  - d) Infiltration devices will have a half drain time of less than 24hours.
  - e) Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
  - f) Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
  - g) Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- 13) No development shall commence until a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of all construction activities on the site. The approved CSWMP must include:
- a) Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:
    - i) Temporary drainage systems.
    - ii) Measures for managing pollution / water quality and protecting controlled waters and watercourses.
    - iii) Measures for managing any on or offsite flood risk associated with construction.
- 14) 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 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.
- 15) Prior to any works commencing on site, including site clearance, site set-up and deliveries of materials, a Deliveries and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the access(es) to be used by construction vehicles, details of contractor parking on site and methods to prevent debris entering the highway. No HGV or construction vehicle movements shall be permitted to or from the site other than in accordance with the routes defined in the Plan. 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 construction period.

- 16) The new vehicular access shall not be brought into use until details of the visibility splays and any access gates to be erected have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details prior to being first brought into use and shall be retained thereafter in its approved form.  
Clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 17) The approved new vehicular access and signalised junction, as shown on drawing no. 42717/5501/101/P7, shall be laid out and constructed in accordance with the details approved in their entirety prior to the college being first brought into use. The signalised junction shall incorporate cycle and pedestrian crossing facilities on at least three arms and shall make provision for the existing cycle route on Beetons Way. The access signals must be in place and fully functional prior to the college being first brought into use.
- 18) Prior to the provision of the cycle stores, details of their siting and design shall be submitted to and approved in writing by the Local Planning Authority. The cycle stores shall thereafter be provided in accordance with the approved details prior to the college being first brought into use, and shall thereafter be retained and used for no other purpose.
- 19) Prior to the college being first brought into use, the areas within the site shown on drawing no. ABSE6F-ARE-ZZ-00-DP-L-0002 S2 P07 received on 1 November 2018 for the purposes of the loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter those areas shall be retained and used for no other purposes.
- 20) The electric vehicle charging points shown on drawing no. ABSE6F-ARE-ZZ-00-DP-L-0002 S2 P07 received on 1 November 2018 shall be of a minimum 7kWh and shall be provided prior to the college being first brought into use. The electric vehicle charging points shall be retained thereafter as approved and installed.
- 21) Prior to the college being first brought into use, the full contact details of the Travel Plan Coordinator appointed to implement the Framework Travel Plan (dated March 2018 Rev:A) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council as Highway Authority. The Travel Plan Coordinator must be funded and maintained by the occupier to oversee

the implementation of the Interim and Full Travel Plans for the full duration of the Travel Plan.

- 22) Six months after the first occupation of the college, a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Suffolk County Council as Highway Authority. The Full Travel Plan must include the following:
- a) A commitment to achieve the interim objectives and targets set out in the Framework Travel Plan (dated March 2018 Rev:A).
  - b) A timetable for the provision of revised baseline data that includes travel to data for the actual students and employees.
  - c) An action plan that contains suitable objectives and targets to reduce the vehicular trips made by students and employees, with a commitment to implement remedial measures if the agreed targets and objectives are not met.
  - d) A suitable marketing strategy to engage all students and employees with the Travel Plan process.
  - e) A commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.
  - f) A commitment by the occupier to fund and maintain the Full Travel Plan for five years.

The measures set out within the approved Travel Plan shall be implemented as agreed.

- 23) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 24) Prior to the commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- i) Measures for the protection of those trees and hedges on the application site that are to be retained.
  - ii) Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths.
  - iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

- 25) The development shall be carried out strictly in accordance with the approved Tree Protection Plans, refs. P2866.5 003 revB and P2866.5 004 revB, and with the provisions of the Arboricultural Method Statement approved pursuant to Condition 24 of this Planning Permission.
- 26) The mitigation measures set out within the approved Preliminary Ecological Appraisal ref. P2866.2.0 dated 18 May 2017 shall be implemented.
- 27) Prior to the first educational use of the building, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- i) Identify those areas/features on site that are particularly sensitive for protected/notable species and that are likely to be disturbed by lighting;
  - ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.
- 28) Prior to the first educational use of the building 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.
- 29) No development above existing ground level shall take place until a landscape and ecological management plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:
- i) Description and evaluation of features to be managed
  - ii) Ecological trends and constraints on site that might influence management
  - iii) Aims and objectives of management
  - iv) Appropriate management options for achieving aims and objectives
  - v) Prescriptions for management actions
  - vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
  - vii) Details of the body or organization responsible for implementation of the plan
  - viii) Ongoing monitoring and remedial measures.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 30) Prior to their provision on site, details of the substation and bin store shall be submitted to and approved in writing by the Local Planning Authority. The substation and bin store shall be implemented in accordance with the approved details prior to the college being first brought into use and shall thereafter be retained as approved.
- 31) Prior to its provision on site, details of the proposed terraced seating within the embankment to the south of the college building shall be submitted to and approved in writing by the Local Planning Authority. The seating shall be implemented in accordance with the approved details prior to the college being first brought into use and shall thereafter be retained as approved.
- 32) The college hereby approved shall have a maximum pupil number of 1,700 pupils.

*(On conclusion of this item the Chairman permitted a short comfort break.)*

64. **Planning Application DC/18/1018/FUL - Land at Queens Hill, Chevington (Report No: DEV/SE/18/043)**

As a result of further representations received in relation to this application since the publication of the agenda, and in light of uncertainties raised within such at this late stage, a decision had been made to **WITHDRAW** this item from the agenda.

65. **Planning Application DC/18/0900/FUL - Proposed Flat Parking Courtyard, Prince of Wales Close, Bury St Edmunds (Report No: DEV/SE/18/044)**

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

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

Bury St Edmunds Town Council objected to the proposal; raising concerns in relation to parking, loss of amenity and overlooking.

As part of his presentation the Senior Planning Officer drew attention to Paragraph 14 of the report and explained that over the course of the application the previously proposed roof lights had been replaced with sun pipes.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 22 of Report No DEV/SE/18/044.

Speakers: Ms Jenny Curtlin (resident) spoke against the application



Councillor David Nettleton (Ward Member: Risbygate) spoke on the application in order to endorse the consideration of the item by the Committee  
Mr Phillip Cobbold (on behalf of the Agent) spoke in support of the application

Councillor Julia Wakelam (other Risbygate Ward Member) raised a number of concerns in relation to the application relating to:

- The cramped site which could restrict car movement/parking;
- The potential impact on neighbouring residential amenity and lack of shadow drawings;
- Potential difficulties with emergency access; and
- The materials proposed being out-of-keeping.

A number of other Members echoed these concerns. Councillor John Burns raised particular issue with the four parking spaces and their relationship with the adjacent staircase access. He also questioned as to whether four vehicles would actually be able to park in the space provided.

Councillor Burns therefore proposed that the application be deferred in order to allow for these matters to be investigated, however, this motion did not achieve a seconder.

In response, the Case Officer explained that Suffolk County Council Highways Authority had not objected to the parking provision, access or the relationship with the adjacent staircase. Furthermore, the materials to be used could be controlled by way of a condition.

Councillor Peter Stevens stressed the importance of focussing on material planning considerations and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Terry Clements.

However, upon being put to the vote and with 4 voting for and 8 against, the motion was lost.

Councillor David Nettleton then proposed that the application be refused as contrary to the relevant policies of the development plan pertaining to the following reasons:

1. The cramped and contrived overdevelopment of the site;
2. The dominant and unneighbourly impact of the development; and
3. The design being incongruous and out-of-keeping with the surrounding area.

This was duly seconded by Councillor Sara Mildmay-White.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would not need to be invoked in this case and that a risk assessment was not considered necessary by Officers.

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

## Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** as contrary to the relevant policies of the development plan pertaining to the following reasons:

1. The cramped and contrived overdevelopment of the site;
2. The dominant and unneighbourly impact of the development; and
3. The design being incongruous and out-of-keeping with the surrounding area.

*(On conclusion of this item, and Part A of the agenda, the Chairman permitted an interval before proceeding with Part B of the agenda at 1pm.)*

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

**Outline Planning Application (all matters reserved) - 9no. dwellings**

This application was referred to the Development Control Committee meeting on 4 October 2018 following consideration by the Delegation Panel and in light of the objection received from the Parish Council.

At the October meeting Members resolved that they were **MINDED TO REFUSE THE APPLICATION, CONTARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the following reasons:

1. The evidence and risk of flooding in the vicinity and the further impact the development could have on this;
2. Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
3. The lack of detail provided, in light of it being an outline application.

In light of the resolution, Officers invoked the Decision Making Protocol and the report before the Committee now also, therefore, contained a risk assessment.

A Member site visit was held prior to the October Committee. 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 32 of Report No DEV/SE/18/045.

As part of her presentation the Senior Planning Officer explained that an additional condition had been added which outlined mitigation required in respect of flooding.

Members were also advised that since the October Committee meeting the Council's Strategic Housing team had been in contact with the applicant and local registered providers and Officers were content that the proposed affordable housing could be delivered via the scheme.

Speaker: Councillor Clive Mears (Bradfield Combust with Stanningfield Parish Council) spoke against the application

Councillor Sara Mildmay-White (Ward Member: Rougham) raised concerns at the mitigation proposed in the additional condition; which she considered would just relocate the flooding from the application site to elsewhere in the village. This concern was echoed by a number of other Members.

Councillor Terry Clements made reference to a recent appeal decision on the site relating to landscape impact. The Service Manager (Planning – Development) reminded the Committee that each application was to be considered on its own merits and to refer to the refusal reasons previously provided by Councillors.

Councillor David Nettleton proposed that the application be refused, for the two reasons as proposed by the Officer in Section C of the report. This was duly seconded by Councillor John Burns.

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

#### Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, for the following reasons:

1. 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; and
2. 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.

67. **Planning Application DC/18/1376/FUL - Land and Barns at Willow Tree Farmhouse, Mill Road, Brockley (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)**

This application was referred to the Development Control Committee on the basis of the defined conflict with policy, nothing that, in order to progress as a delegated item, proposals otherwise needed to be 'consistent' with the provisions of the Development Plan.

As part of her presentation the Case Officer drew attention to the supplementary 'late papers' which had been issued following publication of the agenda and which set out the full wording of the recommended conditions.

The Senior Planning Officer explained that Members should note the conflict identified within the report, alongside the material considerations that Officers believed in this circumstance justified a recommendation of approval subject to conditions, as set out in the supplementary 'late papers'.

The Committee were also advised that:

- The Parish Council were in support of the scheme;
- The significant weight that needed to be attributed to the 'fallback position' of the barn conversion via the prior approval process;
- The enhancements to the setting of the listed building Willow Tree Farmhouse as a result of the development; and
- The other recent developments in the locality, which were indicated on a map.

Councillor Peter Stevens (Ward Member: Cavendish) spoke in support of the application which he considered would enhance the area. He therefore moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

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

#### Decision

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

1. 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 following approved plans and documents
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling
4. 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
5. The acoustic insulation of the dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to

23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00

6. The demolition of the barns shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
  - i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
  - ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
7. Details of any proposed external lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation
8. Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council. A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours' notice
9. All ecological recommendations and precautionary measures contained in the following reports shall be implemented in full and retained where appropriate:

Biodiversity Assessment (primarily concerned with great crested newts) for Proposed Development of a Barn at Willow Tree Farm, app: DC/18/1376/FUL (7 August).

Bat & Bird Assessment (Including Dusk & Dawn Surveys) at: Willow Tree Farm, Mill Road, Brockley, Hartest (August 2018)

as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
10. 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
11. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No DM01 and with a maximum entrance width of 4.5 metres and made available for use prior to occupation. It shall be retained thereafter in its approved form
12. Prior to first use of the development hereby permitted, the new access onto the site shall be properly surfaced with a bound impervious material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details shown on plan no. 18/50/11
13. Before the access is first used, visibility splays shall be provided as shown on Drawing No. 18/50/05 with an X dimension of 2.4m and a Y dimension of 43m in each direction and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of

the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays

14. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 15/50/11 for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose
15. The use shall not commence until the area within the site shown on Drawing No. 18/50/11 for the purposes of refuse and recycling bin storage has been provided and thereafter that area shall be retained and used for no other purposes.
16. The use shall not commence until the Aco-drain within the site shown on Drawing No. 15/50/11 for the purposes of preventing the discharge of surface water from the development onto the highway has been provided.
17. 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.
18. 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.

**68. Planning Application DC/17/2539/FUL - 5 High Street, Haverhill  
(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**

This application was referred to the Development Control Committee at the request of Councillor Paula Fox (Ward Member: Haverhill South).

Members were made aware that as it was an application for a 'major' development it had not first been presented before the Delegation Panel.

Officers were recommending that the application be approved subject to the completion of a Section 106 Agreement and conditions, as set out in Paragraph 50 of Report No DEV/SE/18/047.

As part of his presentation the Senior Planning Officer advised that:

- The Town Council had objected to the scheme;
- During the course of the life of the application the size of the units had been amended and they now complied with LACORS guidance; and
- The applicant had submitted a viability appraisal justifying why affordable housing could not be provided as part of the application. This had been considered and endorsed by the Council's external consultant.

Speaker: Mr Ben Pridgeon (Agent) spoke in support of the application

Councillor John Burns spoke in objection to the application. He queried how Vacant Building Credit could be applied to the scheme given that the building had only been vacant for a short period of time.

The Service Manager (Planning – Development) explained that Vacant Building Credit was legal requirement set out in the NPPF and it did not specify the length of time in which a building had to be vacant in order to qualify.

Councillor Peter Stevens spoke in support of the application. He remarked on the need for this size of accommodation and considered the scheme to be an appropriate use of a vacant building. He therefore moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Frank Warby.

Upon being put to the vote and with 9 voting for the motion, 2 against and with 1 abstention, it was resolved that

#### Decision

Planning permission be **GRANTED** subject to:

The completion of a Section 106 Agreement with the following contributions:

Primary School contribution: £24,362

Pre School contribution: £16,666

Library Contribution £224

And, 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 following approved plans and documents:
- 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.
- 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.
- 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.
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.

69. **Planning Application DC/18/1507/FUL - Paltry Farm, Brand Road, Great Barton (Report No: DEV/SE/18/048)**

**Planning Application - Change of use of B8 storage and distribution building to 1no. residential dwelling**

This application was referred to the Development Control Committee on the basis of the defined conflict with policy, nothing that, in order to progress as a delegated item, proposals otherwise needed to be 'consistent' with the provisions of the Development Plan.

The Planning Officer explained that Members should note the conflict identified within the report, alongside the material considerations that Officers believed in this circumstance justified a recommendation of approval subject to conditions, as set out in Paragraph 44 of Report No DEV/SE/18/048.

As part of his presentation the Planning Officer advised that:

- The Ward Member was in support of the scheme, however, the Parish Council had registered objections;
- The significant weight that needed to be attributed to the 'fallback position' of Permitted Development, irrespective of the application being contrary to policy; and
- The three applications listed as refused under the 'planning history' section of the report were all won on appeal.

Speaker: Mr Brian Barrow (Agent) spoke in support of the application  
Councillor Peter Stevens spoke in support of the application and moved that it be approved, as per the Officer recommendation. This was duly seconded by Councillor Andrew Smith.

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

Decision

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

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

*(On conclusion of this item Councillor Mike Chester left the meeting at 2.17pm.)*

70. **Planning Application DC/18/1862/FUL - Prospect House, 57 Hollands Road, Haverhill (Report No: DEV/SE/18/049)**

*(Councillor John Burns declared a pecuniary interest in this item as he was a shareholder of the business who had submitted the application. He therefore left the meeting during the consideration of this item.)*

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

This application was referred to the Development Control Committee as St Edmundsbury Borough Councillor John Burns had a partial interest in the application given part-ownership of the business.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 26 of Report No DEV/SE/18/049.

Councillor Susan Glossop raised a question with regard to the parking rights as made reference to in the comments received from the neighbouring business, as summarised in Paragraph 7 of the report.

In response, the Service Manager (Planning – Development) explained that this was a private matter between the two premises in question and was not part of the planning process.

Councillor Frank Warby moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andrew Smith.

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

Decision

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

1. 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

The meeting concluded at 2.24 pm

**Signed by:**

**Chairman**

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/001

## Development Control Committee 3 January 2019

### Planning Application DC/18/1187/FUL – Land South of Chapelwent Road, Haverhill

<b>Date Registered:</b>	22.06.2018	<b>Expiry Date:</b>	21.09.2018 - EOT
<b>Case Officer:</b>	Kerri Cooper	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Haverhill	<b>Ward:</b>	Haverhill North
<b>Proposal:</b>	Planning Application - 87no. dwellings with associated infrastructure		
<b>Site:</b>	Land South Of, Chapelwent Road, Haverhill, Suffolk		
<b>Applicant:</b>	Taylor Wimpey UK 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:

Kerri Cooper

Email: [kerri.cooper@westsuffolk.gov.uk](mailto:kerri.cooper@westsuffolk.gov.uk)

Telephone: 01284 757341

## 1.0 Background:

- 1.1 The application site was previously identified and reserved for the construction of a Middle School. However, following the reorganisation of the school structure this site was no longer required for this purpose and it was not identified for any other suitable community uses. The greenfield site was put forward as a small scale allocation in Policy HV5 of the Haverhill Vision 2031.
- 1.2 During the course of the application amendments were made to the overall design and layout of the scheme and additional information was submitted regarding ecology, archaeology and drainage.
- 1.3 The application is before the Development Control Committee, as the Officers' recommendation is one of APPROVAL, contrary to the view of Haverhill Town Council.
- 1.4 A site visit is proposed for Thursday 20 December 2018.

## 2.0 Proposal:

- 2.1 Full Planning Permission is sought for a residential development comprising 87no. dwellings (26no. being affordable), together with associated infrastructure including vehicular and pedestrian accesses, parking and garaging. An area of public open space is proposed to the west of the proposed housing.
- 2.2 The development comprises a mix of dwelling types and sizes, set out below:

<b>SCHEDULE OF ACCOMMODATION</b>		
<b>PRIVATE HOUSING</b>		
<b>HOUSE TYPE:</b>	<b>DESCRIPTION:</b>	<b>No:</b>
PA22	2 BED HOUSE	6
PA34	3 BED HOUSE	12
PT36	3 BED HOUSE	5
PT37	3 BED HOUSE	4
PB33-G	3 BED HOUSE	4
PC32	3 BED TOWN HOUSE	3
PA44	4 BED HOUSE	7
PA48	4 BED HOUSE	5
PA49	4 BED HOUSE	6
PT43	4 BED HOUSE	4
NB51	5 BED TOWN HOUSE	5
	<b>TOTAL</b>	<b>61</b>
<b>AFFORDABLE HOUSING - RENTED</b>		
<b>HOUSE TYPE:</b>	<b>DESCRIPTION:</b>	<b>No:</b>
C542	1 BED HOUSE	2
C558	1 BED HOUSE	2
AA11	1 BED HOUSE	3
AA25	2 BED HOUSE	10
AA33	3 BED HOUSE	2
AA43	4 BED HOUSE	1
B1110	3 BED W/C BUNGALOW	1
	<b>TOTAL</b>	<b>21</b>
<b>AFFORDABLE HOUSING - SHARED OWNERSHIP</b>		
<b>HOUSE TYPE:</b>	<b>DESCRIPTION:</b>	<b>No:</b>
AA25	2 BED HOUSE	3
AA33	3 BED HOUSE	2
	<b>TOTAL</b>	<b>5</b>
<b>TOTAL NO. OF DWELLINGS:</b>		<b>87</b>

### **3.0 Application Supporting Material:**

3.1 Information submitted with the application as follows:

- Application Form
- Design and Access Statement
- Planning Statement
- Tree Survey and Topographic Survey
- Arboricultural Report
- Ecological Reports
- Ecological Plan
- Environmental Impact Assessment
- Geophysical Survey
- Transport Assessment
- Travel Plan
- Landscape Details
- Parking, Cycle and Footpath Details
- Materials
- House Type Pack
- Site Location and Layout
- Elevations, Floor Plans and Sections

3.2 The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

### **4.0 Site Details:**

4.1 The application site, which is approximately 4.6 hectares in area, is located on the south side of Chapelwent Road within the designated Settlement Boundary of Haverhill. It is an allocated site under Policy HV5 in the Haverhill Vision 2031.

4.2 The site which was former agricultural land, is now semi-improved grassland comprising two fields, dominated by areas of blackthorn scrub and hedgerows.

4.3 The site is bounded to the east by residential development accessed from Howe Road. To the north of the site is a modern residential development and a large area of public open green space that includes a children's play area. To the west, the site is bounded by a track running parallel to it, beyond which lies a modern housing development. The southern boundary of the site is bounded by a track that follows the route of a disused railway line and is designated as a Local Nature Reserve 'Haverhill Railway Walk'.

4.4 The proposed development site lies in an area of high archaeological potential recorded on the County Historic Environment Record and is also situated in a topographically favourable location for activity from all periods, overlooking a tributary of the River Stour.

### **5.0 Planning History:**

5.1 No relevant planning history.

## **6.0 Consultations:**

6.1 The following consultation responses have been received, which are summarised below and full consultation responses are available to view online:

### Strategic Housing

Comments 27<sup>th</sup> July:

- Unable to support the application at present;
- The developer has met the councils CS5 policy to deliver 30% affordable housing on site and our tenure requirement of 80% affordable rented and 20% intermediate housing. The affordable housing mix also accords with the latest housing needs requirements for Haverhill;
- The affordable housing plan submitted that the affordable dwellings are all clustered in one corner of the development and not in accordance with the guidance set within the Affordable Housing SPD which requires the affordable dwellings to not exceed clusters of 15 dwellings or more;
- Lack of parking provision;
- The 1no. bedroom affordable houses are slightly smaller than the council's recommendation that all properties should at least meet the minimum National Described Space Standards as set out in the Technical Guidance

Comments 22<sup>nd</sup> August 2018:

- The affordable housing mix prescribed within the S106 is accurate to deliver the required 26 affordable dwellings on site;
- Having reviewed the House Type plans, Strategic Housing are comfortable that although these are slightly smaller than the National Prescribed Space Standard the internal floor plans show a sufficient amount of floor space for furniture, orientation etc.

Comments 8<sup>th</sup> October 2018:

- The concerns previous made in respect of parking have been addressed;
- The clustering of the affordable housing still remains a concern

### Public Health and Housing

Comments 10<sup>th</sup> July 2018:

- Public Health and Housing do not object and recommend conditions, however raise comments;
- Concerns regarding means of escape from some of the dwellings proposed;
- Some of the properties proposed are below National Space Standards

Comments 3<sup>rd</sup> October 2018:

- No further comments to make

### Environment Team

Comments 27<sup>th</sup> July 2018:

- No objection, subject to conditions

### Cambridge Airport

Comments 11<sup>th</sup> July 2018:

- No objection

### Natural England

Comments 13<sup>th</sup> July 2018:



- No comment to make – Local Planning Authority should refer to Standing Advice

#### West Suffolk Clinical Commissioning Group

Comments 17<sup>th</sup> July 2018:

- West Suffolk Clinical Commissioning Group (CCG) incorporating NHS England Midlands and East (East) (NHS England) request a financial contribution of £33,120 as it has been identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

#### Ramblers

Comments 23<sup>rd</sup> July 2018:

- The only public right of way, shown on the Definitive Map, in the vicinity, is of course Withersfield fp 1, which becomes Haverhill fp 10 as it heads for the town's Withersfield Road;
- No objection is offered

#### Environment Agency

Comments 24<sup>th</sup> July 2018:

- No comment to make.

#### Anglian Water

Comments 27<sup>th</sup> July 2018:

- No objection, subject to pre-commencement conditions in respect of surface water disposal.

Comments 9<sup>th</sup> October 2018:

- No objection, subject to pre-commencement conditions in respect of surface water disposal.

#### Suffolk County Council Floods and Water

Comments 23<sup>rd</sup> July 2018:

- SCC Flood and Water Management have reviewed the drainage strategy and recommend a holding objection at the current time. The overall principle of the surface water drainage design is acceptable however SCC require further clarification on the design at this full planning stage.

Comments 8<sup>th</sup> October 2018:

- SCC Flood and Water Management have reviewed the latest drainage strategy and have no further objections, subject to conditions.

#### Suffolk County Council Archaeology

Comments 19<sup>th</sup> July 2018:

- The proposed development site lies in an area of high archaeological potential recorded on the County Historic Environment Record and is also situated in a topographically favourable location for activity from all periods, overlooking a tributary of the River Stour.
- In order to establish the archaeological potential of the site, a geophysical survey will be required in the first instance. The geophysical survey results will be used to make a decision on the timing and extent of trial trenched evaluation which is required at this site. The results of the evaluation should be presented as part of any planning application for this site, along with a detailed strategy for further investigation and appropriate mitigation. The results should inform the development to ensure preservation in situ of any

previously unknown nationally important heritage assets within the development area.

Comments 28<sup>th</sup> November 2018:

- Following the receipt of the Geophysical Survey, no objection subject to conditions.

Suffolk County Council Development Contributions Manager

Comments 26<sup>th</sup> July 2018:

- Contributions towards pre-school, primary school and sixth forms in the catchment area are sought as there is forecast to be surplus capacity to accommodate pupils anticipated from this scheme. A contribution of £1,392 towards the development of library services is sought. Consideration will also need to be given to adequate play space provision, health, supported housing, transport issues, waste management, surface water drainage, fire safety and broadband.

Suffolk Wildlife Trust

Comments 31<sup>st</sup> July 2018:

- Object to application;
- Suffolk Wildlife Trust have read the Preliminary Ecological Appraisal report (CSA Environmental, Mar 2018) and note the findings of the consultant. The report recommends that further surveys for flora, bats, dormice and reptiles are required in order to assess the full potential ecological impacts of this proposal and identify mitigation and/or compensation measures. In the absence of this survey information it is not possible to fully assess the likely impacts of the proposed development on protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))

Comments 2<sup>nd</sup> November 2018:

- All of the ecological survey and assessment information has now been provided as part of an Ecological Impact Assessment (EcIA) (CSA Environmental, Oct 2018);
- The application site supports a range of protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), including reptiles (common lizard), breeding birds and foraging and commuting bats, the site also supports a range of flora species associated with chalky soils;
- Appropriate mitigation measures required and further clarification

Comments 23<sup>rd</sup> November 2018:

- Following the additional information provided in support of this application, including the letter from CSA Environmental of 8<sup>th</sup> November 2018, no objection subject to conditions and recommendations.

Suffolk Constabulary Design Out Crime Officer

Comments 24<sup>th</sup> July 2018:

- Some areas of concern relating to security and permeability for dwellings within the development.

Comments 10<sup>th</sup> and 30<sup>th</sup> October 2018:

- Whilst there are still some areas of concern relating to security and permeability for dwellings within the development, it is welcomed and appreciated that the developer has accommodated Secure by Design principles where possible.

Suffolk County Highway Authority

Comments 25<sup>th</sup> July 2018:

- Holding objection until acceptable details are submitted;
- Revisions to parking, increased cycle provision, road layout, off site highway works required.

Comments 15<sup>th</sup> October 2018:

- Whilst improvements have been made, elements of parking is required to be designed and amendments to the layout are needed in particular permeability.

Comments 22<sup>nd</sup> November 2018:

- No objection, subject to conditions and S106 contributions.

#### Ecology and Landscape Officer

Comments 26<sup>th</sup> July 2018:

- Object to the proposed development as there is not sufficient biodiversity survey information available. It is noted that the ecologist has presented a plan showing that the majority of the site contains potential dormouse and/or reptile habitat. Dormouse, reptile, bat, and botanical surveys are planned and these should inform the development design.

Comments 1<sup>st</sup> November 2018:

- The ecology reports and survey submitted by the applicants ecologist can't be taken any further until the results of the further surveys required are known, as this is essential to inform the layout and design concept for any planning application.

Comments 23<sup>rd</sup> November 2018:

- Satisfied with the findings from the surveys and reports, which will be required to be conditioned accordingly;
- Amendments and clarification still required to layout which include, bollard details, lighting details, planting, boundary treatment and Public Open Space (POS).

Comments 3<sup>rd</sup> December 2018:

- Further matters and points addressed from comments dated 23<sup>rd</sup> November;
- No objection, subject to conditions.

#### Parks and Infrastructure Manager

Comments 26<sup>th</sup> July 2018:

- Currently object to POS proposals as it is considered that the site has been looked at in isolation to the wider landscape that surrounds the site and failed to integrate the spaces to create one seamless POS;

Comments 23<sup>rd</sup> November 2018:

- Following amendments to the scheme and subject to conditions and POS contributions, all concerns previously raised have been addressed.

#### Suffolk County Council Travel Plan Officer

Comments 10<sup>th</sup> July 2018:

- A response will be provided, however it will be incorporated within the formal Highway Authority comments;
- No objection, recommend conditions.

### **7.0 Representations:**

#### Ward Member

- No comments received.

#### Haverhill Town Council

Comments 26<sup>th</sup> July 2018:

- Object to the application;
- Concerns raised by Public Health regarding room sizes;
- Lack of vehicle charging points;
- Lack of access to the Railway Walk on southern corner – sustainable access;
- Concerns regarding Flora and Fauna

Comments 29<sup>th</sup> August 2018:

- Object to the application, however some concerns have been addressed (the wording in bold italic is direct from Haverhill Town Council);
- Concerns raised by Public Health regarding room sizes – ***objection remains***
- Lack of vehicle charging points – ***objection withdrawn***
- Lack of access to the Railway Walk on southern corner; sustainable access – ***objection remains as against the alternative footpath to Howe Road***
- Concerns regarding Flora and Fauna - ***request for a condition to be placed, not an objection.***

Comments 4<sup>th</sup> October 2018:

- Objection remains;
- The Town Council insist on a direct link access to the railway walk on the southern corner of the site;
- Echo concerns raised by Public Health in relation to room sizes

### Neighbours

89no. nearby addresses were notified of the application via post and 2no. site notices were displayed.

During the course of the application, representations have been received by the owners/occupiers of 10no. properties, which are summarised as follows:

#### 26 Alderton Close

- A number of representations have been received by the owner of no. 26 Alderton Close in respect of ecology and subsequent dialogue between the Local Planning Authority, Applicant/Agent and Owner have taken place;
- Objected to the application due to lack of ecological reports and information submitted with application;
- Site clearance work undertaken prior to an surveys being submitted and objection from Suffolk Wildlife Trust and Ecologist;
- Work and activities undertaken could affect the outcome of the surveys and findings

#### 16 Alderton Close

- Disappointed that there are no private bungalows within the development;
- Lack of bungalows make it difficult for people who require one to be able to purchase one;
- Concerned with the review undertaken in respect of Wildlife and Flora;
- Lack of post box and dog bins on Meadowlands Estate and regard needs to be given to this within this development

#### 4 Howe Road

- Object to proposed development;
- Ecological impact – destroy existing wildlife;

- Existing infrastructure – sewage at capacity, schools are unable to enrol nearby children and increase in traffic and impact on highway safety;
- Social housing has been isolated

#### 6 Howe Road

- Objects to the proposed development due to the location and design of the affordable housing units;
- Affordable Housing been poorly thought out and does not have regard to The Ministry of Housing Communities and Local Government
- Design and scale of the proposed development does not reflect local demand and need;
- Impact on highway safety – occupants of existing estates use Howe Road

#### 16 Howe Road

- Object to footpath opening and creation from the proposed development to Howe Road;
- Would result in safety hazard;
- A footpath should be created closer to the railway line;
- Impact on highway safety – a Zebra Crossing should be provided

#### 18 Howe Road

- Concerns to footpath opening and creation from the proposed development to Howe Road;
- Would result in safety hazard;
- A footpath should be created closer to the railway line;
- The existing footpath has never been maintained

#### 20 Howe Road

- Object to proposed development;
- Eastern boundary line passing the corner of my house within a meter or so and only approximately 3 meters from my front door, with the proposed fencing going straight through my front garden (which itself is bounded by course hedges);
- Impact on amenity as a result of the location of the development on the eastern boundary

#### 28 Howe Road

- Object to proposed development;
- Detrimental impact to lives of current residents;
- Impact on vehicle movements and traffic;
- Impact on amenity as a result of overlooking;
- Impact on wildlife

#### 12 Slaters Drive

- I would hope that no windows overlook my property;
- Impact on parking – garages are not usually used for parking;
- If more bungalows were proposed, my larger property would become available;

#### 14 Slaters Drive

- Object strongly to plot 32 due to loss of light and privacy loss;
- Impact on parking due to traffic generated from proposed development;
- Loss of green space;
- Area rich in Flora and Fauna

16 Slaters Drive

- Overlooking to my property as a result of proposed development

All representations can be viewed online in full.

**8.0 Policy:** The following policies of the Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy 2010 & Haverhill Vision 2031 Documents have been taken into account in the consideration of this application:

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM4 Development Briefs
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- 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 DM44 Rights of Way
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity

- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS12 - Haverhill Strategic Growth

#### Haverhill Vision 2031

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill
- Vision Policy HV5 - Housing on Greenfield Sites

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

- National Planning Policy Framework (2018)

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

9.2 Paragraph 213 of the Framework is clear 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.

9.3 The key development plan policies in this case are set out above. It is necessary to understand how the Framework deals with the issues otherwise raised in these policies, and to understand how aligned the Development Plan Policies and the Framework 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.

9.4 The Policies set out within the Joint Development Management Policies have been assessed in detail by Officers 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.

### **10.0 Supplementary Planning Documents:**

- St Edmundsbury Borough Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (2012)
- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)

### **11.0 Officer Comment:**

- 11.1 The issues to be considered in the determination of the application are:
- Principle of Development

- Layout, Design and Amenity
- Highways Impact, Sustainable Transport and Connectivity
- Open Space, Ecology and Drainage
- Affordable Housing
- Contamination, Air Quality and Sustainability
- Heritage Impacts
- Planning Obligations
- Other Matters

#### Principle of Development

- 11.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The St Edmundsbury Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National planning policies set out in the National Planning Policy Framework (2018) are also a key material consideration.
- 11.3 The site is subject to an allocation in the Haverhill Vision 2031 under policy HV5 (a) which seeks to allocate this site with an indicative capacity for 85no. dwellings.
- 11.4 The proposed development comprises 87 no. dwellings (26no. affordable units) with associated infrastructure. The scheme incorporates an area of public open space (POS) in the western area of the site. 85no. dwellings in the policy is indicative and therefore 87no. dwellings in principle is not unacceptable, provided that development is otherwise acceptable in terms of all other development plan policies.
- 11.5 Given the allocation, the principle of the proposed development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

#### Layout, Design and Amenity

- 11.6 The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'
- 11.7 Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.



- 11.8 Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
- 11.9 The development proposes a mix of 1, 2, 3, 4 and 5 bedroom dwellings. The majority of the dwellings are of a two storey scale, however some are two and a half storey dwellings, and some three storey dwellings as well as one single storey dwelling. Along the frontage of the development on Chapelwent Road, there are 8no. properties which front the street and are of a scale and form as so to command the street scene in a positive manner. This feature, creates a visually interesting development from the entrance of the site. Through to the POS in the west, the road runs centrally through the site, with building lines shaping the road and following this form as to create a sense of enclosure. The proposed dwellings incorporate a mix of design and architectural features drawn from the local area, forming three character areas within the development; Georgian Terrace, Victorian Square and Traditional Suffolk Vernacular. The detailing and mix of buildings creates attractive street scenes from many aspects of the site. Key and prominent buildings frame the development at two main parts of the site, the frontage along Chapelwent Road and the central area of the site where a square has been created. The buildings position and overall formation frame key views and create a sense of place in these areas of the site in particular.
- 11.10 A number of changes have been made to the scheme to address concerns of officers. These include the removal of the parking court in the centre of the affordable housing units and reducing the amount of parking to the front of the properties where possible to improve the appearance in the street scene. In addition, the revisions to the layout of the scheme have enabled good levels of natural surveillance and opportunities to address a number of the initial concerns raised by the Police Architectural Liaison Officer in respect of boundary treatments, parking and provision of car ports.
- 11.11 The amendments to the layout have addressed officers' comments and concerns, so as to result in an attractive and well-designed development.
- 11.12 Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
- 11.13 The properties benefit from a sufficient amount of outdoor amenity space, which in the context of the size of the properties and the urban location is considered to be positive. The orientation and position of the dwellings, along with their designs ensures that the relationship between the properties is one that is acceptable with no unacceptable or overbearing impacts.
- 11.14 The most sensitive areas of the site, when considering the potential impact on residential amenity of existing dwellings, is the north and east of the site,

given the existing residential development that adjoins on Howe Road and Slaters Drive. The properties which are immediately adjacent to the site on both Howe Road and Slaters Drive either face rear or side onto the site.

- 11.15 The footpath proposed to the east of the site, connecting to the existing footpath along Howe Road has caused concern with residents at Howe Road. The reasoning for the footpath is set out in the next section, however it will provide a direct pedestrian and cycle route from and to the development to wider connections. Given the location and nature of the footpath, officers' consider that there would not be an unacceptable level of disturbance to the owners/occupies of nos. 14-20 Howe Road.
- 11.16 Along the eastern boundary of the site is an area of proposed landscaping, providing a soft boundary treatment and buffer between the properties along Howe Road that back onto the site and the proposed development. The main access road into the site is located beyond this, with the proposed dwellings along the east of the site facing towards Howe Road. The minimum distance between the front elevations of the proposed dwellings to the east of the site and the boundary of the site is approximately 17metres.
- 11.17 Along the northern boundary of the site, adjacent to Slaters Drive is a proposed parcel of soft landscaping which incorporates a centrally located cycle path along the entire boundary. A shared private road and driveways are located beyond this, which serves 5no. dwellings closest to the rear of the existing residential properties along Slaters Drive, resulting in a minimum distance of approximately 13metres from the side elevation of the proposed dwellings and the boundary of the site.
- 11.18 Concerns have been raised by residents of Slaters Drive and Howe Road regarding impact on amenity to their properties from overlooking. However, for the reasons cited above, it is not considered that the proposed development will result in an unacceptable level of impact on residential amenity to the properties along Slaters Drive and Howe Road by virtue of overlooking, loss of light or disturbance as to cause harm.

#### Highways Impact, Sustainable Transport and Connectivity

- 11.19 The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and,
  - c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.20 It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

- 11.21 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.
- 11.22 The proposed development provides one highway access into the site off Chapelwent Road. The location of the access has been established from the existing turning head in situ. The primary access serves all of the central dwellings within the site, however it leads to secondary accesses and private driveways which serve the remaining dwellings. The Highway Authority were satisfied with the primary access into the site, however they raised some concerns with the detail of the scheme and in response a number of changes have been made to the internal layout of the development. The road serving plots 71-71 & 84-87 has been revised from a shared surface road type to a minor access road, incorporating a 1.8m wide footpath along the eastern site boundary with a footpath connection through to Howe Road. Triple tandem parking has been omitted, along with some of the carports. Additional visitor spaces have been introduced in order for the scheme to be in accordance with standards and guidance. The central area of the site has also been reconfigured to remove the parking which would have required users to reverse onto the primary road and the provision of a raised table.
- 11.23 The scheme has evolved from the pre-application discussions and details to the plans that are currently being considered, to create strong permeability throughout the site, maximising connectivity to and from the site to the adjacent residential developments, open space and the wider area. Cycle and pedestrian links are provided on all boundaries of the site.
- 11.24 The applicant, Town Council and local residents wished for a pedestrian/cycle access to be provided in the southern eastern corner of the site through the existing wildlife corridor connecting to the existing footpath. Due to the adverse impact upon landscape and ecology this cannot be supported by the Local Planning Authority. Therefore, at the request of the Local Authority and the Highway Authority a footpath/cycle link was provided on the eastern boundary connecting to the existing adopted footpath at Howe Road. The current pedestrian/cycle route (that is currently a dead end) was delivered as part of the Howe Road development for the sole purpose of creating a future sustainable link on the eastern boundary of the current application site. The approach of bringing forward well connected (for pedestrians and cyclists) residential developments follows the design philosophy that has been delivered to the east of Howe Road.
- 11.25 Following the amendments to the scheme, the Local Highway Authority's concerns have been addressed. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users.

Public Open Space (POS), Landscape, Ecology and Drainage

- 11.26 The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and

providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.

- 11.27 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
- 11.28 Strong concerns were raised by the Tree, Ecology and Landscape Officer and Suffolk Wildlife Trust due to the lack of ecological surveys and reports submitted with the application. The survey information and findings would then form the schemes layout and design, most importantly as set out above the area of POS. The insufficient biodiversity information also raised objections with local residents, especially with regard to the clearance of the site before these reports had been undertaken, submitted and commented on by statutory consultees.
- 11.29 As confirmed to residents, the Local Planning Authority do not have control over site clearance works and this would be covered by separate legislation. The applicant/agent had kept the Local Planning Authority updated throughout the course of the application in terms of when reports and surveys were to be submitted and the nature of the site clearance work that was being undertaken in association with the ecological surveys and the archaeological investigations. Based on the information that has been submitted, and in discussion with the Ecology and Landscape Officer and Suffolk Wildlife Trust, Officers believe that the applicant was working within the law in relation to protected species.
- 11.30 Following receipt of the appropriate reports and surveys, the ecological impact could be assessed fully. The findings of the reports concludes the following:
- 11.31 The application site consists of two fields, both dominated by semi-improved grassland with substantial areas of blackthorn *Prunus spinos* dominated scrub, a single bisecting section of hedgerow and further hedgerows bounding the site. A medium population of common lizard are present on-site as well as several common species of bat, known to utilise the site for foraging. The scheme seeks to retain and enhance habitats of botanical interest within the development where possible. These will include hedgerows, grassland and orchid-rich turf. Such habitats will be managed and enhanced for the benefit of wildlife. Mitigation measures have been provided herein to address potential impacts to these species and ensure compliance with applicable legislation. Opportunities for ecological enhancement have been incorporated within the scheme design to benefit a range of wildlife. These include; creation of hibernacula, species rich wildflower banks, new grassland, diverse thicket planting, incorporation of bat and bird boxes and the creation of hedgehog highways within new

gardens. The report concludes that badgers are likely absent from site and so will not be affected by the proposed development.

- 11.32 Provided that the recommendations and precautionary methods are carried out, it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species will likely be able to be wholly mitigated and appropriate enhancements secured, in accordance with policies DM11 and DM12 of the Joint Development Management Policies Document, the guidance contained in the NPPF and in line with relevant wildlife legislation.
- 11.33 In order to demonstrate that the proposed layout would allow for an acceptable drainage and landscaping scheme, whilst preserving biodiversity detailed landscaping drawings have been produced and drainage details have been prepared. It is important for these three elements to be considered together as the location of drainage infrastructure within the development will have an impact on the delivery of the proposed trees, other planting and ecological mitigation and enhancements.
- 11.34 Suffolk County Council Flood Officer has reviewed the submitted details and is satisfied that the latest drainage layout is acceptable, subject to detailed and appropriate conditions. It is therefore considered in principle that sufficient spaces has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.
- 11.35 The layout of the site allows for sufficient space to provide the necessary additional planting and the position of essential drainage infrastructure. The detailed scheme will therefore be able to provide the appropriate screening where this is required for amenity purposes, biodiversity enhancements and to enhance the appearance of the development.
- 11.36 The area of POS is located in the western area of the site and measures approximately 1.8hectares and forms an important element and feature of the development. It has been designed to connect to the existing POS to the north of the site and provide connection through to the old railway, whilst ensuring that open space has regard to the ecological constraints, protected species and drainage. This area of the site in particular has required careful consideration and detailed discussions for the POS to be designed sensitively to mitigate the impact of the proposed development on protected species. The parcel of open space creates an effective use of the land from the continuation of the natural green space that has been designed to allow and encourage wider use of the POS.

#### Affordable Housing

- 11.37 Policy CS5 of the Council's Core Strategy requires developers to integrate and provide affordable housing within sites where housing is proposed. Where a site is 0.3 hectares and above 10no. or more dwellings, 30% affordable housing shall be provided.
- 11.38 The affordable housing requirement for this proposal for 87no. dwellings equates to 26.1 dwellings. 26no. dwellings are to be provided on site and a 0.1 commuted sum. The required tenure split is 80% affordable rented and 20% shared ownership, based on the following;

*Affordable Rented*

7 x 1 bedroom house  
10 x 2 bedroom house  
2 x 3 bedroom house  
1 x 3 bedroom bungalow  
1 x 4 bedroom house  
Total = 21 units

*Shared Ownership*

3 x 2 bedroom house  
2 x 3 bedroom house  
Total = 5 units

- 11.39 The Strategic Housing Team raised concerns initially regarding the room sizes of the 1 bedroom affordable rented units as these are below National Space Standards and it is the Council's recommendation that accommodation should at least be the minimum. The National Space Standards provide guidance to Local Authorities when considering developments but this is not a formal development plan policy at present. Therefore it is for each application to be assessed on its own merits.
- 11.40 The applicant has provided confirmation from two affordable housing providers that they would accept the accommodation at the size that is being proposed. Furthermore, on reviewing the floors plans of the 1 bedroom units, the Strategic Housing Team have confirmed they are comfortable that although these are slightly smaller than the National Described Space Standard the internal floor plans show a sufficient amount of floor space for furniture and circulation.
- 11.41 During the course of the application, the Strategic Housing Team raised an additional concern regarding the location and clustering of the affordable dwellings. The Affordable Housing SPD states that affordable dwellings shall not exceed clusters of 15 or more. The affordable dwellings are situated in the south east of the site and whilst they are situated together the 26no. dwellings do not strictly appear or read as one whole cluster, given the layout, associated infrastructure and siting. There are 7no. market dwellings located in the south east of the site. 11no. affordable dwellings front the road and are centralised within the site becoming part of the focal point within the development. It is acknowledged that it could be seen that there is a conflict with the Affordable Housing SPD in terms of the cluster of affordable housing and this should be given appropriate weight. However, for the reasons cited above, in the planning balance it is not considered this is significant as to warrant the application being refused solely on this ground.

Contamination, Air Quality and Sustainability

- 11.42 The application is supported by a Phase 1 and 2 – Desk Study and Site Investigation Report undertaken by Geosphere Environmental Ltd, reference 2445, SI, dated 12 April 2018. The Geosphere report includes a desk study which details the history and environmental setting of the site and surrounding area together with an intrusive investigation comprising of trial pits, window sample boreholes, cable percussive boreholes, gas monitoring and laboratory chemical analysis.

- 11.43 No specific sources of contamination were noted during the desk study and the intrusive investigation did not identify any elevated levels of contaminants when considering the proposed residential end use. However, a proportion of the site was not investigated due to heavy vegetation and gas monitoring indicated the need for protective measures. The report recommends that further investigation is undertaken in the south and west of the site once vegetation clearance has been undertaken, in order to assess the ground conditions for both environmental and geotechnical purposes. Accordingly it is recommended that a standard land contamination condition is imposed.
- 11.44 The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
- 11.45 The NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission Vehicles'. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Furthermore, section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
- 11.46 It is welcomed that the applicant confirms within their Planning Statement that they will be providing vehicle electric charging points in all plots with a garage. However, to enhance the local air quality through the enabling and encouraging of zero emission vehicles in accordance with policy, all dwellings with off street parking should be provided with an electrical vehicle charging point.
- 11.47 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 11.48 The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
- 11.49 Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent

water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

### Heritage Impacts

- 11.50 As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
- 11.51 The site lies in an area of high archaeological potential recorded on the County Historic Environment Record and is also situated in a topographically favourable location for activity from all periods, overlooking a tributary of the River Stour. It is situated within an area where SCC Archaeological Service have confirmed extensive multi-period finds scatters have been recorded and to the south-east of a Bronze Age enclosure, containing a number of associated finds and features. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 11.52 Given the high potential, lack of previous investigation and large size of the proposed development area, it was recommend that, in order to establish the full archaeological implications of this area and the suitability of the site for the development, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of any planning application submitted for this site, to allow for preservation in situ of any sites of national importance that might be defined. In order to establish the archaeological potential of the site, a geophysical survey was required to be undertaken.
- 11.53 The geophysical survey undertaken during the course of the application enabled an appropriate decision to be made on the timing and extent of trial trenched evaluation which is required at this site. There is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- 11.54 As the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist, Suffolk County Council Archaeological Service have confirmed that conditions are necessary to secure appropriate investigation and recording.

### Planning Obligations

- 11.55 The NPPF sets out in paragraphs 54-57 how conditions and planning obligations can be secured for a development to make an unacceptable impact to one which is acceptable. 'Planning obligations must only be sought where they meet all of the following tests:
- 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.'



- 11.56 Suffolk County Council as the highway authority have requested a financial contribution towards the provision of new and improved footpaths. This is considered wholly reasonable to mitigate the costs otherwise arising from this scheme. A contribution is also requested, and is considered reasonable and necessary, in relation to the provision of a bus stop adjacent to the site. At the time of writing this report, the exact contribution has not been confirmed, however, principle of these contributions has been agreed with the applicant.
- 11.57 Suffolk County Council as the education authority has also identified a shortfall in the number of available early years, primary and sixth form places and requests a financial contribution of £395,004. A contribution of £1,392 towards the library provision within the area is requested.
- 11.58 The Borough Council seeks a contribution for the maintenance of the POS. At the time of writing this report, the exact contribution has not been confirmed, however, the principle of this contribution has been agreed with the applicant.
- 11.59 Policy CS5 of the Council's Core Strategy and the National Planning Policy Framework requires scheme of more than 10 units to provide up to 30% affordable housing. As set out in the affordable housing section, the proposed development is policy compliant.
- 11.60 The contributions sought, which have been agreed by the applicant are considered reasonable and necessary to mitigate the impact of the proposed development.

## **12.0 Conclusion and Planning Balance:**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.2 As a result of the amendments made to the scheme and the additional information, it is considered that the proposed development creates a well laid out and visually attractive scheme which provides key and important features throughout the development. The layout of the scheme allows for soft landscaping to be incorporated, a large area of open space and very good connectivity. The proposed dwellings are considered to be well designed, creating an interesting series of street scenes with safe access for vehicles and pedestrians. The development would not give rise to any unacceptable adverse effects on amenity. Additional information submitted in respect of ecology and protected species has also demonstrated that there would be no adverse impacts in this regard subject to appropriate precautionary measures, mitigation and enhancements.
- 12.3 Whilst concerns have been raised from Strategic Housing regarding layout of the affordable housing which conflict with the Affordable Housing SPD in terms of the cluster of affordable housing, the quantum and mix of affordable housing is in accordance with the requirements of the Strategic Housing Officer.

- 12.4 Furthermore, the delivery of housing, including affordable housing that would be facilitated by this application, should lend significant weight in support of the development.
- 12.5 In conclusion, subject to the use of conditions and S106 agreement, 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.

### 13.0 Recommendation:

- 13.1 It is recommended that planning permission be **APPROVED** subject to the following conditions and S106 Agreement:

### 14.0 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:

Reference No:	Plan Type	Date Received
19838SE-05	Topographic Survey	19.06.2018
19838SE-06	Topographic Survey	19.06.2018
19838SE-07	Topographic Survey	19.06.2018
20842/AHP/01 D	Affordable Housing Plan	08.11.2018
20842/AMP/01 D	Adoption plans	08.11.2018
20842/BCAP/01 D	Parking and Cycle Plan	08.11.2018
20842/BTP/01 F	Boundary Treatment	28.11.2018
20842/MAT/01 E	Materials	08.11.2018
20842/OFP C	FOOTPATHS	09.11.2018
20842/PL1 K	Layout	28.11.2018
20842/RSL/01 D	Refuse Strategy	08.11.2018
20842/SHL/01 D	Storey Heights Layout	08.11.2018
20842/SLP/01	Site Location Plan	19.06.2018
CSA/3633/100	Ecological plan	19.06.2018
P17-1217_06 H	Landscape Masterplan	28.11.2018
P17_1217 G SHEET 2	Street Scene	09.11.2018
P17_1217- 01 B	Elevations	20.09.2018
P17_1217-18 02 A	Elevations	20.09.2018
P17_1217- 03 C	Floor Plans	20.09.2018
P17_1217 04 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 05 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 06 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 07 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 08 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 09 B	Floor Plans and Elevations	20.09.2018
P17_1217 10 B	Floor Plans and Elevations	20.09.2018
P17_1217 11 B	Elevations	20.09.2018

P17_1217 12 A	Floor Plans	20.09.2018
P17_1217 13 B	Elevations	20.09.2018
P17_1217 14 B	Floor Plans and Elevations	20.09.2018
P17_1217 15 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 17 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 18 A	Elevations	20.09.2018
P17_1217-18 19 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 20 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 21 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 22 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 23 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 24 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 25 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 26 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 27 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 28 A	Elevations	20.09.2018
P17_1217-18 29 A	Floor Plans	20.09.2018
19838SE-08	Topographic Survey	19.06.2018
P17_1217-18 30 A	Elevations	20.09.2018
P17_1217-18 31 C	Floor Plans and Elevations	20.09.2018
P17_1217-18 32 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 33 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 34 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 35 C	Floor Plans and Elevations	20.09.2018
P17_1217-18 36 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 37 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 38 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 39 B	Floor Plans and Elevations	20.09.2018
P17_1217-18 40 A	Elevations	20.09.2018
P17_1217-18 41	Floor Plans and Elevations	19.06.2018
P17_1217-18 42 A	Floor Plans and Elevations	20.09.2018
P17_1217-18 43 B	Floor Plans	20.09.2018
P17_1217-18 44	Floor Plans	19.06.2018
P17_1217-20 01 A	Garage Plans & Elevations	20.09.2018
P17_1217-20 02 A	Garage Plans & Elevations	20.09.2018
P17_1217-20 03 A	Garage Plans & Elevations	20.09.2018
P17_1217-20 04 A	Garage Plans & Elevations	20.09.2018
P17_1217-20 06 A	Car Port Plans	20.09.2018
P17-1217-18-48	Floor Plans and Elevations	19.06.2018
P17-1217-18-45	Floor Plans and Elevations	19.06.2018
P17-1217-18-46	Floor Plans and Elevations	19.06.2018
P17-1217-18-47	Floor Plans and Elevations	19.06.2018
HAVSK01 B	Lighting Details	09.11.2018
P17-1217/18	House Type	19.06.2018
P17-1217-18-20 B	Floor Plans and Elevations	20.09.2018
(-)	Application form	19.06.2018
P17-1217_3 C	Design and Access Statement	19.06.2018
P17-1217_5 B	Other	19.06.2018
CSA/3633/01	Ecological Survey	19.06.2018
CSA/3633/03 A	Other	20.09.2018
CSA/3633/02 D	Environmental Impact Assessment	28.11.2018
CSA/3633/04	Other	09.11.2018
P17-1217	Landscape plan	19.06.2018
P17-1217_07	Open Space	19.06.2018

618698-MLM-ZZ- XX-RP-TP-0001 03	Transport assessment	19.06.2018
618698-MLM-ZZ- XX-RP-TP-0002- R03-TP 03	Travel Plan	19.06.2018
618698-MLM-ZZ- XX-RP-C-0001	Flood Risk Assessment	09.08.2018
(-)	Land Contamination Assessment	19.06.2018
DH/KB/24131	Archaeological report	19.06.2018
BHA_310_02	Tree Constraint Plan	19.06.2018
BHA_310_02	Tree Survey	19.06.2018
(-)	Planning Statement	19.06.2018
GEOPHYSICAL SURVEY	Archaeological report	27.11.2018
REPTILE TRANSLOCATION REPORT	Reptile report	28.11.2018

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

3. Before the development is commenced, details of the estate roads and footpaths, (including layout, visibility, levels, gradients, surfacing, lighting and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be pre commencement to ensure the infrastructure details for the development are appropriate before any other work is commenced.

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

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

5. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to and approved in writing by the local planning authority for approval a minimum of 28 days before any deliveries of materials commence. The plan shall include, but not be limited to; delivery routes, construction traffic parking, storage of materials and equipment, and means to ensure surface water, mud and other debris do not egress onto the highway. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. 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.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV.

6. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 20842/RSL/01/ Rev C shall be provided for the units that it serves in its entirety before the units in question are 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.

7. The individual dwellings hereby permitted shall not be occupied until the area(s) that serve that dwelling within the site on drawing number 20842/BCAP/01 Rev C 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

8. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy by MLM (drawing ref:- 618696 Rev 3 and dated 09 Aug 2018) and will demonstrate that surface water run-off generated by the development will be limited to 4.6l/s up to and including the critical 100 year+CC storm.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control). To ensure the development is adequately protected from flooding. To ensure the development does not cause increased pollution to water environment. This condition requires matters to be agreed prior to commencement to ensure that surface water drainage is controlled accordingly.

9. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been 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.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage. This condition requires matters to be agreed prior to commencement to ensure that surface water drainage is controlled accordingly.

10. The dwellings hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

- 11.No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:  
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
- i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan. This condition requires matters to be agreed prior to commencement to ensure that flooding does not occur.

- 12.Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 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.No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Joint Development Management Policies Document 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018). This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

- 14.No building 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 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Joint Development Management Policies Document 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).

- 15.Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multimodal travel voucher.

Reason: In the interests of sustainable development as set out in the National Planning Policy Framework (2018), policies CS7 and CS8 of the St Edmundsbury Core Strategy 2010 and policies DM4, DM45 and DM46 of the Joint Development Management Policies Document 2015.

- 16.1. 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.

2. 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: 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.

17.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.

18.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 enhance local air quality in line with the National Planning Policy Framework (NPPF), Policy DM14 of the Joint Development Management Policies Document, Policy CS2 (E) of the Core Strategy and the Suffolk Parking Standards.

19.Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented



throughout the development phase, unless the Local Planning Authority gives written consent to any variation. The programme shall include:-

- a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
- b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
- c. dust, dirt and vibration method statements and arrangements;
- d. site lighting.

Reason: To ensure the satisfactory development of the site and 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. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

20. The hours of site clearance, site preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited only to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, site preparation or construction activities shall take place at the application site on Sundays, Bank or Public 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.

21. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 and DM13 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.

22. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

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

The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

23. Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at the written approval from the Council. A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours' notice.

Reason: To ensure that those habitats and species to be retained on site are adequately protected from harm during construction, 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.

24. No development above ground level shall take place until, a landscape and ecological management plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:

- i) Description and evaluation of features to be managed
- ii) Ecological trends and constraints on site that might influence management
- iii) Aims and objectives of management
- iv) Appropriate management options for achieving aims and objectives
- v) Prescriptions for management actions
- vi) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)

- vii) Details of the body or organization responsible for implementation of the plan
- viii) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To identify and ensure the protection of important species and those protected by legislation, 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.

- 25.No external lighting other than that which forms part of the development hereby permitted and shown on HAV/SK01 B shall be provided within the application site.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality and the ecological value of the area, in accordance with policy DM2, DM12 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.

- 26.No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 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.

- 27.All of the ecological mitigation measures shall be carried out in accordance with the details contained in CSA Environmental Ecological Impact

Assessment Rev C as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

The enhancement measures shall be carried out in accordance with the details contained in contained in CSA Environmental Ecological Impact Assessment Rev C and set out on drawing no. CSA 3633/108.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policy 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.

- 28.No development above slab level shall take place until facing and roofing samples of the dwellings hereby approved 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.

- 29.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)

## **15.0 S106:**

15.1 The following is to be secured by S106:

- The delivery of 26 affordable homes on site with 21 affordable rent and 5 shared ownership homes.
- An affordable housing contribution of £10,200 is required to make the total provision up to 30% as 30% of 87 units equates to 26.1 units. The contribution is in lieu of 0.1 units.
- Financial contributions toward the provision of new and improved footpaths (5 in total) in the vicinity of the site. Three of these footpaths are owned by the Borough Council and two are owned by the County Council. The combined contribution amounts to £43,230 and will improve pedestrian and cycle access to and from the site to the wider area.
- The funding of improvements to the existing bus stop on Howe Road. The required contribution for this is £7,000.
- The funding of additional Early Years spaces in the ward of Haverhill North. The required contribution for this is £91,663.
- The funding of additional Primary School places at New Cangle Primary School. The required contribution is £243,620.
- The funding of additional Sixth Form places at the Samuel Ward Academy. The required contribution is £59,721.
- The funding for the provision of additional lending stock at Haverhill Library. The required contribution for this is £1,392.
- The funding of the expansion of Clements & Christmas Maltings Practice and

Haverhill Family Practice to meet the additional healthcare requirements of this scheme. The required contribution is £33,120.

- The provision of public open space on site that is to be offered to the Council for adoption on completion. A contribution of £163,770.00 which includes maintenance of POS, paths inside the red line and SUDS basin.

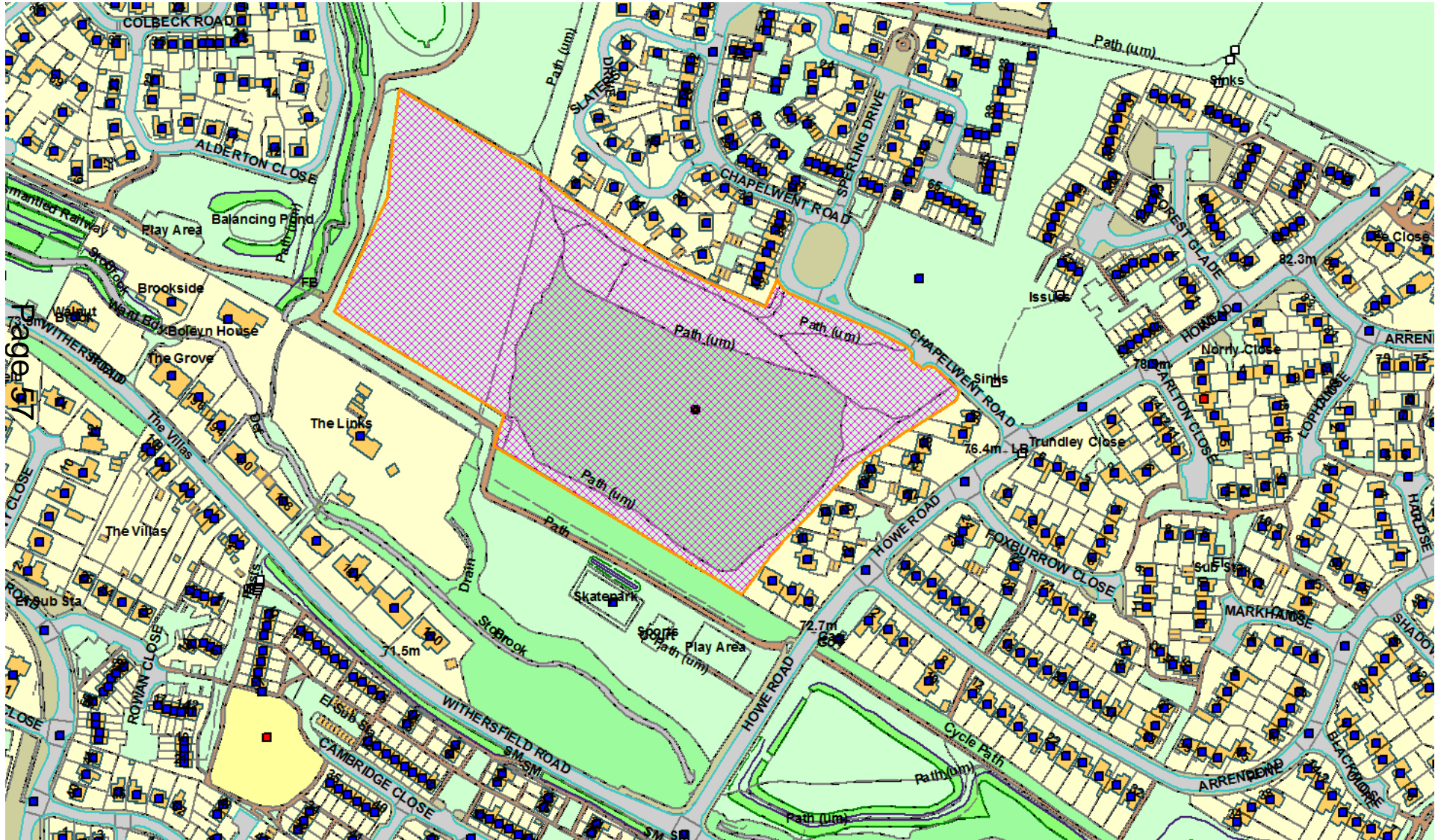
#### **16.0 Documents:**

- 16.1 All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1187/FUL](#)

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Land South Of Chapelwnt Road Haverhill



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Rev.	Description	Int.	Date
A	Schedule of accommodation and site layout updated.	AMG	30.01.18
B	Foul water pump station & electric sub-station added	AMG	31.01.18
C	Overall density reduced. Dwellings fronting northern and eastern boundaries revised to address comments from adjacent residents. Landscape belt added along eastern boundary. Existing hedgerows and vegetation retained along western and southern boundary as per LPA and Ecologists recommendations.	AMG	07.03.18
D	Visitor parking bays removed from central POS. Parking revised plots 29 & 33 and Additional visitor parking bays created. Potential informal visitor parking spaces added within highway. Affordable housing tenures revised plots 74-75, 79-83.	AMG	12.03.18
E	OS data along Howe Road and footpath along southern boundary updated.	AMG	19.03.18
	<b>Plots 77 - 81 re-planned.</b>		
F	Vis-plays added to private drive / site access off Chapelwent Road & Visitor parking spaces and BCP within private drive relocated away from vis-splay. Bay windows added to side elevation of plots 25, 29 & 33 and visitor parking adjacent to plot 33 relocated. Parking to plots 58-64 revised to accommodate access to Sub-Station.		
	Parking allocation revised plots: 19-21 & 85. Car-ports removed plots 5-8. Plots 8-11 re-planned. Parking revised plots 11-12. Plots 25, 29 & 33 handed.		
	Plot 39 changed from PA48 to PA49. Key added to layout. Plots 79-81 re-planned & tenures revised. Vis-plays added to bends opposite plots: 11, 22-25 & 27.	AMG	22.03.18
G	Road vis-plays revised and bin collection points located away from vis-plays.		
	Plot 76 bungalow footprint updated to accord with revised planning drawing and schedule of accommodation updated accordingly.	AMG	17.04.18

Rev.	Description	Int.	Date
H	Layout revised to address Planning, Highway and Landscape Officer comments: central square revised to show raised table removed, plots & parking to 65-70 & 77-83 revised, parking & drive ways revised plots: 1, 19-22, 25-29, 33-36, 41-44, 58-61, 74-75, plots 86-87 re-positioned and parking adjusted, road type serving plots; 71-76 & 84-87 revised from shared surface to minor access incorporating footpath along highway adjacent to eastern boundary with footpath connection to Howe Road, access to pump-station revised to incorporate cycle path connection with removable bollard, informal visitor spaces added within curtilage of highway, plot 25 revised from PA49 housetype to PT43 type, Plot 10 parking allocation corrected, existing hedgerow surrounding western POS shown on layout and sections to be removed clarified, cycle path within POS re-aligned, plot 18 revised from housetype PT37 to PA48, electric sub-station re-positioned and attenuation basin size enhanced.	AMG	23.08.18
I	Additional parking space added to front of plot 8. Footpath connection to Howe Road annotated on layout. Additional bollard added to cyclepath / pump station access.	AMG	18.10.18
J	Private drive and visitor bays serving plots 37 - 40 re-positioned away from existing hawthorn hedge. Plot 40 double garage omitted and parking provided to the side. Plot 39 house type revised from PA49 to PA44 to allow for revised parking to plot 40. Private drive serving plots 41 - 43 re-positioned away from existing blackthorn thicket and bin collection point re-positioned.	AMG	02.11.18
K	Anglian Water easment added in POS and landscape design of public open spaces revised in accordance with Landscape and Ecology Officer comments.	AMG	28.11.18



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SCHEDULE OF ACCOMMODATION		
PRIVATE HOUSING		
HOUSE TYPE:	DESCRIPTION:	No:
PA22	2 BED HOUSE	6
PA34	3 BED HOUSE	12
PT36	3 BED HOUSE	5
PT37	3 BED HOUSE	4
PB33-G	3 BED HOUSE	4
PC32	3 BED TOWN HOUSE	3
PA44	4 BED HOUSE	7
PA48	4 BED HOUSE	5
PA49	4 BED HOUSE	6
PT43	4 BED HOUSE	4
NB51	5 BED TOWN HOUSE	5
<b>TOTAL</b>		<b>61</b>
AFFORDABLE HOUSING - RENTED		
HOUSE TYPE:	DESCRIPTION:	No:
C542	1 BED HOUSE	2
C558	1 BED HOUSE	2
AA11	1 BED HOUSE	3
AA25	2 BED HOUSE	10
AA33	3 BED HOUSE	2
AA43	4 BED HOUSE	1
B1110	3 BED W/C BUNGALOW	1
<b>TOTAL</b>		<b>21</b>
AFFORDABLE HOUSING - SHARED OWNERSHIP		
HOUSE TYPE:	DESCRIPTION:	No:
AA25	2 BED HOUSE	3
AA33	3 BED HOUSE	2
<b>TOTAL</b>		<b>5</b>
<b>TOTAL NO. OF DWELLINGS:</b>		<b>87</b>
<b>CAR PARKING SPACES:</b>		<b>229</b>
<b>AVERAGE SPACES PER DWELLING:</b>		<b>2.6</b>

LEGEND:	
	DENOTES SITE BOUNDARY
14	DENOTES PLOT NUMBER
PT42	DENOTES HOUSE TYPE REFERENCE
as	DENOTES HOUSE TYPE HANDING
P14	DENOTES ALLOCATED PARKING SPACE
G14	DENOTES ALLOCATED GARAGE SPACE
CP14	DENOTES ALLOCATED CARPORT SPACE
*	DENOTES AFFORDABLE HOUSING UNIT
(R)	DENOTES 'RENTED' TENURE DWELLING
(S/O)	DENOTES 'SHARED OWNERSHIP' DWELLING
	DENOTES DWELLING/GARAGE/CARPORT ACCESS
G	DENOTES INDICATIVE GATE POSITION
BCP	DENOTES BIN COLLECTION POINT
	DENOTES INDICATIVE TREE PLANTING (Refer to Landscape Architects Drawings for specific Details)
	DENOTES DESIGNATED AREA OF STRUCTURAL LANDSCAPING
	DENOTES BOLLARD
	DENOTES VIS-SPLAY

Rev.	Description	Int.	Date

Site Name: **Chapelwent Road, Haverhill**

Drawing Title: **Planning Layout Proposals**

**Taylor Wimpey** Taylor Wimpey East Anglia  
 Castle House, Kempson Way, Bury St Edmunds, Suffolk, IP32 7AR  
 Tel: 01284 773800 Fax: 01284 773860 Web: www.taylorwimpey.co.uk

Scale: 1:500 @ A1 Date: 30.01.18  
 Drawn by: AMG Checked by: **20842/PL1** Rev: **K**



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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/002

## Development Control Committee 3 January 2019

### Planning Application DC/17/0339/FUL – Land to the South of A1088 and Crown Lane, Crown Lane, Ixworth

<b>Date Registered:</b>	24.03.2017	<b>Expiry Date:</b>	10.12.2018
<b>Case Officer:</b>	Julie Barrow	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Ixworth & Ixworth Thorpe	<b>Ward:</b>	Ixworth
<b>Proposal:</b>	Planning Application - Access road to serve residential development		
<b>Site:</b>	Land to the South of A1088 and Crown Lane, Crown Lane, Ixworth		
<b>Applicant:</b>	Persimmon Homes (Anglia)		

**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:

Julie Barrow  
Email: julie.barrow@westsuffolk.gov.uk  
Telephone: 01284 757621

## **Background:**

**The application is referred to the Development Control Committee as it relates to a major planning application and the Parish Council objects to the proposal, contrary to the Officer recommendation.**

**The applicant has cited operational reasons for requiring this planning application to be determined at this time. Officers had intended to bring both the access road and residential development applications to Development Control Committee at the same time, however, the applicant is still working with Officers on the final number of dwellings proposed on the residential land and the design and layout of those dwellings.**

**A site visit will take place on 20 December 2018.**

### **1.0 Proposal**

1.1 The application seeks consent for the construction of an access road to the south of the A1088. The access road will serve the development proposed on land west of the A143 and south of the 1088 and land off Crown Lane as referred to in the Rural Vision 2031 (Policy RV12). The access road includes a spur that will facilitate access to the school planned for the north-west portion of the site allocation. The route of the access road takes into account the topography of the site, circling round the high point and then leading down to the point at which it will connect into the parcel of residential development known as 'land off Crown Lane'. The application site includes an area in the north-west corner of the site allocation where an attenuation basin is proposed.

### **2.0 Application Supporting Material**

2.1 The following plans and documents are relevant to the proposed development:

- Site Context Plan
- Indicative Masterplan
- IX-SL02 Rev A Site Location Plan
- IX-PL03 Rev E Road Layout Plan
- 215-E-200 Rev A – Engineering layout sheet 1 of 2
- 215-E-201 Rev A – Engineering layout sheet 2 of 2
- E3772-910B – Signings and linings sheet 1 of 2
- E3772-911A – Signings and linings sheet 2 of 2
- Design & Access Statement
- Site Investigation Report
- Ecological Report
- Flood Risk Assessment (amended during the course of the application)
- Addendum to Transport Statement November 2015
- Transport Assessment June 2018
- Arboricultural Appraisal

### **3.0 Site Details**

3.1 The access road will run north-south through a parcel of land bounded by the A1088 to the north and A143 to the east. The parcel of land to the south of the access road is allocated for residential development and is the

subject of a separate planning application. Ixworth Free School adjoins the wider site to the west with Ixworth cemetery to the south-west. Existing residential development adjoins the north-west corner of the wider area of land. The site is undulating in nature with the centre of the site being the highest point. The site is currently in agricultural use.

#### 4.0 Planning History:

Reference	Proposal	Status	Decision Date
DC/15/0873/FUL	Planning Application - Introduction of a right turn ghost island junction on the A1088 to provide vehicular access	Application Refused - granted on appeal	01.10.2015
DC/15/2569/FUL	Planning Application - Introduction of a right turn ghost island junction on the A1088 to provide vehicular access (Resubmission of DC/15/0873/FUL)	Application Withdrawn	23.06.2016
DCON(A)/15/0873	Application to Discharge Condition 3 (Surface Water Drainage) of DC/15/0873/FUL	Application Granted	26.04.2018
DC/17/0333/FUL	Planning Application - 90no. dwellings with associated access road, emergency access, car parking and landscaping	Pending Consideration	

#### 5.0 Consultations

- 5.1 SCC Flood and Water Management (August 2018) – Have reviewed the latest drainage information held by GH Bullard (May 2018) and recommend a holding objection as further clarification on the design philosophy for the SuDS.

This application should not be decided in isolation and must be decided in line with DC/17/0333/FUL as the drainage for the access road relies on the SuDS in the residential development.

The proposed drainage system for the access road consists of a combined linear system of swaled filter drains either side of the road which utilises what infiltration is available on site. The filter drain (below ground level) is under-drained and the swale (above-ground) is check dammed to maximise storage on steep slopes.

SCC Flood and Water are in principle happy with the overall approach. However there are concerns that the filter drain material will allow for horizontal seepage (or base flow) through the filter drain, thus potentially leading to wash-out and flooding at the end of the linear system. It will also mean that storage per compartment is not fully utilised.

SCC Floods and Water suggest extending the check dam below ground level into the filter drain material and removing the perforated pipework. However the final design will be led by the adopting body.

There are no issues with the end of run pond/infiltration basin features along the northern boundary. There are no issues for the proposed 2l/s connection rate for the road, leaving 3l/s for any future development.

The southern half of the access road drainage eventually connects into the residential network, therefore the design and upkeep of the residential SuDS system is very important.

5.2 SCC Flood and Water Management (November 2018) – Overall the design philosophy for the Spine Road is acceptable and the majority of the detail is there. The remainder of the issues can be overcome at detailed design via conditions. SCC Floods is confident that the system for the spine road is adoptable for highways, there is good access via catchpit manholes for highways to clean/maintain the pipe network and controls. The residential site is critical to this application as the spine road ultimately conveys through the residential area. If the full application site is not approved neither should this be. SCC Floods is minded to provide approval subject to conditions addressing the detailed design stage.

5.3 SCC Highways (October 2018) – The indicative layout as submitted in this application is still not detailed enough to give a full response.

Whilst the drainage layout and pond has now been included within the red line, not enough detail of the system has been submitted with regard to planting. SCC Highways do not accept planting in swales of trees or large bushes.

The revised drainage strategy is now in principle acceptable, however it will command commuted sums.

The forward visibility splays required for the bends and junctions cannot be achieved within the red line.

The road alignment appears to come close to the landscape hedge and buffer to the east of the scheme and SCC Highways cannot approve tree planting this close to an adopted road. The road alignment should be clear of the buffer and trees to be 5m from the adoptable highway including the swale.

SCC Highways require details of the gradients of the access road from the A1088 and would prefer to see that these can be provided to SCC standards before conditioning.

5.4 SCC Archaeology (April 2017) – The proposed development site lies in an area of archaeological importance recorded on the County Historic Environment Record. The site of the proposed access road has not been the subject of systematic archaeological investigation. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance at this location.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

- 5.5 Landscape & Ecology Officer (October 2018) – The proposals are for an access through farmland to serve the residential development to the south. Whilst this is a full planning application there does not appear to be much information showing details of the proposals. The access road passes through land also allocated in policy RV12 of the Rural Vision 2031 and the principle of a road is accepted. However, the tree screen on the eastern side of the site is considered to be a constraint to development because it provides landscape and visual screening, the importance of which will increase significantly as the site is built out.

Whilst the principle of the road is accepted, the proposals will nevertheless have an impact on the existing environment and farmland which has been observed to be heavily used by the existing residents of Ixworth for informal recreation. The effects are likely to be as a result of

- The presence of the road infrastructure itself
- Activity associated with the use of the road particularly the intrusion of cars
- Lighting.

The proposals will require the loss of some of this landscape tree screen between the site and the A143. This loss is not consistent with the principles of the mitigation hierarchy which in the first instance promotes avoidance of harmful effects on existing site features. In addition, the proposals are not acceptable because:

- The loss of the woodland/tree screen could be avoided by adjusting alignment of the road which is not otherwise constrained.
- There are no details showing the level of removal of trees and habitat that would be required – although the road footprint indicates that a third of the width would be threatened, it is likely that this would increase to enable construction of the road.
- The remaining trees in the tree belt adjacent to the road would be threatened in the future by the need for pruning and felling for the operation of the road.
- There are no proposals to mitigate the tree loss. Trees shown on the proposals map adjacent to the road are not deliverable.
- The function of the tree belt as a visual screen will be compromised as a result of the proposals and this is significant in the context of the residential development site as a whole and the wider context. The level of development indicated in the relevant policies (2006 Replacement Local Plan and Vision 2031) is consistent with the retention of existing site features.

Although the scheme is not supported a number of planning conditions are recommended if planning permission is to be granted.

## **6.0 Representations**

- 6.1 Ixworth & Ixworth Thorpe Parish Council (May 2017) – Object to the application:

- The application is not in line with the Crown Lane Masterplan adopted by St Edmundsbury Borough Council in December 2010.
- The Masterplan shows access would be via a five arm roundabout and it does not show Walsham Road being opened.
- If Walsham Road was to be reopened it would cause severe traffic problems throughout the village and create safety issues as Ixworth Free School entrance is in Walsham Road.
- Concerned that no traffic viability studies have been supplied showing what effect reopening of Walsham Road would have.
- Residents living near the Walsham Road and proposed ghost island have concerns that noise pollution will be increased and affect their quality of life.

6.2 Ixworth & Ixworth Thorpe Parish Council (August 2018) – Object to the application:

- The application is not in line with the Crown Lane Masterplan adopted by St Edmundsbury Borough Council in December 2010.
- The Masterplan shows access would be via a five arm roundabout and it does not show Walsham Road being opened.
- The Parish Council feel that Walsham Road should not be re-opened, even for emergency access. The bollards could be removed in the future and the road re-opened. Walsham Road would then become a very busy and possibly unsafe road to walk along.
- Repeat concerns raised by residents previously.

6.3 Public Representations

Letters sent to 148 neighbouring properties and site notice posted. Representations received from 10 addresses on the scheme as originally submitted. The concerns and issues raised are summarised below. Full representations are available to read on the Council's website.

Highways and access

- Space required past the emergency access on Crown Lane to enable access to 50 New Road.
- Will parking be restricted on Crown Lane to prevent existing accesses? Cars parked on Crown Lane could hinder emergency access and there are existing problems with vehicles parking on Crown Lane blocking access.
- Provision of a two way vehicular link into Walsham Road was not part of the Concept Plan or Master Plan.
- An additional vehicular access past the Ixworth Free School and the Nursery creates an unacceptable hazard to vulnerable pedestrians. Access should be limited to pedestrian and cycle access or emergency vehicle access only.
- A link from Walsham Road would create a 'rat run' into the village past a wildlife area and woodland area that provide a safe area of play for small children and encourage unsustainable car use.
- Additional traffic on Walsham Road will increase the probability of a road traffic collision involving children riding their bikes to and from the BMX track in the copse.
- Application does not address inherently unsafe nature of any access point for a substantial development situated between the roundabout and existing Ixworth/Bardwell staggered junction.



- All previous suggestions for development have shown access from a 5 arm roundabout and that form of access was in the Ixworth Concept Statement and Ixworth Crown Lane Master Plan.
- No other access options have been considered.
- No current application for any development in excess of 90 plot Crown Land development. No reason why that site cannot be accessed from Crown Land and/or Micklesmere Drive. Application is premature.
- Volume of traffic on the High Street is already at unbearable levels and encouraging more vehicles into the street does not make sense.
- Plans already include a dangerous ghost junction into the A1066. The opening up of Walsham Road may encourage drivers to cut down it to avoid main access.
- Footpath that leads from the Thistledown Drive end of Walsham Road up to the free school is narrow and unsuitable for use based on current flow of traffic.

#### Residential amenity

- Access road is too close to homes in Thistledown Drive and Coltsfoot Close. Noise and light pollution from access would have a significant adverse impact on health and quality of life.
- Privacy compromised – vehicle occupants will be able to see into rear windows of homes that back onto field.
- No landscape or noise protection measures between access road and rear gardens of properties in Coltsfoot Close and Thistledown Drive. Minimum 6m landscape buffer and 2m high acoustic fence is required.
- Opening Walsham Road will have a detrimental effect on peaceful quality of life of residents in this area.

#### Other issues

- Opening Walsham Road will have a detrimental effect on house prices in this area.

Representations received from 3 addresses on the amended scheme. The concerns and issues raised are summarised below. Full representations are available to read on the Council's website.

#### Highways and access

- Object to proposed access through Crown Lane. The addition of extra traffic would make it dangerous especially as there is a school in the lane.
- Additional traffic on Crown Lane will cause the graveyard not to maintain its peaceful surrender.
- The permanent access to Crown Lane is not big enough to maintain the growth of traffic. Sure that this will be used as a permanent access and if obstruction were put in place it would still not be used by the emergency vehicles because removal of this will cut down the response time.
- New plan shows emergency access at the spur to Walsham Road. If emergency access is required the spur should be of a width and nature suitable for such use only.
- It is premature to consider any access to this land. There is no permission or pending application for the land. The only planning status is indicative in the master plan for school or residential. Until the precise nature of the use of that land is decided it is not possible to establish the requirements of any proposed access.

- Repeat objection to proposed ghost right junction to the A1088 off the new spine road.

#### Residential amenity

- Point of access at Walsham Road is inappropriate as it is very close to and would be seriously detrimental to the amenity of the residents of Nos. 1-3 Coltsfoot Close.
- Any permission for development of the access road must include a condition requiring adequate landscaping and acoustic bunding and/or fencing.

#### Other issues

- More pollution and noise
- Any additional properties would put an excessive strain on the local amenities which are also heavily burdened i.e. the doctors surgery and schools.
- There is little open space provision for recreational activities and dog walkers at present.
- Any consent must include adequate provision for landscaping and noise reduction. The application must be refused if there is inadequate land for landscaping or the application site widened to include it.

## **7.0 Policy**

- 7.1 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:

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy  
 Core Strategy Policy CS2 - Sustainable Development  
 Core Strategy Policy CS3 - Design and Local Distinctiveness  
 Core Strategy Policy CS4 - Settlement Hierarchy and Identity  
 Core Strategy Policy CS7 - Sustainable Transport

Vision Policy RV1 - Presumption in favour of Sustainable Development  
 Vision Policy RV12 - Ixworth

Policy DM1 Presumption in Favour of Sustainable Development  
 Policy DM2 Creating Places Development Principles and Local Distinctiveness  
 Policy DM3 Masterplans  
 Policy DM6 Flooding and Sustainable Drainage  
 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

## **8.0 Other Planning Policy**

- 8.1 National Planning Policy Framework (2018)  
 National Planning Practice Guidance (2018)

- 8.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. 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.

## **9.0 Officer Comment**

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

- Principle of development
- Highway safety
- Flood risk and drainage
- Visual impact and landscaping
- Residential amenity

### **9.1 Principle of development**

- 9.1.1 Ixworth is identified in Core Strategy Policy CS4 as a key service centre with a good range of local services and facilities on offer. The village is also described in the Rural Vision 2031 as having good transport links to Bury St Edmunds and Diss. The conservation area takes in the historic core of the village where there are a number of listed buildings. Policy RV12 allocates the land west of the A143 and south of the A1088, through which the access road runs, for development comprising of approximately 80 dwellings on the southern part of the site with the residual land to the north protected for educational use (allocation RV12(c)). The Policy also includes the allocation of the land off Crown Lane for the development of approximately 90 dwellings (allocation RV12(b)). The Policy states that the land off Crown Lane is likely to come forward in the short term and that the remainder of the land would be brought forward in the medium term.
- 9.1.2 A Concept Statement and Masterplan has been prepared in respect of the allocation RV12(b). This includes an indicative masterplan for the wider site, incorporating the route of the access road. It is understood that the land owners of the wider site are currently engaging with the Council in respect of a detailed masterplan for the northern part of the site. The current proposals for the access road have had regard to the adopted and emerging masterplans and the route of the road broadly follows that envisaged by the adopted masterplan.
- 9.1.3 One key difference to the scheme is the fact that the entire site will be accessed via a right turn ghost island junction on the A1088. The adopted Masterplan envisaged that a fifth arm of the roundabout to the north-west of the site would be constructed, enabling access into the site. Planning permission for improvements (including the fifth arm) to the A143/A1088 roundabout was refused in June 2014 on the grounds of highway safety. It was determined that a fifth arm on the roundabout will be less safe than an alternative four arm access arrangement for the adjacent future residential development site.

- 9.1.4 A further planning application for a right turn ghost island junction was submitted in 2015 and refused by the Council in October 2015. The applicant subsequently appealed this refusal and planning permission was granted on appeal for the junction. A copy of the appeal decision is attached as Appendix 1.
- 9.1.5 The applicant intends to construct the right turn ghost island junction and this application deals with the access road that will lead off the junction. It is acknowledged that such an arrangement differs from the adopted Masterplan, however, it was not until the full planning application stage that the merits of a fifth arm of the roundabout could be fully tested.
- 9.1.6 It is considered that the safety implications of a right turn ghost island junction have been fully tested through the planning system and in any event, any further consideration of this junction is outside the scope of this application. This application seeks consent for the remainder of the access road which, as stated above, broadly follows the Masterplan route.
- 9.1.7 Local residents have raised concerns that future residents of the development site will turn left onto the A1088 to avoid turning right during peak times, leading to increased traffic traveling through the village along High Street to access the A143. SCC Highways does not share these concerns and no evidence has been presented to the Council to support such an assertion or that it would have an adverse impact on the local highway network in any event. In addition, these matters are again outside the scope of this application.
- 9.1.8 The adopted Masterplan envisages that the land to the north-west of the access road will form the site of a new school in Ixworth. The applicant has therefore been asked to confirm that sufficient space for the school is being retained and that the design of the access road and its drainage system will not compromise the school land in any way. This confirmation has been received and accepted by Suffolk County Council.
- 9.1.9 Notwithstanding the differences between the Masterplan and the approved details for obtaining access off the A1088, it is considered that the principle of constructing an access road through the land forming allocation RV12(c) has been established. Policy RV12 clearly envisages that the residential development in the southern part of the site would come forward ahead of the northern part and on this basis it is necessary for an access road to be constructed prior to any other residential development or the construction of a new school. The adopted Masterplan does not envisage that vehicular access to the southern part of the site would be taken from Crown Lane and SCC Highways has confirmed that Crown Lane does not have sufficient capacity to take the level of traffic that would be generated by the residential development.
- 9.1.10 Based on the adopted Masterplan and Policy RV12 it is considered that the principle of constructing an access road through the land to the south of the A1088 and to the West of the A143 is acceptable.

## 9.2 Highway Safety

- 9.2.1 A Transport Assessment (TA) has been submitted with the application, which makes reference to this application and the separate application

submitted for the residential development on the land to the south of the access road. The TA states that the carriageway of the access road will be a minimum of 5.5m wide and that there will be a shared use footway and cycleway provided to one side.

- 9.2.2 When the A143 Ixworth bypass was constructed Walsham Road was stopped up for vehicular traffic close to the current roundabout junction and the length of roadway that crosses the application site is open to pedestrians only. The plans submitted at the outset of the application indicated that Walsham Road would be reopened to vehicular traffic. A number of objections were raised by local residents in respect of the level of traffic that would utilise the existing length of Walsham Road and have to pass the Free School and a woodland area used by children for recreational and leisure purposes. The applicant subsequently amended the proposal and confirmed that Walsham Road will not become a through road once again.
- 9.2.3 The access road as proposed allows for future access to the land reserved for a new school, with provision for emergency vehicle access only. The Highway Authority has confirmed that this arrangement is acceptable and details of the bollards and measures to direct pedestrians and cyclists can be secured by condition.
- 9.2.4 A cycle path is proposed alongside the access road to promote access through the wider site, into the residential land at the south and beyond to the cemetery, school and recreation ground to the south.
- 9.2.5 The TA details the trip generation calculations carried out in respect of the residential development to the south of the access road and concludes that no severe capacity issues are anticipated on the local road network as a result of the development and the Highway Authority has not disputed this. Future planning applications for residential development on the northern part of the site may need to review this issue, however, at this time there is no justifiable reason to refuse the application on highway safety grounds. Paragraph 109 of the NPPF 2018 states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.
- 9.2.6 The Highway Authority has requested additional details in respect of the layout and construction of the road and this information has been submitted by the applicant. The Highway Authority has worked closely with SCC Floods team in order to ensure that a satisfactory drainage strategy is being employed to prevent surface water flooding on the access road. At the time of writing the Highway Authority has not provided formal comments on the additional details included within the Flood Risk Assessment relating to the drainage strategy. Informal discussions between officers and the Highway Authority have taken place and it is understood by officers that the Highway Authority will seek to adopt the carriageway and footway/cycleway, subject to them being constructed to an appropriate standard and the applicant entering into the necessary construction and adoption agreements. The Highway Authority will not however adopt the drainage system due to what it considers to be onerous maintenance requirements. The applicant is therefore required to offer an alternative solution to the management and maintenance of the highway drainage. It proposes to pass these responsibilities to a management company and has suggested that the

submission of a management and maintenance plan can be secured by condition.

- 9.2.7 It is preferable for the access road and its associated drainage system to be adopted and maintained by a single entity, however, in this case this is unlikely to be achievable and the Highway Authority has indicated that it is willing to accept the applicant's management company proposal. The submission of a management and maintenance plan will ensure that the Local Planning Authority retains some control over the arrangements and any failure to comply with the plan can be subject to enforcement action.
- 9.2.8 On this basis it is considered that the applicant has demonstrated that the integrity of the access road can be maintained and that surface water can be adequately managed. The proposal therefore satisfies the requirements of Policies CS7 and DM2 in relation to highway safety. The proposal ensures that safe and suitable access can be achieved and accords with paragraph 108 of the NPPF 2018 in this regard.

### 9.3 Flood risk and drainage

- 9.3.1 The site is located in Flood Zone 1, where the majority of development should be directed as it is at the lowest risk of Flooding. A Flood Risk Assessment has been submitted with the application, as required by paragraph 163 of the NPPF 2018, and has been revised on a number of occasions due to ongoing discussions between the applicant and SCC Floods. Due to the topography of the site the drainage strategy has been split up into northern and southern sections and as the drainage of the southern section of the access road will be reliant upon the drainage strategy for the residential development to the south a comprehensive strategy has been set out to address this.
- 9.3.2 The proposed drainage solution for the residential development and spine road south area is to dispose of the surface water to ground, at source. Where the capacity is exceeded, a network of pipes will convey the water to the open space at the lowest part of the site to an infiltration basin.
- 9.3.3 As there is no near accessible watercourse and the nearest surface water sewer will require pumping, the proposed drainage solution for the residential and spine road south area is to dispose of the surface water to ground, at source. Where the capacity is exceeded, a network of pipes will convey the water to the open space at the lowest part of the site to an infiltration basin. The spine road south will utilise a swale on either side. The outlets are manholes set within the base of the swale with open grates, leading to oversized pipework beneath. These oversized pipes have a controlled outflow to maximise the storage. This mechanism can be maintained by the highway authority using their current maintenance processes. The network outflows to the conveyance pipework then to the infiltration basin along the western boundary.
- 9.3.4 The spine road north will use the same principle as the south, but there is an available public surface water sewer in the north-west part of the site. Attenuation will be provided in the form of a basin, utilising the infiltration available, with a controlled discharge rate to the public sewer. During the course of the application the application red line has been increased to include the attenuation basin in the north-west corner.

- 9.3.5 Although this application does not include the residential parcel of land, the surface water drainage strategy relies on SuDS features within the southern area of land. As detailed above, the applicant anticipates that the access road will be adopted by the Highway- Authority and that the drainage system will be managed and maintained by a separate management company. The infiltration basin proposed in the open space in the residential area will be offered for adoption to the Local Authority.
- 9.3.6 The applicant has worked closely with SCC Floods to agree the drainage strategy for the development and the Flood Risk Assessment has been revised on a number of occasions to address the technical concerns and queries raised. The Flood Risk Assessment outlines the broad drainage strategy for the access road and the residential development to the south. SCC Floods have recommended a number of conditions relating to the next stage of detailed design of the scheme as well as a condition relating to the management of surface water during the construction process.
- 9.3.7 In accordance with paragraph 165 of the NPPF 2018 the applicant has incorporated sustainable drainage systems within the scheme and the future management and maintenance of the systems has been addressed. In addition, the proposal accords with the requirements of Policies CS2 and DM6 in relation to flooding and sustainable drainage.

#### 9.4 Visual impact and landscaping

- 9.4.1 The application site is currently undeveloped agricultural land. The topography of the site is such that views across the site from both the north and south take in the high point towards the centre of the site. There is an established tree belt along the eastern edge of the site that screens it from the A143. A line of scrub and other vegetation lines the northern boundary where it adjoins the A1088. At the northern end of the site modern residential development adjoins the boundary of the agricultural field. Moving south the Ixworth Free School adjoins the boundary and at the southern end the cemetery adjoins the boundary. There are also a number of mature trees along the western boundary.
- 9.4.2 The construction of an access road through the open landscape will be an alien feature and with the inclusion of street lighting and other street furniture it will feature prominently in the landscape when viewed internally, as well as when viewed from the rear of the residential dwellings at the northern end of the field. The application site itself includes sufficient space for the construction of the carriageway, footways and cyclepath together with the drainage features that run alongside the highway.
- 9.4.3 The applicant has advised that it is not currently in control of any further land either side of the access road and that its ability to landscape the areas immediately alongside the access road is therefore limited.
- 9.4.4 It is known that local residents use the agricultural field on an informal basis for dog walking etc. and the current peace and tranquillity experienced from within the site will be lost. As detailed above, the adopted Concept Statement, Masterplan and Policy RV12 anticipated that the access road would be constructed ahead of the residential development and new school to either side of it and even with the inclusion of landscaping to either side

the road would always be the dominant feature until such time as the remainder of the development came forward. It is also referenced above that the landowners of the remaining land are engaging with the Council to develop a Masterplan for the land and the need for landscaping across the whole site will be addressed as part of this process and as part of the planning applications that are expected to come forward in the coming years.

- 9.4.5 At this time the practical need to construct the access road to facilitate the residential development to the south, and ultimately the remainder of the site, must be balanced against the adverse impact on the landscape character of the area in the short to medium term. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. In addition, development proposals are expected to demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape including the setting of settlements and the nocturnal character of the landscape.
- 9.4.6 The Landscape & Ecology Officer is particularly concerned that a section of the access road impinges on the tree belt on the eastern boundary, resulting in the loss of a number of trees. The exact number that will be lost has not been quantified by the applicant, despite this information being requested on a number of occasions. In addition there are further concerns that there will be pressure on the trees that are not removed but are close to the carriageway to be pruned or felled in the future. The existing tree belt is one of the key landscape features of the wider site and the Masterplan envisaged that the access road would be positioned inside the tree belt, thus preserving it in its entirety.
- 9.4.7 The applicant has been unwilling to make any significant changes to the layout and position of the access road and suggests that the scheme would result in the loss of around 5% of the total tree belt, meaning that a significant tree belt would be retained along the boundary. The applicant has stated that the request made by Officers for the route of the access road to be revised to prevent encroachment into the tree belt was made at a late stage in the application process. Officers have, on a number of occasions, requested detailed information in respect of the impact of the proposal on the tree belt. It was not until further information was received, late in the process that it became clear that the access road would impinge on the tree belt. As stated above, the applicant has also been unwilling to carry out a detailed survey at this stage in order to identify the exact number of trees that will be lost, with reference simply made to the figure of 5% of the total tree belt.
- 9.4.8 The applicant has suggested that it would be prepared to accept a planning condition requiring tree planting to compensate for the loss of any trees. However, as detailed above there is very limited space to achieve this and on this basis it is considered that a planning condition such as that suggested would not adequately mitigate for the loss of existing trees. An addendum to the Ecology Report submitted with the application suggests that subject to best practice being employed in the removal of trees from the tree belt, any loss of habitat is likely to have only a minor negative impact. The addendum does not fully consider the visual impact of the loss of trees and it is regrettable that this is likely to be the case. The majority



of the tree belt will remain intact and it is envisaged that this will be incorporated into the remainder of the development on the northern part of the site. The intrusion of the access road into part of the tree belt will have an adverse visual effect on a local level, however there is some scope to address this through compensatory planting in the long term through the development of the remainder of the site. Once the access road is constructed it is very unlikely that the agricultural use of the rest of the site will continue. The landowners are actively working with the Council to bring the site allocation forward and landscaping will be a key issue to address.

9.4.9 As the access road is to be constructed to the Highway Authority's specification the lighting scheme for the development will also have to be to the same standard. Even if it were possible to secure a comprehensive landscaping scheme for the development it is unlikely to fully screen the effects of the development and in particular the lighting when in operation. The scheme as a whole will have an adverse impact on the landscape character of the application site as it currently stands, however, given that the site is allocated for residential development it is anticipated that the nature and character of the land will change. The proposal effectively extends the edge of the settlement of Ixworth and to a large degree will still be screened by the existing tree belt on the eastern boundary.

9.4.10 The adverse effects of the loss of part of the tree belt attract moderate to significant weight against the proposal and conflict with the requirements of Policy DM13 to ensure that developments protect and where possible enhance the character of the landscape. To accord with Policy DM13 proposals are expected to make commensurate provision for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features. The current scheme fails to achieve these aims, with no scope for compensatory landscaping under this application, which results in the loss of part of the tree belt. The short-term visual impacts of the scheme will also attract some weight against the proposal, albeit limited given the fact that the site is allocated for residential development.

9.4.11 The section of access road that will serve the new school follows the route of the stopped up section of Walsham Road. Walsham Road is currently open to vehicular traffic beyond the entrance to Coltsfoot Close and stops close to the rear boundary of No. 1 Coltsfoot Close. Concerns have been raised by residents of Coltsfoot Close regarding the visual impact of the access road where it joins Walsham Road and the noise, disturbance and loss of privacy that may arise once the access road is open. The residents have requested acoustic screening and landscaping in this location.

9.4.12 The applicant has been made aware of these requests and has pointed out that the application red line for the residential development to the south (DC/17/0333/FUL) includes the whole of the allocated site and landscaping conditions could therefore be applied to any grant of planning permission for the residential element. The applicant has also stated that the access road would not be constructed until such time as planning permission for the residential element had been granted.

## 9.5 Residential amenity

- 9.5.1 Walsham Road currently extends to the rear boundary of No. 1 Coltsfoot Close. At this point bollards are proposed to allow for emergency access to the upgraded section of Walsham Road that will be constructed to facilitate access to the new school. It is accepted that at peak times there will be a high intensity of use in this area. However there is no direct vehicular access to the existing section of Walsham Road and vehicles will generally belong to either staff, who are likely to access the school and park on site, or parents dropping children off who will enter and leave the site in a short period of time. It is anticipated that the wider site will be developed with a comprehensive network of footpaths and cycleways and given its proximity to the village of Ixworth it can be expected that many children will walk and cycle to school.
- 9.5.2 Whilst there will be an element of noise and disturbance created through the use of the access to the new school it is considered that this will be short-lived and only at certain times of the day. On this basis it is considered that the proposal would not have an unacceptable adverse impact on nearby residents in Coltsfoot Close. It is likely that there will be street lighting in this location, however, given that this will need to be to the Highway Authority's specification this will be similar to any street lighting found in residential areas and would not be expected to have a significant adverse impact on residential amenity. The dwellings in Coltsfoot Close that adjoin the site have 1.8m fences in place on their rear boundaries that will mitigate the effects of vehicles headlights.
- 9.5.3 It is inevitable that there will also be some noise and disturbance during the construction process. This can be managed through the use of a Construction Management Plan, which can be secured by condition. The remainder of the land to the east of Coltsfoot Close will be developed as part of later phases and the nature of development in this area will need to be carefully considered in order to protect the amenity of existing residents. The scheme currently under consideration is not considered to give rise to unacceptable adverse impacts on amenity and any short-term effects during the construction process attract very limited weight against the proposal.

## 9.6 Other matters

- 9.6.1 Suffolk County Council Archaeological Service has indicated that the site lies in an area of archaeological importance. The Service does not object to development proceeding subject to the implementation of a programme of archaeological work that can be secured by condition.

## **10.0 Conclusion and planning balance**

- 10.1 The proposed access road will facilitate the development of the sites allocated under policy RV12, including a significant number of residential dwellings as well as a new school, areas of public open space and landscaping. The applicant has a concurrent planning application for the development of the southern portion of the wider site and is actively working with the local planning authority to achieve a satisfactory scheme on this land. The construction of the access road will therefore bring about significant benefits in relation to the additional dwellings to add to the Borough's housing stock and the associated infrastructure works, including a comprehensive cycle and pedestrian network through the wider site. Limited economic benefits can also be attributed to the proposal through

the construction process. Overall the benefits of the scheme are considered to attract significant weight in favour of the proposal

- 10.2 The adverse visual effects of the scheme on the local landscape in the short-term attract some weight against the proposal, albeit limited given the wider site allocation in the development plan. The loss of part of the tree belt is regrettable and the conflict with Policy DM13 attracts moderate to significant weight against the proposal. It is anticipated that some compensatory planting can be brought forward as part of the applicant's concurrent planning application and through the development of the remainder of the area.
- 10.3 The scheme has satisfactorily addressed the requirements of SCC Floods and it is anticipated that SCC Highways will confirm its support for the proposal. Subject to appropriate conditions, any adverse effects on the residential amenity of nearby occupiers can also be limited.
- 10.4 On balance therefore it is considered that the benefits of the scheme marginally outweigh the harm caused to the landscape and the tree belt. The principle and detail of the development is considered to be acceptable and sufficiently compliant with relevant development plan policies and the National Planning Policy Framework in order for a recommendation of approval to be put forward

## **11.0 Recommendation**

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

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

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

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

IX-SL02 – Site location plan  
IX-PL03E – Road layout plan  
215-E-200 Rev A – Engineering layout sheet 1 of 2  
215-E-201 Rev A – Engineering layout sheet 2 of 2  
E3772-910B – Signings and linings sheet 1 of 2  
E3772-911A – Signings and linings sheet 2 of 2  
FRA to App C 280/2016/FRA Rev P9 Nov 2018  
FRA App D to App F Nov 2018  
FRA App G to App I Nov 2018

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

- 3 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.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 4 The road shall not be brought into use 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.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) Loading and unloading of plant and materials
  - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery

- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and 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. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 6 Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- i) Measures for the protection of those trees and hedges on the application site that are to be retained,
  - ii) Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
  - iii) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 7 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 8 Prior to commencement of development a Tree Belt Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall detail the removal of diseased ash prior to first use of the road, and the retention of a path for continuing public access as well as future arrangements for the protection and management of the tree belt along the edge of the A143. The Tree Management Plan shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the longevity of the existing tree belt and protect the visual amenity and character of the area, in accordance with policy DM12 and DM13 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.

- 9 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy & Appendices by GH Bullard (ref:-280/2016/FRA Rev P9 & dated November 2018) and will demonstrate that surface water runoff generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of which will include:
1. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
  2. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
  3. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance

network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

4. Full modelling results (or similar method) to demonstrate that runoff from the Northern Spine Rd will be limited to 2l/s and the Southern Spine Rd to 5l/s for all events up to the 100yr+cc event. Infiltration devices will be adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.

5. Infiltration devices will have a half drain time of less than 24hours.

6. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.

7. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside an Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.

8. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.

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

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

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control), to ensure the development is adequately protected from flooding, to ensure the development does not cause increased pollution to the water environment and to ensure clear arrangements are in place for ongoing operation and maintenance, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

10 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 11 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.

- 12 No development above ground level shall take place until details of any boundary fences / structures in respect of the access road and SuDS 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 preserve the residential and visual amenities of the locality, 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.

- 13 All ecological measures and/or works shall be carried out in accordance with the Best Practice Measures contained in The Ecological Report prepared by Wild Frontier Ecology dated February 2017 and Ecological Report Addendum letter prepared by Wild Frontier Ecology dated 12 October 2018 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To safeguard the ecological and nature conservation value of the area, in accordance with policy 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.

- 14 Site clearance, removal of hedgerows, trees, shrubs, other vegetation and habitats, or works to or demolition of buildings or structures that may be used by breeding birds or bats, shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person at



the written approval from the Council. A site attendance record shall be maintained by the applicant which shall contain name and purpose of the visit and shall be available for inspection at 24 hours' notice.

Reason: To ensure that those habitats and species to be retained on site are adequately protected from harm during construction, 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.

- 15 Prior to first use of the road, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- i) Identify those areas/features on site that are particularly sensitive for and that are likely to be disturbed by lighting;
- ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 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.

16. Prior to commencement of the development hereby approved, details of the implementation, maintenance and management of the drainage system adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with Section 11 of the approved FRA prepared by GH Bullard, dated November 2018 and shall include the following details:-

- (i) the body responsible for the management and maintenance of the system;
- (ii) cyclical maintenance;
- (iii) inspections; and
- (iv) remedial actions

The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To reduce the risk of flooding to the highway and prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as the details are integral to the access road and its construction.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/0339/FUL](#)

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## Appeal Decision

Site visit made on 19 April 2016

**by A Napier BA(Hons) MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 May 2016**

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**Appeal Ref: APP/E3525/W/15/3141436**

**Land at and adjacent to A1088 road, Ixworth, Suffolk**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss Sophie Waggett of Persimmon Homes (Anglia) against the decision of St Edmundsbury Borough Council.
  - The application Ref DC/15/0873/FUL, dated 28 April 2015, was refused by notice dated 1 October 2015.
  - The development proposed is the introduction of a right turn ghost island junction on the A1088 to provide vehicular access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the introduction of a right turn ghost island junction on the A1088 to provide vehicular access at Land at and adjacent to A1088 road, Ixworth, Suffolk in accordance with the terms of the application, Ref DC/15/0873/FUL, dated 28 April 2015, subject to the conditions in the attached Annex.

### Application for costs

2. An application for costs was made by Persimmon Homes (Anglia) against the Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. The address of the site given on the planning application form is 'Land at Crown Lane, Ixworth, Suffolk IP31 2EH'. The proposal is intended to create a right turn ghost island junction on the A1088 road, to provide access to the site at Crown Lane. The application site, as shown by the red line boundary on the submitted location plan, extends to land on or immediately adjacent to the A1088 road. Therefore, the address used in the heading and formal decision above reflects that used in the Council's decision notice, as it is a more accurate description of the location of the appeal site.

### Main Issue

4. The main issue in this appeal is whether or not the proposal would provide a safe and suitable means of access to the land to the south.

### Reasons

5. The access proposed is intended to serve sites RV12b and RV12c, which are allocated for development in the Council's *Rural Vision 2031* (RV) Policy RV12.

The Council has also adopted two documents related to this land, the *Ixworth Concept Statement 2008* and the *Crown Lane, Ixworth Masterplan 2010* (the Masterplan), which outline the intended approach to the development of the sites and provide an indicative layout for RV12b, with access shown to be taken from the existing roundabout junction of the A1088 with the A143, to the north-east of the site, by way of a fifth arm to that roundabout.

6. From the information provided, a previous planning application for the alteration to that junction, to provide this fifth arm for access to the allocated site, was refused permission in 2014, on highway safety grounds and following the advice of the highway authority. Furthermore, the consultation comments and advice provided at that time indicated that a right turning ghost island junction on the A1088 road would be considered preferable in highway safety terms.
7. The current appeal proposal reflects that advice and is supported by a Transport Statement (TS) which, amongst other matters, considers the design and capacity of the junction. The TS indicates that the design of the proposal follows the national guidance in the *Design Manual for Roads and Bridges*. The appellant states that this document was used to determine that the proposal represents the most appropriate and safest means of access to serve the allocated sites. Furthermore, the highway authority has confirmed that the proposal would meet the relevant requirements of this document.
8. The proposed access junction would be located to the northern boundary of the allocated land, between the existing roundabout junction to one side and the staggered crossroad junction to the other. From the evidence before me, including the TS and the comments of the highway authority, I am satisfied that the distances involved and relative position of the proposal to these existing junctions would be acceptable and would achieve an appropriate level of visibility for users of the main road and the proposed junction. The provision of visibility splays to either side of the proposed junction may require the removal of existing planting, in order to achieve acceptable levels of visibility from the junction. Having regard to the evidence before me and taking into account that the provision and retention of visibility splays are matters that can be addressed by condition, I am satisfied that this matter does not represent an appropriate reason to find against this scheme.
9. The Council contends that insufficient information was provided to enable the appeal proposal to be fully assessed at the planning application stage, including in relation to traffic flow and the speed of traffic. However, this stretch of road is subject to the national speed limit and the details provided, including the scale drawings, are sufficient to demonstrate that the design of the proposed junction reflects this. Furthermore, in this and other respects, the various consultation responses provided by the highway authority clearly demonstrate that the proposal was comprehensively assessed at the application stage and considered to be acceptable in terms of highway safety, including in relation to accident data. In addition, it has not been suggested, nor do I consider from the details provided, that the proposal would be likely to have an adverse effect on the functioning of the highway network.
10. Although I understand that no planning permission exists for the proposed development of the allocated sites, the details provided indicate that the appeal proposal has been designed with sufficient capacity to provide a degree of

flexibility in the type and extent of development proposed, with the potential to accommodate a range of proposals, including some 75-475 dwellings. Accordingly, I find that additional modelling information would not be necessary to demonstrate that the proposed access would have the potential to accommodate the extent and type of development envisaged by the allocations concerned. Moreover, whilst there is nothing substantive before me to demonstrate that the appeal scheme would not be acceptable in this regard, I am also mindful that an assessment of the access arrangements to serve the development would form part of the detailed proposals for these sites.

11. I note the concerns expressed by the Council's transport consultant in relation to the submitted application details and the RV requirement for a safety audit for development proposals on the allocated site. I also acknowledge that additional information has been provided with the appeal that further supports the appellant's case in these respects. Nonetheless, the various comments of the highway authority on the planning application clearly demonstrate that these additional details were not considered necessary in order to provide a robust assessment of the acceptability of the proposal at this stage of the development process. The basis for this assessment was set out in detailed comments to the Council, prior to the determination of the application.
12. The highway authority is a statutory consultee in relation to the proposal and, as such, its expert advice in relation to highway matters can reasonably be given considerable weight. In contrast, whilst recognising that a number of concerns have been expressed in relation to local traffic conditions, highway safety and previous accidents, including a fatality, there is only limited evidence before me to support these concerns, even taking into account the comments of the Council's transport consultant. Accordingly, whilst I have had careful regard to these matters, I am not persuaded that they represent compelling reasons to find against the appeal proposal in this case.
13. Consequently, for the reasons given above, I conclude that the proposal would provide a safe and suitable means of access to the land to the south of the proposed junction. Whilst the proposal would not follow the indicative approach to site access indicated in the Masterplan for the development site, it would be in accordance with the *St Edmundsbury Core Strategy 2010* Policy CS3, which seeks to provide a high quality, safe and sustainable environment, including in relation to access and transport considerations. It would also meet the aims of paragraph 32 of the National Planning Policy Framework (the Framework), to achieve safe and suitable access to the site, and only prevent or refuse development on transport grounds where the residual cumulative impacts of development are severe.

*Other matters*

14. It has been suggested that an alternative means of access would be preferable to the current proposal. I also understand that further proposals for access to the allocated land are under consideration. However, I do not have full details of these other schemes and, in any event, these matters are not formally before me as part of this appeal, which I have considered on its merits and in light of all representations made. For the above reasons, I have found the appeal proposal to be acceptable and whether or not an alternative scheme may also be considered to be acceptable is not a matter that leads me to alter my conclusions in this regard.

### **Conditions and conclusion**

15. I have considered the Council's and the appellant's suggested conditions in the light of the Planning Practice Guidance and the Framework. For clarity and to ensure compliance with the Guidance, I have amended some of the suggested wordings. Otherwise than as set out in this decision and conditions, for clarity, it is necessary that the development be carried out in accordance with the approved plans.
16. In the interests of highway safety, it is necessary to control the details of the access, including in respect of any gates, levels, gradient, surfacing and surface water drainage. Due to the nature of these details, it is essential to require their approval before any development starts on site. It is also appropriate to require the access to be laid out and constructed in accordance with these approved details before it is first used. For similar reasons, it is also necessary to control HGV movements to the site during the construction period and, before the first use of the access, to control the provision and retention of the visibility splays as specified on the approved plans and to prevent their future obstruction.
17. Having regard to the nature of the proposal, it is not necessary to prevent the development of other land from taking place before the current proposal has been constructed, as the current scheme does not include such development and this matter would potentially be able to be controlled as part of any future proposals for those sites. In addition, the Council has suggested that a condition should also be applied to require a 40mph buffer zone and lighting scheme. However, having regard to the evidence before me, including the comments of the highway authority, I am not satisfied that it has been adequately demonstrated that these matters would be necessary to make the scheme acceptable in planning terms. As such, I do not intend to apply either of these conditions.
18. For the above reasons and having regard to all other matters raised, including the comments of the Parish Council and local councillors, I conclude that the appeal should be allowed.

*A Napier*

INSPECTOR

## **Annex**

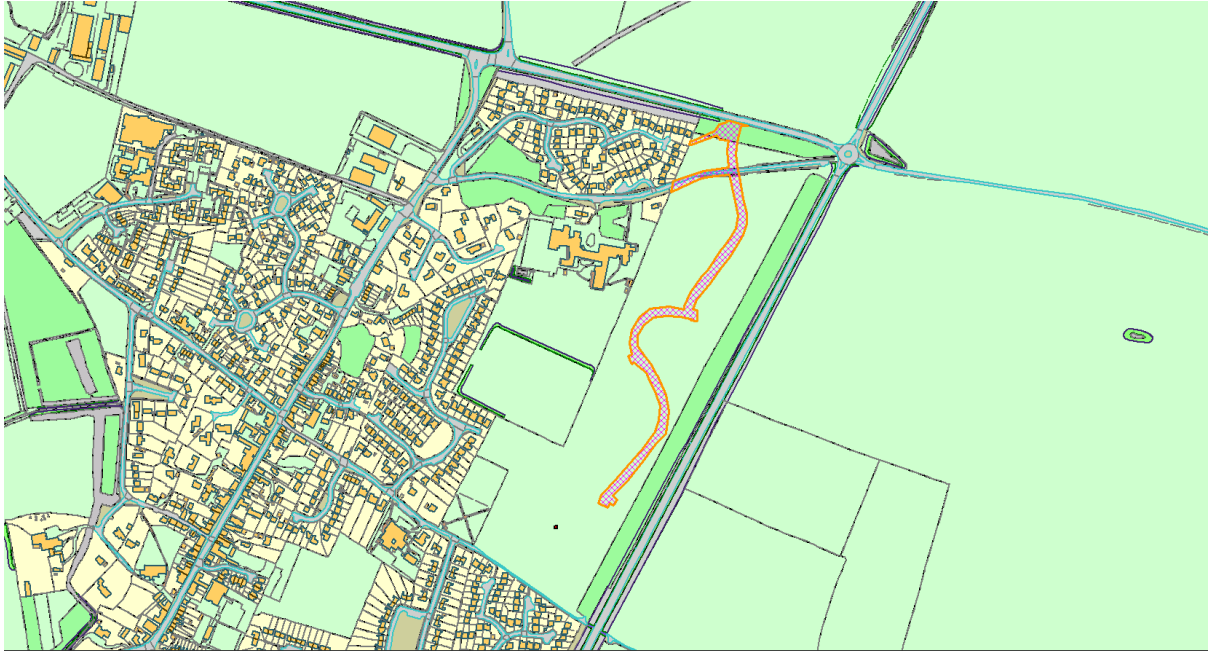
### **Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: IX-SL02 and 028/2012/01C.
  - 3) No development shall take place until details of the proposed access have been submitted to and approved in writing by the local planning authority. These details shall include the position of any gates to be erected, levels, gradient, surfacing and surface water drainage arrangements. No use of the access hereby permitted shall take place until the access has been laid out and constructed in its entirety in accordance with the approved details and it shall be retained as such thereafter.
  - 4) No HGV traffic movements shall take place to and from the site for the duration of the construction period unless in accordance with a Deliveries Management Plan, which shall have first been submitted and approved in writing by the local planning authority. The Plan as approved shall specify the routes for HGV movements and provide details of a complaints procedure for the duration of works at the site.
  - 5) No use of the access hereby permitted shall take place until visibility splays have been provided in accordance with drawing Ref 028/2012/01C and thereafter they shall be so retained. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metre in height shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
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DC/17/0339/FUL - Land To The South Of A1088 And Crown Lane, Crown Lane, Ixworth



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Spine Road  
 (including 1.8m footpath and 3m cycle  
 path separated by 2m wide swales)

Secondary Road

Private Drive  
 42.4m

Residential Area

School Site

POS Area

**INDICATIVE MASTERPLAN 1:1000 @ A1**  
 Masterplan is indicative to show the site is capable of a suitable arrangement of development around a main access and spine road



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**DEV/SE/19/003**

*St Edmundsbury*  
BOROUGH COUNCIL

## **Development Control Committee 3 January 2019**

### **Planning Application DC/18/0068/FUL – 26 Angel Hill, Bury St Edmunds**

**Date Registered:** 25.01.2018      **Expiry Date:** 22.03.2018  
EoT until 11.01.2019

**Case Officer:** Marianna Hall      **Recommendation:** Approve Application

**Parish:** Bury St Edmunds      **Ward:** Abbeygate

**Proposal:** Planning Application - (i) Ground floor retail unit; (ii) 4 no. flats on first and second floor (following demolition of existing building). As amended by plans and documents received on 14 August 2018 removing garden areas.

**Site:** 26 Angel Hill, Bury St Edmunds

**Applicant:** Mr J Thake

**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:**

**This application has been called-in by Councillor Jo Rayner as one of the Abbeygate Ward Members. The Town Council also objects to the application and the Officer recommendation is one of APPROVAL.**

**As Chairman of the Development Control Committee, Councillor Jim Thorndyke has expressed his view that the application should be presented directly to the Development Control Committee, rather than the Delegation Panel, and this is a position agreed by David Collinson as Assistant Director (Planning & Regulatory Services).**

**A site visit will take place on Thursday 20 December 2018.**

## **Proposal:**

1. Planning permission is sought for the erection of a part two-storey and part three-storey building comprising a retail unit on the ground floor and 4 no. flats on the first and second floors. The retail unit, Cycle King, that previously occupied the site was damaged in a fire in September of 2017 and was later demolished. The proposals seek to replace the retail space that has been lost and to build above to provide residential accommodation in the form of 3 no. one-bedroom flats and 1 no. two-bedroom flats.
2. The building would be finished in gault brickwork to the first and second floors with block columns and glazing to the ground floor. Timber sliding sash windows are proposed and the roofs tiled to match adjacent buildings, concealed behind parapet walls. The building would front onto Angel Hill and no on-site car parking is proposed.
3. The application has been subject to several amendments since its original submission. The communal gardens originally proposed at first floor level to serve the flats have been removed from the scheme. The layout has also been revised in terms of the proposed bin store at first floor level and the provision of cycle storage at ground floor level within the lobby area for the flats. An appropriate maintenance gap has been introduced between the ground floor retail unit and the historic Abbey wall behind, with ventilation also provided to ensure that this space is breathable. The shopfront design has been revised in response to feedback from the Conservation Officer and the Bury St Edmunds Society. Additional information has in addition been provided during the course of the application including an Environmental Noise Assessment and updated Archaeological Investigation.

## **Application Supporting Material:**

1. The information submitted with the application comprises:
  - Application Form
  - Plans
  - Design & Access Statement Incorporating Heritage Statement
  - Historic Photograph
  - Archaeological Evaluation
  - Material Schedule
  - Phase 1 Geo-Environmental Desk Study Report
  - Environmental Noise Assessment & Supplement re: Live Music Events

### Site Details:

2. The site is located between The One Bull public house and Crescent House on Angel Hill in the Town Centre of Bury St Edmunds and comprises the former site of Cycle King - a cycle sales and repair business. Both The One Bull and Crescent House are Grade II listed buildings and the properties opposite the site are also listed. The site backs onto the Abbey Gardens, with the adjacent precinct wall being Grade I listed and forming part of the Bury St Edmund's Abbey Scheduled Monument. The Abbey Gardens is also a Grade II listed Historic Park and Garden, a site of Nature Conservation Interest, and is designated as Recreational Open Space within the local plan. The site is within the Town Centre Conservation Area which is subject to an Article 4 Direction, and is also within the defined Housing Settlement Boundary for Bury St Edmunds.
3. The former Cycle King shop that occupied the site has been demolished and removed from the site. There is currently a timber hoarding across the site frontage.

### Planning History:

Reference	Proposal	Status	Decision Date
E/83/3426/A	Provision of non-illuminated fascia signs	Application Refused	29.12.1983
E/83/2628/A	Proposed display of 4 no. posters on internal window faces obj. reply recd. WITHDRAWN - September 1983	Application Withdrawn	20.09.1983
E/82/1123/A	Provision of display posters on shop windows	Application Refused	03.03.1982
E/81/2702/A	PROVISION OF NON ILLUMINATED SHOP SIGN	Application Granted	16.09.1981
E/81/2575/P	REPLACEMENT OF SHOP FRONT	Application Granted	05.10.1981
E/81/2351/P	CHANGE OF USE TO MOTOR ACCESSORIES RETAIL SHOP	Application Granted	14.08.1981
E/81/2111/P	CHANGE OF USE FROM CAR HIRE DEPOT TO CAR SALES SHOW ROOM	Application Granted	16.06.1981
E/81/2013/P	CHANGE OF USE FROM CAR SHOWROOM TO	Application Granted	16.06.1981

PREMISES FOR RETAIL  
SALES OF CYCLES

**Consultations:**

4. Town Council

Comments 15.02.2018:

- Objection on the grounds of loss of privacy, overdevelopment and health and safety.

Comments 07.06.2018:

- Our health and safety concerns have been addressed however we are obliged to sustain the objection on ground of privacy and overdevelopment.

Comments 13.09.2018:

- Objection on grounds of loss of amenity and the health and safety implications of bin storage being on the first floor.

5. Highways

Comments 09.02.2018:

- Conditions recommended regarding provision of bin and cycle storage.
- The absence of car parking spaces is mitigated by the sustainable town centre location.

Comments 14.06.2018:

- Conditions recommended regarding provision of bin and cycle storage.
- The absence of car parking spaces is mitigated by the sustainable town centre location.

Comments 14.09.2018:

- Conditions recommended still stand but should refer to the latest drawings.

6. Public Health & Housing

Comments 22.02.2018:

- No objection.
- Conditions recommended regarding construction hours and burning of waste.
- There is a risk of noise from the neighbouring public house and traffic noise from Angel Hill affecting future occupants of the development. Recommend applicant undertakes a noise assessment. Details of assessment and attenuation measures should be provided for agreement in writing by the LPA.
- May be a loss of amenity for the proposed flats due to potential cooking odours from the public house.

Comments 31.08.2018:

- Is sensible to remove the rooftop gardens as it is unlikely that reasonable noise levels can be achieved in the garden areas.
- The internal noise levels are acceptable on the basis of the various Acoustic Consultant's reports and additional information.



- It would be unreasonable if The One Bull were not allowed to open their rooflight for ventilation purposes without the need for additional mechanical ventilation.

## 7. Historic England

Comments 15.02.2018:

- Object to the application on heritage grounds.
- Red line boundary of the development includes part of the designated precinct wall. Ground floor abuts the wall and the first floor terrace overlooks the park and monument.
- Concerned about direct impact upon the wall during the demolition and construction phases which has the potential to cause a high degree of harm to its significance.
- Any works to the wall would require Scheduled Monument Consent.
- Also concerned about impact upon the significance of the wider monument through a development within its setting, and about impact of the development upon non-designated archaeology within the red line boundary.
- No in principle objection to the redevelopment of the site.
- Existing building is of some merit and is representative of its period but we accept the broad principle elements of the new design.
- Success of the scheme will be in the detailing of the new development and in particular the brickwork and materials. Considerable regard should be given to these matters in relation to the setting of the Conservation Area.
- Not clear whether the existing structure is attached to the wall and therefore what impact there would be on it during the demolition phase.
- No information provided on current condition of wall or consideration of whether repairs are necessary.
- Concerned about future maintenance and access for repair. Is important to ensure the wall can be maintained and repaired on both sides. Recommend plans are amended to include sufficient space for inspection and repair.
- Roof terrace would seem positive for the amenity of the residents but query the likely impact of this and the development as a whole upon the significance of the scheduled monument from changes to its setting, particularly in key views from the public spaces of the park and ruins.
- Development area sits just outside of the medieval precinct and there is therefore considerable potential for the recovery of archaeological remains within the footprint of the existing building.
- Impact on non-designated heritage assets would also need to be considered.
- Application fails to accord with the NPPF and insufficient information is available to determine the impact of the proposals.

Comments 14.09.2018:

- We have no outstanding issues and no objection on policy grounds.
- The revisions to the application include the introduction of a gap between the rear shop wall and the historic wall and the use of ventilation on the upper section to ensure the space is breathable.
- This will also be a Scheduled Monument Consent matter and I can confirm that we have received a corresponding SMC application.
- We note that the balustrading and first floor decking have been removed.

- Recommend that the County Archaeologist is contacted to ensure that she is happy with the revised scheme.

## 8. The Archaeological Service

Comments 23.02.2018:

- Development lies in an area of extremely high archaeological sensitivity.
- Is also a possibility that site spans the former line of the monastic precinct and an area of monastic buildings.
- Is high potential for the discovery of below-ground heritage assets of archaeological significance within this area and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- Impacts of past land use need to be understood but the proposed rebuild is highly likely to have more substantial foundations and impacts than former building on the site.
- Given high potential and lack of previous investigation it is recommended that in order to establish the full archaeological implications of this area and the suitability of the proposed design, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of the planning application.
- Note that demolition/clearance has commenced on site. Whilst this will undoubtedly facilitate safe access for archaeological investigations, there should be no disturbance below ground level until an archaeological evaluation has been undertaken.

Comments 01.10.2018:

- Conditions recommended relating to foundation design agreement and programme of archaeological work.

## 9. Conservation Officer

Comments 06.03.2018:

- Site is in a prominent position within the Conservation Area and has listed buildings adjoining to either side and a section of the Abbey wall forming the rear boundary of the site.
- Former building on the site was distinctive but did not accord with the overall character and appearance of the area. Demolition of the building would not therefore harm the character or appearance of the conservation area or the settings of the surrounding listed buildings and scheduled area of the Abbey Gardens.
- Given the sensitive location the replacement building requires very careful consideration, not only in terms of its scale and design, but also in terms of the detailing and relationships with the existing buildings and wall.
- There is evidence in the form of an old photograph of a taller building on the site and visible confirmation of this survives on the end wall of Crescent House, where the shape of the former roofline can be seen.
- New building broadly reflects the design and scale of the former building.
- No objection in principle to the proposal but following matters need to be resolved:
  - i) Proximity to and impact on the abbey wall;
  - ii) Height of the communal garden, and its relationship with The One Bull and views from the Abbey Gardens;
  - iii) Means of adjoining/abutting adjacent listed buildings;

- iv) Foundation construction;
- v) Shopfront design, which should be more traditional in appearance and split to reflect the two elements of the building in accordance with our Design Guide;
- vi) Means of disposing of rain water (locations of downpipes);
- vii) Compatibility with the operation of the adjacent public house, especially the opening hours and the position of the bin store adjacent to the pub's openable roof light.

Comments 04.10.2018:

- Revised details showing the amended shopfront, omitting the roof garden and associated fences and planting, and leaving a gap between the precinct wall and new wall overcome the majority of my previous concerns.
- Remain concerned about proximity of bin store to adjacent openable rooflight. Is unclear from the drawings if the bin store is fully enclosed including doors and a roof. Bin store should be fully enclosed for the benefit of both the continuing operation of the pub and the amenity of residents of the flats.
- Subject to the above being resolved satisfactorily I have no objection to the application subject to conditions regarding samples of materials and details of the entrance door to the flats.

#### 10. Bury St Edmunds Society

Comments 13.02.2018:

- Consider the scale of development to be appropriate for site's location.
- Believe the fascia/glazed shopfronts should not extend the full width of the building. If fascia/shopfront could be restricted to just the three-storey element the design would appear more balanced and the building would sit more comfortably in the street scene. A break in the shopfront for the two-storey element would also achieve a better transition down to The One Bull.
- Suggest the ground floor is set back from the rear boundary with the Abbey wall.
- Any upper floors to the rear should follow the general line of Crescent House.
- Support the use of complementary materials such as reclaimed gault brickwork and painted timber joinery, including for the shopfront.

Comments 23.05.2018:

- Objection.
- Commend revisions which aim to achieve a better relationship with neighbours at the rear and commend revised pattern of fenestration on the front elevation.
- Remain strongly of the view that the full width shop front and fascia will represent a major visual intrusion.

Comments 13.08.2018:

- Welcomes changes to the front façade which go a long way towards meeting our previous reservations.
- Withdraw our previous objection.
- We appreciate the applicant's willingness to address our concerns.

#### 11. Suffolk Fire & Rescue Service

Comments 12.02.2018:

- Advisory comments provided regarding access and firefighting facilities.
- No additional water supply for firefighting purposes is required in respect of this application.
- Recommend consideration is given to the provision of an automatic fire sprinkler system.

## 12.Environment Team

Comments 06.02.2018:

- Application is supported by a Phase 1 Geo-Environmental Desk Study Report which identifies the site as a former garage with possible underground fuel tanks. Report includes an intrusive investigation as an appendix which identifies made ground ranging from approximately 1.5m to 3m depth. Report concludes that there will be no risk to end users of the site due to the site being hardstanding throughout.
- Agree with the conclusions with regards to end users of the site.
- It is possible that the proposed development will require specialist foundations or deep foundations, and this may impact on the underlying principal aquifer. Conditions recommended to protect the underlying aquifer.

## 13.Strategic Housing

Comments 23.08.2018:

- No comments.

## **Representations:**

### 14.Councillor Andrew Speed

I have discussed this application at length with the planning consultant and neighbours. It must be remembered that the neighbours, David and Rox Marjoram, suffered hugely both in terms of trading losses and in the disruption to their private lives. Their family was obliged to live in temporary accommodation and they lost most of their household contents due to smoke damage. I believe the two suggestions made by Evolution Planning are reasonable and I fully support them. Can they be put to the developer? If agreed the project can commence.

### 15.Councillor Joanna Rayner

I also support the above position.

16.Representations have been received from numbers 13, 14 and 16 Angel Hill and from The One Bull making the following summarised points:

- Site is opposite our house, we fear the loss of view of important monuments due to the increase in height.
- Site was used as a garage and petrol station and there are possibly still tanks below ground.
- Request great care is taken with this rebuild and commercial activities do not take precedence over conservative reservation in particular regarding the shop front, signage and display.

- Already considerable pressure on residents' parking Zone D. Addition of further properties will increase the pressure. Are also issues with illegal parking including in the drop-off bay.
- Proposal to use Crescent House as a template for this development is welcomed, resulting building should be very compatible with its surroundings.
- External finish will be key, brickwork and paint finishes must respect the building's position.
- Query whether rear wall allows adequate access for the Abbey wall.
- The One Bull pub next to the application site was very badly damaged in the fire that started in Cycle King in October 2017. This fire badly damaged the pub and the flat occupied by David Marjoram and his family above. The pub has only recently reopened and the flat has been restored.
- Proposed roof garden for flats will overlook The One Bull roof garden and the rear windows of the flat above the pub. This should be removed from the scheme.
- Roof garden will be clearly visible from the Abbey Gardens and harm the character of this historic area.
- Roof garden has been removed but the informal use of the roof remains a potential issue. Would like to see design changes that ensure access to the roof will not be possible, e.g. a pitched roof.
- The One Bull licence allows the pub to operate until 2am on Friday and Saturday nights and until 12.30am on Thursday nights. Music is allowed up to half an hour before closing time. Any new development should not constrain what the pub is already allowed to do.
- Opening rooflights were approved in The One Bull to improve light and ventilation and are located next to the party wall with Cycle King. Rooflights are very close to the proposed flats and roof garden. Need to consider the noise that could come from the open rooflights with the full range of activities that can be carried out under the pub's licence.
- Occupant of the pub took it on as it has no homes next to it which gives more flexibility to run the pub in a viable and successful way. Introduction of housing here can give rise to conflict.
- A noise survey will not pick up the impact of the pub over a long period and will not therefore reflect all scenarios. Noise insulation qualities are also likely to be lower than a more modern building.
- Is unacceptable to deal with noise by condition. Is unrealistic to expect the occupants of the flats to keep windows closed and tolerate noise from the pub.
- The One Bull has appointed their own noise consultant. The Environmental Noise Assessment submitted makes no mention of music noise from the pub affecting the flats' external amenity space, the rooflight being open, and does not take account of the character of music noise.
- Requiring The One Bull to change its operations or to place new restrictions on its use so that the development may be permitted is entirely unreasonable and contravenes the NPPF. As the pub is a listed building in its historic use weight should be given to ensuring that the use is viable.
- Kitchen extraction system and air conditioning unit for the nearby restaurant Francela will be very close to the flats and roof terrace.
- First floor bin store will be located next to the rooflights to the pub, is unclear how this will be emptied or how smells will be controlled.

- The screen to the bin area should be made higher, at least 2 metres, to avoid overlooking of the One Bull roof garden. Bins should be stored within a building and not outside to prevent them causing a nuisance to the pub and its patrons.
- Bin store would need regular maintenance, look unsightly and could be adapted to a roof terrace in future.
- Agree that proposed frontage will improve the aesthetic of Angel Hill but feel an alternative use of the space would be more suitable.
- Rear facing windows will overlook the private roof garden for the pub's flat. A screen should be erected to the rear, projecting north from the bin area, to prevent overlooking from first floor windows. Flat 3 on the second floor should be reorganised to provide the bathroom closest to The One Bull, the window of which can then be obscure glazed.
- Do not feel the application is being considered consistently with planning application DC/16/1050/FUL in Lower Baxter Street.

**Policy:**

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

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas

- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM38 Shop Fronts and Advertisements
- Policy DM46 Parking Standards

**Other Planning Policy/Guidance:**

- 18.National Planning Policy Framework (2018)
- 19.National Planning Practice Guidance
- 20.West Suffolk Shop Front and Advertisement Design Guidance (2015)
- 21.Bury St Edmunds Town Centre Masterplan (2017)
- 22.Bury St Edmunds Town Centre Conservation Area Appraisal and Management Plan (2007)
- 23.Suffolk Guidance for Parking Technical Guidance Second Edition (November 2015)

**Officer Comment:**

24.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
- Heritage Impacts
- Impact on Amenity including Noise
- Highway Matters
- Contamination

**The Revised National Planning Policy Framework (NPPF)**

- 25.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.
- 26.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**

27. 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.
28. 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. Policy BV1 of the Bury St Edmunds Vision 2031 echoes national policy set out within the NPPF insofar as there is a presumption in favour of sustainable development.
29. In terms of the retail element of the scheme, this is supported by Core Strategy Policy CS10 which states that the town centres of Bury St Edmunds and Haverhill will continue to be the focus for new retail, leisure, cultural and office development. Joint Development Management Policy DM35 states that within the town centres support will be given to proposals for main town centre uses such as shopping (Use Class A1). The residential element of the proposals is supported by Vision Policy BV2 which states that within the housing settlement boundary for Bury St Edmunds, planning permission for new residential development will be granted where it is not contrary to other planning policies. Policy DM35 also supports residential uses on upper floors within the town centre.
30. The NPPF states that planning should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). Substantial weight should be given to the value of using suitable brownfield land within settlements, such as the application site in this case, for homes and other identified needs (para. 118). Decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places.

### **Design and Impact on Character**

31. The site occupies a visually prominent position within the town centre, fronting directly onto Angel Hill with the Abbey Gardens directly to the rear. The former Cycle King building that occupied the site was demolished following the submission of this application, and as such prior to obtaining planning permission for these works. Notwithstanding the timing of the demolition, neither Historic England nor the Council's Conservation Officer



raised any objections to the loss of the building at that time. The building was damaged in a fire in 2017 and whilst distinctive in terms of its scale and design, and of some merit in being representative of its time, it was not considered to be in keeping with the predominant character or appearance of the area. The frontage comprised a full width (3 bay) painted timber shopfront topped with a large, curved, art deco style parapet detail, built from rendered masonry over a steel beam. The construction of the building behind the façade was relatively basic and lightweight, using metal sheeting and a metal frame. The rear elevation of the structure was visible above the Abbey wall from the Abbey Gardens where it was a somewhat discordant feature. The demolition of the building was not therefore considered to harm the character or appearance of the area. The scheme now proposed seeks to both replace the ground floor retail space that was lost as a result of the fire and to utilise the space above to provide four new flats at first and second floor level.

32. Angel Hill rises from east to west and there is also a change in the scale of buildings to either side of the site, with The One Bull to the east being a two-storey building and Crescent House to the west being three-stories and in an elevated position. The scheme seeks to respond to these changes in levels and scale, proposing a two-storey element adjacent to The One Bull and a three-storey element adjacent to Crescent House. The three-storey element of the building reflects the form and scale of No. 29 Angel Hill on the southern end of Crescent House. A historic photograph dated between 1859 and 1864 has also been submitted with the application which shows that a two-storey building with a parapet roof occupied the site during that period, evidence of which is still visible on the eastern elevation of Crescent House. In terms of the detailing of the elevations the scheme seeks again to reflect that of Crescent House which it will adjoin, with gault brickwork, stone detailing, a parapet roof and timber sash windows.
33. Having regard to the form and design of the building that until recently occupied the site and to the current appearance of the site following the demolition of such, its redevelopment in the form proposed is considered to be of significant benefit to the streetscene and represents a clear improvement to the character and appearance of the area.

### **Heritage Impacts**

34. The site is within a sensitive location in terms of heritage assets, being within the Conservation Area, between The One Bull public house and Crescent House which are both Grade II listed buildings, and with the Abbey Gardens (a Scheduled Monument) and its Grade I listed precinct wall located directly behind. The site's location also means that important archaeological remains are highly likely to be present which could be affected by the development. These designated and non-designated heritage assets are afforded a high degree of protection under the NPPF and Policies DM15, DM17 and DM20. There is also a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their settings and to preserving or enhancing the character or appearance of conservation areas.
35. The scheme has been amended in response to comments received from Historic England, the Conservation Officer and the Bury Society and the changes made to the proposal have addressed the concerns originally

raised. The extent of the shopfront has been reduced with a break introduced between the two-storey and three-storey elements of the building in this regard, resulting in a more balanced and less visually dominant appearance. An appropriate maintenance gap has been introduced between the ground floor retail unit and the historic Abbey wall behind, with ventilation also provided to ensure that this space is breathable. Historic England has advised that they have received a corresponding Scheduled Monument Consent application for these works. In addition, the first floor roof garden originally proposed for the new flats has now been removed. This addresses the concerns previously raised by Historic England and the Conservation Officer regarding potential views of associated enclosures and domestic paraphernalia from the Abbey Gardens to the rear.

36. As noted earlier within this report, the scale of the proposed building responds appropriately to the changes in levels along Angel Hill and to differences in the scale of buildings to either side. The building's form, external materials and detailing are considered to be in keeping with Crescent House adjacent, and the proposals have been informed by historic photographs of the site and its surroundings. The site currently appears as a gap within the street scene enclosed by a hoarding following the demolition of the former retail unit on the site, and as such does not make a positive contribution to the area. Having regard also to the form, design and construction of the former retail unit that occupied the site, the proposed development represents a clear and significant improvement to the benefit of the character and appearance of the conservation area and the settings of adjacent listed buildings. The rear of the building will be visible from parts of the Abbey Gardens, as are a number of buildings along Angel Hill. Views were similarly available of the former Cycle King shop that occupied the site. Whilst the proposed building is notably larger in scale than the previous structure on the site, it is also of significantly better quality and design and will be viewed from the Abbey Gardens in context with Crescent House adjacent.
37. The proposed development lies in an area of extremely high archaeological sensitivity and an Archaeological Evaluation has been submitted in accordance with the advice of the County Archaeologist. Subject to conditions to secure an appropriate programme of archaeological work and the agreement of foundation design, including a method statement, the proposals are considered to be acceptable in this regard.
38. Concerns have been raised by The One Bull public house adjacent to the site regarding the impact of the residential accommodation proposed on the operation of this existing business. This is a heritage consideration as well as an amenity consideration as the pub is still in what is believed to be its original use, and therefore its optimum viable use as a Grade II listed building. The key considerations in this case are the impact of noise from the public house on the future occupants of the proposed flats adjacent, as this could in turn affect the operation and the viability of the pub, and the impact of the waste arrangements for the flats on the pub given the proximity of the bin store to its recently installed openable rooflight.
39. Following comments from our Public Health & Housing Team, an Environmental Noise Assessment has been provided (dated 29.06.2018) to consider the noise levels that will be experienced by the residents of the

proposed flats. Further details have also subsequently been provided regarding live music events (Supplement dated 26.07.2018) and regarding the The One Bull's rooflight (Supplement dated 09.08.2018). The owners of The One Bull have appointed their own noise consultants, Echo Acoustics, to comment on the submitted Assessments. Those comments are available to view online. The issue of noise is discussed in full within the following section of this report, and Members will note that the conclusion reached is that officers are satisfied that the noise impacts from The One Bull on the future occupants of the proposed flats will be at an acceptable level subject to mitigation measures. As such officers are of the view that the introduction of residential accommodation in this location is unlikely to have a detrimental impact on the continuing operation of the adjacent public house.

40. Concerns have also been raised regarding the proximity of the proposed bin store for the flats, which is at first floor level, to an adjacent openable rooflight at The One Bull. The rooflight was recently installed in order to provide improved light and ventilation to the pub. Whilst the bin store for the flats would be separate from the main building, accessed via an external door, the floor plan shows this as being enclosed by 2m high fencing on its eastern side adjacent to The One Bull and 1.8m high fencing on its southern side. The agent for the application has confirmed agreement to the bin store being further enclosed with a roof and doors, details of which can be secured by condition. In consultation with the Public Health & Housing Team, officers are satisfied that this will satisfactorily address concerns regarding potential odours from the bin store and that the proposals will not therefore have an adverse impact on the operation of the adjacent pub in this regard. The agent has confirmed that the waste will be collected under a private contract rather than via the Council's Waste Service.

### **Impact on Amenity including Noise**

41. The One Bull public house has associated residential accommodation at first floor level including a private roof garden, and this is the sole domestic property potentially affected by the proposals. Adjacent to the site to the west is Crescent House, the nearest part of which (No. 27 Angel Hill) has a restaurant at ground floor level. The first and second floors directly above the restaurant are understood to be commercial offices. As summarised in paragraph 19 of this report, the owners of The One Bull have raised a number of concerns regarding the impact of the proposals in terms of their residential amenity.
42. The scheme originally proposed a roof garden at first floor level for the proposed flats. This element raised a number of concerns including the impact on the adjacent Abbey Gardens in terms of views from this area. The proposed roof garden was also at a higher level relative to the existing roof garden of The One Bull flat, resulting in an unacceptable degree of overlooking of this private area. This has since been removed from the scheme. The residents of the existing flat remain concerned however regarding potential overlooking of their first floor garden area from the rear windows of the proposed flats at first and second floor level. The rear elevation of the proposed building is set in slightly from the rear elevation of The One Bull and the closest first floor window is approximately 6.5m away from the shared boundary. Between this window and The One Bull flat's garden is the proposed bin store including a 1.8m-2m high enclosure.

This particular window serves a bathroom and would therefore also be obscure glazed. The first and second floor windows on the rear elevation of the proposed building all directly face the Abbey Gardens, as opposed to towards the adjacent private garden. As such any views of this garden from the windows would be indirect and oblique, and obstructed in part by the adjacent bin store. Given this context, and noting the town centre location, officers are of the view that the amenity impacts in this case are acceptable.

43. Evolution Planning, acting on behalf of The One Bull, have suggested that further changes should be made to the scheme. These comprise the provision of a screen projecting north from the bin area to prevent overlooking from first floor windows; changes to the layout of one of the second floor flats to relocate the bathroom and its associated window; and the provision of the bin store to be within a permanent and taller structure as an extension to the main building to mitigate odours and improve its appearance. Members will note from paragraphs 17 and 18 that these suggestions are supported by both Ward Members.

44. Notwithstanding officers' view that the proposals are acceptable in their current form (subject to further details of the bin enclosure), these suggestions have been relayed to the agent. The agent has responded that the flat layouts have been arranged to give best use of the available space and that the changes proposed would be detrimental to the proposal in terms of the quality of these spaces. The provision of obscure glazing to bathroom windows is agreed. In terms of a potential screen projecting rearwards from the bin store and potential changes to the bin store itself, the agent expressed concern about the impact of such changes at this stage of the application on the timescale for its determination, noting that Cycle King are currently operating their business in temporary accommodation following the loss of the retail unit on the site. Whilst it is possible to agree minor details by condition, more significant changes to the scheme would require appropriate re-consultation including with the Town Council, The One Bull as an adjacent property, the Conservation Officer, as well as with Historic England. For this reason the agent does not propose any further changes to the scheme at this time. Notwithstanding this, and for the reasons already set out within this report, officers are of the view that the scheme is appropriate in its current form and that these changes are not therefore required to make the development acceptable.

45. As mentioned within the Heritage section of this report, an Environmental Noise Assessment has been submitted as part of the application due to the introduction of residential accommodation directly adjacent to The One Bull public house. The purpose of this is to assess whether future occupiers of the flats would be exposed to unacceptable levels of noise from the pub, which in turn could foreseeably lead to complaints that may as a direct consequence affect the operation of this established business. This is also a key point in terms of ensuring that the listed pub remains in its optimal viable use as a designated heritage asset. The Noise Assessment and supplementary information provided has been subject to extensive discussions between officers and Public Health & Housing officers as the Council's technical advisors on noise matters. The most recent consultation response confirms that the internal noise levels within the flats would be acceptable based upon the information provided. It was unlikely that reasonable noise levels could be achieved within the garden area to the proposed flats, however, this element has now been removed from the

scheme. Public Health & Housing have advised that they have no reason to doubt the calculations provided, which use typical sound levels from live music as the starting point.

46. Officers noted that the Assessments submitted have assumed that the windows and rooflight of the pub will be closed. Restrictions cannot however be placed upon The One Bull via this application regarding the opening of its windows and rooflights. Officers have therefore held further discussions with Public Health & Housing in order to clarify their position based on a 'worst case' scenario. These discussions have confirmed the following:
- The calculations based on noise from the pub going through the pub walls and through the proposed flat walls indicate that the predicted noise levels in the flats would be acceptable.
  - The calculations based on the windows at the front of the pub being closed, the rooflight being closed, and the flat windows being closed with trickle vents open indicate that the predicted noise levels in the flats would be acceptable.
  - The calculations based on the above scenario but with the pub's rooflight open indicate that whilst the noise levels in the flats would increase they would remain at an acceptable level.
  - In the event that the pub windows and rooflight are closed but the proposed flat windows are open, the noise levels in the flats becomes borderline acceptable (25-35 dB LAeq).
  - If the pub windows and the flat windows were both open then the noise levels in the flats are likely to be unacceptable.
47. Following on from the above, it has been agreed with the agent that the bedroom windows to the proposed flats are to be fixed shut with acoustic vents provided. This can be secured by condition and will ensure that the noise levels within the flats will be at an acceptable level. In reaching this conclusion officers have also had regard to the context of the site, being in a busy town centre location where background noise levels – including from traffic on Angel Hill – are higher than may otherwise be found in more suburban areas. In addition, discussions with our Building Control Team indicate that there is no reason why the scheme cannot be made to comply with the Building Regulations whilst having some fixed windows. A mechanical ventilation system may be required and the means of fire escape will need to be appropriately designed but this is not anticipated to be an issue.
48. Concerns have been raised by a resident of a property on the opposite side of Angel Hill regarding the loss of views of the Abbey Garden as a result of the development. This is not however a material planning consideration.
49. Evolution Planning on behalf of The One Bull has raised a concern that this application is not being assessed in a manner consistent with an application for development elsewhere within the town centre, reference DC/16/1050/FUL at 6 Lower Baxter Street, which was determined in 2017. That development however included the construction of a three-storey extension for flat development that backed directly onto a two-storey dwelling and its ground floor garden. The existing dwelling and garden were also at a significantly lower level than the development site. Given the back-to-back relationship between the proposed and existing buildings and the change in levels, it was considered that any windows on the elevation facing the existing dwelling would have an unacceptable impact. As a result,

screens were required to be provided on the windows to mitigate overlooking. In contrast, the proposed flats in this case do not have a back-to-back relationship with The One Bull. Instead the proposed building and The One Bull would sit side-by-side, and this is an extremely common arrangement within the built environment. In this arrangement the rear windows all face in the same direction, and any views of associated garden areas are oblique rather than direct. For these reasons, officers do not consider the two schemes to be comparable. In any event, this proposal must be considered on its own merits and officers are of the view that the amenity impacts are acceptable in this case.

50. The retail unit replaced a long standing former retail unit, within limited or no additional impacts therefore arising. Noting the location and context, no conditional control is needed in relation to hours of opening or deliveries etc. However, it is considered reasonable to require the provision of the bin storage area shown on the submitted drawings and this can be controlled via a condition.

### **Highway Matters**

51. The scheme does not include the provision of any on-site car parking. The footprint of the former retail unit on the site occupied the entire site, and is proposed to be replaced on the same footprint with the addition of the flats above. In this respect the proposals do not strictly comply with the Suffolk Parking Guidance. The Guidance states however at page 5 that *"the guidance contained within this document is only one factor to be taken into account when judging planning applications. The issue of parking provisions will be considered alongside existing local policy and all other material planning considerations. It is a matter for the local planning authorities to balance this guidance against all the other material considerations"*.
52. The guidance also states that in sustainable town centre locations a reduction to the parking guidance may be considered. In this case the site is within the town centre of Bury St Edmunds, within walking distance of a wide range of local shops and amenities. The site is therefore within a highly sustainable location. On this basis Suffolk County Council as Highway Authority has raised no objections to the proposals.
53. Given the town centre location of the development it is reasonable to assume that those looking to move into the flats would do so in the full knowledge of the absence of any on-site car parking facilities, and as such would be those who do not ordinarily rely on the use of a private car or have otherwise made arrangements for parking elsewhere. Annual season tickets for the public carparks in the town would provide possible options for those looking to retain a car, however, it is likely that the cost of this may also serve to discourage car ownership. The development will provide secure cycle storage in accordance with the standards.
54. Taking into account the wider policy context, the flexibility built into the parking guidance, the emphasis on sustainable development in the NPPF and the low likelihood of any harm to highway safety arising as a result of off-site car parking (and that other mechanisms exist to control unauthorised parking should it occur), it is considered that the weight to be attached to the conflict with the parking standards is modest in this case and would clearly not be sufficient to justify a refusal on highway grounds.

## Contamination

55. The application is supported by a Phase 1 Geo-Environmental Desk Study Report which identifies the site as a former garage with possible underground fuel tanks. The report includes an intrusive investigation which identifies made ground ranging from approximately 1.5m to 3m depth. The report concludes that there will be no risk to end users of the site due to the site being hardstanding throughout. The Environment Team agrees with the conclusions with regards to end users of the site and recommends conditions to address any potential impact of specialist or deep foundation on the underlying principal aquifer.

## Conclusions:

56. The scheme would provide a replacement retail unit and additional housing on a currently vacant, brownfield site in a highly sustainable location within the town centre. Having regard to the appearance and condition of the building that formerly occupied the site, the redevelopment proposed would furthermore significantly improve the street scene to the benefit of the character and appearance of the area, including the conservation area. The development is considered to be in keeping with its surroundings and would not harm the settings of adjacent listed buildings or the adjacent scheduled monument. The proposals are not considered to have an unacceptable impact upon the amenities of neighbouring properties and would provide a good standard of amenity for future occupiers of the development. Whilst the development does not propose any on-site car parking, the site is within the town centre of Bury St Edmunds with services and amenities readily accessible by means other than the private car. The adjacent highway is also controlled by parking restrictions, which together with the highly sustainable location of the development and the type of accommodation proposed, reduces the likelihood of adverse issues arising as a result of the development to an acceptable degree. 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. As such a recommendation of approval is appropriate.

## Recommendation:

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

- 1) The development hereby permitted shall be begun not later than 3 years from the date of this permission.  
*Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.*
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents (*approved plans and documents to be listed*).  
*Reason: To define the scope and extent of this permission.*
- 3) No development shall take place within 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. 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.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 4) No building 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 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 5) Details of the foundations, to include a detailed design and method statement, shall be submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains which are to remain in situ. The foundations shall be constructed in accordance with the details as may be approved by the Local Planning Authority.

*Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 6) Piling or any other foundation designs and investigation boreholes using



penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).*

- 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 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 109, 120, 121, 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 only 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, Public or Bank Holidays without the prior written consent of the Local Planning Authority.

*Reason: To protect the amenity of the area.*

- 9) No development above ground floor level shall take place until details of the bin store and associated enclosure to serve the flats have been submitted to and approved in writing by the Local Planning Authority. The bin store and associated enclosure shall be provided in accordance with the approved details prior to any of the flats being first occupied and shall be thereafter retained as approved and used for no other purpose.

*Reason: To protect the amenity of the area and to ensure that refuse and recycling bins are not stored on the highway causing obstruction and dangers for other users.*

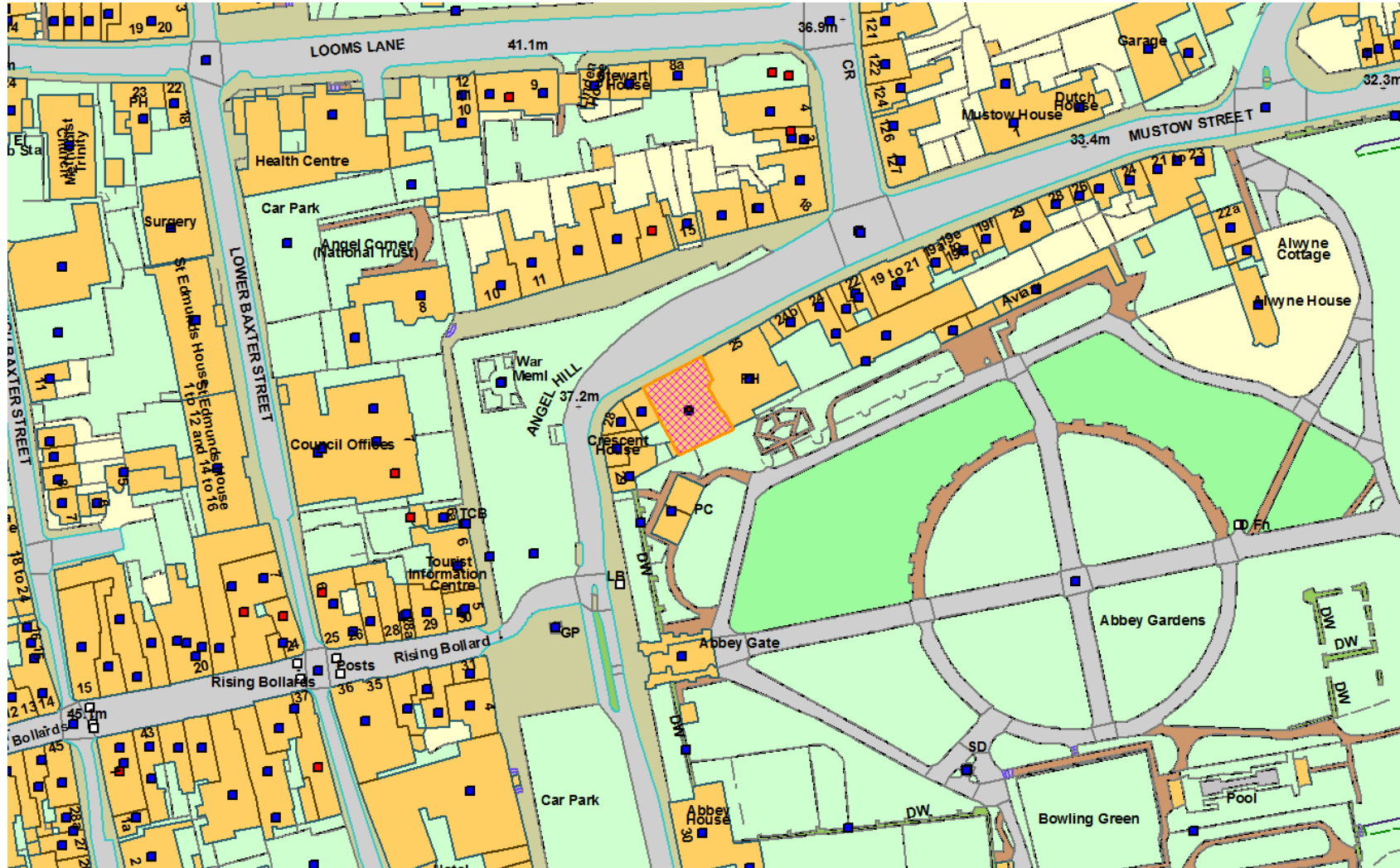
- 10) The windows serving the bedrooms of the flats hereby permitted shall be fixed shut with acoustic vents provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Any such windows as may be installed shall thereafter be retained as so installed.

*Reason: To protect the amenity of future occupants in respect of noise levels.*

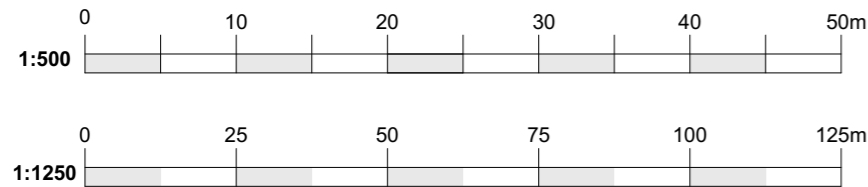
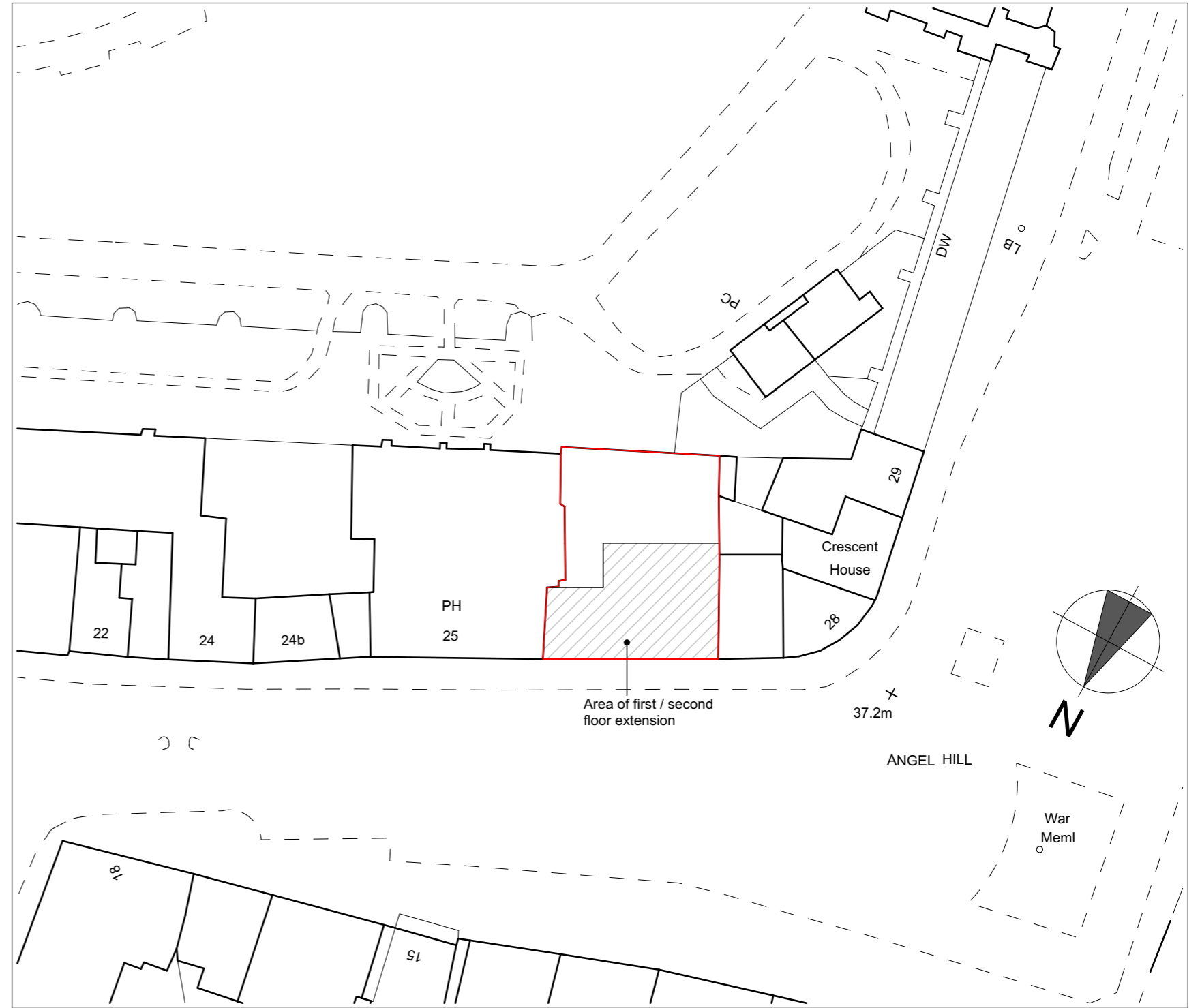
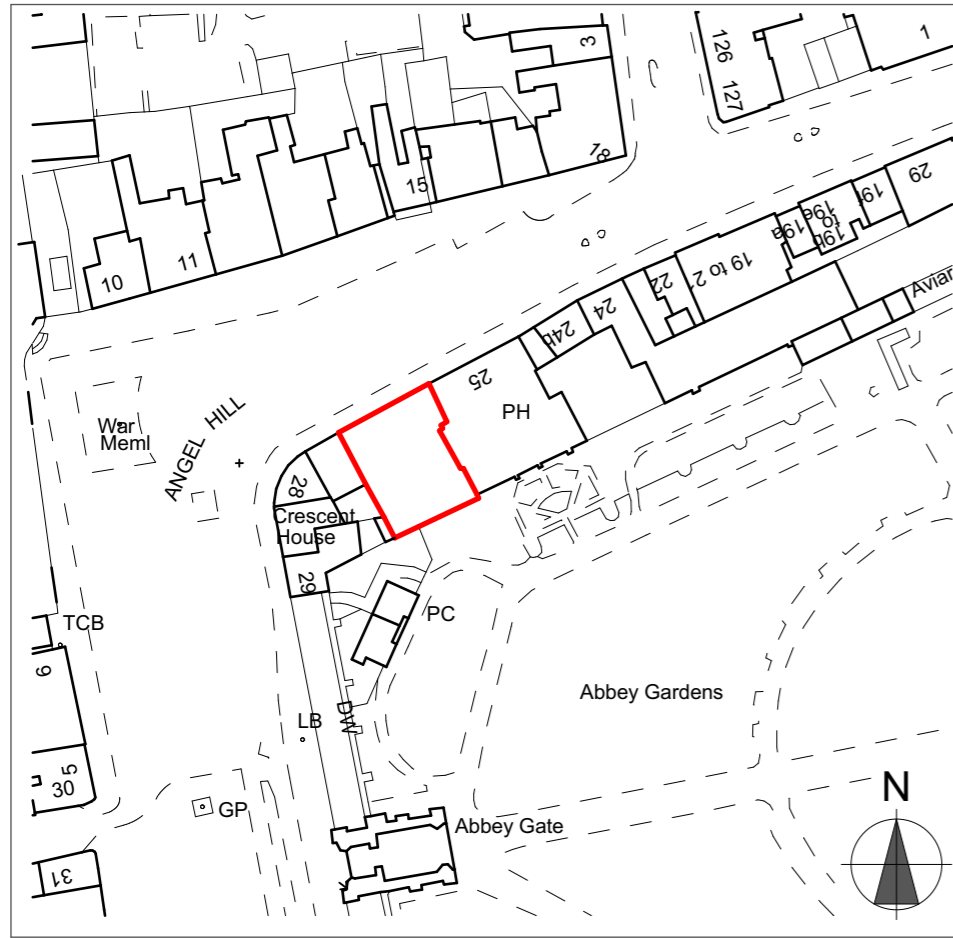
- 11) No work of construction above slab level shall commence until samples of the external materials and surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
*Reason: To ensure the appearance of the development is satisfactory.*
- 12) The external brickwork shall be laid in Flemish Bond.  
*Reason: To ensure the appearance of the development is satisfactory.*
- 13) No works involving the installation of the front entrance door to the flats shall take place until an elevation 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 new external door and surrounds to be used (including details of panels and glazing where relevant) 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.  
*Reason: To ensure the appearance of the development is satisfactory.*
- 14) The flats shall not be occupied until the cycle storage shown on drawing nos. F982/10 and F/982/14E has been provided. The cycle storage shall be retained thereafter as approved.  
*Reason: To ensure that sufficient space for cycle storage is provided and maintained.*
- 15) The dwellings 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.*
- 16) The ground floor bin storage area for the retail unit shown on drawing F982/14 Revision E shall be provided prior to the first retail use of the ground floor, and thereafter retained.  
*Reason: In the interests of providing sufficient space for the storage of bins, in the interests of amenity and highway safety.*

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0068/FUL](https://www.suffolk.gov.uk/DC/18/0068/FUL)



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The Contractor should in accordance with the Building Regulations meet the Building Inspector on site before commencement of any works. Please advise Munday & Cramer of any trees found within 40 metres of the proposed works that are not noted on the plans prior to commencement of works.

Date		12.01.2017	Rev	-	Description	Planning issue	© copyright	Note	All Scales relate to A3 paper size - (Do not print at fit to page)
Drawing title:		SITE LOCATION PLAN							
Project:		PROPOSED 1ST & 2ND FLOOR EXTENSIONS							
Address:		CYCLE CITY, 26 ANGEL HILL BURY ST EDMUNDS IP33 1UZ							

Client: **PCM GROUP**

Drawn by: **J. Atkinson**

Drawing No. **F982/01**

Revision: **-**



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**DEV/SE/19/004**

*St Edmundsbury*  
BOROUGH COUNCIL

## **Development Control Committee**

### **3 January 2019**

#### **Planning Application DC/18/0034/FUL – Suffolk Business Park, Rougham Tower Avenue**

**Date Registered:** 22.06.2018      **Expiry Date:** 21.09.2018 - EOT

**Case Officer:** Peter White      **Recommendation:** Approve Application

**Parish:** Rushbrooke With Rougham      **Ward:** Rougham

**Proposal:** DC/18/0034/FUL | Planning Application – i) Construction of Agricultural dealership building with associated offices, servicing and repairs of agricultural machinery, parking, access, cleaning facility and outside storage and display areas of agricultural machinery for sale (sui generis use) ii) Construction of new access road with cycle ways and footpaths, pumping station, substation and associated landscaping  
Land North Of Rougham Ind Estate Rougham Tower Avenue  
Rougham Suffolk

**Site:** Land to the south of Rougham Tower Avenue, and west of Woodlands Road, Suffolk Business Park

**Applicant:** Thurlow Nunn Standen Ltd and Churchmanor Estates Company PLC

**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:

Pete White

Email: peter.white@westsuffolk.gov.uk

Telephone: 01284 757357

## **Background:**

**The application site sits between Rougham Tower Avenue (Formerly known as the Eastern Relief Road (ERR) (to the north) and the Rougham Industrial Estate (to the south). The site was previously part of much larger arable field/airfield which is allocated principally in the Local Plan as the Rougham Airfield. The realignment of the ERR in a more northerly route has resulted in this plot being available, as it is now cut off from the wider airfield site.**

**The application is before the Development Control Committee, as the Officers' recommendation is one of APPROVAL, which is not wholly consistent with the Development Plan, noting the designation of part of this site as being within the airfield.**

## **Proposal:**

The planning application can be split into two parts. The first part seeks consent for part of an internal access road, with associated footpaths and cyclepaths and landscaping. Additionally a pumping station and an electrical substation are proposed at the eastern end of the new access road. The access road would be served by an existing access. The second part seeks consent for a new tractor dealership which includes a building (with offices, sales area, workshop and associated spare parts store), parking, landscaping and a large area where agricultural machinery will be stored for sales.

The application has been amended or additional/ new information has been submitted. These are as follows;

- Amended planning application form with correct description
- Amended design of the building
- Amended landscaping
- Additional details of the pumping station and substation
- Amended Energy Statement
- Amended Planning Statement
- Amended Flood Risk Assessment
- Amended cross section plan for the road
- Amended Access Road Drainage Strategy

## **Application Supporting Material:**

Information submitted with the application as follows:

- Application Form
- Design and Access Statement
- Planning Statement
- Surface water drainage strategy
- Ecological Plan
- Landscape Details
- Parking, Cycle and Footpath Details
- Site Location and Layout
- Elevations, Floor Plans and Sections

The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.



## **Site Details:**

The site is situated north of the A14, north of the Rougham Industrial Estate and south of the ERR.

The site is currently undeveloped and was previously agricultural fields. Prior to the sites agricultural use the site formed part of the Rougham Airfield which was a Second World War airfield.

There are some residential properties to the east / north east of the site along either side of Sow Lane. A Grade II listed building known as Battlies House is located circa 450 metres to the east. To the west of the site is Forefarmers new regional headquarters building and beyond that is the Rougham Control Tower and Radar rooms which are Grade II listed buildings and currently a museum.

The access road is on land that is allocated as the Rougham Industrial Estate under policy BV14(n) in the Bury St Edmunds Vision 2031 document. The plot is proposed on land that is predominately allocated as the Rougham Airfield (Policy BV20 of the Bury St Edmunds Vision 2031 document), some of the plot is allocated as the original route of the ERR and some is allocated as the Suffolk Business Park Extension (Policy BV13 of the Bury St Edmunds Vision 2031 document).

- The Rougham Industrial Estate (BV14n) is allocated for B1, B2 and B8 uses
- The Rougham Airfield (BV20) is allocated for Airfield, sporting and recreational, leisure, entertainment and creative arts, showground and other outdoor uses.
- The Suffolk Business Park (BV13) is allocated for B1 and B8 uses and some other motor service facilities near J45 of the A14
- The Eastern Relief Road (ERR) Which is allocated under Policy BV13 of the BSE Vision 2031 document

## **Planning History:**

There is no relevant planning applications on the proposed site.

## **Consultations:**

Highway Authority: No objection, recommend conditions

Environment Agency: No objection, recommend conditions

Public Health and Housing: No objection, recommend conditions

Suffolk Fire and Rescue: No objection, recommend conditions

Natural England: No objection

Environment Team: No objection concerning Contaminated Land, Local Air Quality and Environmental Permitting Issues, recommend conditions

Landscape and Ecology Officer: No objection, recommend conditions

Suffolk County Council Archaeological Service: No objection, recommend condition to restrict the contractors building the development from straying onto other parts

of the wider site which have not been assessed. Condition recommended to secure fencing.

Suffolk County Council Flood and Water Engineer: No objection, recommend conditions

Anglian Water: No objection.

### **Representations:**

#### Ward Member

- No comments received.

Rushbrooke with Rougham Parish Council: Support the application.

Neighbour representation: Objection has been received from the occupiers of Battlies House. The comments are summarised as;

1. The site will result in the destruction of a greenfield parcel of land
2. The application does not demonstrate that no other suitable sites are available (Lack of sequential test).
3. The site is outside the West Suffolk Business Park and the Suffolk Business Park.
4. The Planning Statement is wrong and the majority of the site is not in land allocated as the strategic allocation for the Suffolk Business Park as claimed.
5. Fumes from the extraction system
6. Noise and therefore loss of residential amenity
7. Request specific operations hours
8. Dust and Dirt from the operation
9. The design of the building is unacceptable.
10. The Technical Highway Note (May 2018) is wrong for the following reasons
  - Staff numbers are 21 not 20
  - Delivery times are inconsistent with other parts of the submission
  - Turning circle details contradict other statements
  - Steel cage details not shown
  - John Deere 5303 4WD Tractor used to demonstrate unloading is acceptable and the applicant should clarify if other vehicles will be unloaded.
11. Lack of parking
12. The Highway Network and specifically the ERR is inadequate to accommodate the size of vehicles that the site will generate
13. How will contamination risks be managed from oils and fuels from the machinery

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

Joint Development Management Policies Document:

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Creating Places – Development Principles and Local Distinctiveness
- Policy DM3: Masterplans
- Policy DM6: Flooding and Sustainable Drainage
- Policy DM7: Sustainable Design and Construction

- Policy DM10: Impact of Development on Sites of Biodiversity and Geodiversity Importance
- 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 DM15: Listed Buildings
- Policy DM20: Archaeology
- Policy DM35: Proposals for Main Town Centres Uses#
- Policy DM44: Rights of Way
- Policy DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

#### Bury St Edmunds Vision 2031 (adopted

- Policy BV1: Presumption in Favour of Sustainable Development
- Policy BV13: Strategic Site – Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds
- Policy BV14: General Employment Areas – Bury St Edmunds
- Policy BV20: Rougham Airfield

#### St Edmundsbury Core Strategy (adopted December 2010)

- Policy CS1 – St Edmundsbury Spatial Strategy
- Policy CS2 – Sustainable Development
- Policy CS3 – Design and Local Distinctiveness
- Policy CS7 – Sustainable Transport
- Policy CS8 – Strategic Transport Improvements
- Policy CS9 – Employment and the Local Economy
- Policy CS10: Retail, Leisure, Cultural and Office Provision
- Policy CS14 – Community Infrastructure Capacity and Tariffs

#### St Edmundsbury Borough Council Local Plan Policies Map (adopted February 2015) – Bury St Edmunds Inset Map 1

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

- National Planning Policy Framework (2018)
- National Planning Practice Guidance
- Concept Statement Suffolk Business Park Extension Adopted October 2007
- Suffolk Business Park Extension Masterplan Adopted June 2010
- St Edmundsbury Green Infrastructure Strategy Dated September 2009

#### **Officer Comment:**

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

- Principle of Development
- Heritage Matters
- Design and appearance
- Landscape and Ecology matters
- Sustainable Transport and Highway matters
- Residential amenity

- BREEAM Matters
- Other matters

### Principle of Development

1. Objection has been received that states that the application should demonstrate that other suitable land is not available before this greenfield site is brought forward. A sequential test to demonstrate that other more sequentially preferable sites are not available only needs to be carried out for some (not all) applications for town centre uses when proposed in out of town centre locations. Neither national nor local planning policies require a sequential test for this type of proposal. Whilst it is acknowledged that the proposal does include the sale of machinery and other smaller items the overall use is a sui generis use and not a traditional town centre use like.
2. Additionally it states that the majority of the site is not allocated land for B1, B2 and B8 uses and as such the application should be refused. The objection also states that the site is not allocated as the Suffolk Business Park. The whole site does benefit from a number of allocations (which is a mixture of Suffolk Business Park, Rougham Airfield, Rougham Industrial Estate and the ERR) as detailed above in the "Site Details" section. Whilst the site is currently greenfield land it is not defined as open countryside in planning terms. The amended Planning Statement describes the majority of the proposal as being within "*Strategic site allocation for the Suffolk Business Park Extension*". Whilst this is not technically correct this minor point is considered immaterial because the use that has been applied for does not conform to the uses allocated for the Suffolk Business Park. Eg the Suffolk Business Park is allocated for B1 and B8 (not B2) uses and the overall use of the proposed agricultural dealership is not B1 or B8 but a sui generis use (use class of its own). So even if the whole site was allocated in the Local Plan as the Suffolk Business Park it would still be contrary to that allocation. As a consequence when assessing this application the scales start off unevenly balanced against the scheme. Accordingly planning law states that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. Put plainly this application should be refused unless material considerations indicate otherwise.
3. Whilst the objector has not identified the land allocated in the local plan or the use of the proposal correctly which is in part a consequence of the minor inaccuracy within the submission the thrust of the argument is that the ERR was planned to have another route and as such much of this land is not allocated for commercial development and should not be developed. The ERR was always envisaged to come forward along the alignment shown in the current adopted Policies Map Book. This route was shown in the previous Local Plan (Replacement St Edmundsbury Local Plan adopted 2006) and was the basis on which the Masterplan for the Suffolk Business Park was adopted in 2010. It is factually correct to state that the extent of the business park was dictated by the ERR and its anticipated route. In effect the business park "filled the space" created between the ERR and the A14. For land ownership reasons the ERR did not come forward as shown in the Policies Map Book and the adopted Masterplan. The pros and cons of the ERR route, as built, are not to be debated again now, but the LPA approved the ERR under application DC/14/0328/FUL and that has now been implemented. The alignment of the ERR that has been constructed has created a situation

whereby some land allocated for the Rougham Airfield is now separated from the rest of the designation by the ERR. The parcel of land that has been formed by the ERR development and which the application site forms part of has no physical features that would indicate where the land allocated for the Rougham Airfield, ERR and Suffolk Business Park or Rougham Industrial Estate begin or end. As previously discussed in the officer report for the Servest application (DC/17/1469/FUL) if the applicant decided not to apply to develop the land outside the SBP allocation this would leave strips of land that are not separated from the defined allocation by any natural or physical barriers and as such development would be following an arbitrary line on a plan that shows the route of a road that will now never be built. Physical barriers include hedges, tree belts, ditches, roads, railway lines or rivers. Such features create a full stop for development but are not present in the location where the road was historically planned to go. If the LPA insisted that development strictly followed the current allocation this would have no relation to any physical features on the ground and would, in the opinions of officers, be viewed as arbitrary and lacking in common sense. Other considerations that weigh in favour of allowing development of land south of the ERR that is not allocated for commercial development is that the extra parcels of land are equally accessible to pedestrians and cyclists and would still allow for an appropriate levels of landscaping as required by the adopted Masterplan.

4. The loss of the land that is set aside for the ERR would be extremely harmful if the ERR had not already been delivered on nearby land. As the development of this land will not prejudice the delivery of the ERR it is not harmful. Clearly the SBP and the Rougham Industrial Estate are allocated for commercial development albeit for different types of commercial development (High Quality Business park vs Industrial Estate). The Rougham Airfield allocation is not solely for airfield uses as previously described above. However the ERR as built has separated this parcel of land from the rest of the Airfield allocation and as such there would be little point in retaining the parcel of land for such uses. Under the Airfield allocation if a building for an airfield use had been submitted that would have been in principle acceptable. Such buildings can be large and so it is reasonable to conclude that the allocation does not seek to prevent buildings on it and there would be no planning reason to do so.
5. It is the view of officers that once the history of the site is appreciated no harm to the development plan can be identified. Further consideration needs given to loss of residential amenity, harm to designated or non-designated heritage assets, impact on ecology or landscape and these are discussed in greater detail below.

#### Heritage Matters

6. The site is not in or near to a conservation area and there are no listed buildings within the site. To the east of the site is (circa 350metres to the western boundary of the curtilage) is Battlies House which is a grade II listed building. To the west of the site is the Rougham Control Tower Museum (Circa 360 metres to the east). The councils Conservation Officer states that the scheme will have no impact on the setting of either listed building and accordingly the scheme is considered to have no impact in heritage terms.

#### Design and appearance

7. The Suffolk Business Park Extension is intended to be a high quality business park, which is a clear instruction of the adopted Masterplan. To achieve a high quality business park both the design of buildings and landscaping are equally important.
8. The application includes one building with the frontage of the site, adjacent to the Rougham Tower Avenue, proposed to be used for the storage and display of new and second hand agricultural machinery. This area for new and second hand machinery has the potential to look untidy and at odds with a high quality business park. Operators of such sites may consider that such machinery has a certain beauty and appeal and whilst officers may agree with such viewpoints, it is hard to argue successfully the area does not have the potential to be viewed negatively. For example if the site had a particularly high amount of machinery stock it could look crammed and overrun with machinery and likewise if machinery stock on site is particularly low the space could look left over, underused and unkempt. This would be at odds with the aspiration for a high quality business park with strong building lines, high quality design and discrete parking areas and good landscaping. To overcome this element much time and constructive dialogue has taken place between the LPA and the applicants to agree a landscaping screen which is discussed further below.
9. The design of the building has been amended during the planning process. This has solely focused on the finishes on the north, west and south elevations. The south elevation is important for when people arrive at the site and the north and the west elevation are important as they will be prominent when viewed from the Rougham Tower Avenue. The design changes have sort to create strong horizontal focus which appropriately wrap round the building and a portico entrance is now proposed to create a strong entrance for staff and customers. Overall the design is considered good by officers and as such is appropriate in this highly visible location on the business park.

#### Landscape and Ecology

10. Policy DM13 of the Joint Development Management Policies document requires that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The policy goes on to note the sensitivity of the Special Landscape Areas and requires that individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact. Policy DM13 also requires that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Finally the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However the policy also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.
11. Policy BV13 states in part that amongst other things, *the design and*

*landscaping have been informed by a masterplan for the site. The Suffolk Business Park Extension Masterplan was adopted in June 2010. Landscaping and ecology is dealt with in section 5. This states that the landscape objectives for the site are to retain where possible the existing landscape features which make a positive contribution to the appearance of the area, and to enhance the site with extensive new planting. Therefore, the principal trees and hedgerows will be substantially retained and will be incorporated into the structure of Suffolk Park Extension. The masterplan goes on to state that, within plots, planting will be used to soften frontages and provide some enclosure of vehicle parking and manoeuvring areas appropriate to the use. A landscaping strategy will be formulated to ensure consistency in the nature of the planting and in the species used. Native species will be used where possible. This will ensure that landscape is an integral part of plot design and result in a consistent appearance throughout the development.*

12. The northern boundary and the northern parts of the western and eastern boundaries also require particular assessment as these will be the most prominent views into the site from the Rougham Tower Avenue. Additionally this will be the boundaries around the large storage area for the agricultural machinery. The landscaping on these areas have all been amended to increase the amount of landscaping and the type of landscaping proposed. Of note the northern boundary now proposed consists of thicker clumps of landscaping and a consistent landscape band with landscaping now set back into the site by circa 22metres in parts. The landscaping proposed is a mixture of deciduous and non-deciduous. This is considered an acceptable for a number of reasons. It gives a good mix which will be more resistant to single species disease. Additionally with such a mix it allows for some screening to remain in the winter months which the highway Authority were keen to see to minimise the risk of lights from within the site not dazzling vehicles on the Rougham Tower Avenue. The amount of landscaping is also considered acceptable in terms of softening, and to an extent screening the area proposed to store vehicles which has the potential to cause harm as described in paragraph 8 above.

13. Sustainable transport and Highway safety.

14. Policy BV13 requires a Travel Plan to be implemented to reduce dependency on the motor vehicle. Having discussed this with officers at Suffolk County Council who oversee Public Transport Operations and Travel Plans it was agreed that the requirement for a Travel Plan and contributions towards a bus service would not be sought unless in exceptional circumstances. Having considered various factors it was not considered appropriate to seek such an approach or contributions to amend/provide a bus service. The factors that influenced this decision included i) the length of time that it will realistically take to deliver the entire Business Park and assessing at what point a service would become viable ii) the limitation on how many contributions the council can pool together for one project, iii) the experience elsewhere in the County of bus routes serving business parks and how sustainable they are in the long term after developer subsidy drops away. This was previously stated in the committee report for the outline application on the western part of the Suffolk Business Park under application DC/16/2825/OUT.

15. To replace this approach the council will be requiring that facilities are installed in all new premises on the Suffolk Business Park Extension that

allow for staff to walk and cycle to work. These practical facilities would exceed what would normally be delivered and has already been delivered on the Festool, Treatts, Servest developments. Such facilities will include male and female changing rooms, with lockers that can accommodate wash kit, a suit or other work wear, drying rooms to dry wet clothes, and multiple shower cubicles. In this instance the application includes 2 changing rooms (one male and one female) each with a drying room, shower cubicles and sufficient space for lockers. This is considered acceptable and in keeping with the level of facilities that the LPA is wanting to see delivered in the absence of a Travel Plan or public transport contribution.

16. Objection has been raised by nearby residents concerning the type of traffic generated and other highway matters. The highway Authority raised a number of points to the original submission which the applicants has clarified. Objection was raised concerning the size of vehicles that will be delivered to the site and a narrow point on Sow Lane. The Highway Authority recognise that the site, owing to the size of agricultural vehicles will receive abnormal sized loads (as defined by Government legislation) and are entirely satisfied that the surrounding highway network, and in particular Sow Lane, are adequate to receive such traffic.
17. A number of queries were raised concerning parking numbers, turning circles and these have been clarified by the agent. The Highway Authority are satisfied that the site would have sufficient parking spaces for staff and customers and that turning, manoeuvring loading and unloading area areas are sufficient as shown.

#### Residential Amenity

18. Loss of residential amenity can be caused by loss of light, overbearing or overlooking. Additionally harm to residential amenity can be caused by noise or odour. Given the distance to the nearest residential property, and the height of the proposal officers are entirely satisfied that the scheme would not cause any overlooking, loss of light or overbearing and is acceptable in those regards.
19. Objection has also been received which relates to noise from the servicing and repairs of vehicles. The application is supported by a full noise assessment which is based on existing sites that the operator has run for a number of years in the wider region. The acceptability of the scheme as far as impact on neighbours from noise is concerned is based on the fact that repairs and servicing will take place within the building with the doors closed. Concern was raised around staff becoming too hot in summer months and carrying out repairs and servicing with the doors open in order for the workshop to stay cooler. The submitted Energy Statement has been updated and the Environment Team are satisfied that the insulation and mechanical ventilation of the building will function sufficiently so that staff do not become too hot and seek the doors. Public Health and Housing Officers accept that some repairs may be need to take place outside the workshop in order to get vehicles into the workshop and this is considered acceptable given the infrequency this would happen and the distance to the nearest residential dwelling. It is acknowledged that doors will be opened in order for vehicles to exist and enter the building. Whilst all servicing and normal repairs will take place within the building it may be necessary for a partial repair to undertaken outside (as the vehicle is unable to be driven in



the building). In this instance the distance (excess of 350metres) and the infrequency that such repairs would take place is considered acceptable. In order to secure neighbour amenity a Noise Management Plan will also be a requirement by condition.

20. Additionally noise from the mechanical equipment to extract heat and fumes from the workshop has been considered by the Public Health and Housing Officers and is considered acceptable in noise amenity terms. Objection has been raised in terms of pollution from the fumes from the workshop. Officers are aware of numerous facilities in town centre locations where the vehicles are repaired and serviced much closer to residential dwellings. Whilst it is noted that the proposal would be servicing and repairing much larger vehicles the argument that harm is considered to carry little weight. Lastly objection has been raised from dust and dirt arising from the operation. Officers have been unable to identify what practices would cause harm to dwellings over 350 metres away from Dust and Dirt.
21. Neighbour objection states that operating hours are inconsistent within the application. Officers have considered the operating hours and the need to restrict them via condition in order to ensure residential amenity is protected. It is acknowledged that delivery drop off of parts and some operations will occur at unsociable times, especially during summer peak times when demand for repairs may rise. However given the noise assessment, the distance to residential properties and the infrequency with which such unsociable activities would occur it is considered that no harm would occur and that no such condition restricting hours of operation is necessary.

#### BREEAM matters

22. Policy DM7 of the JDMPD requires all new non-residential developments over 1,000 square metres to achieve the BREEAM Excellent standard or equivalent unless it can be demonstrated why this is not feasible, technically achievable or unviable. The application is supported by an Energy Statement. The application seeks flexibility on the BREEAM Excellent standard because the proposal includes biodiversity features along with enhanced walking and cycling facilities. It also makes a commitment to provide at least 20% of onsite energy provision from renewable/ low carbon sources.
23. It is the view of officers that the enhanced cycle and walking facilities principally mitigate the lack of travel plans and public transport contribution which is a policy requirement. However such facilities will help make the site more sustainable and as such are afforded positive weight, as are biodiversity features. In this instance officers are willing to accept the lower BREEAM level as the scheme includes on site energy generation along with the improved sustainable transport facilities and biodiversity features. The lower level BREAM level does weight against the scheme but given the other features/ facilities discussed, such harm is very limited in the view of officers.

#### Other matters

24. Other consultation responses around archaeology, land contamination, surface water drainage, fire hydrants, foul and surface water, ground water

protection, were all supportive of the scheme subject to standard conditions.

25. The Environment Team welcomes the proposed 3 electrical charging points (2 for non-accessible car parking spaces and 1 for accessible car parking spaces). This level of provision is considered acceptable and is conditioned to ensure they are delivered.

26. Objection has been raised concerning how risk of contamination from oils and other fuels will be managed. The Environment Agency has requested conditions which require details to be submitted to ensure pollution does not leach into the ground. As such this is considered acceptable to officers. Lastly objection was raised stating the application states that 21 staff will work from the site and not 20 as quoted elsewhere. Additionally external cage details are not provided. A minor error in quoting staff numbers is not considered material in the acceptability of the scheme and officers are satisfied that all details of external structures are included in the scheme.

### **Conclusion:**

27. The scheme is overall considered acceptable. The scheme is contrary to the Development Plan as discussed above, but it is considered that exceptional circumstances are present that allow the scheme to be approved. The principle reason for this centres on the realigned Eastern Relief Road which meant that this parcel of land has become available. The multiple uses that the plot is allocated for reflected a different road alignment and the allocations are considered to carry very limited weight now. However the principles of design that are established in the Masterplan to ensure a high quality business park is delivered have been followed which means it will sit comfortably alongside future development on the park. Officers are satisfied that all other matters are acceptable in particular loss of amenity, landscape, ecology and sustainable travel are satisfactory and that the scheme should be approved.

### **Recommendation:**

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

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

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

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

- Drawing No. 3635-10-P2 - Location Plan
- Drawing No. 18 1573 01 Rev C - Proposed Site Plan
- Drawing No. 3635-20-P2 - Proposed Ground Floor Plan
- Drawing No. 3635-21-P3 - Proposed First Floor Plan
- Drawing No. 3635-22-P2 - Proposed Roof Plan
- Drawing No. 3635-30-P2 - Proposed Street Elevation
- Drawing No. 18 1573 03 Rev B - Proposed Elevations
- Drawing No. 3635-32-P2 - Proposed Sections

- Drawing No. 3635-23-P2 - Proposed Site Structures
- Drawing No. 3635-25-P1 - Proposed Pump Station and Gas Bottle Cage
- Drawing No. 3635-24-P1 - Areas for Planning
- Drawing no. MMD-372751-C-DR-09-XX-9021 Rev P2 - Typical Cross Section
- Drawing No. 17.3038.01.L - Structural Landscape Proposal
- Drawing No. 18 1573 05 Rev A - Proposed Lighting Layout
- Drawing No. 20180824-SK-001 - Landscaping and drainage overlay for Access Road
- Drawing No. 500 REV T2 - Drainage and External Works Layout
- Drawing No. 510 REV T1 - Drainage and External Works Typical Details

Access Road Drainage Strategy July 2018 Rev 2  
 Planning Statement R3  
 Preliminary Risk Assessment (dated March 2018)  
 Energy Statement (Rev 5)  
 Highways Technical Note 01 Rev A Oct 2018  
 Ecology Report Rev CO4  
 Addendum Noise Impact Assessment

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

3. The existing access off Fred Castle Way shall be used for the construction of the development hereby approved and no other access shall be used.

Reason: In the interest of highway safety.

4. The area to be provided for storage of Refuse/Recycling bins within the service area, as shown on 18 1573 01 REV C shall be provided in their 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.

5. The building hereby approved shall not be first brought into use until the new road and vehicular accesses serving the plot have been laid out and completed in all respects in accordance with drawing Drawing no. MMD-372751-C-DR-09-XX-9021 Rev P2, Drawing no. 18 1573 01 Rev C and Technical Highway Note 1; and been made available for use. Thereafter the road and access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

6. Prior to the building hereby approved being first brought into use the area(s) within the site shown on 18 1573 01 Rev C, 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 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.

7. Before the access is first used that would serve the proposed plot visibility splays shall be provided as shown on Drawing No. C281\_SK\_FES\_001A-with an X dimension of 2.5m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

8. The building hereby approved shall not be brought into operation until the area(s) within the site shown on drawing No. 3635-23-P2 for the purpose of storage of cycles has been provided and thereafter those area(s) and facilities shall be retained and used for no other purposes.

Reason: To ensure that the facilities to allow staff to cycle and walk to work are installed and available as mitigation for the scheme not having a Travel Plan or making a public transport contribution.

9. The area for unloading, loading, turning and manoeuvring of delivery vehicles outside of the warehouse building hereby approved shall be retained and used solely for that purpose and no other. The area shown for unloading, loading, turning and manoeuvring of delivery vehicles shall be used for that purpose and at no time shall delivery of vehicles or machinery take place outside the business plot hereby approved.

Reason: To ensure that space is available unloading, loading turning and manoeuvring of delivery vehicles in the interest of highway safety.

10. The building hereby approved shall not be first brought into operation until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

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

Details of which will include:

1) Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.

- 2) Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table, unless otherwise agreed with the Environment Agency.
- 3) Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each infiltration device should also be illustrated on the plans and should be cross referenceable with associated design calculations.
- 4) Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
- 5) Infiltration devices will have a half drain time of less than 24hours.
- 6) Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
- 7) Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside an Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
- 8) Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- 9) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- 10) Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control).

To ensure the development is adequately protected from flooding.

To ensure the development does not cause increased pollution to water environment.

To ensure clear arrangements are in place for ongoing operation and maintenance. This condition is required to be pre commencement as it could cause harm if development started without the above details being agreed prior to development commencing.

12. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
- ii. Temporary drainage systems

- iii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iv. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan. This condition requires matters to be agreed prior to commencement since it relates to increased risk of flooding during construction.

13. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

- i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
- ii. Temporary drainage systems
- iii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iv. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan. This condition requires matters to be agreed prior to commencement since it relates to increased risk of flooding during construction.

14. If, during development, contamination not previously identified is found to be present at the site then no further development of the associated area of the site (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 from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwater-protection>).

15. Development shall not begin 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. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

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.

16. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwater-protection>).

17. Prior to the commencement of development details of temporary fencing to secure the site during construction shall be submitted to the Local Planning Authority and approved in writing. The fencing as approved shall be erected prior to construction works commencing and shall be retained in situ during construction works. The details provided shall include the location and type of fencing and how it will be secured in place. No materials shall be stored or machines operated outside of the secure fenced area.

Reason: To prevent any potential impact on archaeological interest outside of the site during the construction phase. These details need to be agreed prior to development commencing to ensure the fencing is in situ before development commences to protect archaeological interest around the site.

18. Before any development hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details:-

- a. site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
- b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
- c. dust, dirt and vibration method statements and arrangements;
- d. site lighting.
- e. wheel washing
- f. complaints response procedure
- g. community liaison procedures

The measures and procedures within the statement shall be agreed in writing with the Local Planning Authority and only those construction measures and procedures agreed shall be implemented by the developer.

Reason: To ensure the satisfactory development of the site and 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. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

19. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a 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 and from the site other than in accordance with the routes defined in the Plan.

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.

Reason: To reduce and or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

20. Prior to the building hereby approved being first brought into operation details shall be submitted to the Local Planning Authority which demonstrate that the installed heating/cooling systems have achieved at least the COP/EER figures stated in the Energy Statement. Furthermore the submitted details shall demonstrate that the installed lighting efficiency meets or exceeds the details set out in the approved Energy Statement.

Reason: In the interests of sustainability to ensure the development minimises its environmental impact in accordance with policy DM7 of the Joint Development Management Policy Document 2015 in lieu of BREEAM Excellent being achieved.

21. The site preparation and construction works, including road works, shall be carried out only between the hours set out below without the prior written consent of the Local Planning Authority:

07:00 to 18:00 Mondays to Fridays; (8am start for the road)

08:00 - 13.30 Saturdays;

No times during Sundays or Bank Holidays;

Reason: To protect the amenity of residential properties.

22. No generators shall be used in external areas on the site outside the hours set out below:

07:00 to 18:00 Mondays to Fridays (8am start for the road)

08:00 - 13.30 Saturdays

No times during Sundays or Bank Holidays

Reason: To protect the amenity of residential properties.

23. The Local Planning Authority shall be provided with three working days notice prior to any extended concrete pour taking place outside the agreed hours of construction for agreement that the works can proceed.



Reason: To protect the amenity of residential properties.

24. Any waste material arising from site, preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.

Reason: To protect the amenity of residential properties.

25. Within three months of development commencing details of a fire hydrant to serve the site shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be installed and made available prior to any of the building hereby approved first being brought into use.

Reason: To ensure that sufficient fire hydrants are in situ to serve the business park.

26. Details of the facing and roofing materials for the hereby approved building shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

27. Within three months of the development commencing details of 2 charging points for non accessible car parking spaces and 1 accessible car parking space shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented prior to any building hereby approved first being brought into use and shall be retained thereafter.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35; Policy DM2 (k) of the Joint Development Management Policies Document and Policy CS2 (E) of the Core Strategy.

28. All planting shown on drawing number 17.3038.01 Rev L shall be carried out in the first planting season following the building hereby approved being first brought into use (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development

29. The skylark mitigation shall be implemented in accordance with the details of the Rougham Estate Farms letter dated 16th February 2018 and thereafter shall be maintained for a period of 5 years from the commencement of development.

Reason: To ensure the continued provision of mitigation in relation to skylarks

30. Within three months of the development commencing details of external lighting for the plot site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, lux levels and other

features necessary to control light spillage. The approved details shall be implemented before the building is first brought into use and retained thereafter.

Reason: To ensure that bat corridors are protected

31. Within three months of development commencing full details of the lockers and drying rooms for each changing room shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be fully installed and available to staff before the building hereby approved is first brought into operation and thereafter retained.

Reason: To ensure that the facilities to allow staff to cycle and walk to work are installed and available as mitigation for the scheme not having a Travel Plan or making a public transport contribution.

32. Notwithstanding the submitted details, prior to their installation details of the siting, design, height and materials of screen walls, fences and gates shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walling and/or fencing and/ or gates shall be constructed or erected before any of the buildings hereby approved are first brought into use and thereafter retained in the form and manner installed.

Reason: To provide clarification and ensure the satisfactory development of the site.

33. The development hereby permitted shall be constructed to BREEAM Very Good standard or equivalent unless otherwise agreed in writing with the local planning authority.

Reason: In accordance with Joint Development Management Policy Document DM7

34. Within three months of the development of the buildings hereby approved commencing an ecological mitigation and enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timeline for implementation and take account of the recommendations as set out in the Ecological Appraisal Rev CO4. The approved details shall thereafter be implemented in the approved timeframe and retained thereafter.

Reason: To ensure that biodiversity is protected.

35. Within three months of the development commencing a noise management plan shall be submitted to and agreed in writing by the Local Planning Authority. The submission shall amongst other things include noise details of all mechanical plant to be installed on the site and the working practices that will be implemented to minimise noise generated from the use of the site. The approved mechanical plant shall be installed prior to the building hereby approved first being brought into operation and retained thereafter unless otherwise agreed in writing. The approved working practices shall also be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of residential properties.

36. In the event that primary cooking is to be undertaken on site, suitable extraction and filtration equipment shall be installed to disperse smells created

from the premises in which cooking activities take place. Before the installation of such a system, details of the proposed filtration plant, its ducted route through the building and its final discharge point shall be submitted to the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of any primary cooking, and be retained in the approved form thereafter.

Reason: To protect the amenity of residential properties.

37. The grass area north of the grey area and immediately south of the northern landscape boundary shown on drawing no. 18 1573 01 Rev C shall be kept free at all times and shall not be used to store machinery, vehicles or other items.

Reason: To enhance the amenity of the area and to help protect the landscaping hereby approved.

38. The development shall deliver at least 20% on-site renewable/low carbon energy provision in line with the approved Energy Statement.

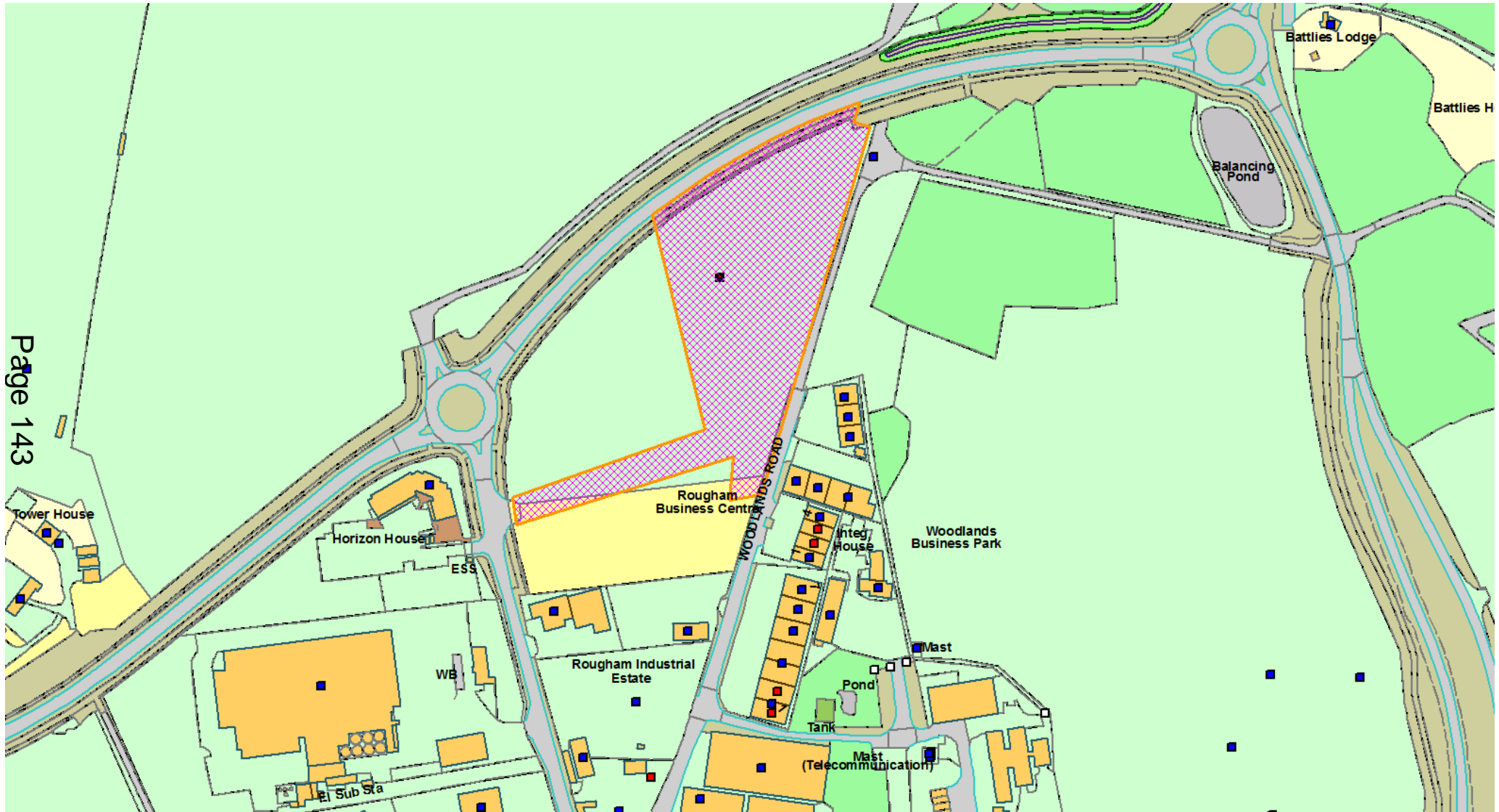
Reason: In the interests of sustainability to ensure the development minimises its environmental impact in accordance with policy DM7 of the Joint Development Management Policy Document 2015 in lieu of BREEAM Excellent being achieved.

**Documents:**

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

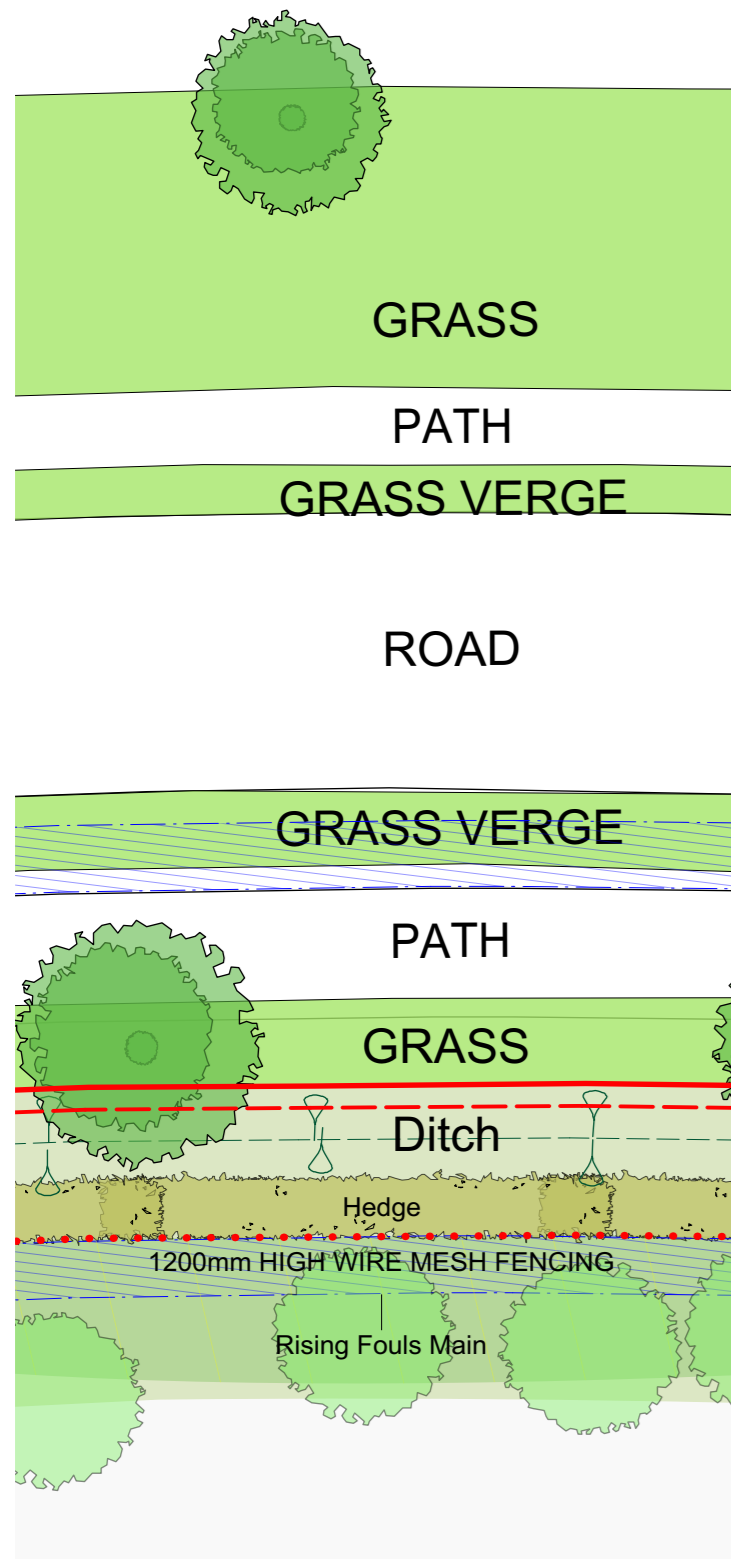
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P28SPIPDLGI00>

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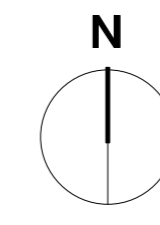
Eastern Relief Road Site Boundary 1:200



Metal Wire Mesh Fencing



Metal Palisade Security Fencing



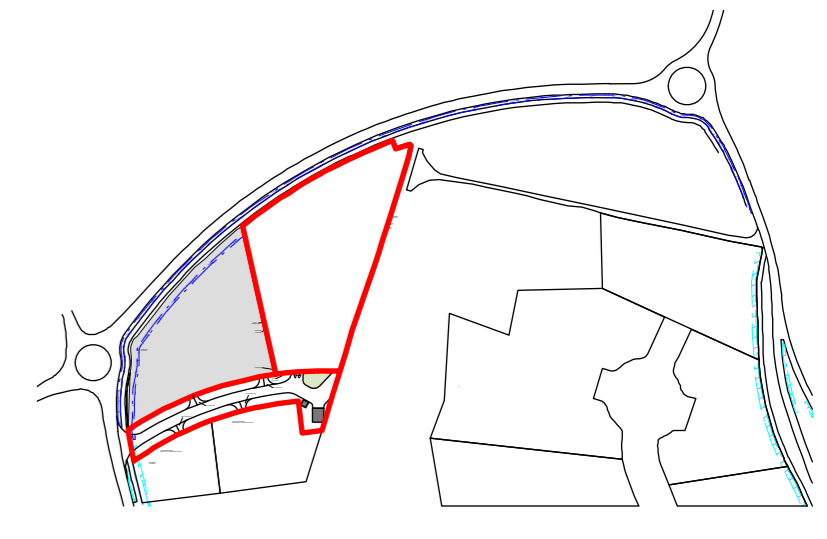
NOTES  
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- KEY**
- Planning Application Boundary
  - - - TNS Plot Boundary
  - · · · · 1200mm Wire Mesh Fence Line
  - - - 2400mm Palisade Fence Line
  - - - Visibility Splays 2.4m x 43m (unless otherwise stated)
  - Lighting column position

Please read in conjunction with Andrew Hastings Landscape Consultants Ltd drawing No. 17.3038.01



Gas bottle chambers



**Key Plan**

P.6	12/2/18	Visibility Splays and Lighting Columns
P.5	08/02/18	Gas bottle chamber imagery
P.4	05/02/18	Provision of PTW parking space and agricultural unloading zone. Materials to external areas. Fencing details.
P.3	08/01/18	Amendments to access road
P.2	11/12/17	Hard landscaping to north of site
P.1	27/10/17	Planning Issue

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Project  
**TNS New Warehouse Development Plans**  
Bury St Edmunds

Client  
**Thurlow Nunn Standen Ltd**

Drawing  
**Proposed Site Plan**  
Suffolk Business Park - Plot 920

Scale	Date	Job-Dwg-Rev No	
1:500@A1	08/17	3635-11-P6	
File	Drawn	Checked	Stage
3635 WF	AP		Planning



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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/005

## Development Control Committee 3 January 2019

### Planning Application DC/18/1443/FUL – No's 2-4 St. Andrews Street North and Land to Rear of No's 106-108 Risbygate Street, Bury St. Edmunds

<b>Date Registered:</b>	13.08.2018	<b>Expiry Date:</b>	08.10.2018
<b>Case Officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Bury St Edmunds Town Council (EMAIL)	<b>Ward:</b>	Risbygate
<b>Proposal:</b>	Planning Application - (i) Change of use from shops and offices A1/B1 to 3no. dwellings - 2-4 St Andrews Street North (ii) 2no. dwellings (demolition of existing accommodation/garage building and partial boundary wall) - Land to rear of 106-108 Risbygate Street		
<b>Site:</b>	No's 2-4 St. Andrews Street North and Land to Rear of No's 106-108 Risbygate Street, Bury St. Edmunds		
<b>Applicant:</b>	Thingoe Developments Limited		

#### **Synopsis:**

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

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Britta Heidecke

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

Telephone: 01638 719456

**Background:**

The application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to Delegation Panel because the Officer recommendation for APPROVAL conflicts with an objection from the Town Council. Moreover, the Ward Members (Risbygate) have expressed concerns.

A site visit is proposed to take place on Thursday 20 December.

**Proposal:**

1. The proposal consists of two elements: (i) the conversion of 2-4 St Andrews Street North from mixed uses (A1 and offices) to three town houses with the retention of an A1 shop in the basement extending below no's 2,3 and 4 and (ii) the redevelopment of the yard off Risbygate Street with two new residential units following the demolition of the existing building.

**Site Details:**

2. The application site is located within the town centre, primary shopping and conservation area of Bury St Edmunds. It comprises of no's. 2-4 St Andrews Street North, which was originally built as 3 houses, but currently comprises of a mix of shops and offices. No. 2 is office space on all 3 floors, No. 2a is a basement shop extending below no's 2, 3 & 4. No's. 3 & 4 are ground floor shops and No. 4a are first and second floor offices.
3. The second part of the site, known as land to the rear of No's. 106-108 Risbygate Street sits directly behind no's 2-4 St. Andrews Street North. It is currently occupied by a two storey garage with a first floor over and a narrow access off Risbygate Street, which also serves the rear of the properties on Risbygate Street.
4. As set out in the design and access statement this building predates 1885, with historic mapping showing it existing within a range of other similar buildings along the northern site boundary. The most like conclusion is that these buildings were possibly stables or cart sheds associated with the grand houses on Risbygate Street. It is known that the last of the other buildings was demolished within the last 30 years.

**Planning History:**

5.

Reference	Proposal	Status	Decision Date
E/88/2873/LB	Conservation Area Application - Demolition of substandard single storey building to allow existing building to be extended and converted into 4 no. flats as proposed by planning application E/88/2872/P	Application Refused	07.09.1988
E/88/2872/P	Conversion and erection of extension of existing building to form 4 no. flats (including demolition of substandard single storey building)	Application Refused	07.09.1988

E/87/1695/P	Section 32 Application - Retention of slate roofed canopy and other works to garage block	Application Granted	30.04.1987
E/87/1257/P	Change of use of part of garage block to builder's workshop with store over (on a temporary basis)	Application Refused	09.04.1987

### Consultations:

6. Strategic Housing Team: Has no comments to make regarding the above application as this development will not trigger affordable housing as part of our CS5 policy.
7. Public Health and Housing: Have in principal no objection to the proposed development, however due to the limited space available in the locality and existing residential and commercial properties being in close proximity recommend a condition requiring the developer to submit a Construction Method Statement, restricted construction hours and no flood lights.
8. SCC Archaeology: Based on the information of current landuse, buildings and the small scale of the proposal, the proposed development would be unlikely to have a significant impact on archaeological remains.
9. Conservation Officer: No objection subject to conditions (see section on Heritage Impacts below.)
10. Highways: No objection to the amended scheme which includes a pedestrian passage way separate from the vehicular access.
11. Environment team: Are satisfied that the risk from contaminated land is low. No objection. Suggest advice note.

### Representations:

12. Bury St Edmunds Town Council: Object on the grounds of –
  - Damage to buildings of historical interest
  - Overlooking and overshadowing of adjacent properties and loss of amenity
13. Representations have been received from three neighbouring properties on Risbygate Street, which share the same access. The comments can be read in full as part of the online file. They raise the following summarised concerns:
  - Disruption the shared access for business and living accommodation
  - Issues of land ownership/ common areas
  - Highways safety and parking issues within the yard
  - Noise and dust
  - Health and safety during construction
  - Loss of part of historic wall
  - Disruption of Drainage, Water, Electricity and Gas
  - Loss of direct sunlight and view

14. Private issues between neighbours, such as land disputes, damage to property, private rights of access etc. and problems arising from the construction period, e.g. noise, dust, construction vehicles etc. are not a material planning consideration. However, in response to the neighbour comments received the applicant has amended the site plan to omit a small area of dispute, to demonstrate that the proposed development does not rely on any land which is not within the applicants control or otherwise have a legal right of access over. Following these changes a distance in excess of 6m still remains behind the proposed parking bays which meets Suffolk County Standards. The response from the applicant also confirms that the overhang of land below the existing canopy is within the building owner's demise and not part of the common yard. The proposed building therefore occupies only land within the applicant's sole control. The applicant's agent has also acknowledged the restraints that the common yard brings and stated that services would most likely go through St Andrews Street North and not down the existing access. The applicant has also committed to minimise disruption, dust and nuisance during construction and has agreed to a condition to secure a construction management plan to help address the concerns, as also suggested by the Council's Public Health and Housing team.
15. The concerns with regards to impacts on heritage assets, residential amenity and highways matters are being considered below.
16. Furthermore, comments in support of the proposal have been received from the Bury Society. The Society generally supported the revitalised façade which could make a positive contribution to the street scene. However, they suggested that the third parking space should be omitted, the wall retained and the rear yards for the properties on St Andrews Street North kept at their current size to be truly sustainable.
17. Otherwise, the Society supports the re-development of the yard and the general design approach but to reduce possible concerns of overlooking, suggest that the eaves line might be dropped, and Velux style lights substituted on the new-build extension. The Society also suggests that any approval should be conditional that the new dwellings may not be occupied until the resurfacing works to the rear service yard, including storm drainage, are fully completed.
18. The comments from the Society are noted. However, in the view of officers it cannot be insisted upon the omission of the third parking space given a small yard per dwelling would be retained, which is considered acceptable in this urban context.
19. Due to the already limited floor space within the units at the rear of Risbygate Street dropping the eaves height would further reduce the available internal floor area with full head height and would therefore not, in the opinion of officers, be realistic. This in any event is not considered to be an issue given the separation between the properties. (see assessment of impact on residential amenity below)

**Policy:**

20. 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:

Bury St Edmunds Vision 2031

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds

St Edmundsbury Core Strategy

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM17 Conservation Areas
- Policy DM35 Proposals for main town centre uses
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM46 Parking Standards

**Other Planning Policy:**

National Planning Policy Framework 2018

**Officer Comment:**

21. The issues to be considered in the determination of the application are:
- Principle of Development
  - Heritage Impacts and Visual Amenity
  - Residential Amenity
  - Highways matters
  - Other matters

Principle of Development

22. The first element of the proposal involves the conversion of the ground, first and second floors of No's 2, 3, 4 & 4a (currently with an A1 use and B1 office) into three town houses, as the buildings were intended when originally built. The scheme would provide two two-bed and one one-bed properties on St Andrews Street North and one two-bed and one one-bed dwelling within the yard. The basement shop (no. 2a) will be retained as a shop. With the exception of the ground floor shop units at no's. 3 & 4 change of use from office to C3 residential of the remaining buildings could be sought through the prior notification process. The main issue for this part of the proposal is therefore the proposed change of use of the A1 units.

23. The site lies within the Primary Shopping Area (PSA) and Town Centre boundary as shown on the policies map, where the following policies apply

CS10, DM35, BV1 and BV2. The site lies outside the primary shopping frontage so by default within the secondary shopping frontage where there is a more diverse range of uses. Policy BV2 of the Bury St Edmunds Vision 2031 states that planning permission for new residential development and residential conversion schemes should be granted, where it is not contrary to other planning policies.

24. The policies cited above support the focus of retail uses within the PSA, seeking to achieve a balance between A1 uses and non-A1 commercial uses. Change of use of ground floor A1 units will only be permitted if the balance of retail vitality and viability is not likely to be harmed and all the criteria are met. Where these criteria are met it allows change of use to other main town centre uses. The policy states (inter alia):

*The change of use of ground floor A1 units within a Primary Shopping Area, to other appropriate main town centre uses, will therefore only be permitted if the balance of retail vitality and viability is not likely to be harmed and all of the following criteria are met:*

- a. the proposal will not result in three or more non-A1 units in adjoining premises within the Primary Shopping Area;*
- b. the proposal will retain or provide a shop front with a display function and entrances which relate well to the design of the host building and the street scene and its setting in terms of its materials, form and proportions;*
- c. the proposal will not remove existing or potential beneficial use of upper floors; and*
- d. the proposal will not adversely affect the amenity of the surrounding area by virtue of noise, litter, congestion on pavements, or disturbance arising from late night opening.*

25. The proposed change of use will not fully meet criteria a and b of that policy. However, it must be noted that both No. 3 & 4 St Andrews Street are no greater than 20sqm each and do not benefit from shop frontages. They very much retain the residential character of their previous and original use as dwellings.

26. The design and access statement offers further justification for the loss of the small retail units as they have been empty for a number of years, due to them being of poor quality, in a sub-prime location and not having traditional shop frontages or disabled access. It is argued that this and the limited scope for signage would in all likelihood only attract low quality occupiers such as mobile phone accessories, vape shops or takeaway food outlets, which is contrary to St. Edmundsbury Borough Councils' adopted Masterplan for the area. Although it is acknowledged that these types of occupiers are necessary within the town, it is argued that adequate provision already exists within the town or within the Saturday & Wednesday markets.

27. Whilst the proposal therefore does not strictly conform with policy DM35 it is the view of officers that the loss of very limited A1 floor space at the edge of the primary shopping area, outside of the primary shopping frontages and within a building which does not benefit from typical shop frontages, will not materially harm the vitality and viability of the town centre. It is therefore considered that the degree of conflict with this policy would be modest and in this case would only attract a limited amount of weight against the development in the planning balance.

28. The second element of the proposal, (ii) the redevelopment of the yard behind 104-106 Risbygate Street with two residential units, utilising previously developed land within a highly sustainable town centre location accords with the objective of the new NPPF and the government's agenda for growth, which emphasises the use of brownfield sites and more effective use of land. As such the proposal is acceptable in principle subject to other material planning consideration.

29. The other main considerations in this case are: heritage impacts and visual amenity; impacts on residential amenity; and highways impacts.

#### Heritage Impacts and Visual Amenity

30. The site is within the conservation area and No's 104 to 108 Risbygate Street are grade two listed buildings. It has been established that the building within the yard and the boundary walls are not curtilage listed, however the walls are restricted by an article 4 direction. The significance of the walls is therefore to be understood to inform the acceptability of works to the walls.

31. The councils' conservation officer made the following comments:

*'The proposed development includes the demolition of the existing outbuilding and the construction of a replacement building together with extensions to provide further accommodation. The replacement building is similar in scale and footprint to that which currently exists and historic maps indicate further development to the west previously existed.'*

32. *There are remnants of earlier brickwork to suggest the existing outbuilding dates back to the 19th century. The building has however been significantly altered and its significance in terms of its contribution to the character and appearance of the conservation area is such that its retention is not insisted. I therefore has no objection to either the demolition of the existing building or the reconstruction of something of a similar scale as proposed.'*

33. *The design of the proposed development is simple in form incorporating traditional materials. Both design and materials ensure the development is subservient in character and appearance appropriate to the setting of the listed buildings and the historical development which formally existed.'*

34. *The development will however involve the demolition of the wall to the east of the site serving as boundaries to the rear of properties fronting onto St Andrews Street North. This will inevitably result in a degree of harm due to the partial loss of an historic wall to make way for parking. The open fronted cartlodge serving the main development will also be visible from Risbygate Street however as this arrangement currently exists and the proposed development will result in an overall visual improvement, as seen from Risbygate Street, the development will at the very least preserve the character and appearance of the area.'*

35. The scheme proposes to use a traditional palette of materials such as natural slate, clay pantiles, red facing brickwork and boarding with the traditional appearance of ancillary domestic buildings or cart lodges/ stables associated with and located to the rear of larger period houses. The development



follows the historic pattern of development and thereby creates a sense of place.

36. On the basis of the above the proposed re-development of the yard therefore accords with the requirements of policy DM15 and DM17 as it will have no adverse impact on the setting of the listed buildings but result in an overall visual improvement and as such enhance the character and appearance of this part of the conservation area.
37. Works proposed to 2-4 St Andrews Street North involve both internal and external alterations. The property is not listed but is located within the Town Centre Conservation Area. No's 2-4 is part of a larger terrace formerly 1-4. Number 1 has undergone significant alteration to include the insertion of a shopfront at ground floor level many years ago and consequently compromises the uniformity the terrace once displayed. The proposals involve the reinstatement of traditional sashes and the removal of the existing wall coating both of which are to be encouraged.
38. The scheme has been amended to address concerns raised by the conservation officer with regards to the proposed replacement of an original door opening with a window. The amended scheme proposes the retention of the existing door opening, reinstating a traditionally detailed four panelled door with upper panels glazed to supplement the light from the existing window opening to the sitting room. The conservation officer has no objection to the amended scheme and concluded that the proposed development fronting onto St Andrews Street North will enhance the character and appearance of the conservation area.
39. Overall, it is considered that the re-development of the yard and the changes proposed to the property fronting onto St Andrews Street North would considerably improve the views from Risbygate Street and the appearance of this part of St Andrews Street North and would therefore have a positive effect on the character and appearance of the conservation area in accordance with policies DM2, DM17 and the guidance contained within the NPPF. Furthermore, it is considered that this positive impact on visual amenity would weigh in favour of the development as a material consideration in the planning balance.

#### Residential Amenity

40. Policy DM2 of the Joint Development Management Policies Document 2015 requires all proposals for development to take mitigation measures into account so as to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume and type of traffic activity generated.
41. There are a number of residential properties close to the site, which have the potential to be affected by the proposed development. Those most likely to be affected are the residential and commercial properties off Risbygate Street.
42. There has been some concern from neighbours over the re-development of the yard. The main objections from neighbouring occupiers concern disruptions from the construction, the use of the narrow shared access drive

and potential obstruction of parking spaces, the introduction of overlooking and loss of light. The development is situated north of the existing properties on Risbygate Street and given the subservient scale and the stand-off in excess of 20m overshadowing, loss of light or outlook are not considered to be a significant issue, not least noting the town centre context. The proposal would involve the introduction of a number of windows and these will increase the level of actual and perceived overlooking to the neighbours, but not at a level that officers consider would justify a refusal.

43. There are no windows in the northern elevation besides two small roof lights within the vaulted ceiling. The only window in the western gable is obscure glazing serving a bathroom and the kitchen window in the west elevation will overlook parking areas. The level of harm that this would cause to amenity is therefore considered to be negligible.
44. The main windows are in the southern elevation of the proposed two units, facing the rear of the properties on Risbygate Street. However, with a standoff in excess of 20 metres from windows in the south elevation of the proposed development to windows in the rear of 106-108 Risbygate Street the relationship is such that it is not considered to cause unacceptable impacts on neighbour amenity by reason of direct window to window overlooking or loss of outlook. For reference, other LPA's which have adopted a design SPD, like for example East Cambridgeshire or Basingstoke, suggest that the distance between rear inter-visible windows to be a minimum of 20 metres. This is a common rule of thumb to prevent unacceptable overlooking. The proposed eastern gable end, although in close proximity to the rear of the properties on St. Andrews Street North, represents no greater impact on amenities than the existing site layout. Given the stand-off between the interfacing properties and considering the context of the town centre location it is considered that the proposal would not have any significant adverse effects on amenity.
45. On the basis of the above the proposals are considered to comply with policy DM2 and DM22 in this respect.

#### Highways matters

46. Policy DM46 of the Joint Development Management Policies Document states that the authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport and that in 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.
47. The proposed three dwellings on St Andrews Street North would have no associated off-street parking. However, the site is within the town centre in walking distance of local shops and amenities, including the bus station and the railway station. There is a loading bay outside the property and otherwise double yellow lines restrict parking on this part of St Andrews Street. Given the existing traffic restrictions it is unlikely that the development would lead to road parking in the immediate vicinity that could cause inconsiderate and unsafe obstructions to the surrounding road or footpath. Officers are also mindful of the fact that the buildings were originally constructed as dwellings and were used as such for decades, before diversifying into alternative commercial uses.

48. Given the location of the development, with traffic controls on the part of the highway where the building is located, it is reasonable to assume that in this case those looking to move into the properties would do so in the full knowledge of the absence of any nearby parking facilities and as such would be those who do not rely on the use of a private motor.
49. Alternatively, yearly season tickets for the long stay carpark on St Andrews Street and private garaging within the town would provide possible options for those looking to retain a car. The proposed development will provide cycle storage for all dwellings within the rear yards, details of which could be controlled by condition.
50. The proposed two new residential units in the yard would utilise the existing narrow vehicular access from Risbygate Street and all units would benefit from a pedestrian passageway through St Andrews Street North. The two units (one one-bed room and one two-bedroom) would be provided with three parking spaces, two within the cart lodge and one perpendicular to the access following partial demolition of the wall along the rear of St Andrews Street North. The proposal therefore would provide parking in accordance with the parking standards.
51. The vehicular access is only approx. 2.3m wide at the entrance to the site and follows an under path to the rear of Risbygate Street. Parking at the front of Risbygate Street is restricted by double yellow lines. The access serves the properties 105 to 108 Risbygate Street and the application site.
52. The Highway Authority initially was concerned about the substandard access as the only means of access to the proposed new development. However, there are currently two parking spaces within the existing building and in the area proposed for development. In fact if the area fenced off at present was still used for parking it would provide more parking space than what is proposed. So whilst the access is substandard, it is an existing access and the proposed development is not considered to result in an intensification of the use of that access.
53. The scheme has been amended to provide a pedestrian passageway through St Andrew Street North, suitable for pushchairs, bicycles and bins and therefore the proposal would provide an alternative to the shared use of the vehicular access, thus reducing any conflict. The agent has confirmed that all units would be provided with a key or code for the gate, and the provision of the access and its retention can be conditioned.
54. The applicant has also provided a parking survey to show the use of the yard and also a swept path analysis to demonstrate that a family sized car can turn within the area available so that the site can be left in forward gear. Due to the narrowness of the access it is reasonable to assume that any vehicle significantly larger than that, like the typical groceries and other delivery vans would not attempt to enter the site. Instead, the applicant argues, instructions could be provided at the time an order is placed that deliveries can be via the passageway through St Andrews Street North.
55. The Highway authority subsequently raised no objection to the application subject to standards conditions. Whilst overall the proposal may not enhance highways safety, on the basis of the above the amended proposal

will maintain the safety of the highway and provide parking in accordance with the current standards. As such the proposal will comply with policy DM2(I) and DM46 and will have no unacceptable adverse impact on highways safety to justify refusal.

## Other matters

### *Archaeology*

56. SCC Archaeology commented that *'the site is within the historic suburb of Risbygate, and the new build lies in the corner of what might be a historic plot. There is also a structure of unknown date shown on the plot on Thomas Warren's 1740 map of the town. However, there were other buildings on the site shown on later maps, and I would anticipate some build up of soils against the boundary wall, which doesn't look earlier than 18th century as far as I can tell from the photos.'*

57. Based on the information of current land use, buildings and the small scale of the proposal, in the view of SCC Archaeology the proposed development would be unlikely to have a significant impact on archaeological remains. On balance a programme of work is not requested.

### *Affordable Housing:*

58. In accordance with the new NPPF and policy CS5 the current scheme for 5 units falls below the threshold for affordable housing or developer contributions. There will therefore be no requirement for any affordable housing provision.

### *Sustainable construction and ecological enhancements:*

59. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.

60. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to sustainable design and construction. Therefore a condition will be needed to ensure compliance with policy DM7.

61. 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 it is recommended that a condition is attached to the permission to secure that one parking space per new dwelling will have a vehicle charging point.

62. The building to be demolished is of a construction which has the potential to be used by bats. However, following Natural England standing advice it is less likely that bats are present in this town centre context which is effected by artificial light levels and not near woods or water. The application site is also not within a recorded 200m priority species buffer for bats. However, species recorded in the 200m priority species buffer are Swift, Starling and House Sparrow. However, all wild birds in the UK are protected under the Wildlife and Countryside Act 1981 (Amended) and provided the demolition takes place outside the nesting season the proposal is not likely to have an adverse impact on protected species.

63. However, Policy DM12 requires all new developments to include biodiversity enhancements commensurate with the scale of the development. In this case no special reference was made to biodiversity. However, these details can be secured by condition.

### **Conclusion:**

64. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework and the government's agenda for growth. The application has also been assessed having regard to the special statutory duty placed on local planning authorities in respect of conservation areas.

65. The site is in principle acceptable for new residential development within the yard and on St Andrews Street at upper floors, subject to conformity with other relevant Development Plan policies. In this regard, those policies in relation to visual and residential amenity, conservation areas and those that ensure highway safety are central to the consideration of the application.

66. Due to the residential use at ground floor on St Andrews Street North there is a modest degree of conflict with policy DM35. However, for the reasons set out in this report the degree of weight that this would attract, given the small size of the A1 units, the absence of shop frontages and the retention of a retail unit in the basement, is minimal.

67. Given the urban context of the site and the degree of separation of the existing and proposed properties in excess of 20m there would not be unacceptable overlooking to weight against the development in the planning balance.

68. The properties on St Andrews Street North would not benefit from any off-street parking, thus this element of the proposal would not meet the Suffolk Guidance for Parking Standards. The new units in the yard would be provided with three parking spaces, which is accords with the adopted standards. Taking account of the wider policy context, the flexibility built into the parking guidance, the emphasis on sustainable development in the NPPF and the low likelihood of any harm to highway safety in this specific context arising as a result in the reduction in parking, it is considered that the weight to be attached to the conflict with the parking standards, would be notably reduced in this case. This is supported by the absence of a highways objection.

69. There are a number of benefits associated with the proposal, which would carry weight in favour of the development, most notably through the

creation of additional dwellings in a sustainable town centre location, the economic benefits associated with construction phase and the improvement in visual amenity and the character of this part of the conservation area. Taken together these benefits are considered to weigh significantly in favour of the development.

70. On balance, it is considered that marginal loss of retail space and the lack of off-street parking for the properties on St Andrews Street North when weighed against the benefits of the broad compliance with Development Plan policies and the presumption in favour of sustainable development would not warrant the rejection of the proposals. As such, the application is recommended for approval.

**Recommendation:**

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

- 1 The works to which this consent relates must be begun not later than 3 years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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.

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
1181-05	Proposed Elevations & Floor Plans	24.07.2018
1181-07	Existing Elevations	24.07.2018
1181-02 Rev.B	Layout	12.11.2018
1181-03 Rev.A	Proposed Floor Plans	12.11.2018
1181-4 Rev. B	Proposed Elevations	12.11.2018
1181-01 Rev.A	Location & Block Plan	04.09.2018
1181-06	Proposed Elevations	24.07.2018

- 3 No works involving new/replacement 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 new/ replacement 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.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 4 No works involving new/replacement doors 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 new/ replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) 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.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 5 No development above slab level shall take place until samples of the external 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.

- 6 The use shall not commence until the areas within the site shown on Drawing No. 1181-02 Rev B for the purposes of manoeuvring and parking of vehicles and for 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 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 and to ensure the provision of secure cycle storage.

- 7 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 1181-02 Rev B 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.

- 8 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and only those construction measures and procedures agreed shall be implemented by the developer. The Statement shall provide for:
- o Noise and dust management responsibilities and measures
  - o Monitoring and auditing procedures
  - o Complaints response procedures



o Community liaison procedures

Reason: To ensure the satisfactory development of the site and 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. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 9 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.

- 10 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 prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy 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.

- 11 Before development above slab level commences details of noise attenuation treatments, in line with current Building Regulations, between the basement shop and approved residential units above shall be submitted to and approved in writing by the Local Planning Authority. Such agreed measures shall be installed prior to first occupation

Reason: To ensure sufficient protection and prevention of noise transfer between the commercial and residential aspects of the building to protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 The passageway shown on the block plan drawing no. 1181-02 Rev.B (received 12.11.2018) shall be made available for use to all residential units hereby approved, prior to their first occupation, and thereafter retained as so provided.

Reason: To ensure safe pedestrian access to the rear of the development is available to all users, in accordance with policy DM2 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.

- 13 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.

- 14 The dwelling(s) 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.

- 15 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:**

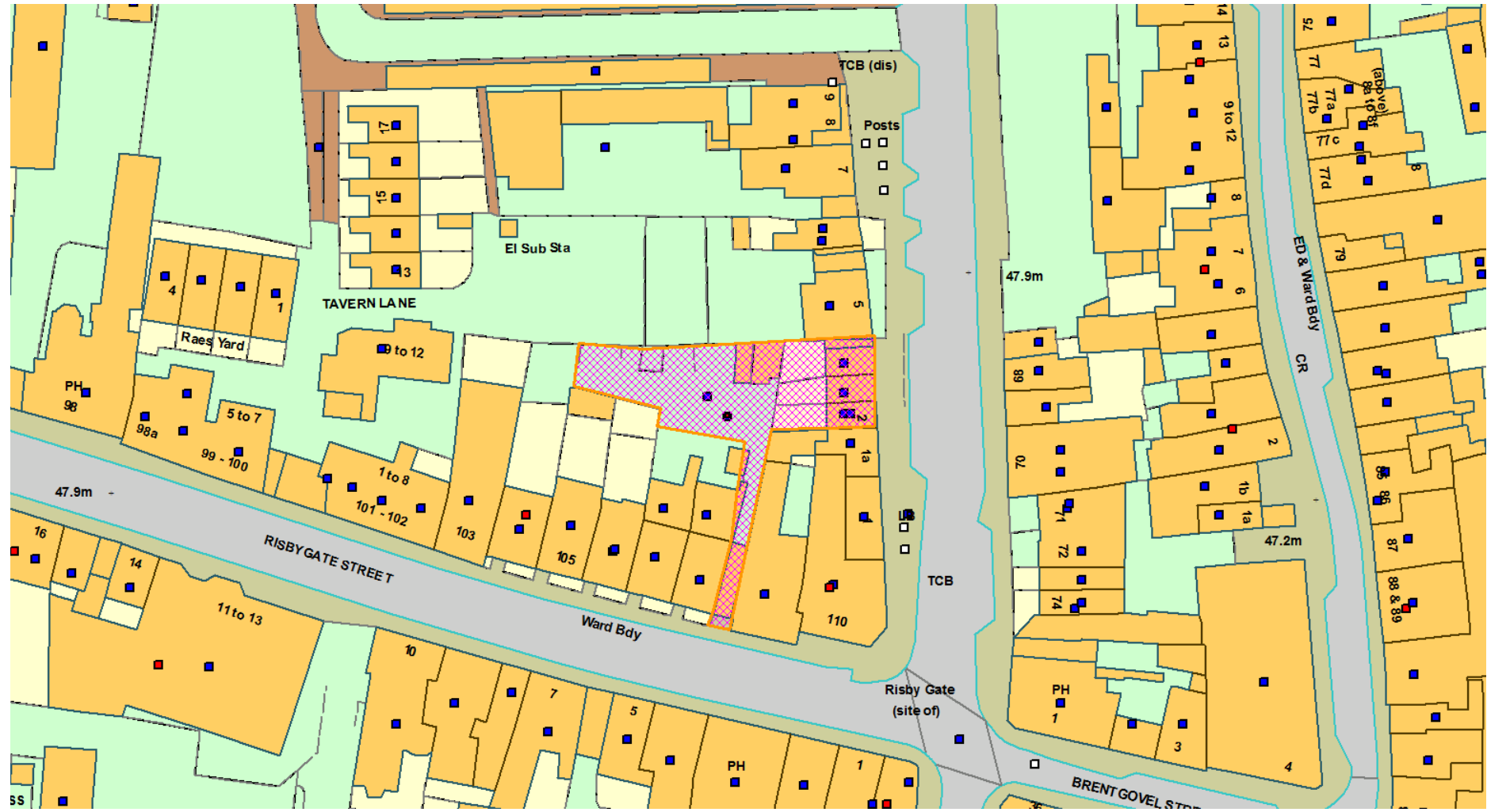
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1443/FUL](https://www.suffolk.gov.uk/DC/18/1443/FUL)

Case Officer: Britta Heidecke Phone: 01638 719456

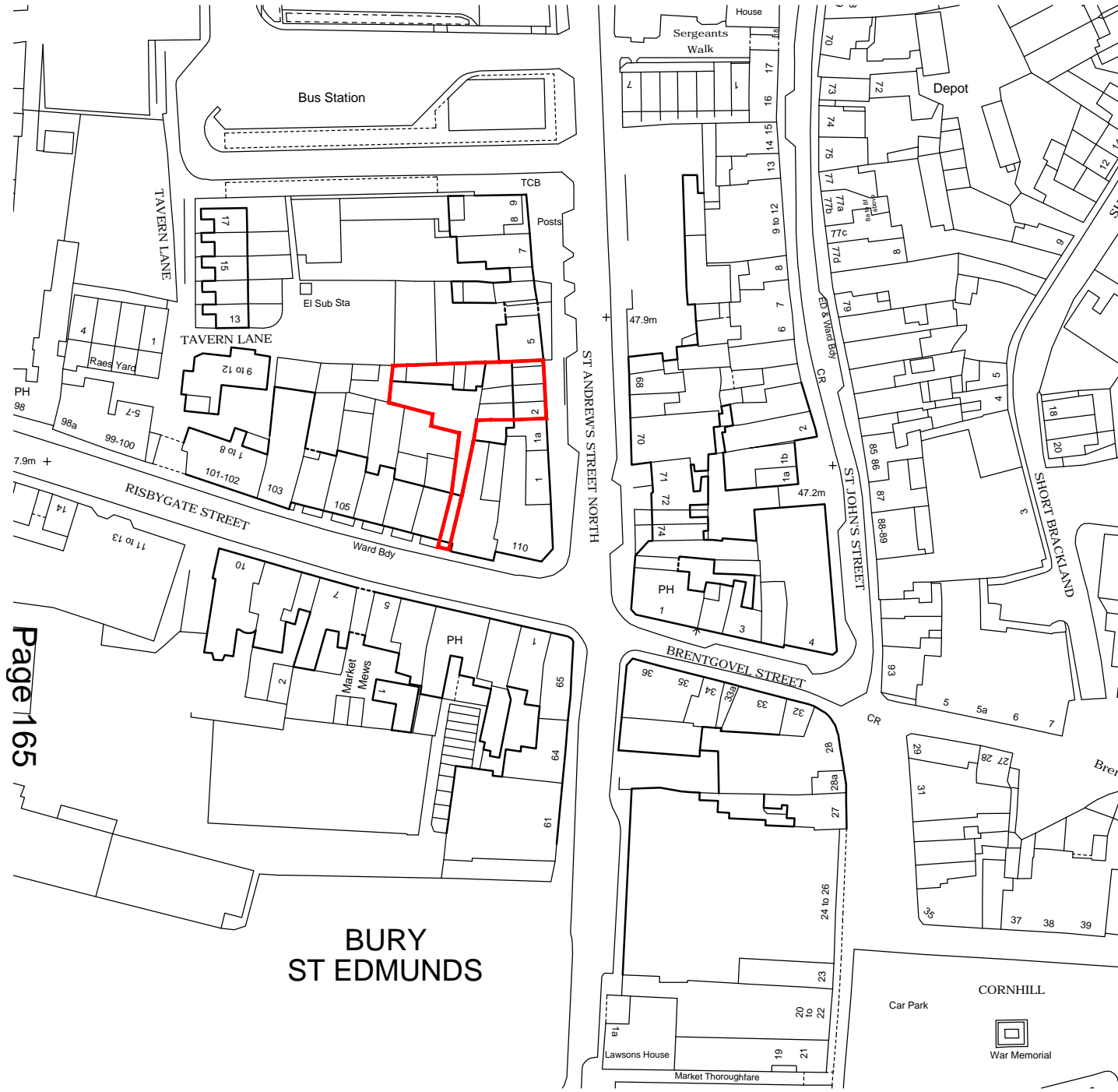


DC/18/1443/FUL No's 2-4 St Andrews Street North and Land to rear of No's 106-108 Risbygate Street

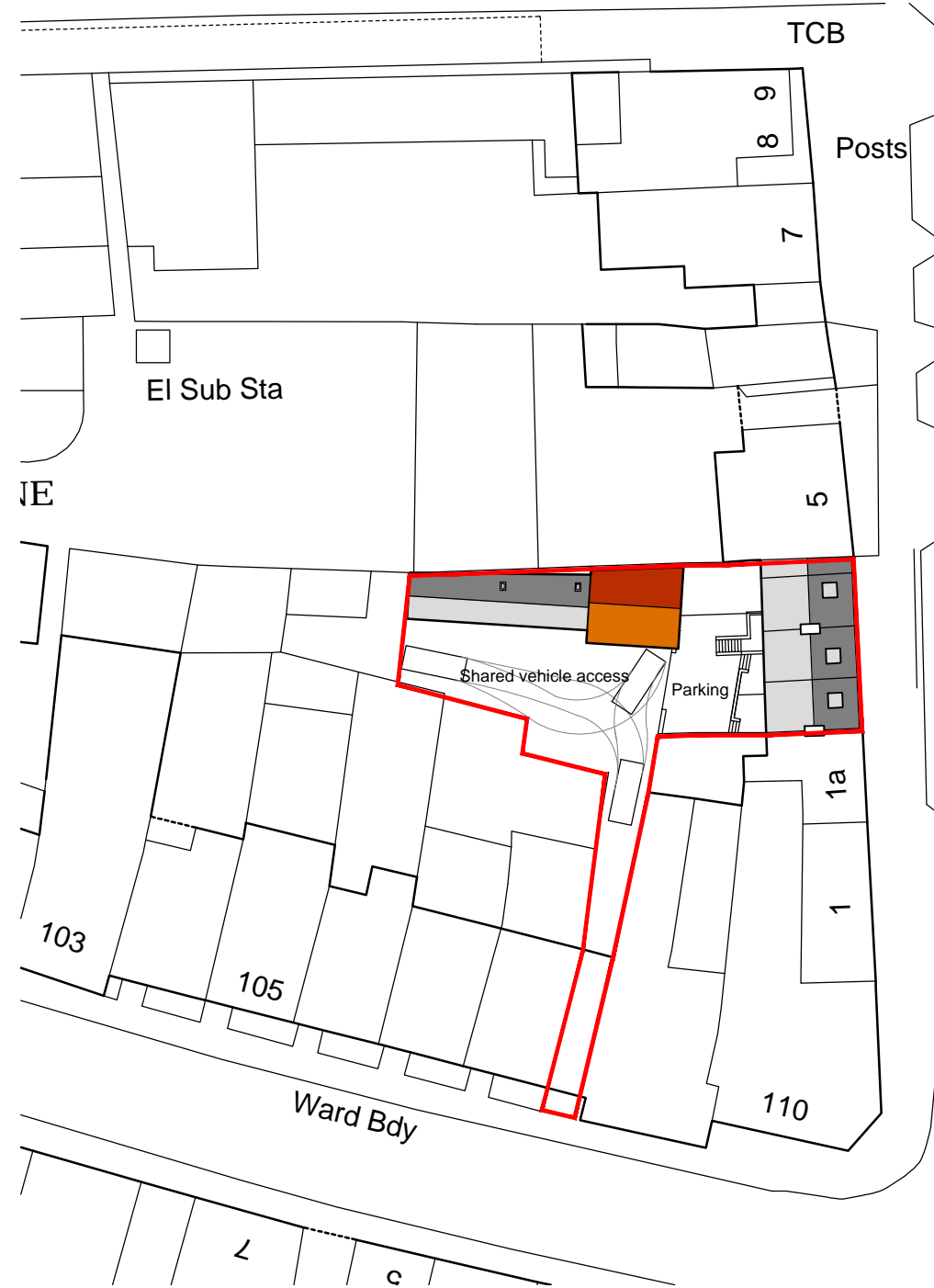
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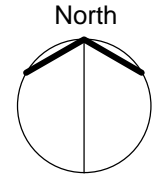
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Location Plan 1:1250



Block Plan 1:500



Patrick Stephenson Architects  
 122 horringer road, bury st. edmunds, suffolk, ip332ee  
 tel 07733 228944  
 e-mail: patrick.stephenson@sky.com

Project  
 No's 2-4 St. Andrews Street North and  
 land to rear of No's 106-108 Risbygate  
 Street, Bury St. Edmunds

Title  
 Block & Location Plans

Scale	Date	Drawn	Checked
1:1250/500 @ A3	Feb 18	pat	-

Drawing No: 1181-01 Rev -

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/006

## Development Control Committee 3 January 2019

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

<b>Date Registered:</b>	25.05.2018	<b>Expiry Date:</b>	24.08.2018 (EOT 07.01.2018)
<b>Case Officer:</b>	James Claxton	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Chedburgh and Chevington	<b>Ward:</b>	Chedburgh
<b>Proposal:</b>	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. Manège; (iv) 1no. rural worker's dwelling and (v) 1no. classroom building		
<b>Site:</b>	Land At Queens Hill, Chevington		
<b>Applicant:</b>	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.**

**A site visit took place on Thursday 29 November 2018.**

## **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. Manège

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.

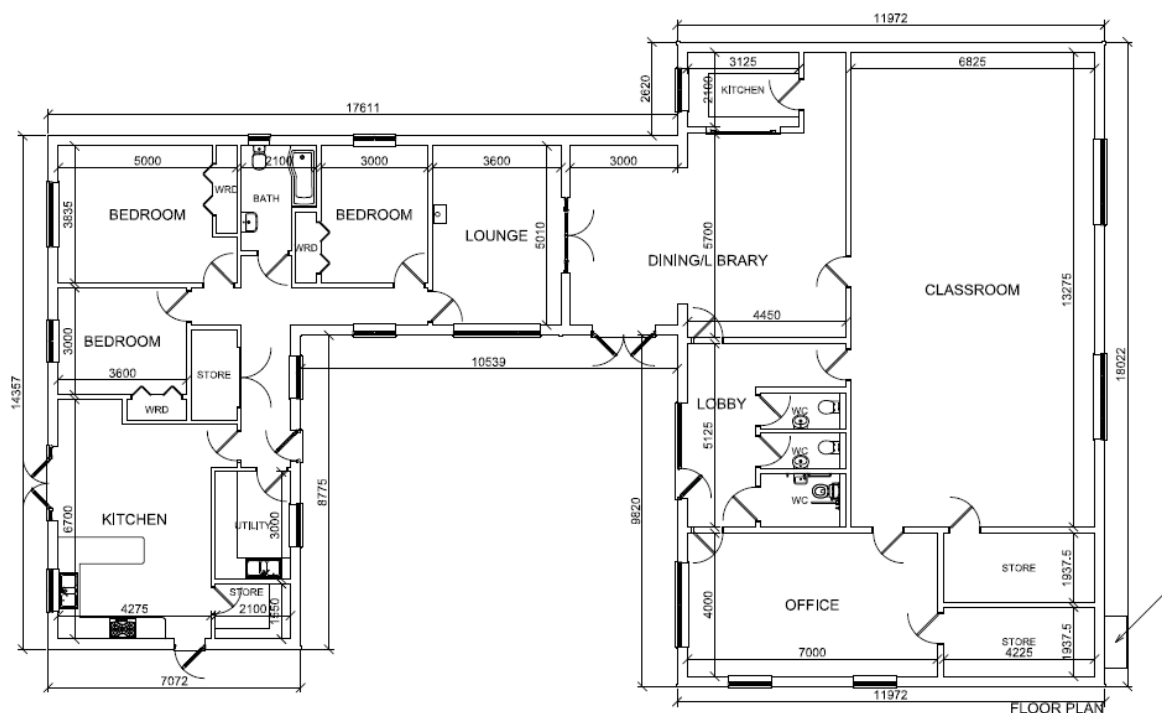
(iv) 1no. rural worker dwelling

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 Manège 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 reference SE/10/1075 with an associated area of hardstanding. In association with this is an existing access approved under application reference 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. Manège; (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
- 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
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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"> <li>• Excellent fit and could certainly add value to the attraction and appeal of Newmarket as a centre of equine excellence.</li> <li>• 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.</li> </ul>
Hawkedon and Homefield Vets	<p>Support</p> <ul style="list-style-type: none"> <li>• Continued need for colleges such as TOCES to provide distance learning for the equine industry.</li> <li>• 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.</li> </ul>
Jockey Club	<p>Support</p> <ul style="list-style-type: none"> <li>• Two main equine veterinary practices in Newmarket (Rosssdales and Newmarket Equine Hospital), have both been involved in courses run by the College.</li> <li>• Jockey Club Estates is satisfied that the applicant provides training services that have been beneficial to the Horseracing Industry.</li> </ul>

### 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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Not only porous materials are included in the installation process.</li> <li>• Confirmation is required that the surface additives are all environmentally friendly if submerged in water, with no leachates.</li> </ul>
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Winthrop Planning	<p>Object</p> <ul style="list-style-type: none"> <li>• Existing buildings on site unlawful.</li> <li>• Re-use of existing building does not use it to its full potential</li> <li>• Evidence of completed searches for other dwellings not comprehensive.</li> <li>• Inaccurate information submitted in support of the application</li> <li>• Further assessment of site drainage and the impacts on the wider area required.</li> <li>• The consultation process has failed to adequately inform local residents and consultee's.</li> <li>• The proposal is contrary to adopted planning policy</li> </ul>
GH Bullards	<p>Object</p> <ul style="list-style-type: none"> <li>• Increase in traffic and impacts on road safety.</li> <li>• Inaccuracy in number of predicted vehicle movements.</li> <li>• Provision of bus stop.</li> <li>• Provision of parking on site.</li> </ul>
Christy Kilgour	<p>Object</p> <ul style="list-style-type: none"> <li>• There are not enough horses to meet the essential need for a rural workers dwelling.</li> <li>• The premises are not currently equipped with suitable facilities to undertake a breeding operation.</li> <li>• Generated traffic levels</li> <li>• Environmental implications of the flood zone 3 designation</li> <li>• Alternative accommodation is available</li> <li>• The design of the stables is heavily compromised by the re-use of the existing barn.</li> <li>• Impacts of manége and risk of flooding</li> </ul>
Suffolk Preservation Society	<ul style="list-style-type: none"> <li>• Impacts to landscape and rural location from development.</li> <li>• Increase in traffic movements</li> </ul>

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 metres<sup>2</sup> 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 1000m<sup>2</sup> 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 support approximately 3no. full time

and 2no. part time jobs, the equivalent of 4no. full time positions. The existing business supports 4no. full time and 1no. part time jobs, the proposal therefore would result in the loss of 1no. part time job, which is considered to attract an element of weight against the proposal. 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. 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. 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. The assessment provided by Christy Kilgore, commissioned by objectors to the proposal was also evaluated by Kernon's who confirmed that their assessment appropriately addressed those points raised in the Christy Kilgore report.
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. The need is in accordance with policies 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. Therefore it is not considered that temporary accommodation is necessary, because the need for the dwelling has been established, and the proposal is for the relocation of an existing business which has demonstrated that it is viable.

#### Manège

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 weight in favour of the development, which it is considered outweighs the negative weight identified where there is conflict with policies regarding sustainable development, or where, for example, the relocation of the existing business creates the loss of 1no. part time job. Therefore, on balance, 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.

#### Manège 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 manège 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 manège 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 manège 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 would 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 reason 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, which can be provided on land in the control of the applicant or that of the Highways Authority, at or near the access, can be secured by condition and a S278 agreement (made with the Highway Authority). 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 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

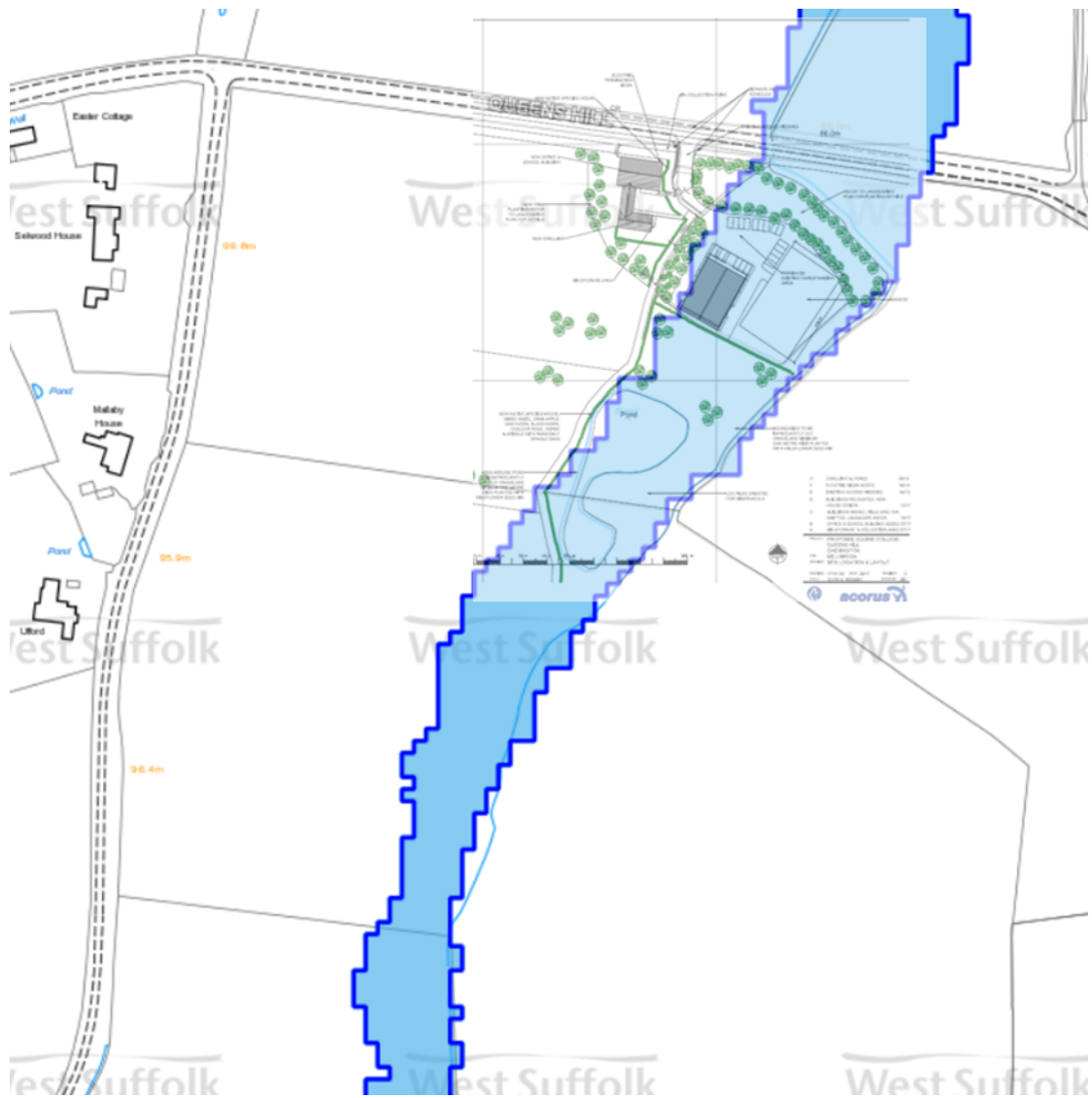


sensitive landscape and the proposals would be most noticeable from the properties on Queens Lane. From this location the proposals could create an element of negative impacts to the existing visual amenity presently enjoyed in the short term. However those impacts are not considered to be significant, 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 could be classed as a leisure use and not compatible with the flood zones. However it should be noted that the training and exercising of horses by members of TOCES staff in the manège, outside of the delivery of courses on site, is not considered to be a leisure use as those horses form part of the TOCES business. Notwithstanding, and in any event, the location and use of the manège in this location is considered to be low risk by the Environment Agency as confirmed in their consultation responses.

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 (>1000m<sup>2</sup> 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. That consultation response has also taken into consideration the findings detailed in the report by Sound Footings, commissioned by objectors to the proposal, and the secured amendments for example to the manège are considered to appropriately address the concerns detailed in that report.

## **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 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 Manège. 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 Studes 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. The development hereby permitted shall be commenced no 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:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
(-)	Site Location	25.05.2018
1718-100 REV G	Site Location and layout	25.05.2018
1718-103	Block plan as existing	25.05.2018
1718-105 REV A	Access improvements as existing	25.05.2018
1718-200	Barn Existing plans and elevations	25.05.2018
1718-201 REV B	Barns Proposed Plans and elevations	25.05.2018

	(annotated)	
1718-401	Multi Purpose Building floor plans and Elevations	25.05.2018
2018/12_001	Landscaping proposals	25.05.2018
210210-01 REV A	Proposed access visibility splays	25.05.2018
22025/001 REV O	Topographical survey	25.05.2018
22025/003 C	Topographical survey proposed site	07.06.2018
1718-102 REV D	Manege Plan	25.05.2018
(-)	Details of Piped Bund	24.09.2018

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. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed by the business operating on the land edged red or a dependent of such person residing with him or her, or a widow or widower of such a person.

Reason: To reserve suitable residential accommodation for persons employed by the business where a specific need for on site accommodation has been justified, in accordance with policy DM26 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 5 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. No development above slab level shall take place until details of the materials have been 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.

5. No development above existing ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 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.

6. 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.

7. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 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.

8. The office hours, study times and pupil numbers shall all be strictly as set out within the Planning Statement And Definitive Statement of Operations document dated 25<sup>th</sup> May 2018.

Reason: In the interests of defining the scope of this consent and use, in the interests of the residential amenities of nearby dwellings in accordance with the provisions of Policy DM2 of the West Suffolk Joint Development Management Policies Document 2015.

9. There shall be no lighting installed on site other than in accordance with details and specifications shown on the submitted external lighting strategy received on 25<sup>th</sup> May 2018. No other external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 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.

10. The mitigation measures set out in the Flood Risk Assessment prepared by AGB Environmental (dated 19.06.2017) and Manège plan (drawing no. 1718-102 rev D) shall be implemented in full prior to first use of the site and thereafter retained as so installed.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development and to ensure the development is adequately protected from flooding.

11. The procedure for management of manure detailed in the Planning Statement and Definitive Statement of Operations received on 25<sup>th</sup> May 2018 shall be complied with at all times. The approved scheme shall be implemented in accordance with the approved details prior to the development first being brought into use. Thereafter all waste materials shall continue to be stored and disposed of in accordance with the approved details.

Reason: To ensure that the development will not have a negative impact on ground and surface water and to protect the amenity of adjacent areas, in accordance with policies DM6 and DM32 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

12. 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.

13. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I. The parking of vehicles of site operatives and visitors
- II. Loading and unloading of plant and materials
- III. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- IV. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- V. Wheel washing facilities

- VI. Measures to control the emission of dust and dirt during construction
- VII. A scheme for recycling/disposing of waste resulting from demolition and construction works
- VIII. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- IX. Noise method statements and noise levels for each construction activity including piling and excavation operations
- X. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- XI. A plan showing the alignment of the habitat protection fencing required during construction.

Reason: To ensure the satisfactory development of the site and 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. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

14. All ecological measures and/or works shall be carried out in accordance with the recommendations and timescales contained within:  
 AGB Environmental Preliminary Ecological Appraisal dated 14.11.2017  
 AGB Environmental Reptile Report dated 14.11.2017  
 AGB Environmental Badger Survey Report dated 09.10.2018  
 AGB Environmental Great Crested Newt: Method Statement dated 08.11.2018  
 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To secure appropriate biodiversity mitigation and enhancement measures commensurate with the scale of the development, in accordance with policy 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.

15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the FRA and Drainage Strategy by Atkins Ltd and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall also include:-
- 1. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). The use of infiltration as the means of drainage will be taken forward only if the infiltration rates and groundwater levels show it to be possible. Borehole

records should also be submitted in support of soakage testing.

2. Provided infiltration rates are satisfactory:-

I. Applicant shall submit dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of soakaways and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.

II. SCC require modelling results (or similar method) to demonstrate that the soakaways have been adequately sized to contain the 30yr event for the catchment area they serve. Each soakaway should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.

III. Infiltration devices will only dispose of clean water due to the site area overlying a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted.

IV. Infiltration devices should be no more than 2m deep and will have at least 1 - 1.2m of unsaturated ground between base of the device and the groundwater table. If individual soakaways are being used they will be at least 5m away from any foundation (depending on whether chalk is present).

V. Soakaways will have a half drain time of less than 24hours.

VI. Any conveyance networks in the 1 in 30 event show no flooding above ground.

VII. Details of any exceedance volumes during the 1 in 100 year rainfall + CC and their routes should be submitted on the drainage plans. These flow paths will demonstrate that the risks to people and property are kept to a minimum. There shall be no offsite flows.

3. If the use of infiltration is not possible then modelling OR a similar method shall be submitted to demonstrate that:-

i. Surface water runoff will be discharged to local watercourses and restricted to the existing greenfield runoff rates for the site.

ii. Any attenuation features will contain the 1 in 100 year rainfall event including climate change

iii. Any pipe networks in the 1 in 30 event show no flooding above ground

iv. Modelling of the volumes of any above ground flooding during the 1 in 100 year rainfall + climate change to ensure no flooding to properties on or off-site. This should also include topographic maps showing where water will flow and/or be stored on site.

v. Existing watercourses (ditches) along Queens Hill roadside to be cleared to hard bed level and existing pipe underneath existing main entrance to be upsized to match existing dimensions of the watercourse.

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

Reasons: To prevent the development from causing increased flood risk off site over the lifetime of the development. To ensure the development is adequately protected from flooding. To ensure the development does not cause increased pollution to water environment. To ensure clear arrangements are in place for ongoing operation and maintenance.

16. There shall be no use of the development hereby permitted unless and until advance access warning signs have been provided in the vicinity of the highway access in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the access is suitably signed to mitigate any safety issues which may be caused by the increased traffic movements from this development in the interest of highway safety.

17. There shall be no use of the development hereby permitted unless and until a bus stop has been provided in the vicinity of the highway access in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a safe off-carriageway location for people waiting for and alighting from buses, and to help encourage the use of sustainable transport options to and from the proposed site.

18. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 1718-105 Rev A and with an entrance width of 6.0m and pedestrian access with bus stop provision and made available for use prior to first use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

19. Prior to the development hereby permitted being first operated, the agreed access onto the C661 shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

20. Before the development is first used details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out 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.

21. Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form. (See Note 6).

Reason: To ensure uninterrupted flow of water and reduce the risk of flooding of the highway.



22. Gates shall be set back a minimum distance of 10m from the edge of the carriageway, as shown on drawing number 1718-105 Rev A, and shall open only into the site and not over any area of the highway.

Reason: In the interests of road safety.

23. 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 and from the site other than in accordance with the routes defined in the Plan. 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.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

24. Before the development is first used details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

25. Before the access is first used visibility splays shall be provided as shown on Drawing No. 210210-01 with an X dimension of 2.4m and a Y dimension of 162m to the left and 150m to the right and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

26. Prior to first occupation and use of the site, there shall be two operational electric vehicle charging points 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.

27. 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.

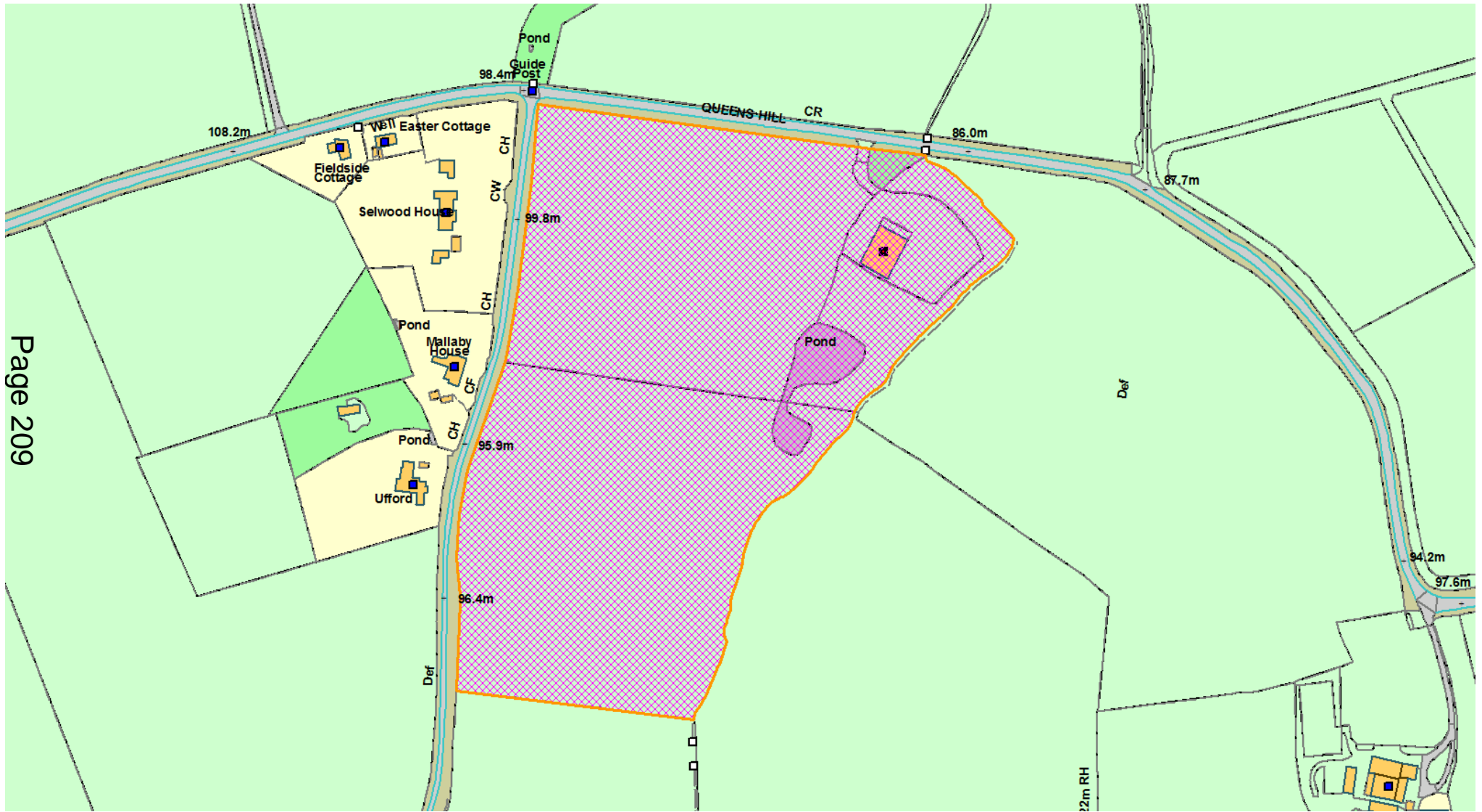
**Documents:**

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

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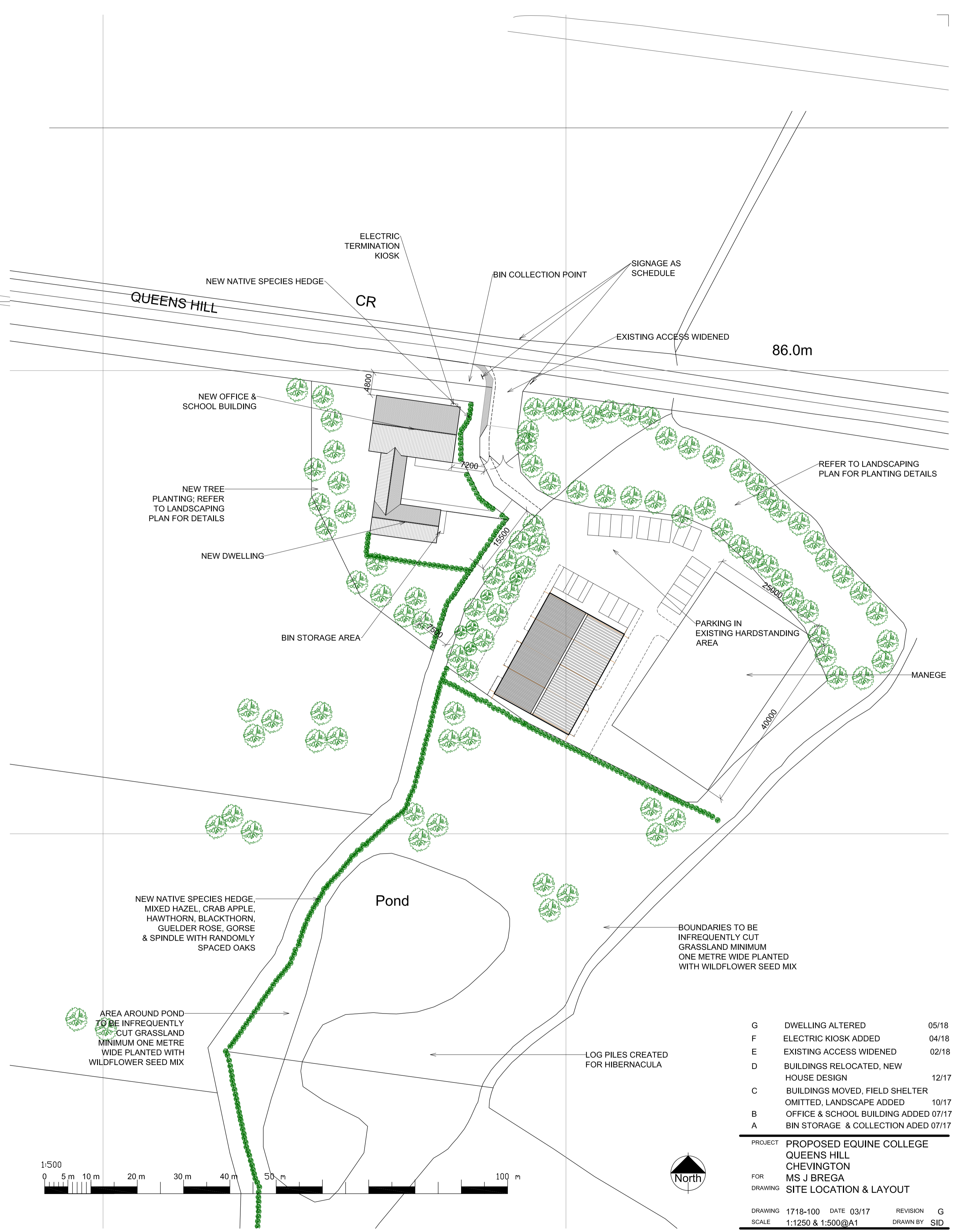


DC/18/1018/FUL – Land at Queens Hill, Chevington, Suffolk



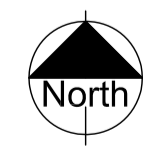
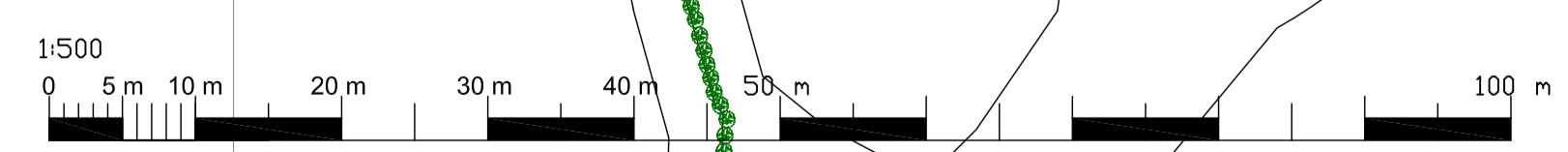
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G	DWELLING ALTERED	05/18
F	ELECTRIC KIOSK ADDED	04/18
E	EXISTING ACCESS WIDENED	02/18
D	BUILDINGS RELOCATED, NEW HOUSE DESIGN	12/17
C	BUILDINGS MOVED, FIELD SHELTER OMITTED, LANDSCAPE ADDED	10/17
B	OFFICE & SCHOOL BUILDING ADDED	07/17
A	BIN STORAGE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

PROJECT PROPOSED EQUINE COLLEGE  
QUEENS HILL  
CHEVINGTON  
FOR MS J BREGA  
DRAWING SITE LOCATION & LAYOUT  
SCALE 1:1250 & 1:500@A1  
DRAWN BY SID


  
 Chartered Surveyors and Planning Consultants  
 The Old Market Office, 10 Ribbygate Street, Bury St Edmunds IP33 3AA  
 01284 753271 www.acorus.co.uk

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/007

## Development Control Committee 3 January 2019

### Planning Application DC/18/0544/HYB – Land North of Green Acre, Thetford Road, Ixworth Thorpe

**Date Registered:** 14.06.2018      **Expiry Date:** 16.11.2018

**Case Officer:** James Claxton      **Recommendation:** Refuse Application

**Parish:** Ixworth & Ixworth      **Ward:** Ixworth  
Thorpe

**Proposal:** Hybrid Planning Application - (i) Full Planning Application - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings

**Site:** Land North Of Green Acre, Thetford Road, Ixworth Thorpe

**Applicant:** Frederick Hiam 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 reported to the Development Control Committee at the request of the Assistant Director (Planning & Regulatory Services) David Collinson, on behalf of the local Ward Member John Griffiths (Ixworth). The Parish Council do not object, contrary to the Officer recommendation of REFUSAL.**

**A site visit will take place on the 20 December 2018.**

## **Proposal:**

1. Outline permission is sought for the erection of 5no dwellings, with the means of access to be considered. Full planning permission is sought for the demolition of 3no. existing dwellings to enable development of the site. All other matters are reserved, and any other information submitted is indicative only and not capable of being taken into account at this stage, except to otherwise indicate how it might be possible to develop the site.

## **Application Supporting Material:**

- Application Form
- Drawings of existing and proposed
- Indicative drawings of site layouts

## **Site Details:**

2. The site is located to the west of the A1088 in the village of Ixworth Thorpe, which for planning purposes does not have a settlement boundary and is therefore considered to be countryside. The site consists of a terrace of 3no. two storey dwellings. On the northern boundary of the site, running along east to west, is a public foot path.

## **Planning History:**

3. None relevant

## **Consultations:**

- |                       |                       |
|-----------------------|-----------------------|
| 4. Environment Team   | No objections         |
| Highways              | No objections         |
| Parish Council        | No objections         |
| Rights of Way officer | No objections         |
| Ward Member           | No comments received. |

## **Representations:**

5. One representation was received from Green Acre which objected to this proposal on the following material planning considerations –
  - Impacts on amenity
  - Irregular local bus service
  - Possible biodiversity impacts

**Policy:**

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

**Joint Development Management Policies Document:**

DM1 Presumption in Favour of Sustainable Development.  
DM2 Creating Places – Development Principles and Local Distinctiveness  
DM5: Development in the Countryside  
Policy DM11 Protected Species  
Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity  
DM13 Landscape Features  
DM22 Residential Design  
DM27: Housing in the Countryside

**St Edmundsbury Core Strategy December 2010**

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

**Other Planning Policy:**

National Planning Policy Framework (2018)

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, DM5, DM11, DM12, DM13, DM22, DM27, CS2, CS3, CS4 and CS13, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. 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:**

8. The issues to be considered in the determination of the application are:
  - Principle of Development
    - Demolition of the existing dwelling
  - Settlement Hierarchy and Sustainable development

- Impact on Character
- Highway safety
- Residential Amenity
- Biodiversity
- Other Matters

## **Principle of Development**

9. Decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with development plans unless there are material considerations that indicate otherwise.
10. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". The relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.
11. The Council's settlement strategy derives from a detailed understanding of the character of the borough and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel. The principle of development in this case would not accord to the pattern of settlement established in the Core Strategy.
12. Ixworth Thorpe does not have a settlement boundary and is identified in the Core Strategy as Countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. Policy CS13 further states that development permitted in such locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.
13. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are within a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
14. The proposal is not within a closely knit cluster. It is located in a generally extremely loose collection of dwellings, which in themselves sit approximately 1.4km from the closest settlement boundary which is at Honington Village which itself has limited services, all of which are located to the west of the A1088. Development in this loosely coalesced collection of dwellings should be resisted in accordance with Policies DM5 and DM27.

This proposal does not comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements, or otherwise within more defined 'clusters' of dwellings. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan, indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

### **Demolition of the existing dwellings**

15. Policy DM5 also allows for the demolition and replacement of dwellings in the open countryside provided that the replacement respects the scale and floor area of the existing dwelling and that extensions to existing curtilages are fully justified. In this case the existing dwellings on the site are a terrace of 3no. dwellings which are considered to be in-keeping with other more traditional properties in the area both in terms of scale and form. The proposed dwellings detailed on the indicative drawings are of a scale that is not reflective of the originals, nor of other traditional properties in the immediate area. However the matters of scale and layout have not been submitted for consideration in this proposal, and it could be considered that appropriate details could be secured.
16. Notwithstanding that whilst there could be considered to be an element of policy compliance through the delivery of replacement dwellings with DM5 subsection (g) on a one for one basis, no justification has been provided for the inclusion for 2no. further dwellings beyond those three that would otherwise form replacements. Therefore it is considered that the principle of demolishing 3no. existing dwellings is acceptable, but the principle for the additional dwellings has not been established.

### **Impact on Character**

17. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
18. Arguments that the proposal might otherwise be acceptable since it is located near to existing built development could be applied to many cases and could result in significant unplanned and incremental expansion of rural settlements. There is a very modest element of existing vegetation but not at a level which would provide any notable degree of screening to the proposal, and in any event, the proposal will have an intrinsic adverse effect upon the character of the area. By intruding into the widely spaced dwellings which form part of the intrinsic character for this otherwise loosely grained setting, it is considered that the proposal would be to the significant and material detriment of the character and appearance of the area, and would, by reason its siting any also by reason of the more closely spaces and generously scaled dwellings proposed, have an unwelcome, intrusive and visually harmful urbanising effect on public views of the locality. This would

be the case regardless of the scale or specific position of dwellings on this site.

19. In addition further harm stems from an unsustainable form of development outside defined settlement boundaries. It extends existing ribbon development in the countryside eroding patterns of development between settlements.
20. The proposal would therefore create a significant level of visual intrusion in this rural location, spreading beyond those boundaries enshrined in policy, creating a significant impact so as to cause material harm to the surrounding landscape character, and which would not accord with policies CS3 and DM13.

### **Highway safety**

21. As detailed in the Highways consultation response it is considered that the existing access can be made acceptable, subject to the submission of further detail secured via conditions.

### **Residential Amenity**

22. It is reasonable to suggest that by virtue of the proposed location, and as scale is a reserved matter, dwellings on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.

### **Biodiversity**

23. The application is not accompanied by a protected species survey. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. Noting the development includes the demolition of 3 no. existing older dwelling dwellings which sit within a vegetated area consisting of hedgerows, scrub and deciduous trees, and which abut open countryside, there is a reasonable chance that the site may be used by protected species.
24. It is considered that, without evidence otherwise to the contrary and noting the requirements of the above legislation, the proposal could have repercussions on biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered, contrary to Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as to the provisions of the NPPF in relation to biodiversity.

### **Other Matters**

25. One representation was received from Green Acre which objected to this proposal, in regards to impacts on amenity as detailed in this report it is possible through the submission of Reserved Matters for an appropriate design to be secured that reduces the impact, or risk of, negative harm to amenity spaces. Furthermore possible biodiversity impacts from this proposal have been addressed within this report, and the lack of information submitted on this matter are included as an additional reason for refusal.

Considerations around the irregular local bus service are noted, and have been considered in the determination of this application.

## **Conclusion:**

26. The aim of the adopted policies is not to stop all development, but to allow modest development to support rural economies, restricting sprawl on the edges of settlements, or otherwise within loosely spaced dwellings where that loose spacing is an intrinsic part of the character of the countryside, that might otherwise harm landscapes and result in undesirable development.
27. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within the NPPF does not apply and development should be considered in accordance with the Development Plan. Furthermore there are no material considerations that would outweigh that conflict, and the Local Planning Authority is under no additional pressure to release land that does not accord with adopted plans and policies.
28. The development would be visible from public view points, afforded from the A1088 to the east of the site which runs north to south, and those views could be considered to be moderately effected due to the distances involved, approximately 35 metres and above. However from the public footpath which is located on the northern boundary of the site provides immediate and uninterrupted views of the site, and the impacts would be significant due to the urbanising effect. The visual incursion by development in this location would be significantly harmful from both a countryside and locational sustainability aspect, as it does not accord with settlement policies as detailed above. Noting the weight that must be attached to the development plan this is a factor which weighs very heavily against the proposal in the balance of considerations.
29. As detailed in the report it there is only very limited public benefit from allowing development in this location, which in itself is, in any event, not policy compliant. As detailed the dwellings would provide little, if any, vitality to local services and facilities, but what positives could be drawn from that would be outweighed by the unsustainability of the site itself.
30. The proposal is considered to be an inappropriate and unsustainable development in the countryside. Decision making in the planning system is expected to have a consistent approach. This proposal would deliver development outside of defined clusters that would erode the character of settlements and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, DM33, CS2, CS4 and CS13 and paragraphs 47 and 83 of the NPPF.
31. In addition no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species. Without evidence to the contrary and noting the requirements of the above legislation, the proposal could harmful to biodiversity and protected species within the area. Without an appropriate

survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

32. Balancing what positives the proposal may have against negatives is it deemed from the overall assessment detailed in this report that it is reasonable to conclude that the proposal is contrary to the local and national planning policies identified above and should be refused.

**Recommendation:**

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

1. The broad overall aim of paragraphs 47 and 83 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1. However only new isolated dwellings with accepted exceptional circumstances will be permitted. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited outside of a very loose collection of dwellings, and therefore represents unsustainable development contrary to the provisions of Policies DM5 and DM27. By virtue of this location the proposal would create a visual intrusion, increasing the urban characteristics of this location which is otherwise inherently rural noting the loosely grained character of existing development in the vicinity, contrary to the provisions of Policies CS3 and DM2.

There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are approximately 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions. The proposal would be contrary to the pattern of settlement established in the Core Strategy, and would not respect the character and context of countryside settlement.

Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, CS4 and CS13 and paragraphs 47 and 83 in particular of the NPPF, which seek to tightly constrain development in the

countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

2. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. In this case, no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species.

Without evidence to the contrary and noting the requirements of the above legislation, the proposal could harmful to biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to Policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

### **Documents:**

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

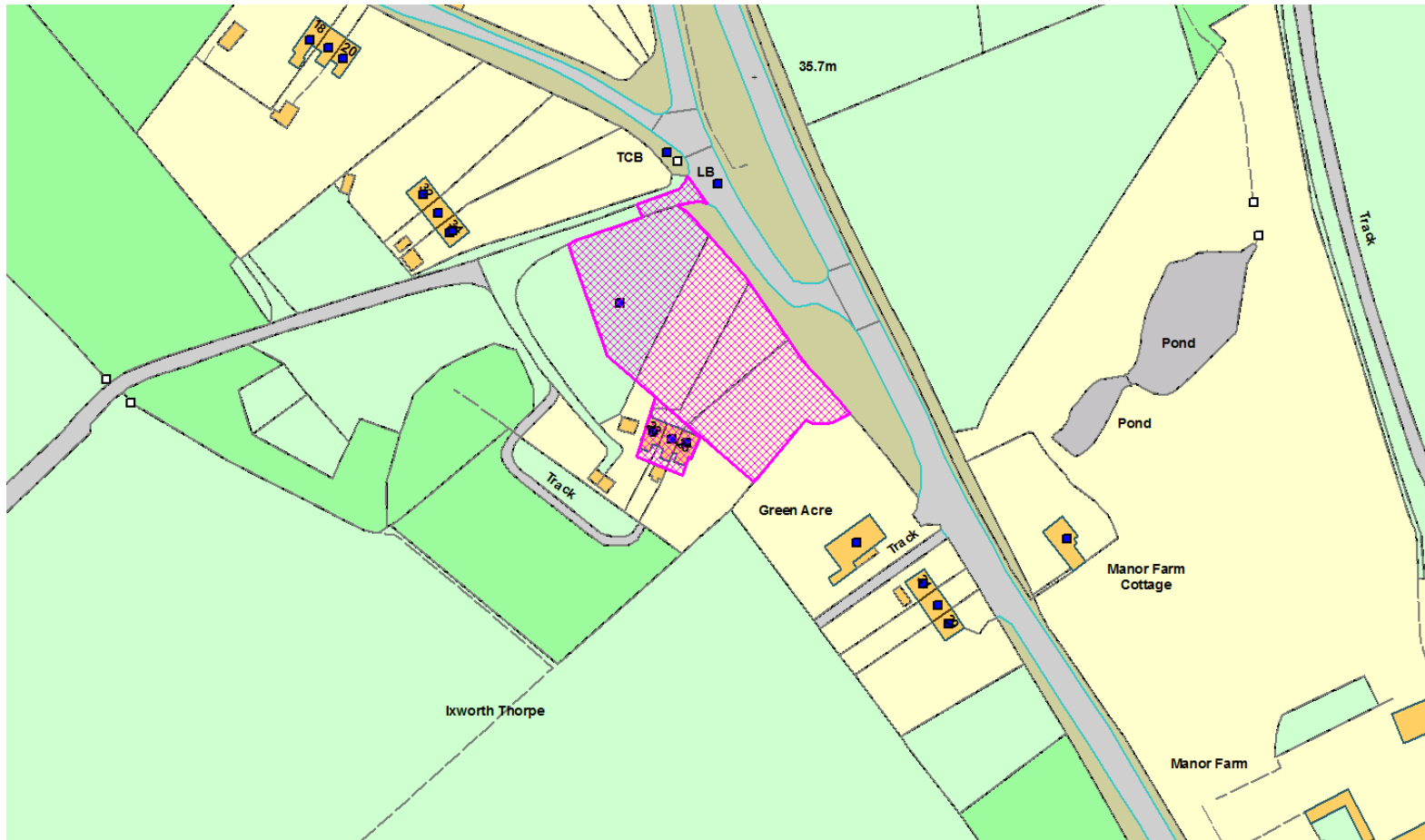
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DC/18/0544/HYB

Land North of Green Acre Thetford Road Ixworth Thorpe



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Materials	
Walls	Cream painted render Red facing brickwork Painted boarding
Roofs	Red clay pantiles Black clay pantiles

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**NOTE:**  
The client should be aware of his/her statutory requirement to appoint a principle designer and principle contractor under the CDM 2015 regulations.  
Peter Codling Architects does not undertake this H&S role unless specifically appointed.

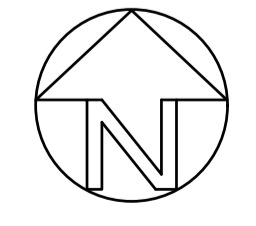
C Nov 2018 red line revision  
B Feb 2018 Final Revisions  
A Jan 2018 Layout revisions

**PETER CODLING ARCHITECTS**  
7 THE OLD CHURCH, ST. MATTHEWS ROAD, NORWICH, NR1 1SP Tel: 01603 650408 Fax: 01603 630339

Ixworth Thorpe  
Village  
Site development plan  
Site Plan

SCALE	1 / 200	@ A1
JOB NO	5850	10 C
DATE	Dec 2017	DRAWN BY

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Site Plan 1 / 200

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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/008

## Development Control Committee 3 January 2019

### Planning Application DC/18/2154/FUL – 23 Rookwood Way, Haverhill

<b>Date Registered:</b>	02.11.2018	<b>Expiry Date:</b>	28.12.2018
<b>Case Officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Haverhill	<b>Ward:</b>	Haverhill South
<b>Proposal:</b>	Planning Application - 1no. storage building (following removal of part of existing industrial building)		
<b>Site:</b>	23 Rookwood Way, Haverhill		
<b>Applicant:</b>	Mr Bob Spittle - Bradnam Joinery		

#### **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 following consideration by the Delegation Panel. The application was originally presented to the Delegation Panel at the request of Councillor Jason Crooks (Ward Member: Haverhill South), and also because the Town Council object to the scheme on grounds of over-development of the site and impact on residential amenity. The application is recommended for APPROVAL.

A site visits is scheduled for Thursday 20 December.

**Proposal:**

1. The application seeks planning permission for the construction of a storage unit, following the demolition of part of the existing industrial building.
2. The proposed building will measure 56.2 metres by 16.8 metres, with an overall height of 6.2 metres to the ridge.
3. Amendments to the scheme were received following consultation with neighbouring properties. The amended plans have seen the building placed 3 metres from the common boundary with houses to the north, the width of the building has been reduced by 1.2 metres and building has been cut further into site topography with the pitch of the roof being reduced to 8 degrees. Soft landscaping is now proposed and the building will be finished in a green-coloured cladding to reduce reflection into neighbouring properties. Following receipt of these amended plans, a 14 day re-consultation has been carried out which is due to expire on 11<sup>th</sup> December.
4. Officers also raised concern with the scheme, given the close proximity and scale of the storage unit to properties along Duddery Hill. It is believed that these changes have addressed concerns raised.

**Application Supporting Material:**

- Application form
- Proposed floor plans and elevations
- Block plan
- Location plan
- Topographical survey
- Supporting statement
- HSE consultation report
- HSE final report

**Site Details:**

5. The application site is located within an established industrial estate. At present, the area of land is vacant and previously accommodated various storage units and uses associated with Bradnams Joinery, as part of a wider site and planning unit that appears to be in B2 use. Neighbouring buildings are industrial/commercial in nature, with a car garage towards the east of the site. Towards the north of the site are residential properties fronting Duddery Hill.

## Planning History:

Reference	Proposal	Status	Decision Date
DC/18/2154/FUL	Planning Application - 1no. storage building (following removal of part of existing industrial building)	Pending Decision	
E/88/1898/P	(i) Erection of office block for use in association with industrial/ commercial purposes (ii) Erection of extension to approved unit factories	Application Granted	14.06.1988
E/81/3034/P	ERECTION OF 5 LIGHT INDUSTRIAL UNITS	Application Granted	13.11.1981

## Consultations:

6. Public Health and Housing: No objections but note the development is in close proximity to residential properties. Conditions in relation to delivery hours, construction hours, burning of waste and security lighting have been recommended into order to protect the residential amenity of occupants.
7. Suffolk County Council Highways: No objections subject to a condition relating to the parking and manoeuvring of vehicles.  
  
4<sup>th</sup> December – following a re-consultation on amended plans, the Highways Authority recommend that any permission include the conditions stated in the previous response.
8. Suffolk Fire and Rescue: Set out standard notes in relation to access and firefighting facilities and water supplies.

## Representations:

9. Town Council: Object to the scheme.
  1. Overdevelopment of the site.
  2. Building is too close to residential boundaries and appears overbearing.
  3. Concern over noise and delivery hours and how this would impact upon the local residents.
  4. Seek clarification about who is responsible for maintenance of the hedge and that conditions are imposed defining the maximum height.
  5. The development is near an electricity sub-station, caution should be given to the possibility that there may be power cables present underground which may restrict building works. A pathway previously ran along the boundary line, this should be checked to certify that this is part of land belonging to the site and whether a PROW exists.

These comments from Haverhill Town Council are based on both the original and the amended scheme.



10. Ward Member: Cllr Crooks has called this application into Delegation Panel and feels like this application should be determined by the Development Control Committee.

1. There is a clear buffer zone around the Haverhill Industrial Estates that protect resident's amenity. If this application is approved this would be the closest industrial building to residents in the whole of Haverhill.
2. The proposal is for a very large building of 57x17 metres which will have constant noise from deliveries and fork lift trucks. The noise will travel through the roof of the building and enjoyment of resident's small gardens will be affected.
3. Residents are also worried that in the future an application will be made for change of use to light industrial in the building.

11. Neighbours: A total of one representation has been received in respect to the original scheme.

The following representation was received from the owner/occupier of 29 Duddery Hill:

1. The proposed building constitutes over-development.
2. The proposed building, culminating at 6.9 metres in height and 56 metres long is very imposing and will have direct negative impact on 6 neighbouring properties.
3. Concerned as the building is to be built 1.8 metres from back gardens
4. Concerns regarding noise.
5. We believe that this building would create a precedent and facilitate the erection of other very close industrial buildings in the area, generating activities that might be poorly compatible with such a close residential neighbourhood.
6. Greenery on site would be destroyed.
7. We would like the building to be at least 3 metres away from out back fence and lower than proposed, by digging lower in the grounds and/or flattening the roof. We also suggest using a green colour type of cladding instead of a silver shiny one to avoid reflection.
8. We would appreciate some landscaping at the back of our see-through fence so that the building façade melts into the greenery.

No further comments have been received in regards to the amended plans from the owner/occupier of 29 Duddery Hill.

The following representation was received from the owner/occupier of 33 Duddery Hill:

1. The application is vast over-development of the site as it expands to their boundaries at every point of the build.
2. This will be a vast intrusion to the residents identified.
3. Concerns about noise.
4. Concerns on operating hours.

**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
- Core Strategy Policy SCS3 Design and Local Distinctiveness
- Policy HV9 General Employment Areas – Haverhill

### **Other Planning Policy:**

National Planning Policy Framework (2018)

### **Officer Comment:**

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 the area
- Design and form
- Other matters

### Revised NPPF

12. 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

13. 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.

14. 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. The proposed building will be used for storage associated with the B2 use of the wider planning unit, to support the expansion of the current business. The information submitted with this application confirms that all requirements of this policy can be met. Therefore, it is considered acceptable within the General Employment Area.

### Impact on residential amenity

15. Although the proposed development backs onto neighbouring properties along Duddery Hill, no significant harm is considered to arise upon this group of properties. This is because the proposed building has been set away from the common boundary by 3.1 metres. The original scheme saw the building 1.8 metres away from this common boundary, however concern was raised in relation to the scale of this building, in close proximity to neighbouring properties. The revised setting of over 3 metres away from this boundary is now considered acceptable. Furthermore, the proposed building has been designed to "cut in" to the site topography, meaning only approximately 3 metres of this building will be visible from neighbouring properties along Duddery Hill. Soft landscaping has also been shown on the plans and will be conditioned to ensure that this is provided. This creates a screen between the proposed development and neighbouring properties, effectively allowing only a small portion of the building to be visible from these properties. The amended plans have also seen the storage building reduced in height and width in order to create a more acceptable relationship between the rows of properties as well as revised roof design and profile further reducing its effects.
16. Officers considered the original proposal to be unacceptable in terms of impact upon the residential amenity, particularly on properties 29, 31, 33, 35 and 37. The proposed building was set 1.8 metres away from the common boundary, which given the scale and height of the building in this proximity was deemed unacceptable. It is considered that the amended plans have addressed these concerns, given the reduction in height, floor space and proximity to the boundary as well as the revisions to the roof design and the additional soft landscaping that can be provided in the larger space now shown.
17. A neighbouring representation was received in regards to the original scheme from the owner/occupier of 29 Duddery Hill. The representation states that the proposed building constitutes over-development of the site and as it measures 6.9 metres in overall height, it will have a negative impact upon 6 neighbouring properties. Since receipt of amended plans, the overall height of the building has been reduced by 0.7 metres and now further cut into the site topography so that only approximately 3.1 metres will be visible from neighbouring properties along Duddery Hill. This is considered to be a more acceptable domestic scale in this context. Soft landscaping and a green-coloured cladding has also been added to the design in order to soften the appearance of the building and to allow it to "blend in" more effectively with the landscaping.
18. The letter of representation received from Number 29 and 33 Duddery Hill include concerns about intrusion on residents as the building is to be built 1.8 metres from back gardens. The amended scheme has now seen the building set 3 metres away from these properties. Although the proposed building has now been positioned 3 metres away from this common boundary, Number 33 continues to raise concern in relation to the proximity to the boundary. The overall scale of the building has been reduced, including the height and footprint. The building has been cut further into site topography to reduce the impact upon these residents and soft landscaping has been added the plans in order to further screen views of this building.

19. It is stated by third parties that the building would create a precedent and facilitate the erection of other very close industrial buildings in the area, generating activities that might be poorly compatible with such a close residential neighbourhood. In response officers consider that this application does not set a precedent and each application would be determined on its own merits, with impact on residential amenity taken into consideration.
20. The letter also raises concern about the loss of greenery on the site. The Tree Officer has reviewed the application and has confirmed that the existing trees are not worthy of a Tree Preservation Order. The site is not within a Conservation Area, therefore these trees could technically be removed without need to inform the Local Planning Authority.
21. The representation goes on to say that they would like the building to be at least 3 metres away from the back fence and lower than that of the originally proposed scheme by digging lower in the grounds and/or flattening the roof. Other suggestions include using a green colour type of cladding instead of a silver, shiny cladding to avoid any reflection. They also suggest the provision of soft landscaping along the back of fences so that the building melts into this greenery. The amended plans submitted on 26<sup>th</sup> November have addressed all of these points above to the satisfaction of officers.

#### Impact on street scene/character of the area

22. The proposed storage unit will be set back within the site and partially screened by the existing Bradnams Joinery unit. There is a long access road leading up to the rear of the site, with trees and vegetation along the eastern boundary, with existing industrial and commercial units towards the east, west and south of the site. Given that the site is contained within the Haverhill Industrial Estate and defined General Employment Area, the development is considered to be in-keeping with the immediate and surrounding area and will therefore not adversely affect the street scene.

#### Design and form

23. The amended scheme has been designed in order to be as sympathetic to neighbouring properties towards the north of site as possible. The building has been reduced in height and overall scale and pushed further away from the common boundary. The proposed finishes of the building is a green-coloured cladding to soften the appearance of the building within the proposed soft landscaping. Taking into consideration the context of the surrounding area, the proposed building is considered to be of an appropriate form as to respect the existing industrial buildings.

#### Other matters

24. The construction of the storage unit will allow for more vehicle movements within the site by way of deliveries. The highways authority were consulted on this application for a period of 21 days and raise no objections to the scheme subject to a standard condition relating to retaining a space for the parking and manoeuvring of vehicles as shown on the submitted plans. This condition is considered necessary to ensure that sufficient space for the on-site parking and manoeuvring 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 of users of the highway.

- 25.Noise and hours of use was also a concern raised by the owner/occupier of 29 and 33 Duddery Hill however Public Health and Housing have reviewed the information provided with the application and raise no objections to the scheme. However, they suggest conditions such as restricting delivery and construction times, burning of waste and providing information in relation to security and flood lights prior to erection. Burning of waste on site is covered by separate legislation so therefore this condition is not deemed necessary, however conditions relating to restricting hours and submission of lighting details are considered necessary in order to protect to the residential amenity of occupants along Duddery Hill.
- 26.It is also the case that the wider planning unit, noting the manufacturing processes undertaken, would appear to fall within B2 use. Noting the proximity of this building to offsite dwellings, the undertaking of any B2 type activities within the building might otherwise be prejudicial to amenities. On this basis, and noting that the proposal is submitted as a storage building associated with the manufacturing use on site, it is proposed to limit the use of the building to storage purposes only, in association with this use, in the interest of limiting the scope of the consent, in the further interests of residential amenity.
- 27.The Town Council object to the scheme on grounds of over-development of the site, impact on residential amenity and noise.
- 28.They state that the proposal represents over-development of the site and that the building is too close to residential boundaries and appears overbearing. Since the original submission, the proposed building is now to be positioned 3 metres away from the boundary of neighbouring properties towards the north of the site, whereas this was initially 1.8 metres. The proposed building has been cut into site topography to reduce the overall impact of the height on these properties, so that only approximately 3.1 metres will be visible from the residential properties. Following receipt of the amended plans and the changes made to the scheme, Officers are of the opinion that the scheme will not adversely affect the residential amenity of nearby occupants to a level to justify a refusal.
- 29.The Town Council raise concerns in regards to noise generated from the site in respect to delivery hours and how this would affect neighbouring properties. Public Health and Housing have assessed the application in terms of noise impact and raise no objections to the scheme subject to conditions restricting construction and delivery hours. These are considered necessary in order to help protect the residential amenity. In addition to this, following email correspondence with the agent, it has been confirmed that there are currently no restrictions on delivery hours and at present, lorries can come to within a few metres of the rear boundary. The proposed unit will act as an acoustic screen and will bring deliveries away from the rear boundary. The plans also confirm that the deliveries will take place away from this common boundary with the proposed unit acting as a screen. Given this, the proposed storage unit will eliminated disruption during delivery times.
- 30.The Town Council seek confirmation for who is responsible for maintaining for proposed hedging and that conditions should be imposed defining the

maximum height. The hedging will be planted within land in ownership of the applicant. A condition has been added to ensure that the soft landscaping along the northern boundary is planted in order to screen the development. It is not considered necessary to condition the height of the hedging. They also state that the development is near an electricity sub-station and that caution should be given to the possibility that there may be power cables present underground which may restrict building works. A pathway previously ran along the boundary line and this should be checked to certify that this is part of land belonging to the site and whether a PROW exists. This would not be a planning consideration and therefore not material to the determination of this application. Looking at records, there are no PROW within the site.

**Conclusion:**

31. 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:**

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

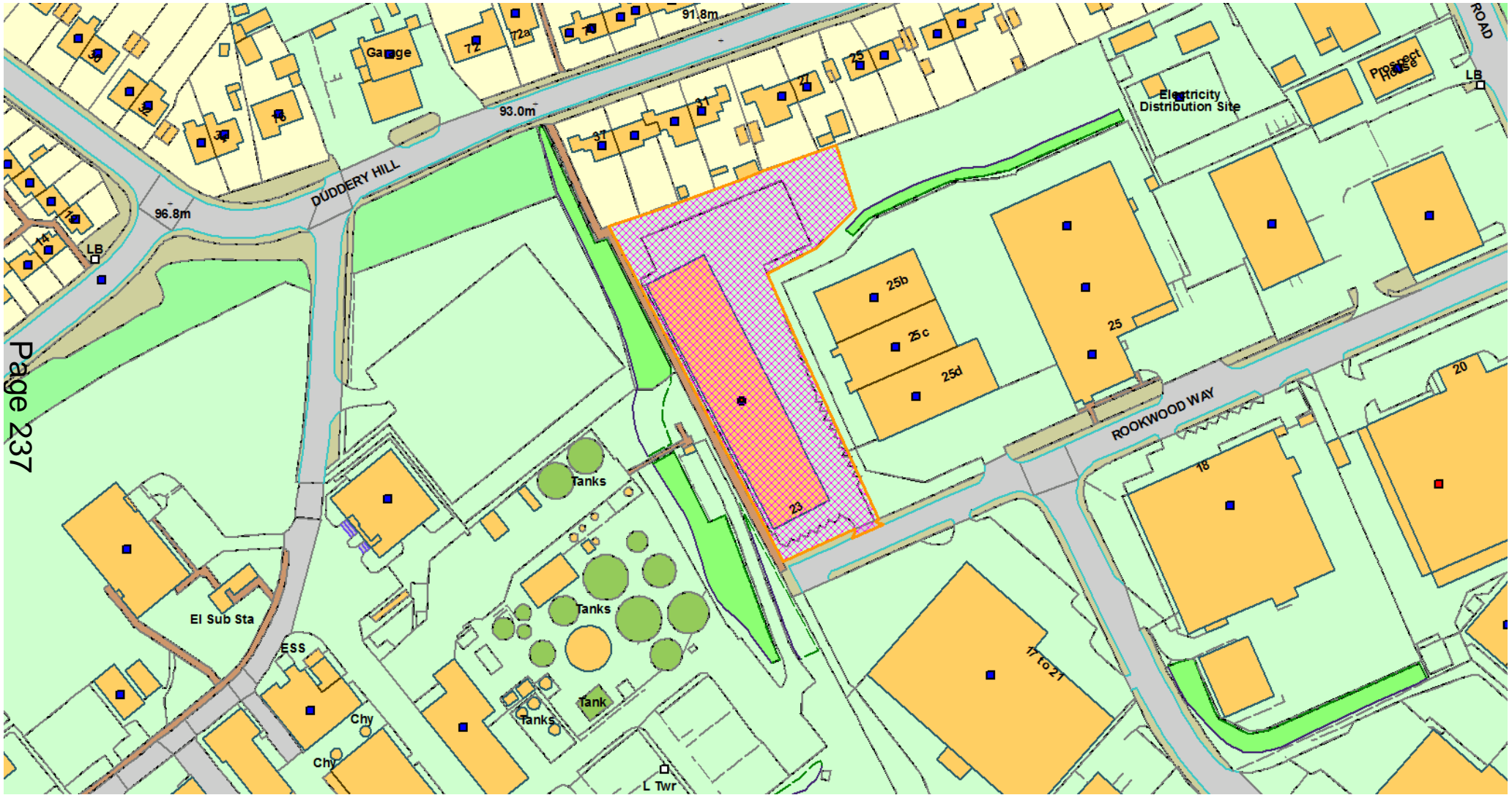
1. Time limit
2. Compliance with plans
3. Parking/manoeuvring to be provided
4. Deliveries to and from the unit
5. Construction hours
6. Security/floodlights
7. Soft landscaping
8. Unit to be used in conjunction with Bradnams Joinery only for storage associated with that use

**Documents:**

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

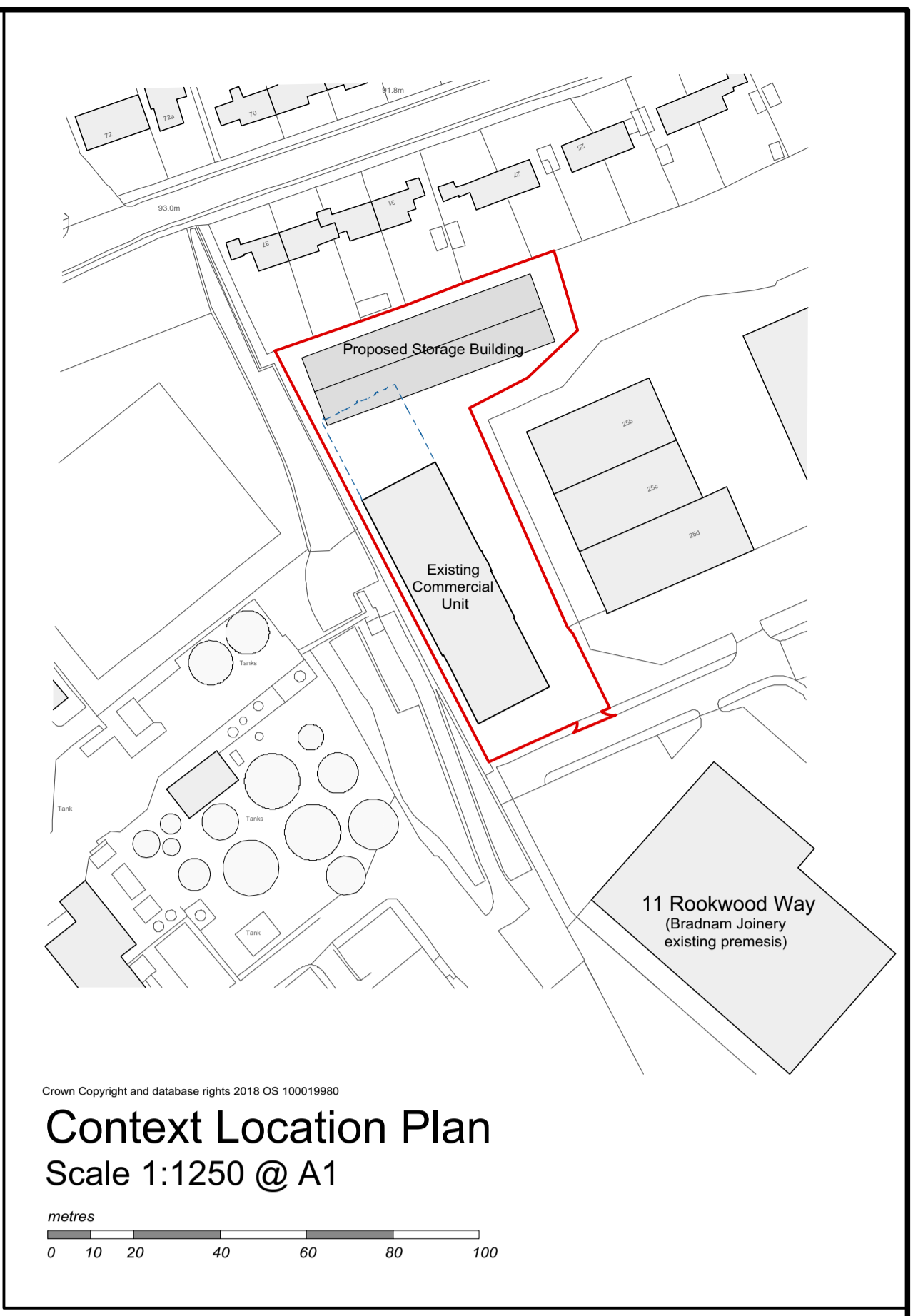
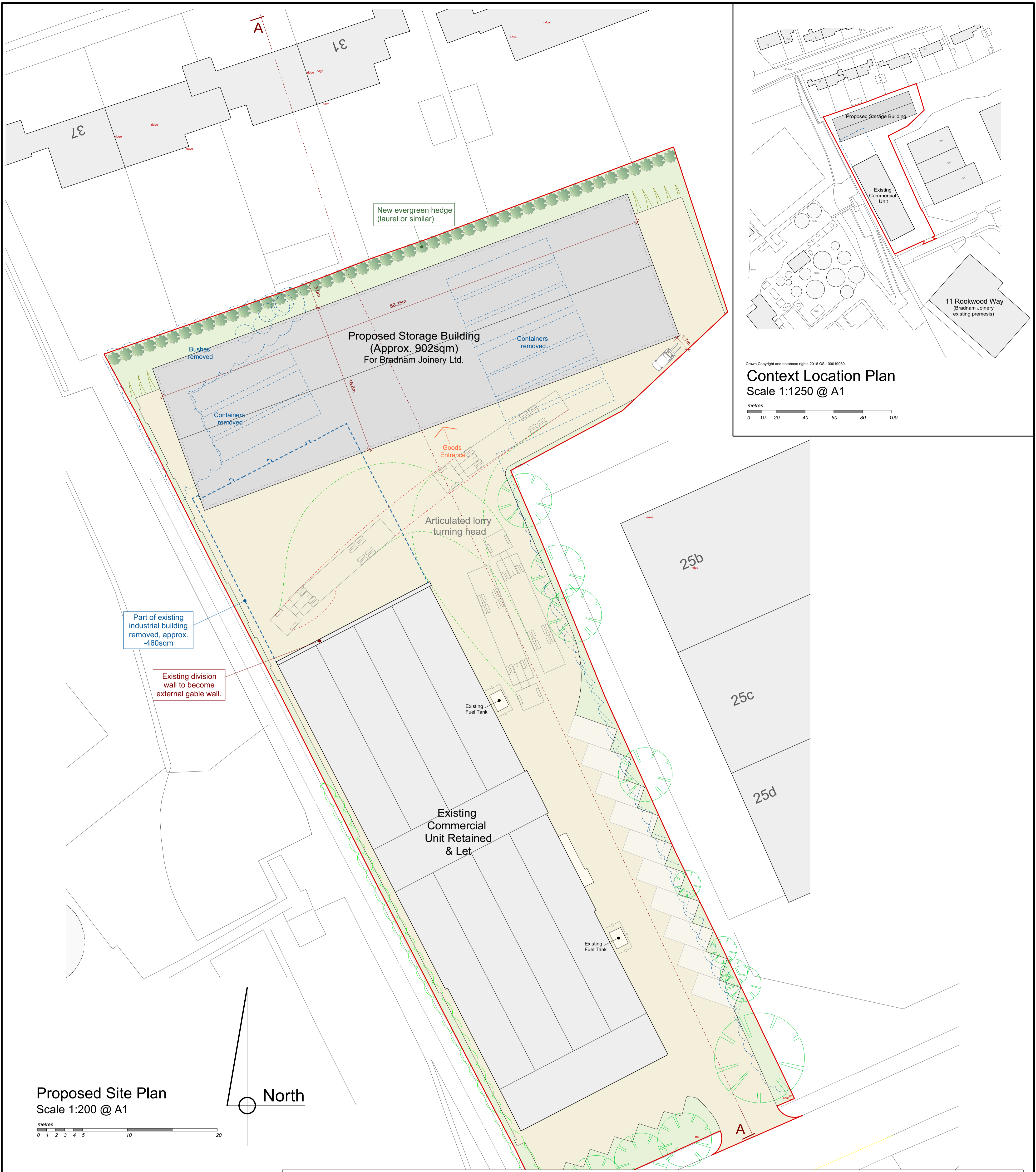
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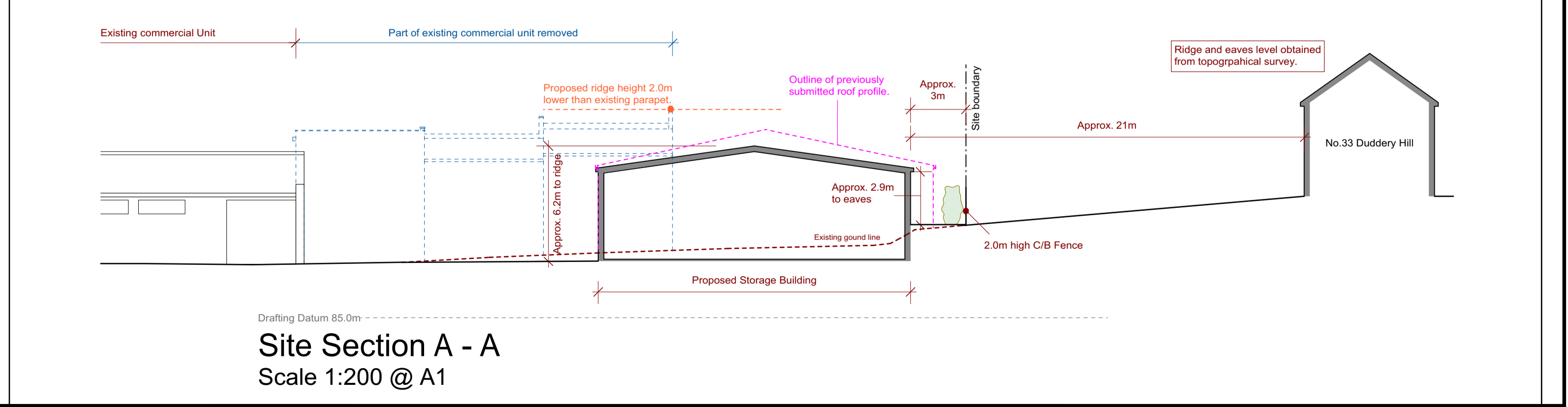
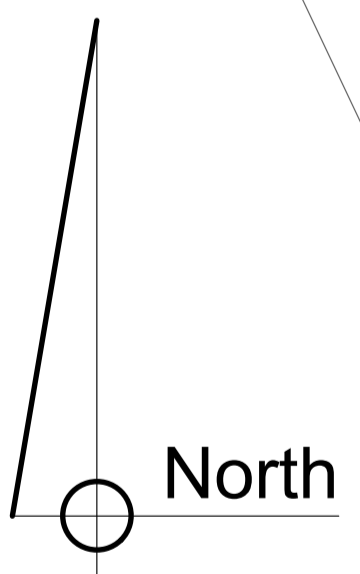
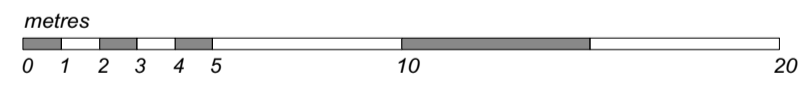




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Proposed Site Plan  
Scale 1:200 @ A1



Site Section A - A  
Scale 1:200 @ A1

Contractor is responsible for all setting out and must check dimensions on site before work is put in hand. Written dimensions only to be taken, this drawing must not be scaled.

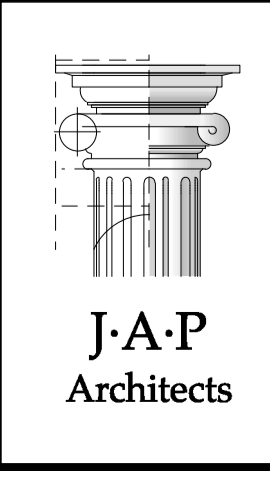
JAP Architects to be immediately notified of suspected omissions or discrepancies. ©

Revisions		
A	Revised to clients requirements	08.10.18
B	Minor amendments for Planning Application.	16.10.18
C	Building height & depth reduced following meeting with neighbours.	26.11.18



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<b>Project</b>	Alterations to existing building and new storage facility at Rookwood Way for Bradnam Joinery										
<b>Title</b>	Proposed Site Plan and Site Section.										
<b>Scale</b>	1 : 200/1250 @ A1	<b>Date</b>	August 2018								
<b>Revisions</b>	<table border="1"> <thead> <tr> <th>Revisions</th> <th>A</th> <th>B</th> <th>C</th> </tr> </thead> <tbody> <tr> <td><b>Drawing No.</b></td> <td colspan="3">18012-02</td> </tr> </tbody> </table>			Revisions	A	B	C	<b>Drawing No.</b>	18012-02		
Revisions	A	B	C								
<b>Drawing No.</b>	18012-02										



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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/009

## Development Control Committee 3 January 2019

### Planning Application DC/18/1925/HH – Briar Cottage, Bury Lane, Stanton

<b>Date Registered:</b>	02.10.2018	<b>Expiry Date:</b>	27.11.2018
			Extension of time 09.01.2019 (tbc)
<b>Case Officer:</b>	Elizabeth Dubbeld	<b>Recommendation:</b>	Refuse Application
<b>Parish:</b>	Stanton	<b>Ward:</b>	Stanton
<b>Proposal:</b>	Householder Planning Application - Oak cart lodge and office		
<b>Site:</b>	Briar Cottage, Bury Lane, Stanton		
<b>Applicant:</b>	Mr Anthony Bray		

**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:

Elizabeth Dubbeld

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Telephone: 01638 719475

## **Background:**

**The application is before the Development Control Committee following consideration by the Delegation Panel. The Officer's recommendation is for REFUSAL on the grounds of height and position of the proposal not adhering to DM24 and DM2, and the Parish Council support the proposal.**

**A site visit is scheduled for Thursday 20 December.**

### **1.0 Proposal:**

- 1.1 The application seeks planning permission for the construction of a detached 1.5 storey outbuilding.
- 1.2 The original submission before negotiation measured 12 metres in length along the northern elevation, 8 metres in width along the eastern elevation, 5.8 metres in height for the 1.5 storey component and 4.95 metres in height for the single storey component. This was not considered acceptable from the perspectives of height, layout and proximity to the neighbouring dwelling, and an amended proposal was negotiated.
- 1.3 After negotiation a revised proposal was submitted. This proposed 1.5 storey outbuilding will measure 13 metres in length, 8 metres in width and 4.5 metres in height for the 1 storey component and 5.7 metres in height for the 1.5 storey component.

### **2.0 Application Supporting Material:**

- Location Plan
- Proposed Site Elevations
- Proposed Block Plan
- Proposed Elevations

### **3.0 Site Details:**

- 3.1 The application site is located within the settlement boundary for Stanton The Street, fronting onto Bury Lane.
- 3.2 The application site consists of an existing two storey detached house and its curtilage with a garden and parking area with vehicular access to the front. It shares a portion of the site to the west with 70 Fordhams Close, Stanton, and it is part of this shared portion of the garden that the applicant wishes to develop.
- 3.3 The site is located within an area of properties of mixed use and appearance and varying scale.

### **4.0 Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/13/0886/HPA	Householder Prior Approval - Single storey rear extension which extends beyond the rear wall of the original house by 4.350m with maximum height of	Not Required	16.01.2014

	3.488m and a height of 3.488m to the eaves.		
DC/18/1925/HH	Householder Application - Oak cart lodge and office	Planning Pending	Decision
SE/03/3094/P	Planning Application - Erection of two storey side and rear extension	Application Granted	27.10.2003

## 5.0 Consultations:

5.1 Parish Council	No further comments received
5.2 Environment & Transport - Highways	Previous comments apply
5.3 Ward Councillor	No comments received
5.4 Environment & Transport - Highways	This proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council, as the Highway Authority, does not wish to restrict the grant of permission
5.5 Parish Council	Customer made comments in support of the Planning Application.  The planned lodge and office is situated outside the conservation area. It will be professionally installed as an oak framed building and will mainly be behind an area of mature trees and will have little effect on the outlook of adjacent properties. There are no objections.
5.6 Ward Councillor	No comments received

## 6.0 Representations:

6.1 Meadowside Bury Lane	Representation on original submission Comment: I would like to express my concerns over the elevation and location of the proposed building. The height will impact on the natural light coming into the bedroom, lounge and dining room of our property. I worry the garden will feel very claustrophobic surrounded by the close proximity of the building wrapping around the top corner of our garden fence. From all three of the above mentioned rooms, all we will see is the roof of the lodge.
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I feel that for these reasons this will devalue my property.

No further comments have been received in response to the revised proposals.

## **7.0 Policy:**

7.1 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:

7.2. Joint Development Management Policies Document:

- Policy DM1 – Presumption in Favour of Sustainable Development
- Policy DM2 – Creating Places Development Principles and Local Distinctiveness
- Policy DM24 – Alterations or Extensions to Dwellings, including Self-Contained annexes and Development within the Curtilage

7.3. St Edmundsbury Core Strategy December 2010

- Policy SCS3 – Design Quality and Local Distinctiveness

## **8.0 Other Planning Policy:**

8.1 National Planning Policy Framework (2018) core principles and paragraphs 56 - 68.

8.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. 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.

## **9.0 Officer Comment:**

9.1 The main considerations in determining this application:

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

9.2 Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

- 9.3 In the case of this application, the existing dwelling in its curtilage is able to accommodate the scale of extension without over-development occurring, as the garden area to the front of the property is generous in size.
- 9.4 The proposed development will comprise of single storey and 1.5 storey components. It will have a pitched roof and will be located close to the boundary of the neighbouring property on Bury Lane, Meadowside.
- 9.5 The original proposed design raised significant concerns around its relationship to the neighbouring property, as the proposed outbuilding would have been substantially taller than the existing shed in the same location at approximately 6 metres in height and not at all subservient to the existing dwelling, and was therefore considered to have an oppressive and overbearing visual impact on Meadowside. It was also proposed to have an 'L' shaped layout, and would have wrapped around the boundary of Meadowside in a manner that exacerbated the overbearing impact.
- 9.6 It would therefore have created a harmful relationship to the adjacent property, with concerns held that this would not have met the requirements of Policies DM2 and DM24 in particular.
- 9.7 After some discussion with the applicant on site on 17.10.2018 and negotiation via telephone and email on several occasions between this meeting and 02.11.2018, a revised plan was submitted in which the layout of the proposed outbuilding was straightened, the location shifted a further 0.8 metres away from the neighbouring property's boundary (locating the proposal a total of 1.8 metres from the boundary), and the proposed height mitigated by the proposed cutting down the building platform by 40cm.
- 9.8 This amended design will slightly reduce any harmful impact on the adjacent property, relative to the original submission, although the proposed eaves line is still higher than that of Meadowside, and the dominating impact is not reduced enough to comply with the requirements of DM2 and DM24, noting that this should be a modest and subserviently scaled outbuilding, not a structure that is in fact of greater height and scale than a dwelling might be, located only 7.5 metres away from the rear elevation of Meadowside. This rear elevation of Meadowside contains what appear to be all the principal windows to all the main rooms of the property, further exacerbating any harm arising from the excessive scale and the close proximity between structures.
- 9.9 The issue of the height remains the key concern in determining this proposal, in particular as the neighbour has also raised concerns of the dominating effect of the proposed building in relation to the original plan.
- 9.10 The proposed outbuilding, even as amended, is still considered to have a harmful impact on the residential amenity of occupants of Meadowside given the relationship between this property and its neighbour.
- 9.11 The neighbour at Meadowside has also raised concerns of the dominating effect of the proposed building in relation to the original plan, and despite a re-consultation process, has not withdrawn or amended this representation in relation to the amended plans.



9.12 During the negotiation, the applicant was clear that a further reduction in height would not be possible as it would render the project unviable, and so it is clear that this proposal cannot be negotiated further such that it might otherwise result in a mutually acceptable outcome for both the applicant and the Local Authority.

#### **10.0 Conclusion:**

10.1 In conclusion, the detail of the development is considered to be unacceptable and not in compliance with relevant development plan policies and the National Planning Policy Framework.

#### **11.0 Recommendation:**

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

- 1 Policy DM24 requires proposals to respect the character of the local area, not overdevelop the curtilage of a dwelling, and to not adversely affect the residential amenity of occupants of nearby properties, and this supports the requirements of DM2. In this regard the neighbouring property, Meadowside, will experience a material and significant reduction in the quality of its residential amenity as a direct result of the proposed development, with the proximity and height of the proposed outbuilding resulting in loss of light, obstructed outlook and a notable overbearing impact arising from the proximity between this structure and the property and amenity space of Meadowside. Consequently it fundamentally fails to meet the requirements of Policies DM24 and DM2 with respect to development protecting the residential amenity of occupants of nearby properties, conflicting in turn therefore with the provisions of the NPPF which seek to protect amenity.

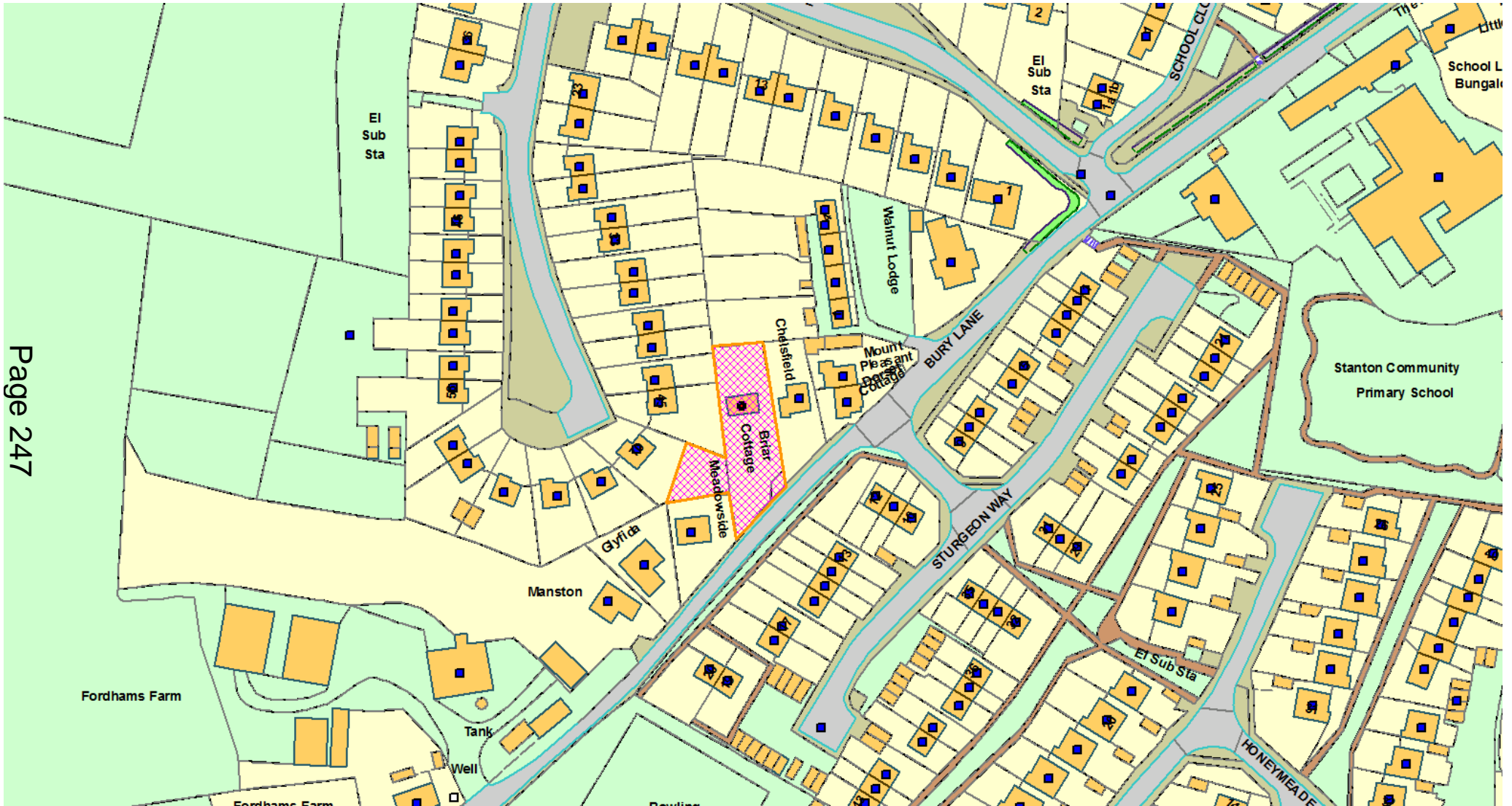
#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1925/HH](#)



DC/18/1925/HH – Briar Cottage, Bury Lane, Stanton

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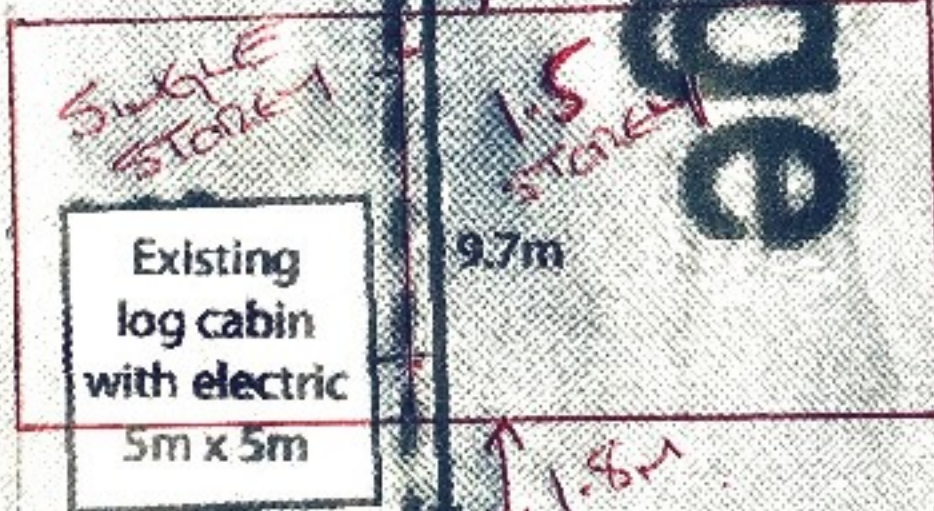
EXISTING  
PLAN

16.5m

11.1m

Plot at 70, Fordhams  
tanton, IP31 2EE.

Briar  
Cottage



Existing  
Access

19m

6.7m

5.7m

11.5m

14m

1.4m

Existing  
ACCESS

Meadowside

Proposal for  
existing gate  
Bury Lane,



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*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/010

## Development Control Committee 3 January 2019

### Planning Application DC/18/2243/HH & DC/18/2244/LB – Manor House, Church Road, Great Barton, Bury St Edmunds

<b>Date Registered:</b>	05.11.2018	<b>Expiry Date:</b>	31.12.2018 extension of time 07.01.2019
<b>Case Officer:</b>	Elizabeth Dubbeld	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Great Barton	<b>Ward:</b>	Great Barton
<b>Proposal:</b>	Householder Planning Application - single storey rear extension with associated alterations		
<b>Site:</b>	Manor House, Church Road, Great Barton		
<b>Applicant:</b>	The Hon. James and Mrs Broughton		

#### **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:

Elizabeth Dubbeld

Email: [elizabeth.dubbeld@westsuffolk.gov.uk](mailto:elizabeth.dubbeld@westsuffolk.gov.uk)

Telephone: 01638 719475

**Background:**

**The application is referred to the Development Control Committee as a Member of the Borough Council, Councillor Sarah Broughton, is the applicant.**

**1.0 Proposal**

1.1 The application seeks planning permission for the construction of a single storey rear extension with associated alterations. The proposed extension comprises 3 distinct blocks, connected to each other and to the rear of the building. The extension extends 7.1 metres from the rear wall, and 11.5 metres in overall width, and adds a total of approximately 50m<sup>2</sup> in floor area to the host dwelling.

**2.0 Application Supporting Material:**

- Location plan - 5018-01
- Existing block plan - 5018-02
- Existing elevations and floor plans - 5018-03
- Proposed elevations and floor plans - 5018-04
- Proposed block plan - 5018-05
- Roof plans - 5018-03

**3.0 Site Details**

3.1 The Manor House is located on the Southern edge of the village of Great Barton, fronting onto Church Road. It is a 17th century and later Timber-framed and rendered Grade II Listed dwelling. The house sits on a very large curtilage and is surrounded by a number of barns and outbuildings.

The extension is proposed on the north elevation, the functional rear of the house. In 2005 and 2007, planning permission was granted for alterations and extensions to outbuildings associated with conversion of barns to form office and ancillary accommodation.

**4.0 Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/18/2243/HH	Householder Planning Application - single storey rear extension with associated alterations	Pending Decision	
DC/18/2244/LB	Application for Listed Buildings Consent - single storey rear extension with associated alterations	Pending Decision	
SE/05/1597/LB	Listed Building Application - Alterations associated with conversion of barns to office accommodation including (i) insertion of first floor and (ii) additional windows	Application Granted	21.07.2005
SE/05/1262/LB	Listed Building Application - Alterations and extensions to outbuildings associated	Application Granted	18.05.2007

	with conversion to form ancillary accommodation to Manor House (revised scheme)		
SE/05/1261/P	Planning Application - Conversion and extension to outbuildings to form ancillary accommodation to Manor House (revised scheme)	Application Granted	18.05.2007
E/90/2499/LB	Listed Building Application - Internal alterations, improvements and renewal of external windows	Application Granted	01.11.1990

## 5.0 Consultations

5.1 Great Barton Parish Council – In support of the application

5.2 Conservation Officer - The proposed development follows the advice offered at pre application stage. I therefore have no objections subject to the following conditions:

Window details 0900

Door details 09PP

Sample of external materials 09D ii

Sample panel of flintwork 09CC

Foundation design - A detailed design scheme of the proposed foundations to the relevant location shall be submitted to and approved in writing by the LPA to demonstrate the existing underground structure will not be affected by the proposal.

5.3 Ward Councillor – No comment received

## 6.0 Representations

6.1 No representations received

## 7.0 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:

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy DM1 - Presumption in Favour of Sustainable Development

Policy DM2 - Creating Places Development Principles and Local Distinctiveness

Policy DM5 – Development in the Countryside

Policy DM15 – Listed Buildings



## **8.0 Other Planning Policy**

8.1 National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018)

8.2 The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. 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.

## **9.0 Officer Comment:**

9.1 The main planning considerations in determining this planning application are:

- Impacts on residential amenity
- Impacts on street scene
- Design and Form

### Residential amenity

Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

In the case of this application, the dwelling is centrally located within a very large curtilage which is able to accommodate the scale of extension without over-development occurring.

The proposed extension is considered to have no adverse impact on the residential amenity of occupants of nearby properties given the relationship between this property and its neighbours. The nearest neighbours to the north are located 192 metres away (Vicarage) and 208 metres away (Chestnuts), and given the distance and the fairly substantial vegetative screening on the perimeter of the host property, there are no anticipated harmful impacts on these neighbouring dwellings as a result of the proposed extension. To the south, the nearest neighbours, Manor Farm Cottages, are located 77 metres away, but are screened from any views of the proposed extension by the host dwelling.

From Church Road, views of the proposals are screened by hedgerows and not anticipated to cause harm to the countryside character of the

neighbourhood, given the single storey nature of this extension and use of appropriate materials and design.

### Design and Form

The proposed extension is located to the rear of the host dwelling, and although not a small extension at 50m<sup>2</sup>, in relation to the substantial size of the host dwelling, is both appropriately subservient in scale and harmonious in design. It is therefore consistent with policy requirements regarding design and form.

#### 9.2 The main conservation considerations in determining this listed building consent application are:

- Impacts on the listed building in question

The historically and architecturally significant core of the building will not be impacted upon as part of the proposed works. The key elevation which contributes most significantly to the overall group setting, the southern elevation, will be unchanged by the proposals.

The applicant engaged in a pre-application process, where discussions and site visits were held with a planning officer and a conservation officer. The application reflects this and the Conservation officer has submitted the following comment:

*'The proposed development follows the advice offered at pre application stage. I therefore have no objections subject to the following conditions:*

- *Window details 0900*
- *Door details 09PP*
- *Sample of external materials 09D ii*
- *sample panel of flintwork 09CC*

*Foundation design - A detailed design scheme of the proposed foundations to the relevant location shall be submitted to and approved in writing by the LPA to demonstrate the existing underground structure will not be affected by the proposal. '*

Therefore, the proposed rear extension has a limited impact on the listed building and reflects an appropriate design and form to complement the listed building, making the proposal acceptable from a conservation perspective.

#### **10. Conclusion:**

In conclusion, the principle and detail of the planning application and the listed building consent application are considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

#### **Recommendation:**

11. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.  
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
  2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:
    - Location plan - 5018-01
    - Existing block plan – 5018-02
    - Existing elevations and floor plans – 5018-03
    - Proposed elevations and floor plans – 5018-04
    - Proposed block plan – 5018-05
    - Roof plans – 5018-03  
Reason: To define the scope and extent of this permission.
12. It is recommended that listed building consent be **APPROVED** subject to the following conditions:
1. Time limit: 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. Compliance with plans: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:
    - Location plan - 5018-01
    - Existing block plan – 5018-02
    - Existing elevations and floor plans – 5018-03
    - Proposed elevations and floor plans – 5018-04
    - Proposed block plan – 5018-05
    - Roof plans – 5018-03  
Reason: To define the scope and extent of this permission.
  3. Window details 0900: No works involving new/replacement 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 new/ replacement 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.  
  
Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section

16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

4. Door details 09PP:

No works involving new/replacement doors 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 new/replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) 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.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

5. Sample of external materials 09D ii:

No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

a. Samples of external materials and surface finishes

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

6. Sample panel of flintwork 09CC :

No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;

i) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.

The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

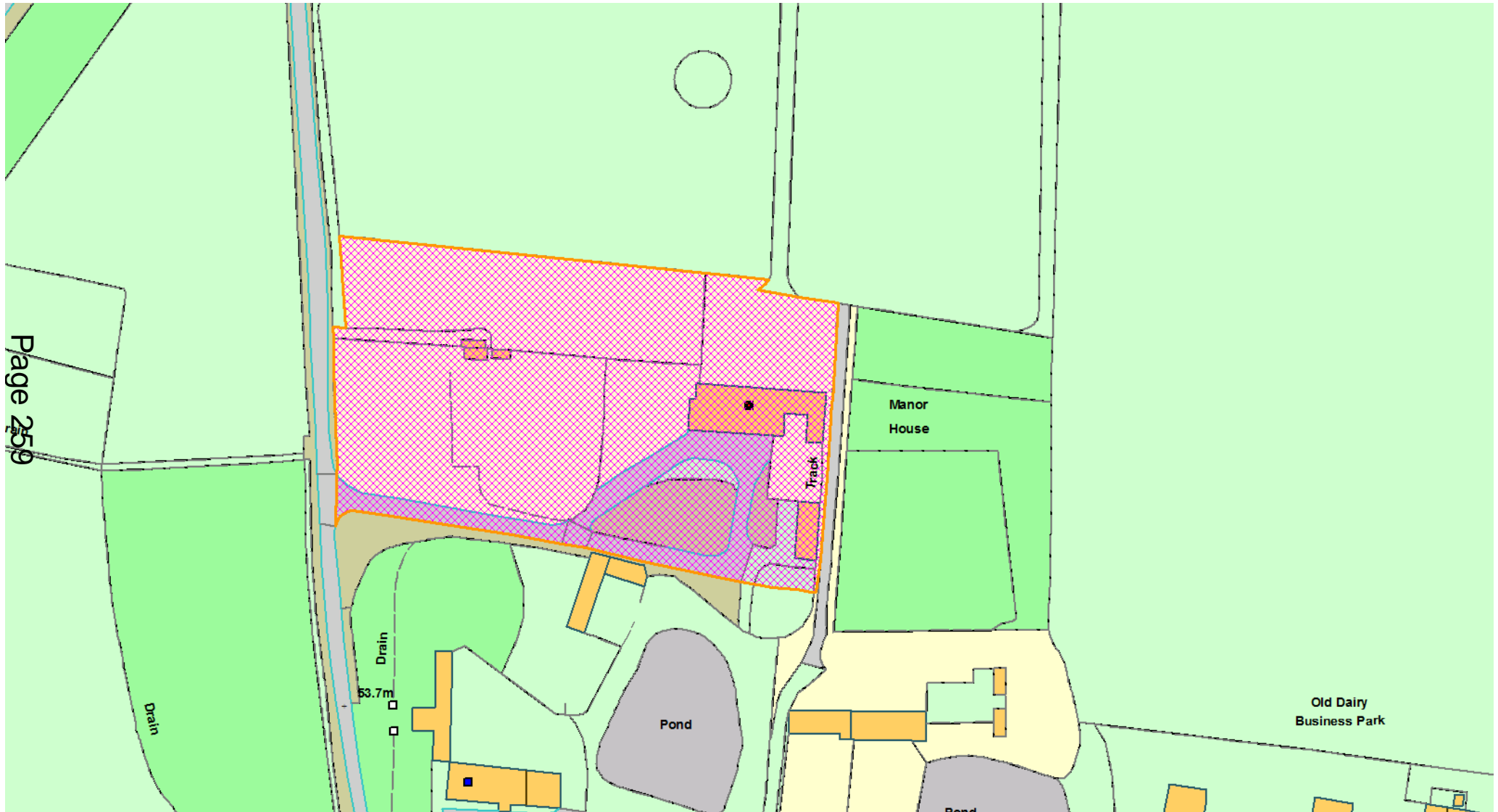
Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

7. Foundation design - A detailed design scheme of the proposed foundations to the relevant location shall be submitted to and approved in writing by the LPA to demonstrate the existing underground structure will not be affected by the proposal.

Reason: In the interests of protecting the listed building

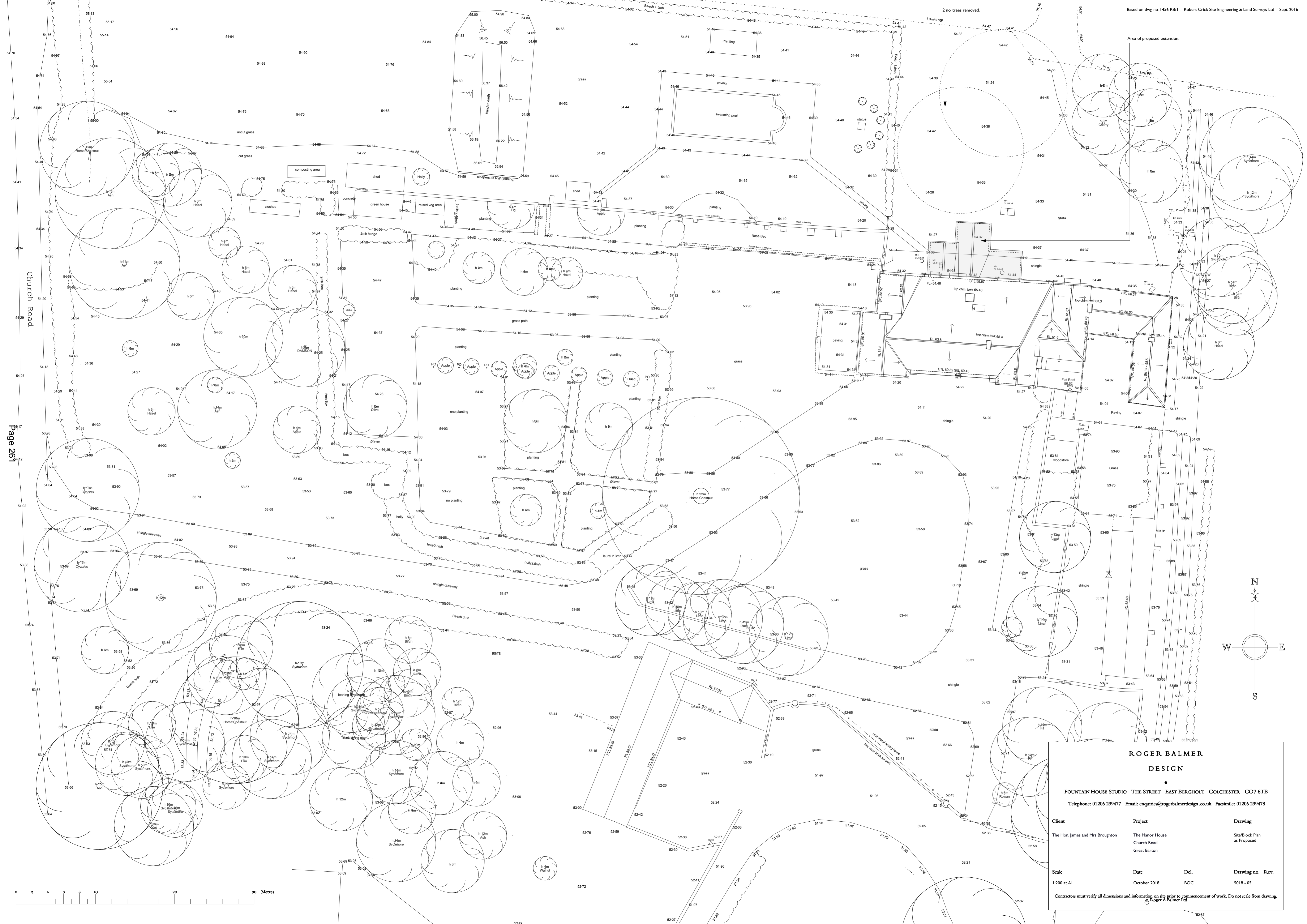
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2243/HH](https://www.planningportal.co.uk/permissions/planning-conditions/DC/18/2243/HH)



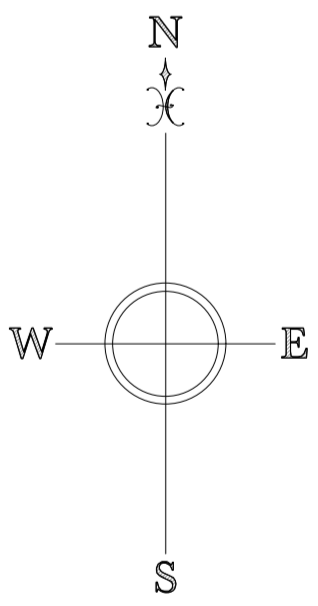
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Church Road

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**ROGER BALMER  
DESIGN**

FOUNTAIN HOUSE STUDIO THE STREET EAST BERGHOLT COLCHESTER CO7 6TB  
Telephone: 01206 299477 Email: enquiries@rogerbalmerdesign.co.uk Facsimile: 01206 299478

Client	Project	Drawing
The Hon James and Mrs Broughton	The Manor House Church Road Great Barton	Site/Block Plan as Proposed

Scale	Date	Del.	Drawing no. Rev.
1:200 at A1	October 2018	BOC	5018 - 05

Contractors must verify all dimensions and information on site prior to commencement of work. Do not scale from drawing.  
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