

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda												
Date:	Thursday 28 March 2019												
Time:	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)												
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU												
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice Chairmen David Roach and Andrew Smith</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative</u> <u>Members (12)</u></td> <td style="width: 33%;">Carol Bull Mike Chester Terry Clements Robert Everitt</td> <td style="width: 33%;">Susan Glossop Ian Houlder Peter Stevens Vacancies x 2</td> </tr> <tr> <td><u>Charter Group</u> <u>Members (2)</u></td> <td>David Nettleton</td> <td>Julia Wakelam</td> </tr> <tr> <td><u>Haverhill Indys</u> <u>Member (1)</u></td> <td>John Burns</td> <td></td> </tr> <tr> <td><u>Independent</u> <u>(non-grouped)</u> <u>Member(1)</u></td> <td>Jason Crooks</td> <td></td> </tr> </table>	<u>Conservative</u> <u>Members (12)</u>	Carol Bull Mike Chester Terry Clements Robert Everitt	Susan Glossop Ian Houlder Peter Stevens Vacancies x 2	<u>Charter Group</u> <u>Members (2)</u>	David Nettleton	Julia Wakelam	<u>Haverhill Indys</u> <u>Member (1)</u>	John Burns		<u>Independent</u> <u>(non-grouped)</u> <u>Member(1)</u>	Jason Crooks	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.												

Quorum:	Six Members
<p>SITE VISITS WILL BE HELD ON THURSDAY 21 MARCH 2019 AT THE FOLLOWING TIMES (please note all timings are approximate):</p> <p>The coach for Committee Members will depart West Suffolk House at <u>9.30am sharp</u> and will travel to the following sites:</p> <ol style="list-style-type: none"> <li data-bbox="236 456 1337 633"> <p>1. Planning Application DC/18/2496/OUT - Land at 27, Hollybush Corner, Bradfield St George, IP30 0AX Outline Planning Application (means of access to be considered) - 1no. dwelling (Revised plans received 1/2/19 showing access proposed) Site visit to be held at 9.50am</p> <li data-bbox="236 669 1426 987"> <p>2. Planning Application DC/18/0382/FUL - Cornhill Walk, Brentgovel Street, Bury St Edmunds, IP33 1EJ Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,666sq.m (Use Class A1/D2) at the ground floor (ii) 49 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018 Site visit to be held at 10.20am</p> 	
Committee administrator:	<p>Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk</p>

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

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

Material Planning Considerations

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

2. Material Planning Considerations include:

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

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

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings

- Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
 4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
 5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

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

- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.

- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee

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

Notes

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

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

Agenda

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 - 14

To confirm the minutes of the meeting held on 7 March 2019 (copy attached).

4. Planning Application DC/18/0382/FUL - Cornhill Walk, Brentgoval Street, Bury St Edmunds

15 - 40

Report No: **DEV/SE/19/022**

Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,666sq.m (Use Class A1/D2) at the ground floor (ii) 49 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018

5. Planning Application DC/18/1498/FUL - Boyton Meadows, Anne Suckling Road, Little Wratting

41 - 66

Report No: **DEV/SE/19/023**

Planning Application - 38no. dwellings and associated access works

6. Planning Application DC/18/1024/FUL - Hengrave Farm, Stanchils Farm Lane, Hengrave

67 - 88

Report No: **DEV/SE/19/024**

Planning Application - Importation and engineering of suitable restoration materials to allow use of land for agriculture

7. Planning Application DC/18/2395/FUL - Sheldon, 2 Stoney Lane, Barrow

89 - 102

Report No: **DEV/SE/19/025**

Planning Application - (i) 1no. dwelling with detached garages for new and existing dwellings (ii) Creation of vehicular access (Previous application DC/16/0001/FUL)

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

Part B

(commences not before 1pm)

	Page No
8. Planning Application DC/18/2496/OUT - Land at 27, Hollybush Corner, Bradfield St George Report No: DEV/SE/19/026 Outline Planning Application (means of access to be considered) - 1no. dwelling (Revised plans received 1/2/19 showing access proposed)	103 - 114
9. Planning Application DC/18/1147/FUL - Land Adjacent to The Forge, The Street, Lidgate Report No: DEV/SE/19/027 Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding and (iii) improvements to existing vehicular access	115 - 142
10. Planning Application DC/19/0136/FUL & DC/19/0135/LB - 41 Cornhill, Bury St Edmunds Report No: DEV/SE/19/028 Planning Application - Installation of security shutter to rear entrance	143 - 154
11. Planning Application DC/18/2523/FUL - Aviary, Abbey Gardens, Angel Hill, Bury St Edmunds Report No: DEV/SE/19/029 Planning Application - Installation of new plant sales retail building (A1 use) including removal of existing timber frame gardener's store and part of existing aviary	155 - 166
12. Planning Application DC/18/2161/FUL - West Stow Anglo Saxon Village and Country Park, Icklingham Road, West Stow Report No: DEV/SE/19/030 Planning Application- (i) Replacement of existing heating systems with Ground Source Heating System and associated pipe route and (ii) External plant room	167 - 184

13. Planning Application DC/19/0077/HH & Listed Building Consent DC/19/0078/LB - 143 Southgate Street, Bury St Edmunds

Report No: **DEV/SE/19/031**

- (i) Householder Planning Application - (i) single storey rear extension (following demolition of existing rear extension) (ii) loft conversion and (iii) demolition and replacement of boundary wall (resubmission of DC/18/1700/HH)
- (i) Application for Listed Building Consent - (i) Demolition of boundary wall with No.143 and (ii) replacement boundary wall

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Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 7 March 2019** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairmen David Roach and Andrew Smith

John Burns

Carol Bull

Mike Chester

Terry Clements

Jason Crooks

Robert Everitt

Susan Glossop

Ian Houlder

David Nettleton

Peter Stevens

Julia Wakelam

95. **Apologies for Absence**

There were no apologies for absence.

96. **Substitutes**

There were no substitutes present at the meeting.

97. **Minutes**

The minutes of the meeting held on 7 February 2019 were unanimously received as a correct record and were signed by the Chairman.

98. **Planning Application DC/19/0042/FUL - Land to the South of Fortress Way, and South East of Lady Miriam Way, Suffolk Business Park (Report No: COU/SE/19/019)**

Planning Application - (i) Construction of access road and (ii) construction of Ambulance Depot with associated landscaping and parking

This application was referred to the Development Control Committee as it was not wholly consistent with the Development Plan given that the overall use did not fall into any defined use class order, whereas the allocation was for B1 and B8 uses. In addition to this, St Edmundsbury Borough Council has a financial interest in the land.

Members were advised that the application site sat between Fortress Way to the North and the A14 to the South; with the site having previously been part of a much larger arable field/airfield which was allocated as the Suffolk Business Park Extension.

With the indulgence of the Chairman, the Principal Planning Officer provided the Committee with an update on the overall progress of the Suffolk Business Park which had become a real success story for the Borough.

The Parish Council were in support of the application and no objections had been received from third parties.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 49 of Report No DEV/SE/19/019.

A number of comments/questions were raised by Members during the debate and in response the Case Officer explained:

Highways – recent traffic surveys had been undertaken by the Highways Authority since the Eastern Relief Road had opened which the East of England Ambulance Trust had used to inform their due diligence; and they were satisfied with the routes available to the emergency vehicles;

Landscape – since publication of the agenda amended plans had been submitted and the Landscape and Ecology Officer was content with what was proposed;

Colour Palate – the Council's Landscape and Ecology Officer had recently attended a training course in relation to colour palates in development; which encouraged the use of natural palates that could be derived from the landscape. The Case Officer had raised this with the applicant who was happy to consider this alongside the inclusion of the corporate colours of the operation.

Changing Rooms – Officers had raised the fact that only communal changing rooms were proposed within the scheme and highlighted it as a negative of the proposal, however, the applicant proposed an oversupply of shower rooms to ensure that individuals did not have to wait for the showers to become available.

Councillor Mike Chester made reference to the recent national press coverage on ambulance response times. He wholeheartedly supported the proposed development and proposed that it be approved, as per the Officer recommendation.

Councillor Terry Clements echoed many of the same comments and duly seconded the motion.

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 approved plans and documents.

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

4. Within 1 month of development commencing on the building hereby approved full details of the Refuse/Recycling bins storage area, including the fences and gates around them shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be implemented in their entirety before the development is brought into use and shall be retained thereafter.

5. The building hereby approved shall not be first brought into use until the new access road and footway alongside it have been laid out and completed in all respects in accordance with drawing no. 11074 PL002 REV B and been made available for use. Thereafter the road and access shall be retained in the specified form.

6. Prior to the building hereby approved being first brought into use the area(s) within the site shown on drawing no. 11074 PL002 REV B, for the purposes of loading, unloading, manoeuvring and parking of vehicles shall be provided and thereafter that area(s) shall be retained and used for no other purposes.

7. Within 1 month of development commencing on the building hereby approved full details of cycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following;

- 50 cycle spaces for staff
- Detail of how the staff cycle storage is covered, secure (lockable) and internally illuminated
- 4 cycle spaces for visitors
- Details of how the visitor spaces are covered and illuminated

The approved details shall be implemented in their entirety before the development is brought into use and shall be retained thereafter.

8. 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.

9. No development shall commence on area A as shown on drawing number 11074 PL008 until a detailed surface water drainage scheme for that area, based on the agreed Drainage Strategy by Richard Jackson Engineering Consultants, draw ref. 49498-PP-002 & dated Jan 2019 and the FRA by Richard Jackson Engineering Consultants, ref 49498 Rev A & dated 31/01/2019, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the building hereby approved is first brought into use. Details to be submitted 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 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 (or provide extra storage for a subsequent 10yr storm).
 - 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.
9. No development shall commence on area B as shown on drawing number 11074 PL008 until a detailed surface water drainage scheme for that area, based on the agreed Drainage Strategy by Richard Jackson Engineering Consultants, draw ref. 49498-PP-002 & dated Jan 2019 and the FRA by Richard Jackson Engineering Consultants, ref 49498 Rev A & dated 31/01/2019, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the building hereby approved is first brought into use. Details to be submitted 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 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 (or provide extra storage for a subsequent 10yr storm).
- 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.

10. No development shall commence on area A as shown on drawing number 11074 PL008 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:

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

11. No development shall commence on area B as shown on drawing number 11074 PL008 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

12. 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.

13. 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.

14. Before development commences details of one 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 the building hereby approved first being brought into use.

15. 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.

16. Prior to the commencement of any development in Area B the Tree Protection Measures as shown on drawing number JBA 18/298 TP01 Rev A and drawing number 836-SW-02 Rev D shall be implemented in their entirety 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.

17. Within one month of the development commencing on the building hereby approved details of external lighting for the entire site including any proposed along the access road shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include the location, lux levels and other features necessary to minimise the spillage of light from the site including but not limited too light hoods, timers and motion sensors. The approved details shall be implemented before the building is first brought into use and retained thereafter.

18. All planting shown on drawing number 836-SW-01 Rev D and 836-SW-02 Rev D and within Area A shall be carried out in the first planting season following the completion of the access road within Area A (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.

19. All planting shown on drawing number 836-SW-02 Rev D shall be carried out in the first planting season following the building hereby approved first being 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.

20. The recommendations in the Walkover Ecology Survey Report 2018 shall be implemented in full throughout the entire construction phase.

21. Within one month of the development commencing on the building hereby approved an ecological enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timeline for implementation. The approved details shall thereafter be implemented in the approved timeframe and retained thereafter.

22. Within 1 month of development commencing on the hereby approved building full details of the lockers, drying room (including heating source and how clothes and other items will be stored (rails/ hook/ benches)) 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.

23. 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.

24. Within one month development commencing on the hereby approved building details of 5 electric vehicle charging points for non accessible car parking spaces and 1 electric vehicle charging point for an 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.

25. Prior to development commencing on the building hereby approved an Energy Strategy for the building shall be submitted to and approved in writing

by the Local Planning Authority. The submitted information shall demonstrate at least a 20% reduction in emissions against the Part L notional building as set out in the BRUKL document. (See note 7)

26. No later than 6 months after the building hereby approved is first brought into use, a certificate demonstrating that building has gained at least BREAAAM Very Good status shall be submitted in writing to the Local Planning Authority.

27. Details of all plant and machinery, including any necessary shielding or other mitigation methods shall be submitted to and approved in writing by the Local Planning Authority within 1 month of development starting on the hereby approved building. The approved plant and machinery shall not exceed a combined total sound power noise level of 95 dB LwA. The approved details, including any mitigation shall be installed in their entirety before the building hereby approved is first brought into use.

28. Before development commences on area A as shown on drawing 11074 PL008, 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. Monitoring and auditing procedure
- f. Complaints response procedures
- g. Community liaison procedures

29. Before development commences on area B as shown on drawing 11074 PL008, 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. Monitoring and auditing procedure
- f. Complaints response procedures
- g. Community liaison procedures

30. The site preparation and construction works, shall be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 - 13.30 Saturdays

No times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

(If 'quiet work activities' are permitted by the Local Planning Authority upon receiving a formal request outside these hours they will not involve the use of generators, machinery and vehicles in external areas of the site).

31. No generators to be used in external areas on the site outside the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 - 13.30 Saturdays

No times during Sundays or Bank Holidays

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

33. Any waste material arising from site demolition, 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.

99. **Planning Application DC/18/1147/FUL - Land Adjacent To The Forge, The Street, Lidgate (Report No: DEV/SE/19/020)**

Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding and (iii) improvements to existing vehicular access

This application was referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Panel because Lidgate Parish Council objected to the proposal.

A Member site visit was held prior to the meeting and a supplementary 'late paper' was issued after publication of the agenda.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 42 of Report No DEV/SE/19/020.

Speakers: Ms Carol Sharp (neighbouring resident) spoke against the application
Councillor John Whitefield (Lidgate Parish Council) spoke against the application
Mr Dean Pearce (agent) spoke in support of the application

Councillor David Nettleton drew attention to the fact that no statutory bodies had objected to the application and stated that, in his opinion, the development would enhance the street scene. Accordingly, he moved that the application be approved, as per the Officer recommendation.

Councillor Peter Stevens also spoke in support of the application and outlined what he considered was likely to have been the geographical history of the site, before duly seconding the motion for approval.

At this point the Service Manager (Planning – Development) addressed the Committee and made reference to the statement made earlier in the meeting by Lidgate Parish Council.

During which, Councillor John Whitefield advised that a further investigation had been commissioned by the Parish Council and submitted to Historic England for their response.

The Planning Authority had not been informed of this further study until it was raised at the meeting; in light of the fact that Officers had not had sight of the document and Historic England were yet to have commented upon it, the Committee was now strongly advised to defer consideration of the application.

Accordingly, Councillors Nettleton and Stevens as proposer and seconder of the motion for approval, withdrew their motion and instead duly proposed and seconded that the application be deferred, in order to allow Officers time in which to consider the further study which had been undertaken and the subsequent comments to be submitted from Historic England.

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

Decision

Consideration of the application be **DEFERRED** in order allow Officers additional time in which to consider the further study which had been undertaken on the site and the subsequent comments to be submitted from Historic England.

100. **Planning Application DC/18/1143/FUL - 2 Hollands Road, Haverhill (Report No: DEV/SE/19/021)**

Planning Application - (i) remodelling part of existing building to provide vehicle storage area and provision of additional office space; (ii) operational changes to the existing building and (iii) installation of fence and gates (part retrospective)

This application was referred to the Development Control Committee as the property was in the ownership of St Edmundsbury Borough Council and at the request of Councillor Paula Fox (Ward Member: Haverhill South).

The Senior Planning Officer explained that some of the development had already commenced, thus the application was part retrospective.

Comments had been made on the application by Haverhill Town Council. Officers were recommending that it be approved, subject to conditions as set out in Paragraph 18 of Report No DEV/SE/19/021.

Members' attention was drawn to Paragraph 14 of the report which stated "*a maximum eight lorries in total could be leaving the site*", the Case Officer clarified that the eight lorries was an *average*, as opposed to a maximum, as the company actually held an operator's licence for more than eight vehicles.

Speakers: Mr Ben Pridgeon (agent) spoke in support of the application
Mr Dean Clerkin (applicant) spoke in support of the application

Councillors Jason Crooks and David Nettleton made reference to the unauthorised works which had been undertaken on the site prior to planning approval, with Councillor Nettleton stating that he would be voting against the

application because of, what he considered to be, reputational damage to the Borough Council.

In response to which, the Service Manager (Planning – Development) reminded the Committee that matters relating to the owners of land and tenancy arrangements were not a material planning consideration. Furthermore, retrospective applications were to be considered on their own merits in the same way in which a non-retrospective application would be, regardless of who owned the application site.

A number of Members raised queries in connection with the application and the Senior Planning Officer responded as follows:

Drainage – The Suffolk County Council Floods and Water Engineer was satisfied with the drainage strategy

Parking – The majority of office staff would be arriving/leaving the site at different times than the heavy goods vehicles, hence, it was not considered necessary to condition their vehicle's ingress/egress, however, a Transport Management Plan could be secured by way of a condition

Asbestos Removal – the contractor who had undertaken the asbestos removal had carried out all required mediation and the Health & Safety Executive was satisfied

Construction – A Construction Management Plan for the remaining (prospective) works could be secured by way of a condition

Discussion also took place on the operating hours of the business with Members seeking clarification on what was listed under condition 9 within the report (as Saturday was seemingly omitted and the timings conflicted slightly with that which was written in Paragraph 14).

The Chairman permitted the applicant's agent to again address the meeting, who confirmed that the business would operate 06.00 to 19.00 Monday – Friday (with lorries unlikely to start leaving the site pre 06.30, as per Paragraph 14) and would not be open at any time on Saturdays, Sundays on Bank Holidays.

However, he asked that this restriction was *not* applied to the office accommodation as access may be required outside of the specified days/times to the building. The Case Officer considered this to be a reasonable request and proposed that condition 9 was amended to reflect this.

Councillor David Roach moved that the application be approved, as per the Officer recommendation, and inclusive of the amendments to condition 9 and together with the two additional conditions in relation to a Transport Management Plan and a Construction Management Plan. This was duly seconded by Councillor Peter Stevens.

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

Decision

Planning permission be **GRANTED** 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
2. **Compliance with plans** - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents
3. **Materials as detailed** - The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plans – application form
4. **Parking/manoeuvring to be provided** – Within three months of the granting of consent, the area(s) within the site shown on Drawing No. C556/P-06 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.
5. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
6. The Details of the areas to be provided for 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 within three months of the granting of consent, and shall be retained thereafter and used for no other purpose.
7. The strategy for the disposal of surface water (dated 4/10/18, ref: SK02 by EAS) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
8. Within three months of the granting of consent, at least 5% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter.
9. The opening hours of the premises shall be restricted to the following hours:
06.00 to 19.00; Monday - Friday
The premises (with the exception of the office accommodation) shall not be open at any other time or on Saturdays, Sundays, Bank or Public Holidays
10. Prior to installation of the boundary fence a scheme for the protection during construction of the trees on the sites south western side, in accordance with BS 5837:2012 - 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 the installation of the boundary fence, 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.

- 11. Construction Management Plan
- 12. Transport Management Plan

The meeting concluded at 11.35am

Signed by:

Chairman

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DEV/SE/19/022

Development Control Committee 28 March 2019

Planning Application DC/18/0382/FUL – Cornhill Walk, Brentgovel Street, Bury St Edmunds

Date Registered:	18.04.2018	Expiry Date:	18.07.2018
Case Officer:	Charlotte Waugh	Recommendation:	Grant
Parish:	Bury St Edmunds Town Council	Ward:	Eastgate
Proposal:	Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,666sq.m (Use Class A1/D2) at the ground floor (ii) 49 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018		
Site:	Cornhill Walk, Brentgovel Street, Bury St Edmunds		
Applicant:	Mr Peter Murphy - Knightspur Homes		
Synopsis:	Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.		

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background: The application is a major development and has been referred to Development Control Committee at the request of the Ward Member (Eastgate). The recommendation is of APPROVAL.

A site visit is proposed for Thursday 21 March 2019.

Proposal:

1. The application seeks the almost entire demolition of the existing vacant shopping centre and its replacement on largely the same footprint with a four storey building. This will contain three ground floor commercial units, comprising two retail units (Class A1) and one gym to be open 24 hours a day (Class D2). 49 residential flats are to be constructed on the first, second and third floors surrounding an open green courtyard. The proposed residential mix is set out below:
12 x one-bed
20 x two-bed
17 x three- bed units.
2. The proposals comprise 49 parking spaces within the site boundary, including four disabled spaces and provision for electric charging points. Car parking is located to the rear of the proposed building comprising 24 spaces internally and an external car park area providing 25 spaces and 16 motorcycle parking spaces. Access to the car park is from Well Street to the east with egress on Short Brackland to the west. Cycle parking for the residential units (189 cycle spaces) is proposed in storage units located at the first second and third floor levels.
3. The scheme has been amended since first submission as follows:
 - Confirmation of inclusion of affordable units
 - Removal of public toilets
 - Window and balcony design amended – introduction of perforated metal screens
 - Elevational treatments amended – revised use of brick and render
 - Amendments to frontage detailing – windows/Cornhill sign/shopfronts
 - Removed shopfront from Well Street elevation
 - Introduction of loading bay
 - Enclosure of bin stores
 - Parking arrangements
 - Ramp to car park removed as well as barrier
 - Third floor units including balconies pulled back from edges
 - Lowered roof parapet and replaced with opaque glass balustrade
 - Removal of western corner turret

Application Supporting Material:

4. Existing and proposed plans including demolition plans
Planning Statement
Design and Access Statement
Ecology report
Daylight/sunlight Assessment
Transport Assessment and travel plan
Heritage Statement
Energy Statement
Land Contamination Assessment
Noise impact assessment
Archaeological Assessment

Site Details:

5. The application site is approximately 3841sq.m. To the south, Cornhill Walk Shopping Centre is accessed from the pedestrianised Brentgovel Street and Cornhill that links it to Butter Market, at a distance of approximately 26 metres from Grade I listed Moyses Hall. To the East the site borders Georgian terraced dwellings, many of which are listed, on Well Street. To the west, the site looks onto largely commercial properties on Short Brackland with the service area and parking to the rear adjacent to the rear garden and flank walls of residential properties on Short Brackland and Well Street.
6. The site is located to the north of the town centre within the Town Centre boundary, Primary Shopping Area and Conservation Area as identified in St Edmundsbury Borough Council Local Plan 2015. The majority of the site area is located in the 'Town Centre' character area of the Bury St Edmunds Conservation Area, however a small section to the north of the site, including the rear servicing area, is located in the 'Victorian Expansion' character area.
7. In 1937 The Odeon Cinema opened on the site, designed in an Art Deco style the building was listed and then de-listed in 1981. The building was demolished in 1983 and replaced by Cornhill Walk Shopping Centre in 1986. This building contained 11 retail units on the ground floor with storage above and has been largely vacant since 2014 and permanently closed since 2017. The shopping centre was serviced by a vehicular servicing area located at the rear of the site, accessed from Well Street to the east and Short Brackland to the west. No visitor or employee car parking spaces were provided for the shopping centre within the site boundary.
8. The site is located in Flood Zone 1 which is defined as land with less than a 1 in 1,000 annual probability of river or sea flooding.

Planning History:

9.

Reference	Proposal	Status	Decision Date
E/88/2618/P	Alterations and conversion of existing retail unit into a shopping mall with 13 units on ground floor and restaurant on first floor as amended by plans received on 15th July, 3rd August and 5th August 1988	Approved	August 1988
E/90/1911/P	Change of use of second floor of building to uses B1, A2 and B8	Approved	June 1990
E/94/1058/P	Alterations to ground floor elevation on St. Andrews Street frontage as amended by (i) letter	Approved	April 1994

	received 8th March 1994 deleting alterations to glazed aperture at first and second floor level'		
E/94/2296/P	Alterations to Cornhill and St. Andrews Street ground floor elevations including insertion of replacement shopfront as qualified by letter received 25th August 1994 relating to external finishes	Approved	September 1994
SE/09/1411	Temporary change of use from retail (Class A1) to art gallery with education/workshop space (Class D1)	Approved	October 2011

Consultations:

10. Conservation Officer (8/2/19) - Supports amended plans subject to the inclusion of conditions to agree details of materials, surface finishes, brickwork, windows, minor additions.
11. Historic England (4/1/19) - Supports the principle of redevelopment and consider that overall it will represent an enhancement over the existing condition of the site. However, they have concerns regarding the Eastern elevation and the combination of perforated metal grills and traditional sash windows.
12. Highways Authority (24/12/18) - Parking required for A1 and D2 use, Reduction in residential parking standards is acceptable in principle subject to travel plan, how will these be allocated?
 Cycle storage is good, although part of 2nd floor is not served where will their provision be?
 No ground floor cycle provision for staff
 How will waste be stored/collected? Waste management plan needed
 Are barriers intended? Ability to manoeuvre out of front spaces questioned
 How will deliveries for residents happen?
 Queries over land ownership/swap (*Officer note: This is outside of the scope of Planning and the applicant and Highway Authority are working to ensure both parties are satisfied in this regard*)
- (12/3/19) - Satisfied with 1 car parking space per unit without inclusion of car club space as this meets other developments in the town centre.
 Not satisfied with lack of parking to serve the gym, although mitigation in the form of car park permits, travel plan, incentives etc may assist in avoiding on street parking.
13. Planning Policy (20/7/18) - The proposed redevelopment of Cornhill Walk is welcomed. Given the site's location within the Primary Shopping Area, a mix of uses with a predominance of retail uses on the ground floor, with an active shop frontage and residential uses on upper floors would be supported. However, the proposals for a gym fails to fully comply with policy DM35.

Overall proposals as they stand will result in a net loss of retail floorspace which is seen as a missed opportunity given the prime location of the site and opportunity it presents in addressing the identified future needs. This should be balanced by the fact in qualitative terms it gives rise to opportunity to provide large ground retail floorspace units which are more appealing to occupiers.

- 14.Environment Team (11/5/18) - No objection subject to the standard land contamination condition and electric vehicle charge point condition are attached should permission be granted
- 15.Natural England (3/1/19) - The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 16.Public Health and Housing (8/1/19) – No objections subject to conditions regarding noise from mechanical plant, noise from gym use and deliveries.
- 17.Strategic Housing (17/5/18)– Object to lack of affordable housing which conflicts with policy CS5.

(13/3/19) – Objection removed. Strategic Housing would be looking to secure 6.3 affordable dwellings on site in the following format:

Affordable Rent (5 dwellings)
4 x 1 bed apartment (minimum 50sq.m)
1 x 2 bed apartment (minimum 70sq.m)

Intermediate (1 dwelling)
1 x 2 bed apartment (minimum 70sq.m) Although it is noted that a registered provider may be reluctant to take on 1 shared ownership dwelling within the building and as such it may be preferable to have 6 units at affordable rent.

With a commuted sum of £49,200.

- 18.County Archaeologist (30/5/18) - No objection subject to conditions to secure archaeological investigation and completion of the post investigation assessment.
- 19.Suffolk County Council Flood and Water Engineer (4/1/19) - No objections
- 20.Development Contributions manager (20/12/18) - Confirmed that original response on 20/12/18 still applies.
No objection subject to s106 to secure the following:
 - a. Education - £73,086
 - b. Pre-school - £41,665
 - c. Libraries - £784
- 21.Anglian Water (14/5/18) - No objections subject to submission and approval of a surface water drainage strategy.
- 22.Environment Agency (9/5/18) - The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. However, subject to the inclusion of planning conditions planning permission could be granted.

Representations:

23. Bury Town Council (26/4/18) - No objection based on information received subject to Conservation Area issues and Article 4 issues.

24. (10/1/19) - The Town Council objects to the proposal on grounds of:

- Overlooking/overshadowing adjacent properties
- It being contrary to Policy BV25 of Vision 2031 "The council will seek to preserve or enhance the townscape and landscape setting of the Bury St Edmunds Town Centre Conservation Area"

25. Suffolk Preservation Society (18/5/18) summarised :

- Welcomes the redevelopment of this key site
- Concerns regarding scale, design and visual impacts upon Conservation Area and listed buildings
- Plans are materially larger than existing, including height and footprint – unwelcome given modest scale of Well Street
- Privacy and overlooking issues – use of louvres and obscure glazing is unacceptable
- East elevation lacks coherent design quality
- Presence of shopfronts on East and West elevations has an unacceptable impact on residential amenity
- Disappointed by faux Georgian façade which creates an unacceptable impact on Moyses Hall
- Much higher quality contemporary design needed for whole building
- Parapet on South elevation is too high and prominent – lettering too large
- Domestic paraphernalia on roof terraces will be visible from Buttermarket
- North elevation increased in bulk, lacks in architectural merit and will create overlooking issues
- Internal layouts are mean, inadequate amenity space

(7/1/19) Apart from minor elevational changes the scheme is not materially different therefore, original comments apply.

26. Bury Society (4/1/19) summarised:

- Concerns regarding scale and impact on local community
- Questions long term viability of large retail units
- Design not reflect local context
- Alternative outline sketch submitted – reduces retail to 4 boutique shops with apartments grouped around central parking court and limited to 3 floors in height.

27. 19 representations were received from local residents in addition to a representation from the Well Street Association, to the original plans making the following summarised comments:

- Changes since public consultations are welcomed
- Overdevelopment - taller than existing, overpowers surrounding houses
- Design is not sympathetic to the Conservation Area or adjacent listed buildings - out of keeping with the character of the area
- Concern over appearance of louvres and obscure glazing to Well

- Street elevation
- Shopfront to Well Street is unnecessary & will create noise, light and disturbance degrading Well Street as a heritage asset
- Inadequate parking provision in an oversubscribed area of town
- Increase in traffic inc. HGV's - weight limit on Short Brackland and Orchard Street is not well signposted
- Potential for development to damage adjacent listed buildings (windows/cellars)
- Roads are narrow and cannot accommodate additional traffic
- Surrounding junctions should be improved to cope with traffic
- Suggest deliveries occur on Brentgoval Street - need to control hours
- Suggests removal of ramp to car park - noise/headlights
- Greater incentives needed to reduce car usage
- Concern as to availability of parking permits to new residents - request to extend permit parking regulations
- How will noise from development affect Well Street residents
- Noise - from gym (hours of use), car park, general activity, air conditioning Lack of privacy - balconies, windows and roof gardens will provide overlooking
- Disturbance from construction - hours, noise, dust, vibration, parking for workers,
- Loss of amenity to adjacent no.8 - overshadowing, intrusion, too many windows
- Viability of large retail units is questioned
- Noise, smell, vermin to bins
- Question need for public toilet - potential for antisocial behaviour
- Inadequate drainage - concerns over water pressure - need for protection of drains during construction
- Impact of development on holiday let in Well Street

28. Since receipt of amended plans 14 further representations, including the Well Street Association, were received, the above issued remained with the following additional comments made.

- The northern end of Eastern elevation (Well Street) is not sympathetic, Inconsistent window design
- Proposed metal screens are an improvement but final design needs conditioning
- Concern over introduction of loading bay - ability to negotiate Short Brackland
- Request for contributions towards parking enforcement and barriers, Restrictions needed for delivery and bin collection times
- Questions desire for this type of accommodation given number of similar approvals

Policy:

29. 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:

St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)

- Policy CS9 (Employment and the Local Economy)
- Policy CS10 (Retail, Leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- Policy CS14 (Community Infrastructure and Tariffs)

Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards)
- Policy DM15 (Listed buildings)
- Policy 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 DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking Standards)

Bury Vision 2031:

- Policy BV1 (Presumption in Favour of Sustainable development)
- Policy BV2 (Housing development within Bury)
- Policy BV25 (Conserving the Setting and Views from The Historic Core)
- Policy BV27 (Bury St Edmunds Town Centre Masterplan)

Other Planning Policy:

30.National Planning Policy Framework (2019)

31.National Planning Practice Guidance

32.Bury St. Edmunds Town Centre Master plan

33.Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)

34.The NPPF was revised in February 2019 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development

- Layout and Design
- Heritage Impacts
- Impact on Residential Amenity
- Highway Matters
- Ecology
- Drainage
- Section 106 Contributions and Affordable Housing

Principle of Development

36. 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 (NPPF) (2019) and the presumption in favour of sustainable development contained at its heart are also a key material consideration.
37. The application site is located within the housing settlement boundary of Bury St. Edmunds, the largest town within St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy BV2 of the Bury Vision 2031 (2014) allows for new residential development within the settlement boundary. The last use of the site was as a shopping centre and as such, A1 retail, however, the site is not allocated for any specific land use and the principle of the redevelopment of the site for a mixed commercial and residential use is considered to be in accordance with these policies.
38. Consideration has also been given to the Bury St Edmunds Town Centre Masterplan which was adopted in December 2017. The site is located within 'the northern gateway', albeit better relates to 'Cornhill, Buttermarket and Arc' which it abuts. The Northern Gateway has a mixed character contrasting with the residential character closer to the heart of the town centre. One of the identified priorities is to improve the image and character of this part of the town, making it a more attractive and welcoming gateway for Bury St Edmunds, as well as *'introducing new uses that will better front onto streets and spaces and create a more active, attractive and safer environment'*. Cornhill, Buttermarket and Arc seeks to ensure that the market retains its place as the key activity within this area of the town centre. It is considered that the redevelopment of this site would not otherwise conflict, and may in fact notably support these priorities, noting the utilitarian appearance of the site at present and the potential for the site's regeneration to significantly improve this gateway into the town as well as improving activity and footfall in this area of the town centre.
39. Planning policy officers have expressed concern at the reduction in retail floor space which has reduced from 2,233 sqm to 1,107sqm, a loss of some 50% and given the position of the site within the Primary Shopping Area this conflicts with its aims. The site is identified in the Retail and Leisure Study 2016 as an area of opportunity for redevelopment to replace the dated and enclosed layout which is now vacant. The study suggests that redevelopment could provide larger format units, such as 2-3 units, with street frontage at ground floor suitable for A1 or A3 uses. The proposals go part way to meeting

this aspiration for the site, although concerns are raised to the D2 gym use given that adjacent uses are non A1 and as such, may conflict with the provisions of policy DM35 which seeks to prevent three adjoining non A1 uses. However, given that a D2 use is an acceptable town centre use under this policy and will contribute to a range of uses within this area the impact this will have on the vitality and viability of the area is considered negligible.

40. The introduction of larger retail units, whilst welcomed from a policy perspective have caused objection from local residents concerned that there are already available units within the town centre and whether in the long term these are viable. Balancing these opinions it seems reasonable for the building to accommodate some commercial space and the mix of uses (which already have tenants agreed) is likely to result in a more viable development.
41. The principle of the proposed development therefore, 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 and Design

42. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 requires all development to fully consider the context in which it sits, contribute to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. Chapter 12 (Achieving well-designed places) of 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.
43. The Town Centre comprises a mix of commercial, retail, religious and residential uses which gives the area a varied character. The Town Centre is dominated by a large proportion of Listed Buildings which date from the late 12th to early 19th century. The townscape is largely characterised by continuous building frontages, with properties built up to the pavement edge. Plot sizes and roof profiles are variable depending on age, with historic buildings frequently occupying smaller plot sizes with slim frontages, interspersed between larger commercial town centre buildings occupying larger plot sizes. Building heights vary between two and four storeys.
44. The site holds a prominent position within the town centre with views available across the market square and focused down Cornhill as well as from the surrounding predominantly residential streets. The building has been vacant for some time and consequently the site represents an opportunity for re-development. Accordingly, the aspirations of the Town Centre Masterplan to provide mixed use developments within the town, utilising space above shops and including car parking, as well as supporting continued growth of the economy are relevant and the redevelopment of this site offers a significant opportunity.
45. The application proposes a building that broadly follows the footprint of the

existing building, although is taller in some areas, with the highest point of the existing building used as a benchmark. The proposed building height provides four storeys albeit the fourth floor is recessed and as such, will not be readily visible from adjacent dwellings given the traditional tight knit form of the streets.

46. Whilst there are a number of timber framed buildings and Victorian terraces, the town is largely Georgian and as such, the appearance and detailing of the development is based on traditional Georgian dimension and design features. Elevations are articulated by projecting and recessing bays and windows with varied materials including brick and render which provide vertical emphasis and help to break up the massing of the building. All four facades have received different treatment, whilst keeping to the similar design language and horizontal guidelines. The front elevation (south) of the building which looks on to Butter Market has a traditional appearance incorporating the shopfronts and elaborate detailing such as stone window sills, flat gauged arches and the Cornhill Walk pediment. Whereas, the rear of the building (northern elevation) faces the service yard and the rear gardens of Well Street and Short Brackland and is designed in a more contemporary style with red brick and perforated metal screens. The side elevations represent a transition between the two and feature a mixture of render, brick and variations in fenestration.
47. The fenestration proposed has been amended since the original submission to better reflect its Georgian influences. Sash windows have been rationalised in size and layout and simple modern windows have been added to the more modern and less sensitive sections of elevations to provide contrast and clearly define the hierarchy. Sash windows are painted timber with those in the more contemporary sections to be double glazed aluminium with light grey frames. The use of oriel windows which project outwards utilising obscure glazing to the frontage element and clear glazing side and top panels, to the rear is considered appropriate and has assisted with overlooking issues as well as providing an attractive elevation. Perforated metal screens have been designed in to the scheme, replacing the initial louvres, to provide both privacy to residents and adjacent residents whilst allowing a degree of sunlight through. These screens are utilised on balconies, as well as the car park and bin stores to allow ventilation and security whilst screening unwanted views.
48. The materials chosen are considered to be sympathetic to the site's surroundings, replicating the more historic buildings in the centre as well as offering a balance between traditional materials and a more contemporary design approach.
49. The proposal involves the creation of active retail frontages onto Brentgovel and Short Brackland which reconnect the site to the town and provide an improvement to the stark blank facades previously experienced on the West. Debate over the introduction of an active frontage to Well Street with glazing to serve the gym has resulted in the removal of this aspect allowing the Eastern elevation to respect the residential nature of Well Street which is considered more appropriate for this context.
50. The units themselves are designed around a central open air courtyard which allows residents an area of private amenity space. Units generally are allowed views both externally and internally with many of the second or third bedrooms overlooking the internal courtyard and gaining borrowed light from

this aspect. Each unit meets the national space standards with the inclusion of balconies where possible to allow outdoor space in addition to that provided communally.

51. Whilst there is little space to accommodate landscaping within the site, and the occupants of no. 8 Well Street, to the rear have requested that their boundary is not further obscured with trees there is scope for some planting. Additionally, the Design Out Crime Officer has suggested the use of structural planters around external doors of the site and a condition is suggested in this regard.
52. The proposed building replaces a fairly benign building of limited architectural quality, and its replacement with a more sensitively designed building is considered to contribute to the enhancement of the character and appearance of the area, respectful of its context.
53. The Police Design Out Crime Officer has commented on the proposals and raised several concerns. Whilst some of these have been addressed, such as the removal of the initially included public toilets and the enclosure of bin storage, some do remain. It is acknowledged however, that the redevelopment of Cornhill Walk and the introduction of both residential and commercial uses will provide continuous activity on and around the site, providing natural surveillance and minimising opportunities for anti-social behaviour.
54. In summary, whilst the scale of the proposal is modestly larger than that of the current building, it is considered to respect the townscape character and successfully address the key features and constraints of the site. The proposal comprises a high quality scheme and would provide a gateway building in this prominent location. This is considered to weigh significantly in favour of the development in this case.

Heritage Impacts

55. 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.
56. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
57. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.

58. The building has been designed in response to its surroundings which comprise the Town Centre Conservation Area and several listed buildings, namely Moyses Hall Museum (Grade I), no.s 5, 14 and 42 Brentgovel Street, no.s 36, 38-45 Well Street and no. 90 St. Johns Street (all Grade II). A heritage statement has been produced which provides an assessment of the site and its significance, consequently, the development has been designed in response to this information utilising Georgian form and detailing.
59. Historic England have confirmed that the site contributes to the setting of a number of important listed buildings. They describe the high quality of the townscape and consider Bury St. Edmunds to be one of the finest historic town centres in our region. They support the principle of the application and consider that overall it will represent an enhancement over the existing condition of the site. They welcomed the amended plans given that their previous advice was taken into consideration, and are of the view that the amended south facing elevation is a more coherent composition than that of the previous proposal. They consider also that the proposed northern and western elevations are improvements from the initial concept.
60. Historic England however, remain unconvinced regarding the treatment of the eastern elevation onto Well Street. They state that as amended, the use of perforated metal screens on the internal balconies in place of the louvres previously suggested is an enhancement over the original proposals. Where perforated grills are used in conjunction with high quality brick, the effect can be an attractive and elegant one, but they remain unconvinced by the use of a mixture of perforated screens and traditional sash windows in the rendered section of the East elevation which they believe remains incoherent in its current form. This elevation has been carefully considered and various solutions discussed with the applicant. Planning and Conservation Officers consider that the current form allows for semi-outside space as requested by the applicant, privacy for adjacent neighbours as well as appearing attractive within the street scene.
61. At present the building represents a discordant feature in the street scape particularly given its vacant nature which has encouraged anti-social behaviour. It is considered that the proposed scheme is an improvement over the existing building and whilst altering views it will retain the pattern of development and form of surrounding streets which is key to the significance of the conservation area. By virtue of its design, form and materials it would enhance the character and appearance of the conservation area and the setting of the surrounding listed buildings, with Grade I Moyses Hall in particular benefitting from an improved backdrop which will enhance the visitor experience and positively contribute to its wider setting.
62. Consequently, notwithstanding the concerns raised by Historic England, the scheme in its current form is considered to comply with the relevant locally and nationally adopted policies and the provisions of the Act.
63. The application is accompanied by an archaeological heritage statement and desk based assessment which confirms that the site lies in an area of high archaeological potential within the historic core of Bury St. Edmunds. The County Archaeologist agrees with the findings of this report, that later development will have had an impact on deposits and that archaeological concerns can be effectively managed by a condition. Hence, conditions have been recommended to ensure an archaeological investigation takes place prior

to development commencing.

Impact on Residential Amenity

64. 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 a key aspect of good design, endorsed within the NPPF with planning policies and decisions promoting health, well-being and a high standard of amenity for existing and future users.
65. A Statement of Community involvement has been submitted which details a public exhibition and local stakeholder session that was held in June 2017. The proposals have been revised in response to feedback from these sessions, most notably was the decrease in units by 15 and an increase in parking spaces.
66. The most sensitive areas of the site, when considering the potential impact on residential amenity of existing dwellings, is the East (Well Street) and North (Rear) elevations given that these are in close proximity to adjacent dwellings. Well Street comprises a terrace of Georgian dwellings with all those opposite the site grade II listed. The dwellings opposite are two storey in height with many benefiting from basements. Nos 31, 32, 33 and 34 are three storey.
67. Georgian terraces like those on Well Street would typically face onto another terrace of dwellings and as such, the relationship between these properties and that proposed is not an unusual pattern of development. This face to face relationship retains the privacy of the rear garden and those rooms located to the rear of the house whilst continuing the built form closely abutting the highway. The proposed shopfront on this elevation has been removed at the request of these residents and as such, the ground floor elevation is largely blank with the exception of access doors. It is considered that the development represents an acceptable relationship to those dwellings to the East of the site.
68. No. 8 Well Street (and to a slightly lesser extent no. 9 behind) to the rear holds a difficult position at a 90 degree angle to the site so the modern two storey dwelling fronts Well Street and the rear garden borders the Cornhill Walk car park. A plan showing overlooking distances has been submitted which demonstrates a distance of 16.3 metres from the proposed North elevation windows and the existing ground floor window of no. 8 which is a secondary window to their living room. The rear garden is modest in scale and separated from the development by a 1.8 metre high brick wall. A distance of 14.4 metres exists between this boundary and proposed windows. At present views of the shopping centre dominate the outlook from this garden and the ground floor side window. Its massing and bulk appear overbearing and whilst it doesn't block access to sunlight it does appear vast. The proposed scheme removes the tower element from the North East corner which is a benefit and has been amended to try and mitigate some concerns raised by these occupants on the grounds of overlooking and loss of privacy. A proportion (18 of 32 openings) of windows and balconies on this northern elevation are now obscure glazed or screened by a metal screen. Roof terraces have also been amended so no access is proposed along the Northern side and the parapet has been reduced in height to assist in reducing the bulk of the elevation.

Nonetheless, the building is still a considerable size and there are still 32 openings on this elevation which will create a perception of overlooking for these residents who will suffer some loss of residential amenity.

69. This relationship is a matter which weighs against the scheme but given the existing building and its current mass, this matter alone is not considered sufficient to warrant refusal of the scheme.
70. Short Brackland Street accommodates various business uses and private parking areas which back onto the site and are as such, less sensitive to the development. Whilst there are dwellings fronting the highway these are further down the road and therefore not adjacent to the site.
71. A daylight and sunlight assessment has been prepared and submitted for consideration. This reaches a logical and considered position in relation to the likely amenity effects of the proposal. Noting the above and notwithstanding the scale of the building proposed, officers are satisfied that the amenity effects of the proposal are acceptable given the urban context of the site.
72. Consideration must also be given to the amenity effects associated with the proposed commercial units. The application documents state that these would be used for Class A1 (retail) and D2 (gym). The provision of a commercial element is considered to be a positive feature of the scheme, contributing to the mix of uses in the area and enhancing the sustainability credentials of the site.
73. The retail units are described in the application form as opening between 7:30 and 21:00 Monday to Saturday with limited Sunday opening. The site is located in the town centre and notwithstanding the residential use above it is not considered that this would be harmful to amenity during these times. The D2 use is proposed to comprise a 24 hour gym and concerns have been raised by local residents in this regard.
74. The application is supported by a noise impact assessment and Public Health and Housing Officers concur with their conclusions which recommend a condition regarding noise from mechanical plant as well as agreeing noise limits within the building. The gym will be served by mechanical ventilation and as there will be no need to have windows and doors open which would allow the escape of sound as raised as a potential issue by residents. Nevertheless, the assessment acknowledges that this use has the ability to create disturbance and indicates the need for control. Subject to the imposition of conditions Public Health and Housing have no objections to this element of the scheme. Conditions limiting the hours of use and delivery activity will also be necessary.
75. Subject to appropriate controls it is considered that the impact of the proposed commercial use upon amenity can be made acceptable.

Highway Matters

76. Policy DM2 of the Joint Development Management Policies Document 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.

77. Access to the site is proposed from the existing entrance on Well Street exiting as existing onto Short Brackland. These points will be upgraded but in terms of their positions are considered appropriate with regard to visibility and highway safety. No barriers are proposed and the applicant intends to use their own parking/access management system. Whilst this will generate a high level of traffic on these roads the application is accompanied by a traffic assessment and the Highway Authority is satisfied with this arrangement.
78. A key concern of residents is the number of parking spaces provided within the site given that parking on adjacent roads is already at a premium, and whilst a parking permit scheme is in place this operates only between 10-4 and is over-subscribed. The Bury Town Centre masterplan acknowledges the difficulties with parking in the town and is seeking to improve provision, improve enforcement and improve highway infrastructure.
79. The development proposes 49 units with 1 vehicle parking space provided for each. In addition 19 motorcycle spaces are included and secure cycle storage is proposed on each level totalling 168 spaces. The Highway Authority is satisfied with this number, despite it being below adopted standards, given the town centre location and proximity of other sustainable modes of travel such as a train and bus stations.
80. The commercial units on the ground floor do not have any parking spaces proposed. The applicant states that visitors to these units will be undertaking linked trips to the town centre and as such, will make use of public car parking. In relation to the proposed D2 gym use, the applicant has submitted information from Anytime Fitness, the potential occupant, who claims that the ability for users to access the gym 24 hours a day lessens the peak usage times and other gyms in their portfolio with no parking provision (Twickenham, Sutton and Aylesbury) have not had any issues involving street parking in local areas. From their experience users will either be workers in the local area who already have transportation to and from work and this will not cause an incremental journey. Or they will be members from the nearby residential population who have a choice of walking, cycling, public transport and driving. They encourage the first two methods but will also provide information on public transport and local public car parks which are either free in the evening or £1.
81. Whilst the Highway Authority is not satisfied with this arrangement, Planning Officers are of the view that previous retail units did not benefit from spaces and neither do many other commercial premises in the town centre. On that basis, it is not unusual for employees, customers or gym users to make use of public car parks which are located in close proximity. The NPPF advises 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. Whilst Highway Officers have suggested that the use of car parking permits, incentives or a travel plan will assist in mitigating this issue, they have objected in this regard which is a matter weighing against the scheme.
82. Whilst deliveries were initially intended to be carried out on the semi-pedestrianised Brentgovel Street at specific times, as happens at present for McDonalds, amended plans have included a loading bay off Short Brackland. Concerns were raised with regard to the ability for vehicles to access this bay but tracking plans demonstrate that this is achievable. A condition has been

recommended however to ensure appropriate times for deliveries occur.

83. Development of this site will undoubtedly have an impact on traffic generation in the vicinity, particularly to the residential streets of Well Street and Short Brackland. Residential parking will be provided to ensure one space per unit and this is generally considered acceptable in locations within the town centre where it must be assumed that some trips will be undertaken on foot, by bicycle or through the use of public transport. That is not to say that private car journeys will not take place but that households will be aware of the parking situation prior to purchase and determine accordingly if this provision is achievable for them.

Ecology

84. Due to the developed nature of the site there are no concerns with regard to ecology, notwithstanding this, an ecology survey has been submitted which confirms that the site is of low ecological potential. Natural England has further confirmed that the development will have no impact on statutorily designated nature conservation sites.

Flooding and Drainage

85. Anglian Water have confirmed that the foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. Additionally, the sewerage system at present has available capacity for these flows. However, the surface water drainage strategy submitted is currently unacceptable and a revised scheme needs to be submitted and approved via condition.

86. The Environment Agency consider the site to be highly sensitive given the ground conditions and historic uses surrounding the site, however, they are content to recommend approval subject to the inclusion of conditions which require further information to be submitted and approved prior to work commencing. With the inclusion of conditions as recommended by both Anglian Water and The Environment Agency the application is considered to comply with policy DM6 which seeks to ensure that on-site drainage for new development is managed and does not cause or exacerbate flooding elsewhere.

Contamination, Air Quality and Sustainability

87. The application is supported by a Phase 1 Preliminary Risk Assessment, dated 22nd December 2017 undertaken by Clarkebond. The Clarkebond report recommends ground investigation would be required if there were any ground works or new foundations to be undertaken. As the proposals are for demolition and redevelopment, significant ground works will occur and therefore a ground investigation is required.

88. 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.

89. 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."
90. It is welcomed that the applicant confirms within their Planning Statement that they will be providing vehicle electric charging points and a condition will ensure that these are provided and retained.
91. 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.
92. 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).
93. 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.

Section 106 Contributions and Affordable Housing

94. 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.'
95. Suffolk County Council as the education authority has identified a shortfall in the number of available pre-school and primary school places and requests a financial contribution of £114,751 for the additional places generated by this development. A contribution of £784 towards library provision within the area is also requested giving a total of £115,535.
96. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the

needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.

97. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.

98. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.

99. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply vacant building credit (VBC), Local Planning Authorities should consider '*whether the building has been made vacant for the sole purposes of re-development.*' In this case, the Local Authority is satisfied that the building became empty largely due to market forces and the opening of the Arc shopping Centre and on this basis, is satisfied that VBC applies. Therefore, taking into account this credit the affordable housing required is reduced to 6.3 units.

100. The applicant is willing to provide the requested Section 106 contributions as well as affordable housing in accordance with policy CS5 and the affordable housing supplementary planning guidance. At present the section 106 agreement has not been completed and as such, the recommendation is subject to the completion and signing of this legal document by all parties. However, given the willingness of the applicant to provide that requested the application complies with the relevant policies in this regard.

Conclusion:

101. 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.

102. As a result of the amendments made to the scheme and the additional information submitted, it is considered that the proposed development creates

a well-designed and visually attractive scheme which incorporates a range of good quality materials and detailing. Officers believe that the adverse amenity effects have been minimised through amended plans and residential parking is sufficient, noting the sustainable location. The scheme is thought to respect the setting of adjacent listed buildings and enhance the character of the Conservation Area. The scheme also ensures provision of affordable housing and education contributions within a section 106 agreement which weighs notably in its favour.

103. Lack of parking for commercial units and the Highway Authority concern in this regard weighs against the application. As does Historic England's comments regarding the use of perforated metal screens in conjunction with sash windows on the East elevation, albeit the Conservation Officer is satisfied with this detailing. These
104. Taking all matters into account and noting the significant benefits of the proposal, the failure to provide commercial parking spaces and Historic England's concerns regarding the East elevation, whilst weighing against the scheme are not considered to justify a refusal of planning permission in this case.
105. 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.

Recommendation:

106. It is recommended that planning permission be **APPROVED** subject to;
- the completion and signing of a section 106 agreement which details the affordable housing and County Council contributions as outlined above, and,
 - the following conditions:
 1. Detailed time limit
 2. Development to accord with approved plans
 3. Samples/details of materials/surface finishes/perforated screens to be submitted and approved
 4. Brickwork sample panel to be submitted and approved
 5. Window details to be submitted and approved
 6. Contract for re-development to be in place prior to demolition commencing
 7. Details of minor additions to be submitted and approved
 8. Construction method statement to be submitted and approved
 9. Hours of demolition and construction to be limited
 10. Archaeological investigation
 11. Post-investigation report to be submitted and approved
 12. Noise impact assessment for 24 hours commercial use
 13. Opening hours for commercial units
 14. Noise limit for mechanical plant
 15. Surface water drainage management strategy to be submitted and approved
 16. Environment Agency drainage strategy to be submitted and approved
 17. Land contamination investigation to be submitted and approved
 18. Electric charging points to be installed and retained

19. Delivery plan/times to be submitted and approved
20. Access from specified road only
21. Access details including surfacing to be submitted and approved
22. Car and cycle parking provision to be provided prior to occupation
23. Travel Plan to be submitted and approved
24. Waste management plan to be submitted and approved
25. Landscaping details to be submitted and approved
26. Lighting details to be submitted and approved
27. Limit water use

Documents:

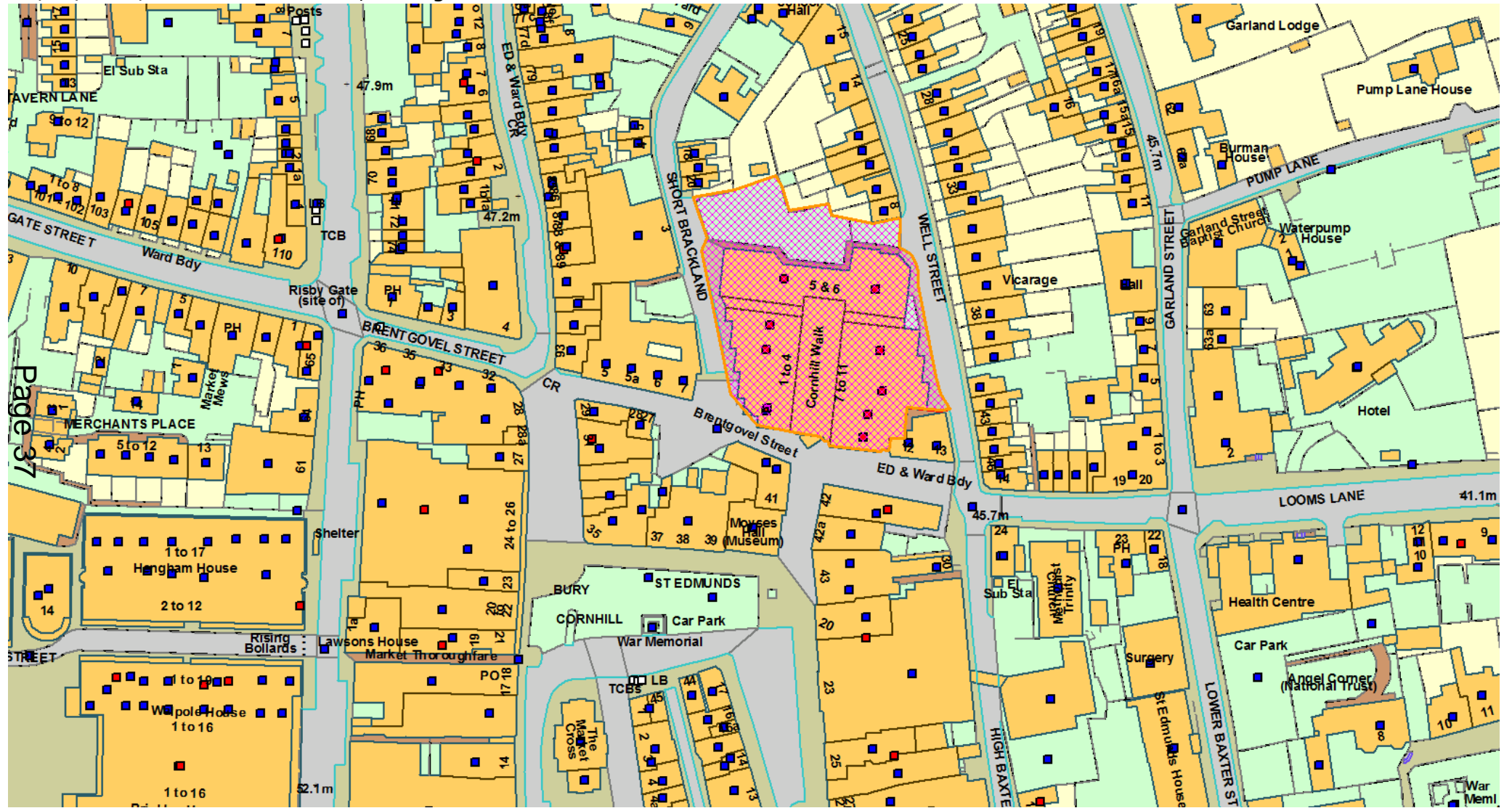
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4UME7PDMH500>

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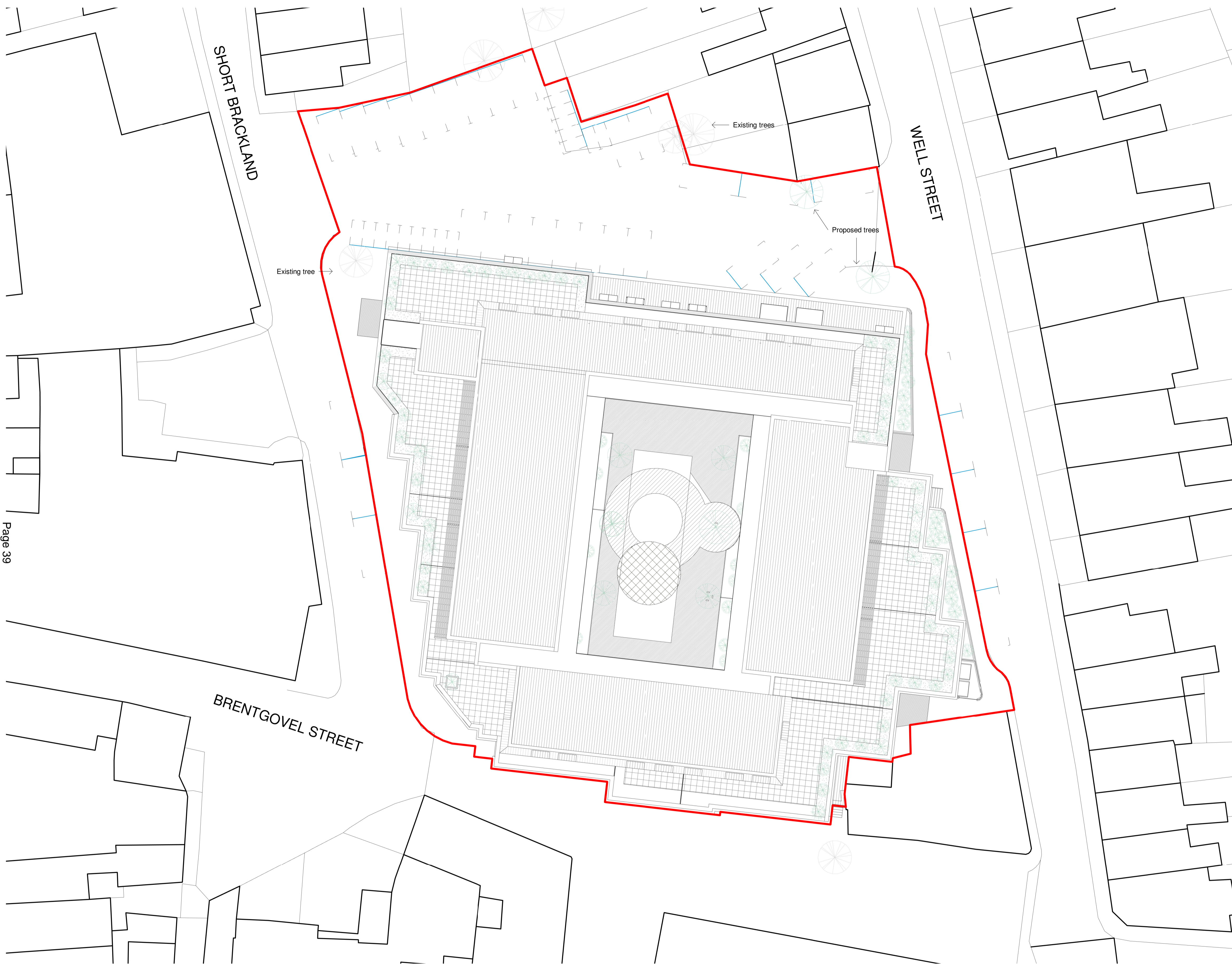


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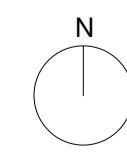
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— Site boundary

SITE PLAN
1 : 200

notes:



NOTE: The contractor is responsible for checking all site dimensions and levels. These should be checked prior to the ordering of any components and before the commencement of the works. All discrepancies should be brought to the attention of the Contract Administrator.

revisions:				
E	13/12/18	LP	Planning	
D	15/02/18	LP	Planning	
C	25/01/18	SL	Site Plan and Site Location Plan revised	
B	18/01/18	SL	Site Plan, overlooking distances amended	
A	13/12/17	SL	Site Plan revised, railings amended	

Knightspur Homes Limited
Cornhill Walk
Bury St Edmunds
drawing information

title: PROPOSED SITE PLAN

status: Planning
date: 06/05/17
scale: 1 : 200
drawn: LP
chk'd: SL



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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/023

Development Control Committee 28 March 2019

Planning Application DC/18/1498/FUL – Boyton Meadows, Anne Suckling Road, Little Wrattling

Date Registered: 15.08.2018

Expiry Date: 14.11.2018

Case Officer: Charlotte Waugh

Recommendation: Approve Application

Parish: Haverhill Town
Council

Ward: Withersfield

Proposal: Planning Application - 38no. dwellings and associated access works

Site: Boyton Meadows, Anne Suckling Road, Little Wrattling

Applicant: Clearwater Estates 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:

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Background:

The application comes before the Development Control Committee as Haverhill Town Council object and this is a major application recommended for APPROVAL, subject to the completion of a s106.

Proposal:

1. This application seeks full planning permission for 38 dwellings on land within the curtilage of Boyton Hall. A new access is proposed off Ann Suckling Road. The development comprises of a mix of 2, 3 and 4 bedroom dwellings. As originally submitted the mix was proposed as follows:
4 x 2 bed apartments (flats over garages)
15 x 2 bed houses
17 x 3 bed houses
2 x 4 bed houses
2. The application has been amended to revise the site layout, but the mix remains the same as above. 30% of these dwellings will be affordable.

Application Supporting Material:

3. Location plan
Masterplan
Block plan
Proposed plans for all plots
Tree protection plan
Tree survey
Archaeological report
Design and access statement
Extended phase 1 habitat survey
Transport Statement
Flood risk assessment and surface water drainage strategy

Site Details:

4. The 1.2 hectare site is located to the north of Ann Suckling Road which is the main access serving the Boyton Hall estate. To the south of the site is Boyton Hall. The site is surrounded by the 43 hectare Masterplan for North West Haverhill albeit not included within it. This Masterplan area was allocated in the 2016 Replacement St. Edmundsbury Local Plan and includes circa 1,150 dwellings, a new Primary School, a local centre and associated open space and provision for 'executive housing'. The Masterplan has been adopted and a subsequent Outline Application has been approved by the Local Authority for the remainder of the Masterplan site with detailed planning granted for an area to the East. The site is entirely within the Housing Settlement Boundary.

Planning History:

5. [DC/16/1441/OUT](#) - Outline Planning Application (Means of Access to be considered) - Residential development for 37 units – Withdrawn 17.11.2016

Consultations:

6. SCC Archaeology (16/8/18) – No objection subject to conditions to secure archaeological investigation and completion of the post investigation assessment.

7. Public Health & Housing (16/8/18) – No objection subject to conditions to secure restriction on construction hours and construction and site management programme
8. Environment team (17/8/18) – No objection subject to the standard land contamination condition and electric vehicle charge point condition are attached should permission be granted.
9. Suffolk Fire & Rescue (22/8/18) – No objection subject to a condition which requires the provision of fire hydrant(s) within the site.
10. Suffolk County Council Developer Contributions Manager (23/8/18) – No objection subject to s106 to secure the following:
 - a. Education - £149,443
 - b. Pre-school - £41,665
 - c. Libraries - £608
 (31/01/19) – Updated Education figure - £239,666
11. Parks Infrastructure Manager (23/08/18) – *'A strong linking corridor should be provided that forms the primary open space provision on this site that should link the existing development to the south of this site through this development directly to the crossing point being provided on the Primary Movement Corridor (PMC) as part of the adjacent development. This would then provide a safe link for young people from a part of Haverhill that has little to no open space/play provision to the new provision being provided on the NW Haverhill development.'*
12. Suffolk County Council Flood & Water team (30/8/18) – Holding objection – insufficient information.
(29/11/2018) – No further objections, subject to conditions to secure a detailed surface water drainage strategy, details of SUDs to be submitted and agreed and details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction.
13. Suffolk County Council Highways (03/09/18) – Holding objection, raising a number of matters which require further clarification.
(21/2/19) – Recommend conditions should permission be granted to secure access surfacing, minimum access and footway width, cycle storage, bin storage and presentation, means to prevent discharge of surface water onto the highway, details of estate roads and footpaths, footway link to northern site boundary, footway connection and crossing point on Ann Sucking Road, Construction and Deliveries Management Plan, manoeuvring and parking and visibility.
14. Suffolk Wildlife Trust (04/09/18) – Object as insufficient information regarding protected species.
Awaiting re-consultation response after the submission of additional surveys.
15. Police (5/9/18) – Made a number of recommendations to improve safety around the site.
16. Conservation Officer (16/11/18) – No comment

17. Anglian Water (10/12/18) -

Waste water treatment – available capacity

Used Water network - unclear what the foul drainage strategy is at this time including the discharge regime and connecting manhole, this will be required in order to conduct an accurate impact assessment of the network. We therefore request a condition requiring phasing plan and/or on-site drainage strategy

Surface water disposal – defer to Lead Local Flood Authority

18. Strategic Housing

(13/12/18) – does not accord with CS5 to deliver 30% affordable housing. 11 dwellings should be secured as affordable with a commuted sum for 0.4 dwellings. Tenure required would be 80% affordable rent and 20% shared ownership as defined in the SPD.

(19/2/19) – agreed 7 affordable rented and 4 low cost home ownership to be provided as discounted market sale in line with the new products within the NPPF.

19. Tree Officer – visited the site to confirm the quality of the trees likely to be affected by the development and raised no concerns.

Representations:

20. Haverhill Town Council (30.08.18): Object on the following grounds:

- Inaccurate content of the application – Old Masterplan for the NW development has been used which gives a misleading impression of the site in relation to adjoining development.
- Highways – the site is served by a long single access road with no alternative access in case of emergencies. This also will add to the weight of traffic attempting to exit Ann Suckling Road onto the A143 Haverhill Road. A traffic assessment should be made of the impact on this junction. Visibility splays appear to cross with those of the adjoining access road to another part of the same site.
- Parking – The number of parking spaces claimed by the applicant are not evident on the plans. In any case some appear unrelated to any particular property and it is not clear if there is a free-for-all or allocated parking.
- The Design & Access Statement supporting the application speaks eloquently of the need for low density executive homes. Yet the application density and housing mix being proposed doesn't match that description, with just two relatively small, linked 4 bed properties.
- Security – The Police should be asked to specifically comment on how this layout, particular for parking, meets their secure by design guidance.
- Bio-diversity – No report is provided and it appears a healthy tree with a TPO is to be felled.
- Sewerage – As the adjacent site provoked works by Anglian Water to prevent sewerage spilling out onto the Wratting Road, Anglian Water should be asked to comment on whether the infrastructure is sufficient in this area.
- Archaeology – adjacent sites had surveys, but no such report is provided.

21. Letters of representation have been received, raising the following comments and concerns (The Willows, Boyton Hall Farm, Chapel Farm Cottage):

- Development is too overcrowded
- Loss of privacy
- Increase in noise, dust and air pollution
- New access will be unsafe
- Density too high and houses too small
- Pond will attract children and become unsafe unless preventative measures are put in place
- Amenity land (south of pond) will attract anti-social behaviour
- Not enough larger properties
- Poorly located and insufficient parking
- Insufficient visitor parking
- How will car charging points be accommodated?

Policy:

22. 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 (adopted February 2015):

- 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 DM20: Archaeology
- Policy DM44: Rights of Way
- Policy DM45: Transport Assessment and Travel Plans
- Policy DM46: Parking Standards

Haverhill Vision 2031 (adopted September 2014):

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill
- Vision Policy HV3 – Strategic Site – North-west Haverhill

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 CS12 – Haverhill Strategic Growth
- Policy CS14 – Community Infrastructure Capacity and Tariffs

Other Planning Policy:

23. National Planning Policy Framework (2019)
National Planning Practice Guidance

Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)

The NPPF was revised in February 2019 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.

Officer Comment:

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

- Principle of Development
- Design and appearance
- Impact on residential amenity
- Impact on listed building
- Landscape and Ecology matters
- Highway matters
- Contamination, Air Quality and Sustainability
- Archaeology
- Affordable Housing and S106 contributions
- Other matters

Principle of development

25. 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.

26. The application site is located within the housing settlement boundary of Haverhill, the second largest town within St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy HV2 of the Haverhill Vision 2031 (2014) allows for new residential development within the settlement boundary.

27. 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.

Design and appearance

28. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 require all development to fully consider the context in which it sits, contribute to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. Chapter 12 (Achieving well-designed places) of 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 NPPF 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.
29. Whilst the masterplan for the wider area includes a mix of uses, at present the site surroundings are entirely residential and incorporate a variety of styles, size and appearance of dwellings. Development in the area is continually evolving with several new dwellings either being built at present or having had planning permission granted. As such, there is no clear pattern of development to the area.
30. The site is set back from Ann Suckling Road and is obscured from public view. Trees line the site boundary in front of Boyton Hall as well as cluster towards the middle of the site adjacent to this dwelling, some of these are covered by a tree preservation order (TPO). The Local Authority Tree Officer has inspected those on site and raised no objection to the submitted plans. However, tree protection measures will be required for some trees to ensure their retention during the construction period and a full landscaping plan will be required.
31. The development has been designed to retain the rural appearance of the area with a meandering access road which skirts adjacent to retained trees and arrives at the dwellings adjacent to an existing pond and facing a crescent of houses. This crescent contains 12 dwellings over 2½ floors and features a central carriage arch with clock tower above. This central section provides articulation to this terrace and creates a striking focal point for the development. The green space in front of this terrace as well as that opposite ensure the approach to the site keeps a rural and verdant nature.
32. The remaining dwellings are a maximum of two storey and feature traditional detailing such as pitched roofs, chimneys and dormer windows. They are well articulated and appear attractive. Sufficient private amenity space is provided to serve the dwellings and national space standards are met. Given that an area of open space as well as pedestrian and cycle paths are proposed along the northern boundary (outside of this site but identified in the masterplan), the dwellings at the top of the site have been orientated to front this area. This provides a pleasant outlook for occupants as well as providing natural surveillance to this route.
33. The applicant has suggested a material palette comprising soft red and buff/grey bricks and render with pantiles, plain tiles and natural slate. A mix of such materials is likely to be acceptable given the variety in the locality

and to provide some contrast between dwellings but a condition will ensure samples of materials and their use to be confirmed prior to use.

34. The inclusion of open space and play facilities was considered within this application, but given its fairly modest scale and position close to proposed sports pitches and other formal play equipment to the north of the site it was thought more appropriate to design a link to this area. This will enable occupants the opportunity to easily access more meaningful open space and cycle routes as well as provide a link through the development to this area for existing residents to the south of the development.
35. The Police Design Out Crime officer has looked at the plans and made comments in relation to their layout and how safe this is considered. Whilst having a single access and exit point as used in this case and is preferred by the police, they have raised concern in relation to the northern pedestrian link, the position of rear parking areas and the undercroft walkway through the crescent. Planning aims and those of the Design Out Crime Officers often conflict and a balance needs to be sought in terms of creating a safe layout but also ensuring that the site is well connected to adjacent development. Whilst planning policies seek to encourage permeability between sites these access routes can also be seen as escape routes for opportunists. To combat this it is necessary to ensure that these routes are well lit and open with no landscaping or features to promote loitering which Officers are content can be achieved in this case.
36. With regard to parking positions, the plans were amended to remove parking spaces from in front of dwellings to improve the appearance of the area which had the potential to be car dominated. The walkway between the crescent was designed in response to comments made by the Flood and Water Engineer who wished to see a break in built form in this location given its position at a slightly lower gradient than the top of the site. Notwithstanding this, it is considered to be an attractive and practical feature of the development. With appropriate lighting and careful landscaping it is considered that the parking areas, crescent undercroft and northern link can be made to feel safe and unthreatening.

Impact on residential amenity

37. 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 with planning policies and decisions promoting health, well-being and a high standard of amenity for existing and future users.
38. To the South of the site is Boyton Hall itself, along with two other substantial properties, Boyton Hall Farm and Chapel Farm Cottage which is Grade II listed as well as the recently completed The Willows. Planning permission has been granted for two other properties fronting Ann Suckling Road and an application is currently under consideration for a two storey dwelling directly to the south of plots 3,4,5 and 6. The relationship between these dwellings will need to be considered when determining this application. However, outline planning permission has already been granted for two properties here and as such, the principle has already been established.

Outline permission allowed two 4 bedroom dwellings, one single storey (which will be adjacent to the garage block) and one two storey but all matters were reserved. A row of trees are proposed on this boundary and this will help to mitigate any overlooking that might occur and consequently this is likely to be an acceptable relationship.

39. It is considered that a sufficient distance occurs between the existing dwellings and those proposed (both within the remit of the extant outline and within the present full application for a single dwelling off site presently being considered albeit still under negotiation) for these proposed dwellings to not to be affected by overshadowing, loss of light or privacy. A new access road is proposed adjacent to that existing and this will be visible to the occupants of The Willows, albeit an area of hedging exists and is to be retained which will provide a degree of screening. Nonetheless, vehicle and pedestrian movements in and out of the site will be apparent. Whilst this may generate a degree of disturbance it is not considered sufficient to warrant refusing the application.

Impact on Listed Building

40. It is necessary to consider the impact of the development upon Chapel Farm Cottage given its Grade II listed status. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to a buildings character, historic features and is of an appropriate scale, form, height, massing and design.
41. Built as a pair of cottages it was converted to a single dwelling in the mid 19th century. Elevations are red brick, flint and ashlar with timber framing on the rear (south) elevation. Whilst the dwelling looks towards the application site it is approximately 60 metres from the boundary and views will be interrupted by the two dwellings mentioned above which already benefit from outline permission. Chapel Farm Cottage retains a substantial rear garden which abuts Ann Suckling Road. Given the distance between the application site and the listed building, the built form proposed between, as well as the scale and form of the development itself, it is not considered that this scheme will adversely affect the setting of the listed building.

Landscape and Ecology matters

42. The application is accompanied by a tree survey and protection plan. It highlights the trees within the site and their quality. Whilst several trees are proposed for removal these are each category C or U trees, two of which, an Ash and Cherry are due for removal given their condition regardless of the proposed development. The front boundary of the site is predominantly leylandii, some of which will be lost to allow sufficient visibility splays, given that this is a non-native species of low ecological value no objections are raised in this regard. The Tree Officer has inspected the trees on site and is content with their loss. Whilst an indicative landscaping plan has been submitted a condition is recommended to ensure a full landscaping strategy is submitted and approved.
43. Ecological surveys have been submitted in the form of a Phase 1 habitat survey, Protected Species scoping survey, preliminary ecological appraisal, a reptile survey and a bat survey. These conclude that the site has high potential to accommodate birds, bats and hedgehogs but is unlikely to

contain great crested newts, reptiles or badgers. The bat survey states that several species of bat are present in the wider area and four of the trees on site have the potential to accommodate bats at a high level, those with the most potential are located to the South East of the site in front of Boyton Hall and unlikely to be directly affected by the development. Whilst the majority of trees within the site are proposed to be retained recommendations are made to protect the species on site, such as clearance works to take place outside of breeding bird season. With these mitigation measures and the inclusion of ecological enhancements Officers are satisfied that the development will not adversely affect protected species.

44. Within 2km of the site is one statutorily designated site, a local nature reserve – Haverhill railway walks which is an unused railway line which provides a valuable wildlife corridor. In addition there are six non statutorily designated sites – County Wildlife Sites. The Ecological Appraisal concludes that the proposed development indicates that there will be limited opportunities for the development to have any significant direct impacts on the designated sites above. This is due to the nature of the development, and the distance of the Site from designated sites in the local area.

Highway matters

45. Policy DM2 of the Joint Development Management Policies Document 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.

46. A new vehicular and pedestrian access is proposed off Ann Suckling Road which will serve the new development as well as Boyton Hall. Whilst neighbours have raised concern that it's too close to the existing access, the Highway Authority is satisfied with its position and visibility.

47. 79 car parking spaces have been provided within the development which meets Suffolk County Councils adopted standards, this comprises 1.5 spaces per two bedroom dwelling, two spaces per three bedroom dwelling and three spaces per four bedroom dwelling as well as visitor spaces. These are not all allocated but Highway Officers raise no objections in this regard given that sufficient provision is provided.

48. The Highway Authority have requested a footway connection and crossing point from the development across Ann Sucking Road the details of which will be agreed via condition. This will ensure that the northern pedestrian link can also be utilised by existing residents to the south of the site as well as ensuring that occupants of the new development can safely access the town centre.

49. The applicants intend to retain the highway as private road. This is not a planning consideration, nonetheless, the Highway Authority is satisfied with the layout provided and will ensure that details submitted under condition, which include, surfacing, lighting, cycle storage, bin storage, gradients, visibility, HGV movements and surface water drainage are satisfactory.

Contamination, Air Quality and Sustainability

50. The application is supported by a Phase 1 – Desk Study and Preliminary Risk Assessment, undertaken by Geosphere Environmental Ltd. The report recommends that further investigation is undertaken and the Environment Team agrees with this conclusion, accordingly a condition has been recommended to ensure this occurs prior to the commencement of development.
51. 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.
52. 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."
53. It is noted that the applicant confirms that they will be providing vehicle electric charging points and a condition will ensure that these are provided and retained.
54. 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.
55. 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).
56. Given the provisions of Policy DM7 of the Joint Development Management Policies Document which 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.

Archaeology

57. In 2007 the site underwent an archaeological investigation with evidence found suggesting substantial medieval settlement in the area as well as pre-

medieval occupation. As such, there is high potential for the discovery of below ground heritage assets of archaeological importance and the County Archaeologist has requested that further investigation takes place prior to the commencement of development. Conditions have been recommended in this regard to secure a programme of archaeological work and the submission of a post-investigation assessment.

Affordable Housing and S106 Contributions

58. 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.'

59. Suffolk County Council as the education authority has identified a shortfall in the number of available early years, primary and secondary school places and requests a financial contribution of £41,650 for pre-school and £239,666 for education facilities. A contribution towards the library provision within the area is also requested giving a total of £281,939.

60. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.

61. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.

62. The applicant is willing to provide the requested Section 106 contributions as well as affordable housing which will be seven affordable rent and four low cost homes in accordance with policy CS5 and the affordable housing supplementary planning guidance. At present the section 106 agreement has not been completed and as such, the recommendation is subject to the completion and signing of this legal document by all parties. However, given the willingness of the applicant to provide that requested the application complies with the relevant policies in this regard.

Conclusion:

63. The scheme has been amended during the application period to take into account concerns raised regarding layout. As a result of this it is considered that the final scheme represents a satisfactory development incorporating a

range of dwelling types as well as appropriate parking and landscaping. 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.

64. In conclusion, subject to the use of conditions and a signed 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.

Recommendation:

65. It is recommended that planning permission be **APPROVED** subject to the completion and signing of a section 106 agreement which details the affordable housing and County Council contributions as outlined above as well as the following conditions:

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

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

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

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

Reference No:	Plan Type	Date Received
(-)	Location Plan	01.08.2018
(-)	Tree Protection Plan	01.08.2018
MMX 219/1	Tree Survey	01.08.2018
J 3010-01	Existing Site Plan	10.08.2018
J 3010-08	Floor Plans and Elevations	14.08.2018
J 3010-09	Floor Plans and Elevations	14.08.2018
J 3010-12	Floor Plans and Elevations	14.08.2018
J 3010-07	Floor Plans and Elevations	15.08.2018
1 of 2	Proposed Block Plan	10.12.2018
2 of 2	Proposed Block Plan	10.12.2018
J 3010-02 rev A	Proposed Block Plan	10.12.2018
J 3010-03 rev A	Floor Plans and Elevations	04.03.2019
J 3010-04 rev A	Garage Plans & Elevations	04.03.2019
J 3010-05 rev A	Floor Plans and Elevations	04.03.2019
J 3010-06 rev A	Floor Plans and Elevations	04.03.2019
78118 V2	Ecological Survey	16.01.2019
78118 V1	Bat Report	16.01.2019
78118 V1	Reptile report	16.01.2019
2192-FRA+DS Rev C	Flood Risk Assessment	13.02.2019

2192-03 Rev F	Drainage Plans	11.03.2019
2007/144	Archaeological report	01.12.2007
1413,DS/LF,PD/01-09-15/v1	Land Contamination Assessment	01.09.2015
J 3010-11 rev A	Floor Plans	16.01.2019
J 3010-10 rev A	Elevations	16.01.2019

- 3 No development above slab level shall take place until samples of the proposed 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.

- 4 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:
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - Provision to be made for archive deposition of the analysis and records of the site investigation.
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - 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 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.

- 5 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 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.

- 6 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

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.

- 7 Before any development work 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.

All works shall be undertaken in accordance with the approved details during the construction period.

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.

- 8 Prior to commencement of development 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,
 - 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), a 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.

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 accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. 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.

- 9 Prior to their 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.

- 10 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (FRADS) by MTC Engineering, ref. 2192- FRA & DS - REV A and dated Nov 2018 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details to be submitted include:-
1. Dimensioned drawings showing all aspects of the surface water drainage system (including an impermeable area plan).
 2. Section details of open attenuation areas shall also be submitted showing water levels and benching if water is greater than 600mm deep.
 3. Modelling or similar method shall be submitted to demonstrate that the surface water discharge to the receiving connection will be restricted to 5l/s for all events up to the critical 1 in 100yr +CC rainfall event.
 4. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100yr rainfall event including climate change.
 5. Modelling of the pipe network in the 1 in 30yr rainfall event to show no above ground flooding.
 6. Modelling of the volumes of any above ground flooding from the pipe network in a 100yr + climate change rainfall event, along with topographic plans showing where water will flow and be stored to ensure there is no flooding to buildings on the site and there is no flooding in the immediate area due to offsite flows. These flow paths will demonstrate that the risks to people are kept to a minimum.
 7. 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
 8. 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.

9. 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 flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure the development does not cause increased flood risk.

- 11 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. This condition requires matters to be agreed prior to commencement to ensure the development does not cause increased flood risk.

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

- 13 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 prevent environmental and amenity problems arising from flooding.

- 14 Prior to the development hereby permitted being first occupied, the proposed access onto Ann Suckling Road shall be properly surfaced with a bound material for a minimum distance of 10m 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.

- 15 The vehicular access hereby permitted shall be a minimum width of 4.8 m with a footway with a minimum width of 1.8 metres for the entire length of the access.

Reason: To ensure vehicles can enter and leave the site in a safe manner and to protect the safety of pedestrians.

- 16 No development above ground level shall take place until details of the areas to be provided for the secure storage of cycles are 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 enable the secure storage of cycles in the interests of encouraging sustainable transport options.

- 17 No development above ground level shall take place until details of the areas to be provided for storage and presentation of Refuse/Recycling bins are 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 or presented on the highway causing obstruction and dangers for other users.

- 18 No development above ground level shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To 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.

- 19 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, lighting, visibility splays, surfacing 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 requires matters to be agreed prior to

commencement to ensure the agreed layout can be accommodated within the site.

- 20 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 the planning authority for approval a minimum of 28 days before any deliveries of materials commence or any site work starts.

The plan shall include, but not be limited to:

- Routes for delivery vehicles to and from the site
- Access to the site for construction and delivery vehicles
- Means to ensure the highway is kept free of water, mud and other construction debris
- Parking and turning for construction and delivery traffic

No HGV or construction 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 and construction traffic in sensitive areas. This condition requires matters to be agreed prior to commencement to ensure the development does not cause unnecessary disturbance during the construction phase.

- 21 Before the development is commenced details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

- 22 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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 to take avoiding action.

- 23 There shall be no occupation of the development hereby permitted unless

and until the pedestrian and cycle link to the northern boundary, as shown on drawing 'Block Plan 1 of 2' has been provided. Thereafter, the pedestrian and cycle link as so provided shall be retained for pedestrian and cycle use.

Reason: To ensure a safe pedestrian access into, out of and through the site to allow safe access to public transport and facilities within the wider area in the interest of encouraging the use of sustainable transport options.

- 24 There shall be no occupation of the development hereby permitted unless and until a footway connection and crossing point has been provided at and across Ann Suckling Road, in accordance with location and design / specification details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe pedestrian access into, out of and through the site to allow safe access to public transport and facilities within the wider area in the interest of encouraging the use of sustainable transport options.

- 25 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.

- 26 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.

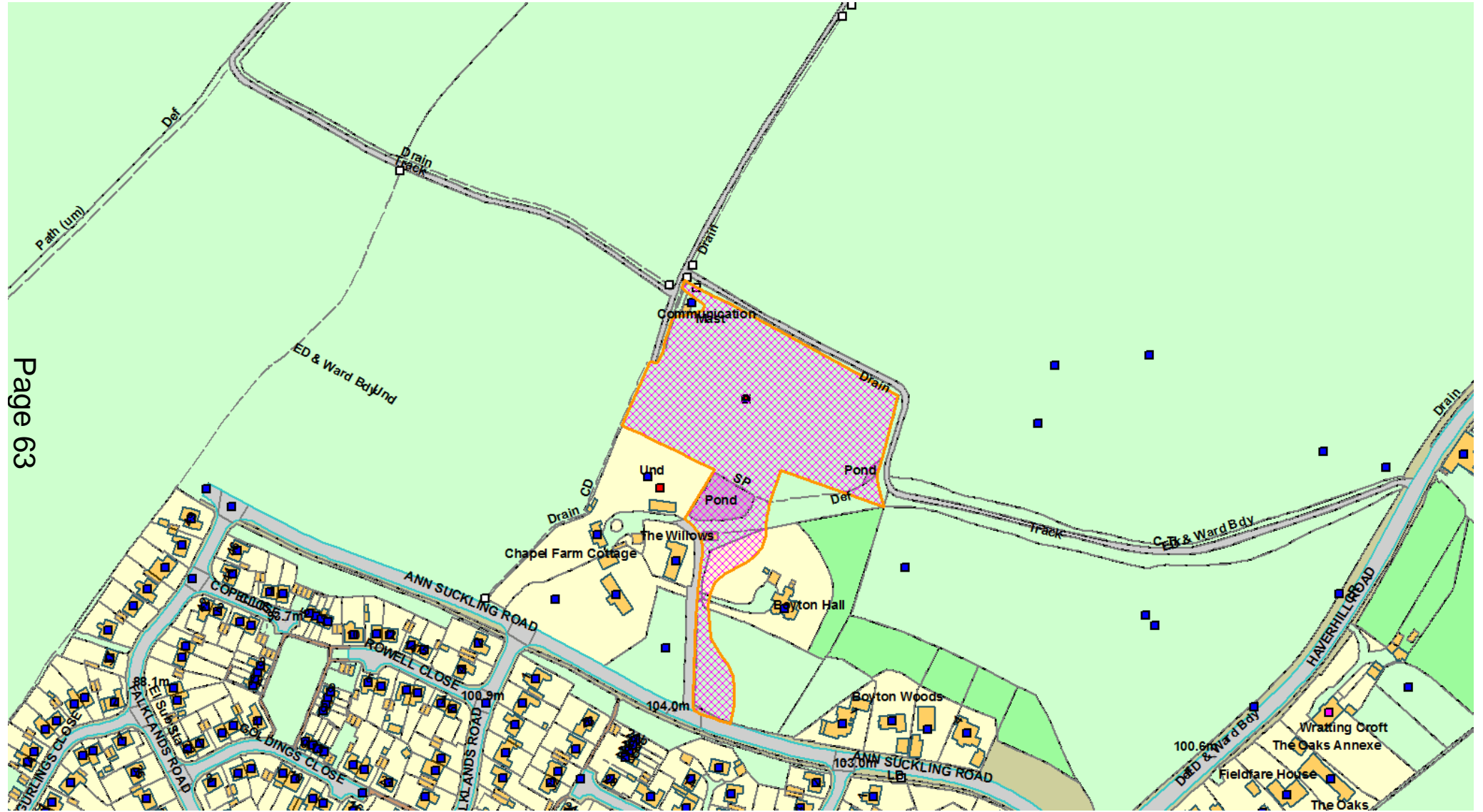
- 27 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCQDBZPD03E00>

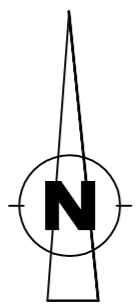
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PROPOSED
RESIDENTIAL DEVELOPMENT
AT
BOYTON MEADOWS.
Block Plan.

Development consists of;
4 No. 2 Bedroom Apartments F.O.G's
15 No. 2 Bedroom Houses.
17 No. 3 Bedroom Houses.
2 No. 4 Bedroom Houses.
38 No. Dwellings TOTAL.



Revision.	
Date.	
Project.	Proposed Residential development at Boyton Meadows, Boyton Hall, Ann Suckling Road, Haverhill, Suffolk.
Description.	Block Plan.
Client.	Clearwater Estates Ltd.
	Claywall Architectural.
	Architectural and Planning Consultant.
	Claywall Bridge Studio, 62, North Street, Steeple Bumpstead, Suffolk, CB9 7DP, 01440 730437, colin.clark@claywall.co.uk
Drawing No.	J 3010 - 02
Sheet size.	A1
Date.	July 2018.
Scale.	1/500

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/024

Development Control Committee 28 March 2019

Planning Application DC/18/1024/FUL – Hengrave Farm, Stanchils Farm Lane, Hengrave

Date Registered:	31.05.2018	Expiry Date:	30.08.2018
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
Parish:	Flempton Cum Hengrave	Ward:	Risby
Proposal:	Planning Application - Importation and engineering of suitable restoration materials to allow use of land for agriculture		
Site:	Hengrave Farm, Stanchils Farm Lane, Hengrave		
Applicant:	Troston Farms 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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background

The application site is a remnant of historic sand and gravel workings of approximately 1ha. The application proposes restoration of the site to return it to agricultural use. The proposal at the same time will be a waste recovery operation and will require an Environmental Permit besides planning permission.

Minerals extraction and waste management are normally dealt with at County level. However, pre-application advice from Suffolk County Council was sought by the applicant and the use of imported material to achieve restoration was not viewed as 'disposal of waste' as the material is being put to a beneficial use, so would be an engineering operation and due to the modest scale of the proposed operation this should be dealt with by the Local Planning Authority.

During the course of the application amendments were made to the access and internal routing of HGVs and additional information was submitted regarding ecology.

The application is before Development Control Committee following call in by the Ward Member (Risby) because of concerns raised by local residents. The application being a major application by site area has therefore been referred directly to the Development Control Committee.

Proposal

1. The application proposes the importation and engineering of suitable restoration materials to allow the use of the land for agriculture. The works require the importation of some 30,000 to 35,000 cubic metres of suitable restoration material to raise the level of a small area so that it can be merged into the adjacent arable land for farming. The number of lorry loads per day are proposed to be a maximum of 15, on that basis and depending on the availability of suitable reclamation material the works are anticipated to take ca. 2 years.

Application Supporting Material

- Existing and proposed plans
- Planning Statement
- Planning statement update 1
- Planning Statement update 2
- Operations plans (initial works and final works)
- Flood Risk Assessment
- Ecological Assessment

Site Details

2. The application site lies between Hengrave and Risby within the countryside in policy terms and in an area characterised by arable fields of generally large size to reflect current farming practice. The site itself is a remnant of historic sand and gravel workings of approximately 1ha. It lies on the southern edge of a large arable field which is also restored land following mineral extraction. The application site, due to its shape and depth has no productive use and has reverted to grassland.

3. North of the site lies Hengrave Park, a typical parkland with individual trees and an outer wooded boundary. Directly south of the site are a range of modern farm buildings and hardstanding with a further large farm building complex to the west.
4. Access to the site is off Flempton road to the west and from off Mere Lane to the east. An electric gate is installed just north-west of the agricultural farm buildings and hardstanding.
5. Residential properties lie to the west, Flint Cottage being the nearest approx. 118m west of the actual site, and Stanchils farmhouse, a grade II listed building approx. 218m. A cluster of five dwellings, converted agricultural buildings, lie to the north of Stanchils farmhouse and further five properties lie some 430m west of the site along the existing farm track off Flempton Road.
6. On the opposite side of Flempton Road lies the independent day and boarding school Brookes Cambridge, with the access some 67m north of the Hengrave Farm access.

Planning History

7. There are a number of applications in relation to the farmhouse, the agricultural buildings to the north which have been converted to four 'living-work units' and the modern agricultural buildings. However, the only permission in relation to the land subject to this application is set out below:
8. E/77/2190/P: CONTINUATION OF EXTRACTION OF GRAVEL AND SAND, Approved (03.09.1978)

Consultations

9. The below is a summary of consultee comments, which are available in full on the Councils' website.

Parish Council	No comments received.
Ward Councillor	No formal comments received. The ward member was concerned about residential amenity, has been involved in lengthy negotiations with the applicant and neighbours to ensure adequate mitigation. Despite the proposed mitigation there remains some objection from a neighbour which is why the application has been called in to committee.
Minerals & Waste SCC	No objection.

SCC Flood And Water Team	No objections to the planned infilling as the restoration mimics the existing landforms.
Anglian Water Services Limited	No comments received.
Natural England	Natural England has responded to the consultation by forwarding the Natural England's <i>Local Planning Consultation Advice For Minerals And Waste Applications – V. July 2017</i> . This is an advice note that takes a standardised approach to sites where Natural England has undertaken an initial screening of the planning application and considers that a bespoke response is not required. They consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward and should be considered by the planning authority.
Ecology And Landscape Officer	The Ecology and Landscape officer has assessed the proposals against the requirements of the NE advice note. The proposals are considered acceptable with regards to Ecology, subject to conditions. Having considered the potential for effects on Breckland SPA and SAC, likely significant effects can be screened out. Further information clarified that ancient and veteran trees are not within the vicinity of the proposal, which subsequently has no potential to adversely effect these.
Environment Agency	(...) no objection to the above application but wish to make the following comments. The site is in a sensitive location. The site lies on top of Croxton Sands (secondary aquifer) which is in turn underlain by chalk. This is within the Water Framework Directive Cam and Ely Ouse Chalk groundwater body. Groundwater is potentially deep (approx. 22m from BGS data).

It is not clear where the restoration soils will come from. However as this proposal will require an Environmental Permit, in addition to planning permission, this matter will be addressed as part of the permitting process.

Norfolk And Suffolk Constabularies

No comments received.

Forestry Commission

No comments received.

Public Health And Housing

No objection in principle subject to conditions to control noise and dust from the movement of vehicles to and from the development site and controls over the site workings (operation hours, careful management of tipplings and the erection of an appropriately sited noise bund, prevention of dust, enforcement of speed limits).

Environment & Transport - Highways

1. Raised concerns about access from Mere Lane as originally proposed, which was subsequently ruled out as an option.
2. SCC Highway raised no objection to utilising the alternative existing access off Flempton/ Risby Road subject to a condition to prevent mud and debris to be brought onto the highway (by way of Delivery Management Plan). The comments note that the speed limit is 60mph and vehicle numbers are higher than at the junction of Mere Lane, where the limit is 30mph. The proposed use of Flempton/Risby Road would also avoid the potential detrimental impact on Mere Lane. Internal routing are not concerns that the Highway Authority will address.

Representations

10. Below is a summary of the matters of concern raised by local residents in response to the original application and the subsequent amended scheme. Full comments can be viewed on the online file.
11. Representations with regards to the original proposal have been received from five residential properties, with three properties mainly raising concerns about the access off Mere Lane and loss of amenity by reason of additional vehicle movements. There was no objection if the access

road to Stanchils Farm at Flempton Road was used. No further comments were received from those three properties in response to the re-consultation following the amendments and re-routing.

12. Representations from two properties and Brookes Cambridge boarding school were received in response to the amended proposal raising the following summarised concerns:

- Highways safety and traffic at the access from the highway and along the farm track
- Impact on residential amenity from vehicle movements
- Noise and dust concerns
- Potential loss of privacy and security issues from inter-visibility with passing HGV's (Officer note: Whilst the concerns about security issues are noted, this could however be overcome for example by the use of CCTV and is not a material planning consideration.)
- Environmental impacts
- Impact on listed building

Policy

13. 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 CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS13 - Rural Areas
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy 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 DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Other Planning Policy

14. National Planning Policy Framework 2019

15. The NPPF was revised in July 2018 and again in February 2019. The NPPF 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment

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

- Principle of Development
- Highways considerations
- Impact on amenity
- Ecology
- Other matters (Flooding and drainage, contamination, EIA screening, Impact on listed building)

Principle of Development

17. The application site is a remnant of historic sand and gravel workings of approximately 1ha. Due to its shape and depth the site has no productive use and has reverted to grassland. The application seeks to restore the site with suitable restoration materials to return the land to arable use.

18. The NPPF in chapter 17. *Facilitating the sustainable use of minerals* seeks to ensure that *'worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place'* (para 204). The proposal therefore is acceptable in principle subject to compliance with other relevant policies and material planning considerations.

19. At this stage it is not clear where the restoration materials will come from. However, the Environment Agency has clarified in their comments that *'as this proposal will require an Environmental Permit, in addition to planning permission, this matter will be addressed as part of the permitting process'*.

Highways considerations

20. The application originally proposed to facilitate the existing access off Mere Lane, east of the site. Following concerns raised by the Highway Authority with regard to the suitability and poor condition of Mere Lane the proposal has been amended. It is now proposed to use the existing access off Flempton / Risby Road for all HGV movements.

21. Concerns have been raised by local residents and the school about the increase in heavy traffic that will be in the vicinity of the school and along the existing farm access.

22. NPPF paragraph 109 makes clear that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
23. Around 30,000 cubic metres of reclamation material will be needed to restore the site. The planning statement submitted with the application explains in the traffic section 3.6 assumed that ca. 15,000 cubic metres will be delivered per year and a lorry load takes up 10 cubic metres then evenly spread over the year (250 working days) the daily number of loads would be 6, resulting in 12 movements (6 in and 6 out) per day.
- 15,000 m³ : 250 days : 10m³/lorry = 6 load/day (12 movements)**
24. The planning statement further explains that the timescales for the project depend on the availability of suitable material and it will be necessary to apply flexibility to account for fluctuations.
25. It is suggested that in order to manage the traffic a limit is set by condition that restricts the daily number of lorries delivering reclamation material to 15 (i.e. 30 movements), which can be monitored throughout the project.
26. This means that there may be days with up to 15 lorries delivering materials and other days with very few or no deliveries. How this may impact on residential amenity is set out in detail below.
27. SCC Highways have raised no objections to the amended proposal and note *'the visibility splays available to drivers using the Flempton/Risby Road access are of a good standard and that the access is appropriately engineered to take the proposed vehicles'*.
28. Residents raised concerns about the potential of lorries having to wait on the highway for another vehicle to leave the farm access. However, the first part of the access is sufficiently wide for a vehicle or lorry to pull off Flempton Road and if necessary wait there for passing vehicles to leave the access.
29. Given the limited number of additional lorry movements associated with the proposed development the proposal cannot reasonably be argued to have severe impacts on the road network. Given the suitably engineered existing farm access the proposal is also not considered to have unacceptable impacts on highway safety. On the basis of the above the proposal is therefore considered acceptable with regards to highways matters, subject to a condition ensure mud is not carried on to the highway.
30. Whilst not a highways matter, concerns have also been raised by a local resident about the lack of passing points along the ca. 0.5km farm access between the internal junction some 300m east of the access and the agricultural buildings south of the site. The farm road is not public highway but an existing private farm road used at present by two-way farm traffic, and 12 residential properties. The introduction of a circular route for the one-way use by all HGVs associated with the proposed

development and farm traffic will significantly reduce the potential that vehicles may meet. Officers acknowledge that there may be the occasion where vehicles will meet, like does occasionally occur now with farm traffic, residents, the bin lorry or a delivery van. This however is not an issue as the result of the proposed development and due to the proposed circular route the development is not considered to increase this risk, it may actually reduce it.

31. However, the applicant has committed in the *Updated Planning Statement 2* to review the need and location for passing places along the farm road during the duration of the project and provide them if needed. This is an informal commitment which, given that the *need* in this case is subjective, cannot be conditioned. However, given that the probability of vehicles meeting would, due to the provision of a temporary circular route, in the view of officers not increase as a result of the proposal, passing points are not considered *necessary* to mitigate the impacts of the proposal and if provided would be goodwill by the farm management rather than a matter that it is considered should or even could otherwise be secured by condition.

Impact on amenity

32. The proposal has the potential to impact on residential amenity by reason of noise and dust from the movement of vehicles to and from the development site and from the actual workings. Public Health and Housing (PHH) have raised no objection to the proposal subject to conditions and commented that the route chosen for movement of delivery vehicles will be key in minimising to an acceptable level any potential adverse effects from HGV noise and dust.
33. However, it must be noted that there will only be a need for six lorry loads (at 10 m³) a day to meet the target of 15,000m³ per year and that the maximum lorry loads per day will be restricted to 15. If all deliveries were spread out evenly 15 lorry loads per day between the hours of 08:00 and 17:00 would mean one lorry every 36min. In comparison, six loads evenly spread would result in one lorry every 90min. Taking into account the expected fluctuations in availability of suitable material there will be days with no lorry movements, some with very few but 'worst case days' would see 15 lorry or a lorry entering the site every 36min if delivered in equal intervals.
34. It must also be noted that a 10m³ dumper is no larger than the existing farm vehicles or the average refuse lorry.
35. During the life of the application a site meeting was held and the case officer has worked closely with the residents, farm management and their agent. The farm management had further meetings with concerned residents to discuss how best to mitigate the impacts.
36. Due to the small scale of the development and its relatively short timescale investment in costly alternative access options, which would require major construction works, are accepted by Officers as not being viable or reasonable in these circumstances. Therefore the only practical option is to use the existing infrastructure and to work with the topography of the wider site.

37. The Planning Statement Update 2 explains that leading out of these discussions is a one-way system around the farm building complex. This involves providing a short length of temporary internal road to the north of the buildings that increases significantly the separation distance to the residential properties (approx. 30m). This temporary road is also at a lower level due to the fall of the ground and with a soil bund in the location shown in the operations plan, will provide additional mitigation.
38. The dwellings along the existing farm road are generally set back (Flint Cottages ca. 20m, Stanchils ca. 32m and The Bungalows between 12m and 21m) from the track behind gardens which are largely screened by mature trees and hedging.
39. Mitigation proposed include operation and delivery hours to only be between Monday to Friday 08:00 to 17:00, speed limits to be monitored and enforced by the applicant, speed bumps, upkeep of the existing road during the project, appropriate wetting when required and earth bunds. Details of the mitigation measures can be secured by condition.
40. The site of the workings is some 110m from the nearest property. The tipped materials will need to be levelled around 4-5 times a year using a bulldozer to create a new base level in the depression. Controls over the site workings such as the careful management of tippings, measures to control the emission of dust and dirt during works and the provision of a noise bund as shown on the operations plan, will be conditioned.
41. On the basis of the above, given the limited number of HGV movements and the separation between the route and the workings from adjacent properties and taking mitigation measures into account the proposed development is not considered to have unacceptable adverse impacts on residential amenity by reason of noise, loss of privacy, dust or volume or type of vehicular activity generated in accordance with policy DM2 and is acceptable in this respect.

Ecology

42. The site is located approximately 3.5km from the closest farmland component of Breckland Special Protection Area (SPA), 2.67km from the closest woodland component of Breckland SPA, and just over 6km from Deadman's Grave, Icklingham Site of Special Scientific Interest (SSSI), and Cavenham-Icklingham Heaths SSSI which are components of both Breckland Special Area of Conservation (SAC) and Breckland SPA. The site is also 2km from Lackford Lakes SSSI. The site is also outside of the 1500m stone curlew, and 400m woodlark and nightjar constraint buffers. The site is within the 7.5km recreational buffer however the proposals will not lead to recreational effects.
43. A Preliminary Ecology Appraisal primarily based on field survey undertaken in July 2018 has been submitted in support of the application, which considers areas of habitat and protected species, including bats, badger, reptiles and Great Crested Newt, birds and other notable species of wildlife as well as flora.

44. Woodland belts and hedgerows have been identified as moderate in ecological value in the local context. The Grassland within the small ditch-like depression is being managed by occasional cutting and is also grazed by rabbits. The reptile survey recorded a low population of adders using the Site (one animal was recorded) along with a single observation of grass snake nearby. The ecological value of the habitat is therefore considered to be low to moderate in the local context, elevated above low evaluation due to the low population of reptiles.
45. The Preliminary Ecology Assessment concludes that the direct ecological impacts overall are considered to be low provided due vigilance during clearance works. Indirect impact on the immediate area and also at the wider habitat level have been considered. There will be no predictable indirect effects on any of the notified sites of nature conservation interest (CWSs, SSSI's or sites designated under European Directive). There will be some inevitable localised and relatively short term disturbance to the nearby habitats and inhabiting wildlife by reason, which will likely include noise, vibration, visual and particulate dust pollution, which may affect birds, bats and other wildlife in the wider vicinity of the Site to some extent. The report sets out a mitigation strategy and enhancement measures.
46. Natural England (NE) has been consulted in respect to this proposal and has responded by forwarding the Natural England's *Local Planning Consultation Advice For Minerals And Waste Applications – V. July 2017*. This is an advice note that takes a standardised approach to sites where Natural England has undertaken an initial screening of the planning application and considers that a bespoke response is not required.
47. The Council's Ecology and Landscape officer has assessed the proposals against the requirements of the NE advice note and concluded that the proposals are considered acceptable with regards to Ecology, subject to conditions to ensure implementation in accordance with the mitigation and enhancement strategy.
48. A Habitats Regulation Assessment has been undertaken by the Councils Ecology and Landscape Officer. Having considered the potential for effects on Breckland SPA and SAC, likely significant effects can be screened out.
49. Additional information provided by the applicant clarified that ancient and veteran trees are not within the vicinity of the proposal, which subsequently has no potential to adversely effect on these.
50. On the basis of the above the proposal is considered to comply with policy DM11 and DM12 and is considered to be acceptable in respect of its ecological impacts.

Other Matters

51. With regards to flooding and drainage, in view of the geology and topography of the site and adjacent land, there is no need for any external drainage of surface water. Within the immediate setting of the site, the surface water drainage follows the natural fall of the land which is to the north where there is a field edge drain. SCC Flood and Water

Management had no objection to the planned infilling as the restoration mimics the existing landforms. The proposal therefore accords with the requirements of policy DM6.

52. Policy DM14 seeks to minimise pollution and safeguard from hazards. Concerns have been raised with regards to the fill material. The fill will consist of inert, non-hazardous material. The development will, besides planning permission require an Environment Permit which will control the suitability of the fill material and where it comes from. There is therefore no unacceptable risk of contamination.
53. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Schedule 2 descriptions of development include in at paragraph 1 *Agriculture and aquaculture* (a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes. However, it is officer's view that the application site, being managed and mown regularly and with only low to moderate ecological value is not uncultivated land or a semi-natural area in the sense of the EIA schedule 2 developments. Whilst the development involves the importation of suitable 'waste' material to restore the site, the proposal is an engineering operation that will be controlled through an Environment Permit to reinstate the land for agriculture and is therefore not considered to fall within the description of development given in Schedule 2, Paragraph 11 Other projects (b) *Installations for the disposal of waste (unless included in Schedule 1)*.
54. The farm house 'Stanchils' is grade II listed and lies approx. 32m north of the existing farm access which is proposed to be used one-way by HGV traffic. The councils' conservation officer has been consulted and confirmed verbally that the proposal is not considered to have any impact on the setting of the listed building and due to the separation between the farm road and the listed building the use of the track was not considered to be an issue. On that basis the proposal is not considered to cause harm to the significance of the heritage asses and as such complies with policy DM15 and the NPPF in this respect.

Conclusion:

55. In conclusion, the site is an unproductive remnant of historic sand and gravel workings which should in accordance with national policy be reclaimed at the earliest opportunity. The proposal subject to the mitigation measures proposed would not have unacceptable impacts on residential amenity or biodiversity interests. The proposal due to its small scale is acceptable with regards to impacts on the local highway network and given the existing access is appropriately designed for large vehicles the proposal would be acceptable with regards to highway safety. Any adverse impacts can be adequately mitigated and will be temporary during the operation of the project. The long-term benefits of the scheme therefore clearly outweigh any minor adverse effects.
56. Having regard to the Framework, the relevant local plan policies and all other material planning considerations the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

Recommendation:

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 developer shall notify the Local Planning Authority in writing 2 weeks prior to the implementation of this planning permission and of the commencement of the infill of the Site.

Reason: To enable the site to be monitored by the Local Planning Authority to ensure compliance with the planning permission.

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

Planning statement (received 30.05.2019)
Update statement – 2 (received 07.02.2019)
Location Plan 1706/L/2 (received 07.02.2019)
Operation Plan Initial Works 1706/0/1a (received 07.02.2019)
Operation Plan Final Works 1706/0/2a (received 07.02.2019)
Proposes Plan Completed Works 1706/CW/2 (received 07.02.2019)
Sections 1706/CS/1 (received 30.05.2019)

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

4. Construction Method Statement (04D)
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) Loading and unloading of plant and materials;
 - ii) Storage of plant and machinery;
 - iii) Speed enforcement measures;
 - iv) A site waste management plan;
 - v) Wheel washing facilities;
 - vi) Measures to control the emission of dust and dirt during works;
 - vii) A list of construction activities categorised in terms of the noise they would generate as non-intrusive, intrusive and noisy;
 - viii) a list of plant and machinery to be used on site;
 - ix) 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;
 - x) Reference to other measures intended to minimise harm to amenity.

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.

5. No operations shall commence on site until the applicant has submitted to the Local Planning Authority, a Lorry Management Plan for the routeing of HGVs from the public highway to and from the site. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Local Planning Authority. The scheme shall make provision for:
 - a) monitoring of the approved arrangements during the life of the site;
 - b) ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements, and
 - c) the disciplinary steps that will be exercised in the event of default.

Reason: In the interests of highway safety and the amenities of the area, 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. All HGV traffic movements to and from the site, over the duration of the restoration 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 restoration materials commence.

The Deliveries Management Plan shall include details of a register of complaints and record of actions taken to deal with such complaints, that the site operator shall maintain at the site office throughout the period of the restoration of the site and shall be available for inspection at 24 hours notice.

The Deliveries Management Plan should include a methodology for avoiding mud from the site tracking onto the highway with details of any proposed preventative measures such as wheel washing. The approved strategy should address the prevention of mud leaving the site during periods of rain when the working site will get muddy. The approved strategy is to be adhered to until completion of the development.

Reason: To avoid the hazard caused by mud on the highway, which would be detrimental to highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Prior to commencement of development a scheme for the protection during the operations of the adjoining wood belt, buffer strips on the eastern and western edges of the Site and of the grounds of the adjacent Stanchil's Farm, to the west, including trees and shrubs, in accordance with BS 5837:2012 - 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. Before any operations are commenced on the site, details of a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority; such details shall incorporate the Ecological Enhancement Planting indicated in the Preliminary Ecological Appraisal by Susan Deakin BSc MSc CMLI Landscape Manager and Ecologist dated October 2018, Para 3.19. 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. 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 aid screening and dust/ noise filtration from existing hedgerows and wood belts to appropriately protect and enhance biodiversity 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.

9. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal by Susan Deakin BSc MSc CMLI Landscape Manager and Ecologist dated October 2018 (paragraph 3.14 to 3.19); as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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.

10. All reptile mitigation measures shall be carried out in accordance with the details contained in the Hengrave Farm – Reptile Survey & Great Crested Newt HSI Assessment dated October 2018 (section 9 and table on page 1-6); as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. All site clearance shall be overseen on site by an ecological clerk of works, on-site ecologist or other appropriately competent person. 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 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.

11. Any deliveries to and from, and any works on site shall only take place between 0800hours and 1700hours Monday to Friday, unless approved in writing by the Local Planning Authority. No deliveries or works shall take place on Sundays or Public Holidays.

Reason: To ensure that the amenity of neighbouring properties and the rural environment is maintained, 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. There shall be no more than 30 HGV movements (15 in and 15 out) per day. No HGVs shall arrive or leave the site outside of the approved hours or weekends or Public Holidays. A record of HGV movements made each day shall be maintained by the applicant and shall be available for inspection at 24 hours notice.

Reason: To ensure that the amenity of neighbouring properties and the rural environment is maintained, 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.

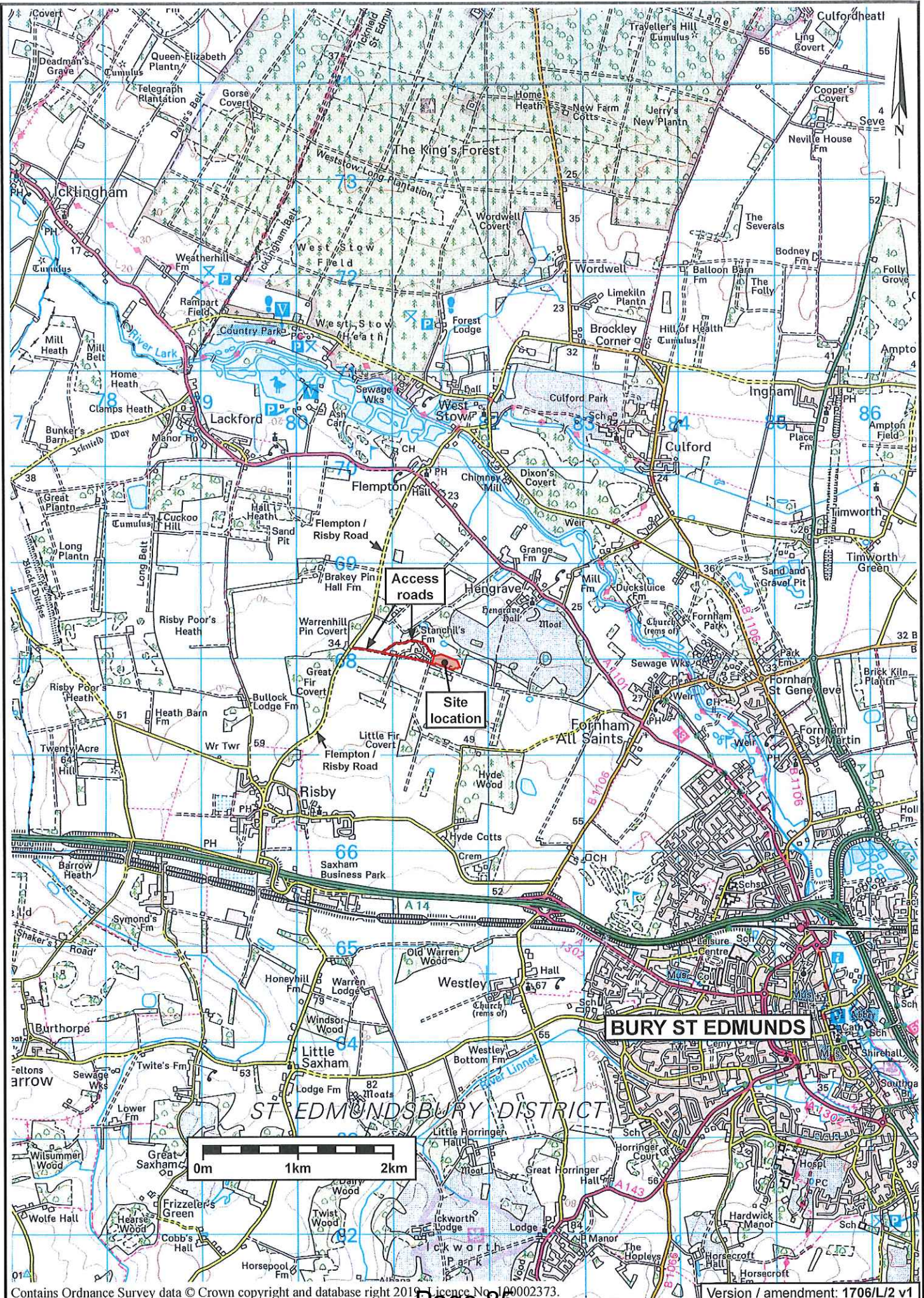
13. The operations hereby permitted shall be completed within three years of commencement of the infill of the Site. On completion of restoration all buildings, structures, security fencing, plant and machinery used in connection with the operation of the site shall be removed from the land. No mounds or waste heaps shall be left above ground level after completion of restoration, save any earthworks or mounds that form an integral part of the approved restoration scheme.

Reason: To restrict the period of the operations in accordance with the planning application and to enable the Local Planning Authority to retain control over operations at the site and secure restoration, having regard to policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, 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 <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9HTW2PDGK300>

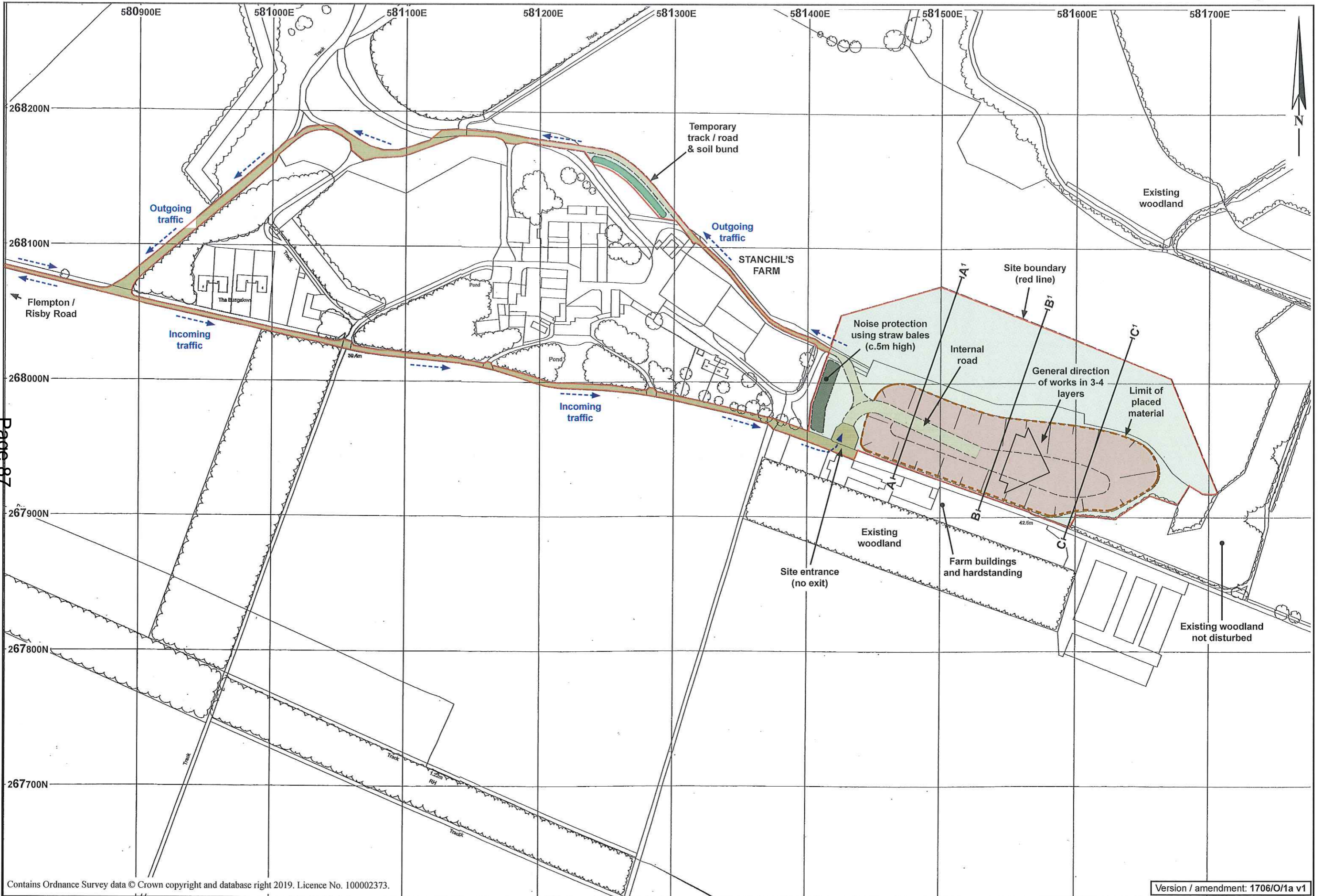
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DEV/SE/19/025

St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

28 March 2019

Planning Application DC/18/2395/FUL – Sheldon, 2 Stoney Lane, Barrow

Date Registered:	14.12.2018	Expiry Date:	08.02.2019 – EOT 02.04.2019
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Barrow Cum Denham	Ward:	Barrow
Proposal:	Planning Application - (i) 1no. dwelling with detached garages for new and existing dwellings (ii) Creation of vehicular access (Previous application DC/16/0001/FUL)		
Site:	Sheldon, 2 Stoney Lane, Barrow		
Applicant:	Mr & Mrs C.W. Smith		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Kerri Cooper
Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

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

The application was presented at Delegation Panel due to the Parish Council objecting to the proposed development and concerns raised by the Local Ward Member, Councillor Ian Holder (Barrow).

Proposal:

1. Planning permission is sought for construction of a two storey, detached dwelling and detached garage. In addition, permission is sought for the erection of a detached garage for the existing dwelling, no. 2 and a vehicular access to serve the proposed dwelling.
2. The proposed development is a re-submission of planning permission DC/16/0001/FUL.

Site Details:

3. The application site which is land to the east of 2 Stoney Lane is partially situated within the Housing Settlement Boundary of Barrow, with the majority of the site within the Countryside of Barrow. The existing residential curtilage has been extended, through change of use from agricultural land to garden land. The site is set at a high ground level in comparison with Stoney Lane and is screened by an extensive hedge which exceeds 2metres in height.

Planning History:

Reference	Proposal	Status	Decision Date
DC/15/2597/CLP	Application for Lawful Development Certificate for Proposed Use or Development - (i) Formation of new vehicular access onto unclassified road and creation of associated driveway and (ii) detached garage as amended by plans received 11th February 2016	Application Granted	17.02.2016
DC/16/0001/FUL	Planning Application - (i) Detached two storey dwelling with detached garages for new and existing dwelling (ii) Creation of vehicular access	Application Granted	24.03.2016
DC/17/0754/FUL	Planning Application - 5 no. dwellings with associated access, garaging and car parking	Application Refused	13.09.2017

Consultations:

4. Public Health and Housing: No objection, recommend condition.
5. Environment and Transport – Highways: No objection, subject to conditions.
6. Environment Team: No objection, recommend condition.
7. Rights Of Way Support Officer SCC: No objection.
8. Ramblers Association: No comments received.

Representations:

9. Barrow Parish Council: The following summarised objection has been received from the Parish Council:

- Introduction and Site Assessment - the design and access statement refers to the existing dwelling being of a two storey nature, when we believe it is of a single storey nature. This is an important factor as the proposed dwelling is 9.3metres in height. Whilst no. 1 Stoney Lane is a two storey dwelling, it is a dormer bungalow and the overall height is less than a conventional two storey dwelling.

- Development Plan Policy Context - the design and access statement refers to the site being 'predominantly' within the defined Settlement Boundary. Vision 2031 only supports growth within defined Settlement Boundaries. The proposed dwelling, positioned in an elevated position, some 2 or 3metres higher than properties along Stoney Lane would be totally inappropriate in this rural country lane.

- Layout and Location - we object to the statement that the proposed dwelling can be located without any substantial impacts upon the local residents and character of the area. Substantial impact on street scene as a result. We do not agree that the existing mature landscape will hide this substantial two storey dwelling over 9metres high. Also what is preventing someone removing mature landscaping?

- Scale and Development - it will comprise existing neighbouring properties. It will not provide a positive visual enhancement. There is no comparison in the proposed two storey dwelling to any other dwellings in the area. We do not agree that the existing dwelling will make the proposed dwelling subordinate and secondary in the wider street scene.

- Landscaping - any trees and mature hedging of no particular interest can be removed in the future.

- Visual Appearance - soft red brick wall is not in keeping with the area.

- Access - proposed access is totally inappropriate on a narrow country lane.

10. Neighbours: No representations received.

11. Ward Member: Following the concerns from the Parish Council, the application should be considered at Development Control Committee.

Policy:

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features
- Policy DM22 Residential Design
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries
- Vision Policy RV10 - Barrow

Other Planning Policy:

- National Planning Policy Framework (2019)
- The NPPF was revised in February 2019 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity and Character of the Area
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Other Matters

Principle of Development

13. The application site is partially outside the settlement boundary, on land designated as countryside. Policy DM5 Joint Development Management Policies Document 2015 stresses the need to protect such locations from unsustainable development and recognises that some new development in the countryside is important to support the rural economy and meet local housing needs. Within settlement boundaries the principle of new residential development is acceptable, subject to all relevant policy and material considerations being satisfied.

14. The application comprises the proposed dwelling and vehicular access within the limits of the settlement boundary, with the associated garaging and amenity for the new dwelling being located outside the settlement boundary. However, this land is already associated with an existing dwelling and as such similar development could take place as permitted development.

15. It is considered that provided that the dwelling is constructed within the settlement boundary, there would be only a limited degree of policy conflict in terms of the principle of the development, which would attract only limited weight against the proposal in the planning balance and on this basis the proposal is considered satisfactory. Also material in considering this proposal is the fact that there is an extant permission for an identical development that could otherwise be implemented if required. The local policy context is identical, with only the 2019 NPPF constituting any material change.

Impact on Visual Amenity and Character of the Area

16. Policy DM2 requires that proposals for new development recognise and address the key features, characteristics and special qualities of the area and maintain or create a sense of place and local character. Proposals should not adversely impact significant street patterns or open spaces, and not site development in such a way that it would adversely affect the amenity of areas. Development should respect the character, scale, density and massing of the locality.

17. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate

innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.

18. The application site contains a number of trees and substantial hedging along Stoney Lane which make a positive contribution to the setting of the village. The proposal would lead to an additional dwelling in this area, which would have something of an urbanising effect. This impact would however be limited by the location of the proposal between existing built development and by the existing screening in place which is to be retained.
19. The proposed dwelling is of a two storey nature, as to match the scale and form of many properties along the street. Whilst no. 2 Stoney Lane is of a single storey nature and the proposed dwelling is of a two storey nature, the properties along Stoney Lane vary in design and appearance; therefore it is not considered that the proposed dwelling would be out of keeping with the character of the area. This conclusion is reached, noting also the levels changes and the raised nature of the site relative to the road.
20. The proposed development includes the erection of a detached double garage to serve the new dwelling and the existing dwelling no. 2. It is of a traditional design and is to be constructed from materials as to match the proposed dwelling. Therefore, it is considered that the proposed garage is of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.
21. The proposed dwelling would sit at the end of a row of existing development and it is considered that a single dwelling could be accommodated without significant harm to the street scene or wider visual amenity.

Impact on Neighbour Amenity

22. There is sufficient space within the site to achieve a reasonable level of outdoor amenity space to serve a modest residential dwelling. The residential amenity of no. 2 will not be comprised to its detriment. There is 1 no. window proposed in the side elevation, at first floor level facing no. 2, which is of a modest scale and has a separation distance to the boundary of 5.2 metres. It is also considered that the site can accommodate the proposed dwelling in this location without any significant adverse effects on neighbouring residential amenity in terms of being overbearing or introducing any unacceptable overlooking, given its scale, relationship with no. 2 and from the implemented boundary treatments proposed.

Impact on Highway Safety

23. The proposed dwelling is to be served by a new access. Suffolk County Highway Authority considers that the proposed access will provide sufficient visibility and will not surplus the current situation to lead to an adverse impact on highway safety subject to conditions (outlined in recommendation). Furthermore, sufficient on-site parking is to be provided as to accord with Suffolk Parking Standards.

Other Matters

24. When assessed using the biodiversity standing advice the use of the land at present as domestic garden land allows a consideration that the ecological impacts arising will be satisfactory. It can also reasonably be concluded that the effect upon trees in and surrounding the site can be considered acceptable.
25. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
26. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

27. The proposed dwelling would be within the development envelope for Barrow where the principle of new residential development is accepted. It is considered that there would be no adverse effects on visual amenity, residential amenity or highway safety. The fact that the amenity space and garaging would be located outside the development envelope does introduce a slight degree of policy conflict. However, it is considered that in the context and noting that the garden area is already used lawfully for such purposes at present, this does not weigh so heavily against the proposal in the planning balance to warrant the refusal of the application on this ground.

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:

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

Reference No:	Plan Type	Date Received
(-)	Location Plan	28.11.2018
CS-002	Block Plan	28.11.2018
CS-003	Roof Plans	28.11.2018
CS-004	Proposed Elevations & Floor Plans	28.11.2018

CS-005	Garage Plans & Elevations	28.11.2018
CS-DP-100	Drainage Plans	28.11.2018
SK001 REV C	Engineering Layout	28.11.2018
SK002 REV B	Road Details	28.11.2018
(-)	Existing Layout	28.11.2018
(-)	Design and Access Statement	28.11.2018
(-)	Land Contamination Questionnaire	28.11.2018
(-)	Land Contamination Assessment	13.12.2018
(-)	Application form	28.11.2018

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

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

- 4 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. CS-002; and with an entrance width of 11metres at the boundary of the carriageway and made available for use prior to occupation. 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.

- 5 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first 5metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

- 6 The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

- 7 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To 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.

- 8 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. CS-002 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.

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

- 9 Before the access is first used, the visibility splay in the north westerly direction shall be provided as shown on Drawing No. CS-002 with an X dimension of 2.4m 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 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 access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 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 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.

- 11 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.

- 12 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.

- 13 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 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.

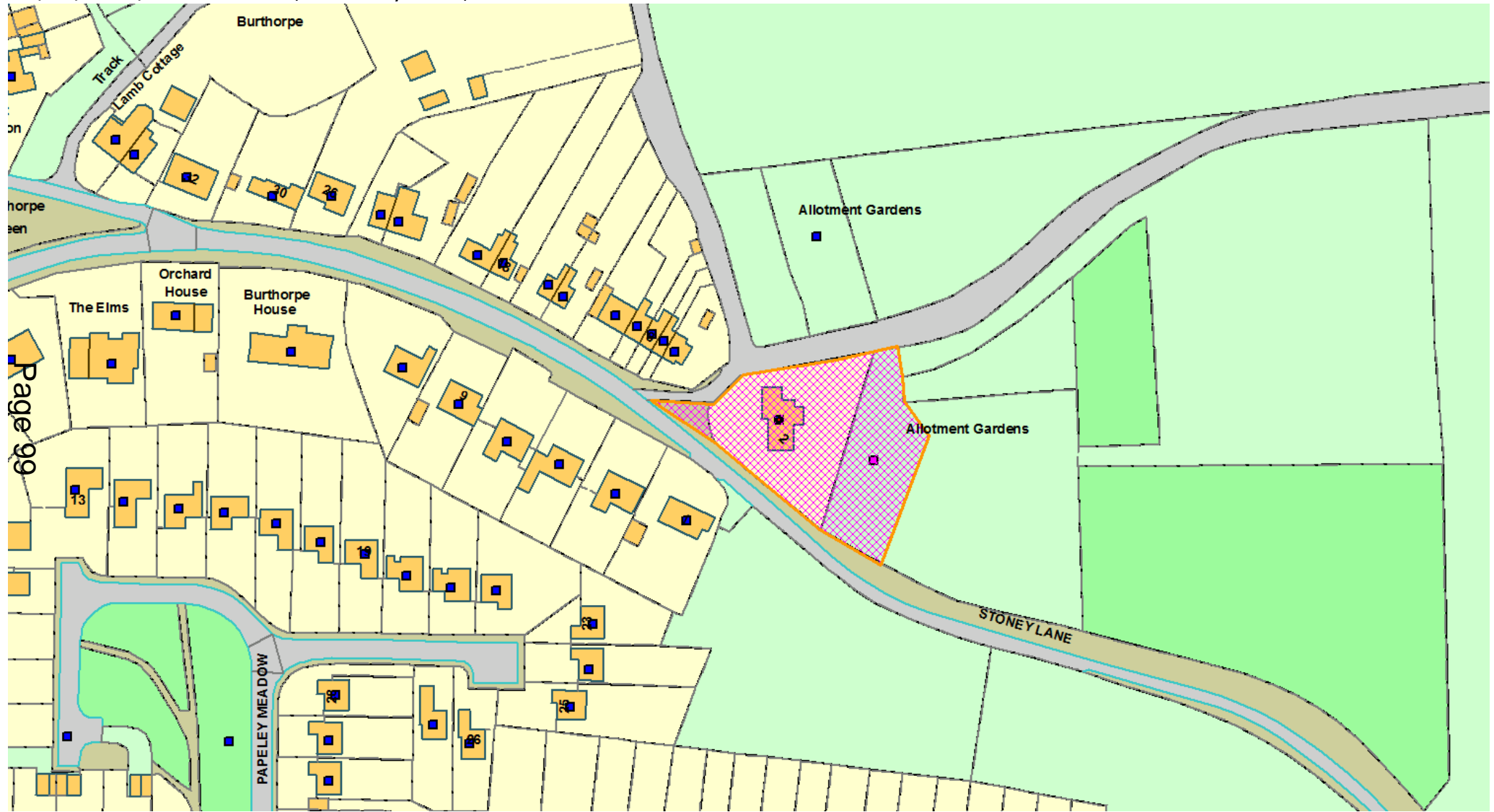
12.0 Documents:

- 12.1 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=PIV3LXPDKJE00>

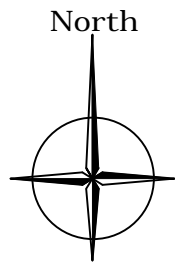
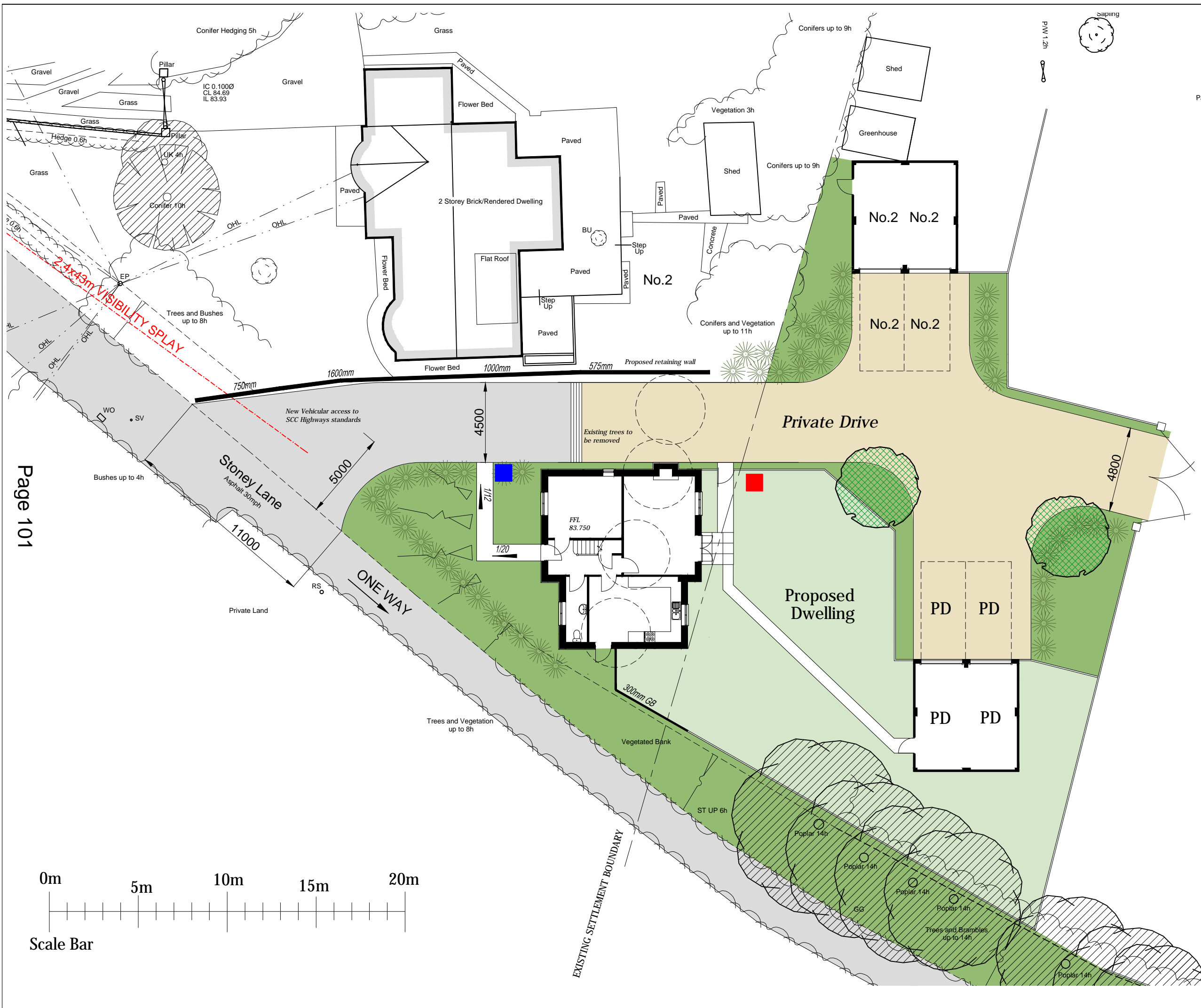


DC/18/2395/HH – Sheldon, 2 Stoney Lane, Barrow
















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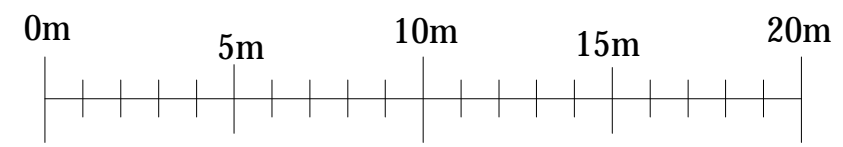
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KEY:

-  Gravel & Shingle finish.
-  Tarmac
-  Proposed soft landscaping
-  Private Gardens to Plots
-  Existing Trees to be removed
-  Indicative New Planting.
-  Existing trees to be removed
-  Indicative New Planting.
-  Rows of granite sets
-  1800 Brick wall
-  1.8m Closeboarded Fence
-  Bin Collection point
-  Bin Storage Location

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Scale Bar

Address 2 STONEY LANE, BARROW, BURY ST EDMUNDS, IP29 5DD.		
drawing Block Plan		
date December 2018		
scale 1:200 @ A3	drawing number CS-1000	revision **

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/026

Development Control Committee 28 March 2019

Planning Application DC/18/2496/OUT – Land at 27, Hollybush Corner, Bradfield St George

Date Registered: 14.12.2018 **Expiry Date:** 08.02.2019

Case Officer: Jo-Anne Rasmussen **Recommendation:** Approve Application

Parish: Bradfield St. George **Ward:** Rougham

Proposal: Outline Planning Application (means of access to be considered) - 1no. dwelling (Revised plans received 1/2/19 showing access proposed)

Site: Land at 27, Hollybush Corner, Bradfield St George

Applicant: Mr Rikki Pace

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Jo-Anne Rasmussen
Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk
Telephone: 01284 757609

Background:

The application comes before the Development Control Committee as the Parish Council object to the proposal which is in conflict to the Officers' recommendation for APPROVAL.

Proposal:

1. Planning permission is sought for one dwelling at outline stage. Access is included but all other details are reserved.

Application Supporting Material:

2. Site/block plan
Tree protection plan
Contamination report

Site Details:

3. The site is situated to the south of Hollybush Corner in land currently utilised as amenity space for number 27.

To the north and south of the site is open countryside, whilst to the east and west are residential properties.

The site is within the settlement boundary for Bradfield St George.

Planning History:

4. Reference	Proposal	Status	Decision Date
DC/18/0203/HPA	Householder Prior Approval - Single storey rear extension which extends beyond the rear wall of the original house by 5 metres with a maximum height of 3 metres and a height of 3 metres to the eaves	Not Required	13.03.2018
DC/18/0585/HH	Householder Planning Application - Dropped kerb to front of property	Application Granted	07.12.2018

Consultations:

5. Parish: Object raising the following concerns;
 - The site is not suitable for a four bedroom house,
 - No access to the rear of the site for emergency services and maintenance
 - No planning statement to support the application
 - Would not respect the built form and character of this row of properties.
 - Do not raise concerns over use of the access.
6. Environment Team: No objections subject to conditions
7. Highways: No objections subject to conditions.

8. Arboricultural Officer: No objections, however concern that the indicative parking area encroaches onto the RPA.

Representations:

9. No letters of representation were received.

Policy:

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM13 Landscape Features
- Policy DM7 Sustainable Design and Construction
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV3 - Housing settlement boundaries

Other Planning Policy:

11. National Planning Policy Framework 2018

Officer Comment:

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

- Principle of Development
- Form and character
- Neighbour amenity
- Highways
- Material Planning considerations

Principle of the development;

13. 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.
14. The site is within the development boundary for Bradfield St George, which is designated as an infill village by Policy CS4. Infill villages only have a limited range of services and as such only infill development comprising single dwellings or small groups within the designated housing settlement boundary are acceptable. As the proposal is for one dwelling, on a site within the settlement boundary it is considered the principle is acceptable and would comply with Policy CS4.

Impact upon the form and character;

15. This area of Hollybush Corner is typified by semi-detached dwellings set within very generous plots. The dwellings are separated within the building line by large gardens to the side of properties which allow views through to the countryside beyond. The housing density is low and this adds positively to the open, rural character of the locality.
16. DM2 looks for new development to achieve a high quality design and seeks to maintain a sense of place and local character. Policy CS3 looks for all new development to create and contribute to a high quality environment which illustrates an understanding and regard for the local context.
17. Views through to the countryside to the south would be maintained by the large garden area of number 25, which immediately abuts the site. The site is considered to be of an adequate size to comfortably accommodate a new dwelling. Therefore, whilst this is a modest plot it is not considered that a dwelling on the site would appear visually cramped or over-developed, nor would it be significantly detrimental to the rural and open character of the locality and as such it is considered the proposal would comply with DM2, DM22 and CS3.

Neighbour amenity;

18. The proposal is for outline consent and as such details of the siting and design of the dwelling have not been submitted as part of this application. It is considered the site is of a suitable size to accommodate a dwelling within the building line. The impact upon neighbour amenity will be fully assessed at Reserved Matters stage when full details of design, siting and window positions are known.

Highways,

19. The proposal is for outline, to include access. The proposed dwelling would utilise the existing access which currently serves number 27. Number 27 would implement and use the access approved within planning reference DC/18/0585/HH. The access is considered acceptable, a condition will be attached to ensure the access proposed for number 27 is brought into use to prior to any development.
20. Suffolk County Council as Highway Authority have not objected to the proposal and as such it is considered the proposal would not have a detrimental impact upon highway safety and would comply with DM46.

TPO

21. There is a tree subject to a TPO to the front of the site. The Arboricultural Officer has not objected to a new dwelling on the site, but has raised concerns that the indicative plans show a parking area encroaching onto the RPA of the tree. It is considered there would potentially be sufficient parking without this area being included, further to this the area is shown indicatively only and the siting of the dwelling and parking are not known at this stage. Given the size of the site it is considered that the proposed development of one dwelling could be accommodated without resulting in a detrimental impact upon the tree, as such the proposal would comply with the aims of policy DM13.

Material Planning Considerations.

22. The Parish Council have raised concerns as to the size / scale of the proposed dwelling, being four bedroom and also that the access to the rear of the site may be restricted. As this application is at outline full details of the design, size / scale and siting of the property have not been given, these can be fully assessed at the Reserved Matters stage. A planning statement is not a validation requirement, as such the proposal will be assessed based on the information submitted.
23. When assessed using the biodiversity standing advice the use of the land at present as domestic garden land allows a consideration that the ecological impacts arising will be satisfactory.
24. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
25. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

26. 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:

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

1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 Prior to commencement of development details of the [appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

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

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

Reference No:	Plan Type	Date Received
A	Block Plan and Site Location Plan	01.02.2019

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

Reason: To protect the amenity of the area.

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

Reason: To protect the amenity of the area.

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

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

- 7 Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the carriageway shall be properly surfaced with a bound material for a minimum distance of 5 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

- 8 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.

- 9 Prior to the commencement of development the access proposed to serve number 27 (as permitted by DC/18/0585/HH) shall be fully implemented and brought into use. The said access shall be constructed in accordance with all relevant conditions attached to DC/18/0585/HH.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety

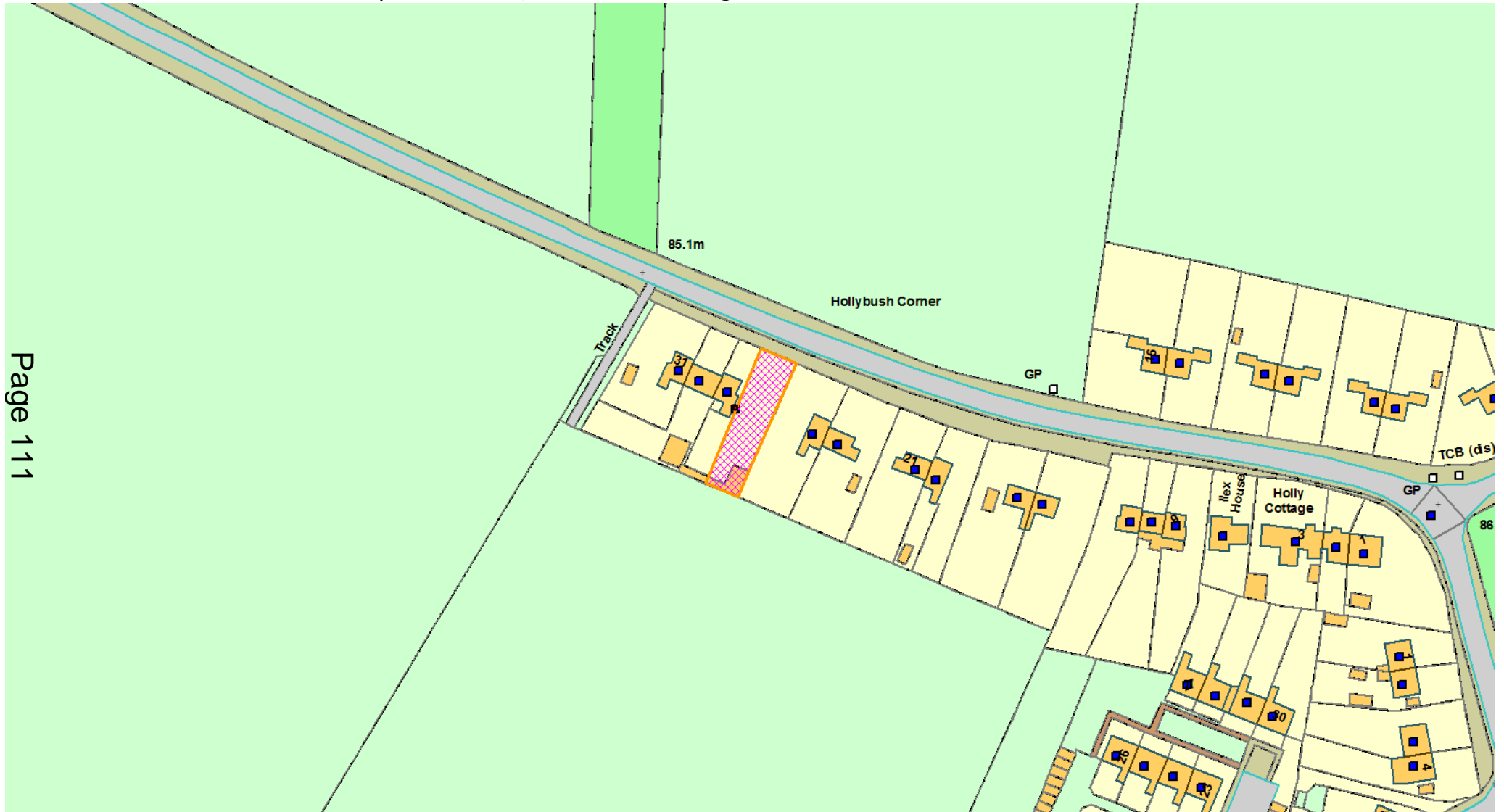
Documents:

28. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2496/OUT](https://www.suffolk.gov.uk/DC/18/2496/OUT)

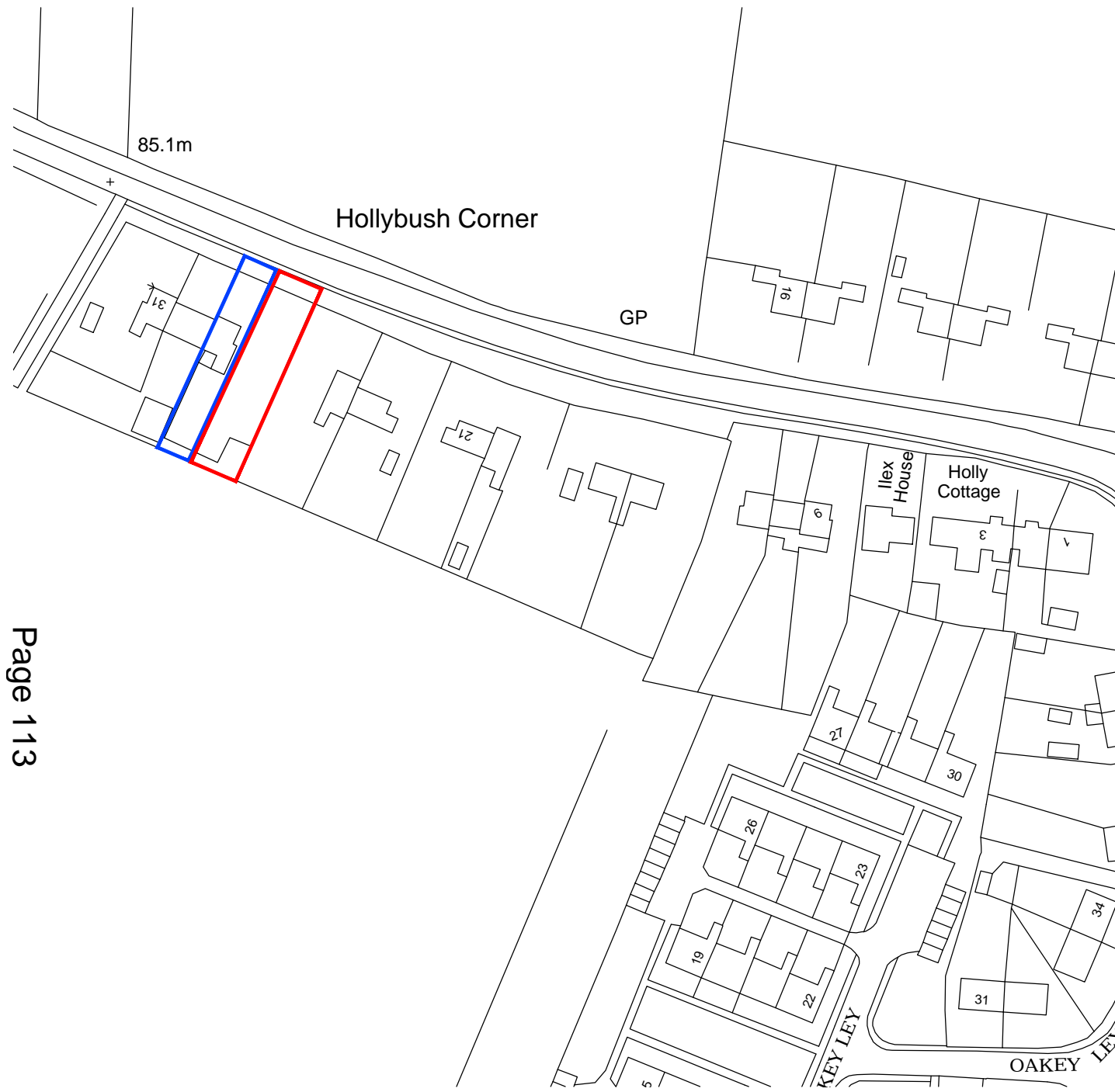
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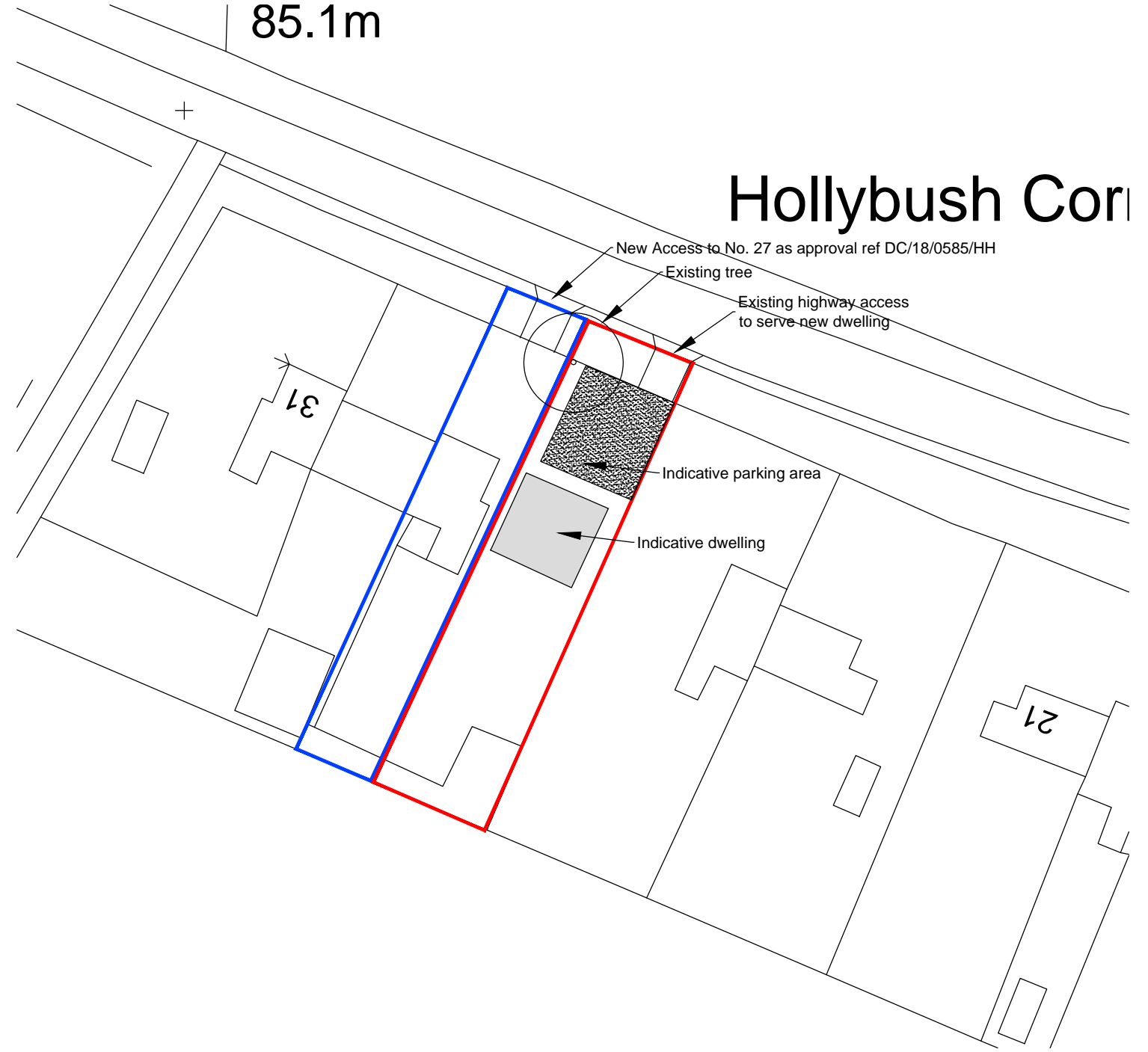
DC/18/2496/OUT – Land at 27 Holybush Corner, Bradfield St George



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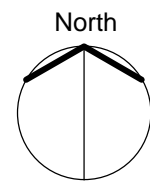


Location Plan 1:1250



Block Plan 1:500

Hollybush Corner



Patrick Stephenson Architects
 122 horringer road, bury st. edmunds, suffolk, ip332ee
 tel 07733 228944
 e-mail: patrick.stephenson@sky.com

Project
New Dwelling
 Land adjacent 27 Hollybush Corner
 IP30 0AX

Title
Block & Location Plans

Scale	Date	Drawn	Checked
1:1250/500 @ A3	Jan 19	pat	-

Drawing No:	Rev
	A

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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/027

Development Control Committee 28 March 2019

Planning Application DC/18/1147/FUL – Land Adjacent to The Forge, The Street, Lidgate

Date Registered: 13.06.2018 **Expiry Date:** 5.04.2019 - EOT

Case Officer: Ed Fosker **Recommendation:** Approve Application

Parish: Lidgate Parish Council **Ward:** Wickhambrook

Proposal: Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding and (iii) improvements to existing vehicular access.

Site: Land Adjacent to The Forge, The Street, Lidgate

Applicant: Logan Homes 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:

Ed Fosker
Email: edward.fosker@westsuffolk.gov.uk
Telephone: 01638 719431

Background:

This application was considered by the Development Control Committee on 7 March 2019, having been before the Development Control Committee, as the Officers' recommendation was contrary to the view of Lidgate Parish Council.

The application was deferred at the 7th March Committee meeting due to local residents submitting a geology report to Historic England with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle with potential to impact on the application site.

This report should be read in conjunction with the Committee Report of 7 March 2019, which is attached as Working Paper 1.

Proposal:

1. Planning Permission is sought for 1no. four bed two storey detached dwelling and 1no. single storey two bay cartlodge as well as improvements to the existing vehicular access.

Site Details:

2. The site details are set out in Paragraphs 2 and 3 in Working Paper 1.

Planning History:

3. The relevant planning history is set out in Paragraph 4 of Working Paper 1.

Consultations:

4. The initial consultation responses are set out in Section 6 in Working Paper 1.
5. A summary of comments from the relevant consultees relevant to the amendment are summarised as follows:

Historic England:

- Have confirmed that they are not intending to review the scheduling based on the new evidence.
6. All consultation responses can be viewed online in full.

Representations:

7. The initial representations are set out in section 15 in Working Paper 1.
8. Due to the nature of the amendment, neighbours, Town Council and Ward Member were not formally re-consulted.
9. No further representations have been received since the Committee meeting of 7 March 2019.
10. All representations can be viewed online in full.

Policy:

11.The relevant policies are set out in section 17 to 19 in Working Paper 1.

Officer Comment:

12.The principle of the development remains unchanged and this is set out in paragraphs 21 to 28 of Working Paper 1, attached.

13.The key issues to be considered in the determination of this application also remain unchanged, these are:

- Principle of Development
- Impact on the Character of the Conservation Area
- Impact on the Setting of listed buildings
- Impact on Neighbour Amenity
- Biodiversity
- Other Matters

14.The majority of the assessment in the committee report from Thursday 7th March remain relevant and unchanged. However additional information was provided by local residents with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle.

Impacts on Heritage Assets

15.During the course of the application a request was submitted to Historic England for extension of the Scheduled Ancient Monument status of Lidgate Castle, comprising an area mainly to the south of the Castle (including the site which is the subject of this application). After investigation Historic England decided to amend the Scheduled Ancient Monument status to now include parts of the external banks of the inner and outer castle bailey, the banks and ditches defining the C16 remodelled fortified manorial complex, building platforms and terracing south of the church and the Bailey Pond. However Historic England commented that with regard to the area to the south the survival of earthworks is fragmentary and difficult to establish with confidence how those that do survive relate to the castle complex if at all and this area (which included the site of this application) was not to be included.

16.Historic England have considered additional information provided by local residents with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle with potential to impact on the application site. Historic England have indicated informally via e-mail that they are not intending to review the scheduling based on the new evidence but that they will respond further in writing before 28th March, and for this reason this matter is placed back on the agenda, with this being further updated either in the late papers or verbally at the meeting as appropriate depending on when the formal written comments from Historic England are received.

Conclusion and Planning Balance:

17. 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.

18. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework 2018. Whilst this is a large plot, and therefore on its own face at odds with the provisions of DM2 that seeks to allow dwellings on small undeveloped plots, the plot size, and the dwelling, is commensurate with otherwise in the immediate vicinity, and this is a factor which weighs in its favour. Also material is the retention of the soft landscaping to the site frontage as well as the support of the Conservation Officer, noting the lack of harm arising to the Conservation Area as a consequence of the development of this site. On this basis, and on balance, the proposal can be supported.

Recommendation:

19. 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. No development above slab level shall take place until samples of the external materials to the house and outbuilding 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.
3. The dwelling hereby approved shall not be occupied until the area(s) within the site shown on Drawing No. 18/25/03 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.
4. The dwelling hereby approved shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC Drawing No. DM02 (access over footway); and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
Reason: In the interests of highway safety to ensure that the layout of the

access is properly designed, constructed and provided before the development is commenced.

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the B1063 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.
6. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on Drawing No. 18/25/03 shall be provided in its entirety before first occupation of the dwelling 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. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
8. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
Reason: In the interests of road safety.
9. Before the access is first used visibility splays shall be provided as shown on Drawing No. 18/25/03 with an X dimension of 2.4m and a Y dimension of 59m 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.
10. 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 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.

11. 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.

12. 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.

Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Before occupation of the dwelling hereby approved biodiversity enhancement measures will include the renewal of the post and rail fencing around the perimeter (note 8 on dwg.18/25/03) with no gravel board to allow the passage of amphibians, reptiles and mammals through the fence at ground level as not create a barrier into or out of the site. Any such measures as shall be installed and thereafter retained as so installed. There shall be no occupation unless and until the biodiversity enhancement measures to be installed have been installed.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

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. The site demolition, preparation and construction works shall be carried out

between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area.

16. The mitigation measures as laid out within the flood risk assessment by G. H. Bullard & Associates LLP dated March 2018 shall be implemented in full prior to first occupation of the dwelling hereby approved and shall remain thereafter unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the safety of any future occupants and to ensure a satisfactory environment, in accordance with policy DM2, of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework 2018 and all relevant Core Strategy Policies.

17. 1. 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.

2. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 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 HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

18. Prior to operational use of the site, at least one electric vehicle charge point shall be provided at reasonably and practicably accessible location. The Electric Vehicle Charge Point shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

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.

15.0 Documents:

- 16.1 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=PA9BO7PD04S00>



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/020

WORKING PAPER 1

**Development Control Committee
7 March 2019**

**Planning Application DC/18/1147/FUL –
Land Adjacent To The Forge, The Street, Lidgate**

Date 13.06.2018 **Expiry Date:** 11.01.2019
Registered: (EoT: 15.03.2019)

Case Officer: Ed Fosker **Recommendation:** Approve Application

Parish: Lidgate Parish **Ward:** Wickhambrook
Council

Proposal: Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding and (iii) improvements to existing vehicular access.

Applicant: Logan Homes 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:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel because Lidgate Parish Council object to the proposal, contrary to the Case Officer recommendation for APPROVAL.

A site visit is scheduled to take place on Thursday 28 February 2019.

Proposal:

1. Planning permission is sought for 1no. four bed two storey detached dwelling and 1no. single storey two bay cartlodge as well as improvements to the existing vehicular access.

Site Details:

2. The site comprises an existing gap of land to the northern side of the street with a wide gated historic access, located between the property known as 'The Forge' to the west and the listed property known as 'Lidgate Grange' to the east, and situated within the countryside and Lidgate conservation area.
3. The listed church is some considerable distance away to the north and site falls outside of the amended scheduled ancient monument area. There are eight dwellings located to the western side and two located to the eastern side. The site itself originally contained agricultural structures until the late C20 with the bases of these still remaining evident.

Planning History:

4. DC/18/0629/FUL: Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding/garage and (iii) improvements to existing access. Withdrawn: 24.05.2018.

Consultations:

5. Highway Authority: No objection subject to conditions.
6. Environment Team: No objection subject to informatives.
7. Public Health and Housing: No objection subject to conditions.
8. Environment Agency: No objection, the site is located within; what is termed, a dry island, where during a flood the site will be partially or completely surrounded by flood water. This may affect access and egress to the property during times of flood. We note that the FRA has proposed a method to reduce the impact of flooding on the access route. We would recommend that these measures are enacted as part of the development.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Foul water drainage (and trade effluent where appropriate) from the proposed development should be discharged to the public foul sewer, with the prior approval of AWS, unless it can be satisfactorily demonstrated that a connection is not reasonably available.

9. Suffolk Wildlife Trust: Having reviewed the additional reports; great crested newt eDNA analysis and reptile survey (both Bright Green Environmental Consultancy Ltd, November 2018), and the Additional Information (January 2019) addressing my comments of July 2018. The reptile survey visits were undertaken at a sub-optimal time of year, under abnormally warm conditions so it is highly unlikely that any reptiles or amphibians would be using the refuges to bask. Therefore, establishing presence/likely absence under these conditions would be extremely difficult. However, the precautionary methods suggested by the consultant in the report and additional comments are satisfactory to mitigate any impacts this development may have, and further survey visits would be considered disproportionate to the task.
10. Landscape and Ecology Officer: The reptile survey and amphibian surveys are acceptable, and the recommendations, in particular the measures in section 6 of the reptile survey and section 5.1 of the amphibian survey should be conditioned. In addition the measures in section 5 of the ecological report (March 18) should also be conditioned along with a landscaping scheme that incorporates enhancement recommendations in section 5.4.
11. Conservation Officer: The new house and outbuilding are both much reduced in scale compared to the original proposal and the appearance of the front elevation is now more redolent of a traditional building with cross-wings rather than a converted barn. The reduced scale of the proposed buildings would result in them sitting more comfortably with the neighbouring buildings and would not detract from them. Traditional materials and detailing are also proposed which reflect those found elsewhere in the conservation area. The front boundary wall and hedging would be retained, maintaining the verdant nature of the street.

Overall, I therefore consider that the proposals would preserve the character and appearance of the conservation area and I therefore have no objections subject to conditions.

12. Historic England: Do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.
13. Historic England Amended Listing Entry Number: 1006024 - Lidgate Castle's historic and archaeological pedigree as a site dating from the C12 provided ample justification for the original designation, and now clearly fulfils the

criteria set out in DCMS's current guidance documents (October 2013). This re-assessment of the extent of the castle remains has made it possible to enhance the content of the List entry with information derived from various investigations, most notably topographical survey, trial trenching, geophysical survey, LiDAR, aerial photography and map regression analysis. As a result of these investigations our level of understanding of the site has been greatly improved and provides evidence to show that the surviving remains of the castle extend far beyond the currently scheduled area. Parts of the external banks of the inner and outer castle bailey, the banks and ditches defining the C16 remodelled fortified manorial complex, building platforms and terracing south of the church and the Bailey Pond all lay outside the current area of protection. All these features have a high level of archaeological potential to further improve our understanding of the castle and the social and economic context in which it functioned and should therefore be included in the area of protection. Map regression indicates there has been little change to Bailey Pond since at least the late C19 increasing the potential for the survival for organic artefacts in the basal silts of the pond. Such artefacts, when analysed can add considerably to our understanding of the castle and the communities it served.

The area under assessment, as requested by the applicant, and mapped for the Consultation Report, includes the area of the castle earthworks, the inner and outer bailey, the area of the fortified manorial complex, the Bailey Pond, and what the applicant proposed as the wider outer bailey of the castle, extending south to The Street. Although it is possible that nationally important archaeological remains survive outside the boundary of the scheduling as proposed here, the evidence for its survival, or the potential for its survival, is not clear enough to warrant inclusion in the scheduling at this time. South of the proposed scheduled area the survival of earthworks is fragmentary and difficult to establish with confidence how those that do survive relate to the castle complex if at all.

14. Archaeological Service: The proposed development site lies within an area of archaeological interest and potential, within the historic core of the village of Lidgate (County Historic Environment Record LDG 014), which centres on the church and castle. The Castle (LDG 002) is a Scheduled Monument (DSF 15939). Considerations relating to the impacts of development on the setting of heritage assets and on below ground remains are therefore relevant for this application. The application lies within the Conservation Area for Lidgate, and I would advise that Historic England is consulted in relation to potential impacts on the setting of the church and castle. The impact on the setting of the earthworks in the outer bailey area, associated with the Scheduled monument should also be a consideration. The castle and later manorial complex covered a larger area than is covered by the Scheduling (HER LDG 010), particularly including an outer bailey area. Land to the south of the castle and church, northwards of the development area, has been subject to both geophysical and topographical survey carried out in relation to undergrounding work by UK Power Networks (LDG 018, Britannia Archaeology Report 2014/1066 and Suffolk County Council Archaeological Service report 2015/002). The topographic survey extended southwards on a line as far as the top of Bailey Pond, c 60m northwards of the development area, and - within an area defined on the west by the

manorial/bailey ditch south of the church and the eastern boundary of Lidgate Hall to the east - mapped earthwork features indicative of terracing and building platforms. Geophysical survey also identified archaeological features within this area and westwards towards a sunken lane leading to Tinker's Close (LDG 009). Medieval finds were recovered, suggesting well-preserved remains of this date. From current information held in the Historic Environment Record, it may be that the development site lies outside the outer bailey, although the site and immediate wider area has not been subject to systematic modern evaluation. To the north of the site and running into its western edge, a cropmark is visible (c2007) which may represent a continuation of the extant castle/manorial ditch which runs southwards beyond the western boundary of the churchyard. The cropmark appears to relate to a boundary visible on the 1903 OS map, and shown on aerial photographs from 1945. The topographic survey carried out in 2015, however, noted that it was difficult to trace the castle/manorial ditch beyond its funnelling out at its southern end c60m northwards of the development site. It was speculated although not proven that the ditch may have turned and run eastwards, towards and along the line of the northern edge of Bailey Pond. If the castle/manorial ditch continued southwards rather than turning east, it would run into and along the western boundary of the development site. However, the main construction impacts of the proposed development lie generally to the west of this line. There is, however, general potential for archaeological remains relating to early occupation in the village to be present within the development site as well as activity relating to the castle. The watercourses to the south of castle may have been modified as part of its landscape, perhaps for fish/mill ponds. The development has the potential to damage or destroy any archaeological remains which exist on the site. Based on the scale and location of the development, as advised previously, if St Edmundsbury is minded to grant consent, in accordance with the National Planning Policy Framework (Paragraph 141), 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.

Representations:

15. Lidgate Parish Council: Does not believe it appropriate to develop a site which provides an important visual gap that contributes to the character and distinctiveness of the rural scene.

Policy DM2 – Creating Places – Development Principles and Local Distinctiveness

The proposal will adversely affect the distinctive historic character and architectural or archaeological value of the area and/or building.

The proposal will affect the amenity of the neighbouring properties as the eastern side of the development will overlook The Grange. The residential amenity of neighbouring properties will also be affected by overshadowing and the loss of light.

The site contains a number of important landscape characteristics and prominent topographical features, habitats, species and features of

ecological interest as detailed in a letter from a resident. The SAM status of the castle and the Topographic Study referred to therein, impact on the cluster of listed buildings around the site. There is extensive evidence of species which are covered by specific regulation in terms of additional permissions and protection.

Policy DM17 – Conservation Areas

The proposed dwelling will be in the Lidgate Conservation Area. Lidgate is a quiet, rural village in a Conservation Area and the Parish Council believes that this application will detract from the setting of and views into and out of the Conservation area.

The proposed dwelling will be too large in scale, form, height, massing and alignment to respect the area's character and setting.

The proposal will lead to the loss of an important open space which makes a significant contribution to the character and appearance of a settlement. The proposal does not demonstrate a clear understanding of the significance of the Conservation Area and/or its setting, alongside an assessment of the potential impact of the proposal on that significance.

Policy DM15: Listed Buildings

The proposal does not respect the existing listed building and its setting in terms of scale, form, height, massing, and design.

The proposal does not respect the setting of the listed building, including inward and outward views.

In addition, Lidgate Parish Council would like to submit the following objections:

The archaeological evidence is so significant that it would be threatened by this development. The Parish Council asks that any decision be delayed by West Suffolk Planning until an archaeological survey has been received from Suffolk County Council and until Historic England has made its decision about whether or not to extend the Scheduled Ancient Monument Status.

Suffolk Wildlife Trust has recognised the importance of the biodiversity of this site particularly in relation to amphibian migration patterns and more research is needed.

The Parish Council does not believe the area can be defined as a closely knit cluster as stated in DM27 because it is more of a linear development as there are no properties on the opposite side of the road, and the current properties are spread along 300m. Lidgate Parish Council also believes that the proposal for a large four bedroom detached does not reflect the spirit of DM27 in terms of its size.

16. Twenty one letters of objection were received, raising concern with regard to:

- Adverse impacts on biodiversity and loss of habitat
- Adverse impact on Conservation Area
- Proposal does not comply with policy DM5 as it is not 'affordable'

- Proposal does not make up part of a cluster
- Overdevelopment
- Poor design
- Too large and not in keeping with the surrounding area
- Adverse impact on scheduled Motte & Baily Castle
- Adverse impact on existing street scene and rural character
- Overlooking and loss of privacy to neighbours
- Highways safety
- Adverse impact on setting of grade II listed church
- Adverse impact on site of archaeological interest

Lidgate Archaeological Group also applied to Historic England for extension of the Scheduled Ancient Monument status of Lidgate Castle, comprising an area mainly to the south of the Castle, which subject to approval by Historic England may include part or all of the site proposed for development under planning application DC/18/1147/FUL. (Historic England reference number 1457854).

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

17. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM7 (Sustainable Design and Construction)
- DM5 (Development in the Countryside)
- Policy DM12 (Mitigation, Enhancement and Monitoring of Biodiversity)
- Policy DM15 (Listed Buildings)
- Policy DM17 (Conservation Areas)
- Policy DM22 (Residential Design)
- Policy DM27 (Housing in the Countryside)
- Policy DM46 (Parking Standards)

18. St Edmundsbury Core Strategy December 2010

- Policy CS3 (Design and Local Distinctiveness)

Other Planning Policy:

19. National Planning Policy Framework (2018)

Officer Comment:

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

- Principle of Development
- Impact on the Character of the Conservation Area
- Impact on the Setting of listed buildings
- Impact on Neighbour Amenity
- Biodiversity
- Other Matters

Principle of Development

21. 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.

22. Policy DM5: Development in the Countryside provides that 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, including where it is for small scale residential development of a small undeveloped plot, in accordance with policy DM27.

23. Policy DM27: Housing in the Countryside provides that proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:

- a. the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway;
- b. the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

24. The application site itself comprises an open area of meadow land approximately 37m wide positioned between the property known as 'The Forge' to the west and the listed property known as 'Lidgate Grange' to the east. There are eight dwellings located to the western side and two located to the eastern side. Because of the generous size of this plot it must be accepted that there is some conflict with DM27, which otherwise permits development on 'small' plots. This must weigh against the scheme, albeit, for the reasons set out below, including the support for this proposal from the Conservation Officer, this is not considered, on its own, sufficient reason to resist this proposal and it is a more balanced matter than that.

25. However, the development is considered to be within a cluster of ten dwellings fronting the Street and on balance this is considered to be 'closely knit', particularly when considered with the heritage comments assessed later in this report. The proposed dwelling itself has been reduced in size, scale and re-designed from the previous application to a more traditional and modest property, and one which is considered commensurate with the scale and character of the other existing dwellings within the built frontage.

The plot sizes and spacing between dwellings are considered commensurate to nearby and adjacent properties with 'Street Farm' having a frontage of 52m, No. 7 The Street having a frontage of 26 m, 'The Bungalow' having a frontage of 41m and 'The Forge' having a frontage of 36m which are all considered to be of a similar scale such that the proposal is considered thereby to respect the rural character and street scene of the locality in compliance with the provisions of policy DM27.

26. Furthermore, policies DM2 and CS3 seek to reinforce the character and local distinctiveness of an area. A mixture of dwelling styles is typical in a rural area such as this the proposal would reflect the character of the locality, utilising architectural detailing reflective of other properties in that location. It would therefore reflect the locally distinct character of the site. It is also noted that the proposal retains the frontage landscaping, with no adverse effects arising upon such, which is important in defining the loosely grained and verdant character of the area.
27. The principle of a development within this site is therefore considered acceptable.
28. The proposed development also needs to be considered against policies DM2, DM12, DM15, DM17, DM22 and DM46 of the Development Management Policies Document which seeks to ensure that new development does not result in the loss of residential or visual amenity, impact on the setting of any listed building, the layout and design respects the established pattern and character of development in the locality and the proposal preserves or enhances the surrounding conservation area which will be considered further below.

Impact on Heritage Assets

29. Policy DM17: Conservation Areas provides that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area, be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting, retain important natural features such as open spaces, plot divisions, boundary treatments, and trees and hedges, which contribute to the special character of the area and use materials and building techniques which complement or harmonise with the character of the area.
30. Policy DM15: Listed Buildings provides that development affecting the setting of a listed building will be permitted where it is not detrimental to the building's character or any architectural, archaeological, artistic or historic features that contribute towards its special interest and is of an appropriate scale, form, height, massing, and design which respects the existing building and its setting.
31. The proposed dwelling and outbuilding are both much reduced in scale compared to the original proposal and the appearance of the front elevation is now more redolent of a traditional building with cross-wings rather than

a converted barn. The reduced scale of the proposed buildings would result in them sitting more comfortably with the neighbouring buildings and would not detract from them. Traditional materials and detailing are also proposed which reflect those found elsewhere in the conservation area. The front boundary wall and existing hedging / soft landscaping would also be retained, maintaining the verdant nature of the street. With the Local Authority's Principal Conservation officer raising no concern with regard to any adverse impact on the character of the conservation area it is considered that the proposal would be compliant with policy DM17 and the provisions of the NPPF.

32. During the course of this application a request was submitted to Historic England for extension of the Scheduled Ancient Monument status of Lidgate Castle, comprising an area mainly to the south of the Castle (including the site which is the subject of this application). After investigation Historic England decided to amend the Scheduled Ancient Monument status to now include parts of the external banks of the inner and outer castle bailey, the banks and ditches defining the C16 remodelled fortified manorial complex, building platforms and terracing south of the church and the Bailey Pond. However Historic England commented that with regard to the area to the south the survival of earthworks is fragmentary and difficult to establish with confidence how those that do survive relate to the castle complex if at all and this area (which included the site of this application) was not to be included. Suffolk County Council Arch Service have also raised no objection subject to the imposition of a condition to record and advance understanding of the significance of any heritage asset.
33. Given the fact that the proposed development site falls outside of the amended scheduled ancient monument area and with the Local Authorities Principal Conservation officer raising no concern with regard to adverse impact on the setting of the Church, Scheduled ancient monument, Conservation Area or any of the other listed building in the vicinity including the neighbouring Lidgate Grange the proposal is considered to comply with the provisions of policy DM15, DM17 and the NPPF 2018.

Impact on Neighbour Amenity

34. The only window to the western side of the proposed dwelling at first floor level is a very small obscure glazed bathroom window and the only first floor windows to the eastern side serving a bedroom and bathroom. The proposed dwelling is set back much further on the plot than the neighbouring Forge to the western side with a good distance of separation with the cart lodge positioned between the dwelling and the boundary, also the proposed dwelling is positioned some 9m plus from the boundary to the eastern side, with no dwellings to the rear (northern side), the proposed boundary treatment is sufficient to prevent impacts at ground floor and it is not considered that there would be any adverse impact on the residential amenity currently enjoyed by either neighbouring property by reason of overlooking or overbearing impact in compliance with policy DM2.

Biodiversity

35. Policy DM12: Mitigation, Enhancement, Management and Monitoring of Biodiversity provides that in addition to, or as part of the requirements of other policies in this DPD, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
36. Concerns have been raised with regard to adverse impact on biodiversity and loss of habitat, however Local Authorities Landscape and Ecology Officer and Suffolk Wildlife Trust have raised no concern subject to the implementation of the measures detailed within the primary ecological appraisal by Bright Green Environment dated March 2018 and the great crested newt eDNA analysis and reptile survey (both Bright Green Environmental Consultancy Ltd, November 2018), and the Additional Information (January 2019) which layout the precautionary methods required, mitigation and enhancement methods suggested to ensure that the scheme does not adversely impact on the biodiversity of the site in compliance with policy DM12.

Impact on Highways

37. The Highway Authority are satisfied with the location of the proposed cart lodge, off street parking provision for two cars within the cart lodge, provision for several more outside the dwelling, manoeuvring area to the front of the property and access upgrades. It is considered that the proposal would not adversely impact on highway safety and provide sufficient off street parking, in accordance with policies DM2 and DM46.

Other Matters

38. It is noted that part of the vehicular access to the site is located within; what is termed, a dry island, where during a flood the site will be partially or completely surrounded by flood water. This may affect access and egress to the property during times of flood. It is noted that the flood risk assessment has proposed a method to reduce the impact of flooding on the access route. The Environment Agency has recommended that these measures are enacted as part of the development.
39. Policy DM7 provides that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the design, layout, orientation, materials and construction techniques. In particular proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed to ensure water consumption is no more than 110 litres per person per day (including external water use).
40. The water consumption of this dwelling is subject to condition and also off street parking is required to provide an operational electric vehicle charge point by condition. It is considered that these measures will ensure

compliance with policy DM7.

Conclusion:

41. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework 2018. Whilst this is a large plot, and therefore on its own face at odds with the provisions of DM2 that seeks to allow dwellings on small undeveloped plots, the plot size, and the dwelling, is commensurate with otherwise in the immediate vicinity, and this is a factor which weighs in its favour. Also material is the retention of the soft landscaping to the site frontage as well as the support of the Conservation Officer, noting the lack of harm arising to the Conservation Area as a consequence of the development of this site. On this basis, and on balance, the proposal can be supported.

Recommendation:

42. 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. No development above slab level shall take place until samples of the external materials to the house and outbuilding 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.
3. The dwelling hereby approved shall not be occupied until the area(s) within the site shown on Drawing No. 18/25/03 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.
4. The dwelling hereby approved shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC Drawing No. DM02 (access over

footway); and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the B1063 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.
6. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on Drawing No. 18/25/03 shall be provided in its entirety before first occupation of the dwelling 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. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
8. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
Reason: In the interests of road safety.
9. Before the access is first used visibility splays shall be provided as shown on Drawing No. 18/25/03 with an X dimension of 2.4m and a Y dimension of 59m 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.
10. 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 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.

11. 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.

12. 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.

Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Before occupation of the dwelling hereby approved biodiversity enhancement measures will include the renewal of the post and rail fencing around the perimeter (note 8 on dwg.18/25/03) with no gravel board to allow the passage of amphibians, reptiles and mammals through the fence at ground level as not create a barrier into or out of the site. Any such measures as shall be installed and thereafter retained as so installed. There shall be no occupation

unless and until the biodiversity enhancement measures to be installed have been installed.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

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

Reason: To protect the amenity of the area.

16. The mitigation measures as laid out within the flood risk assessment by G. H. Bullard & Associates LLP dated March 2018 shall be implemented in full prior to first occupation of the dwelling hereby approved and shall remain thereafter unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the safety of any future occupants and to ensure a satisfactory environment, in accordance with policy DM2, of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework 2018 and all relevant Core Strategy Policies.

17. 1. 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.

2. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 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 HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

18. Prior to operational use of the site, at least one electric vehicle charge point shall be provided at reasonably and practicably accessible location. The Electric Vehicle Charge Point shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

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

Documents:

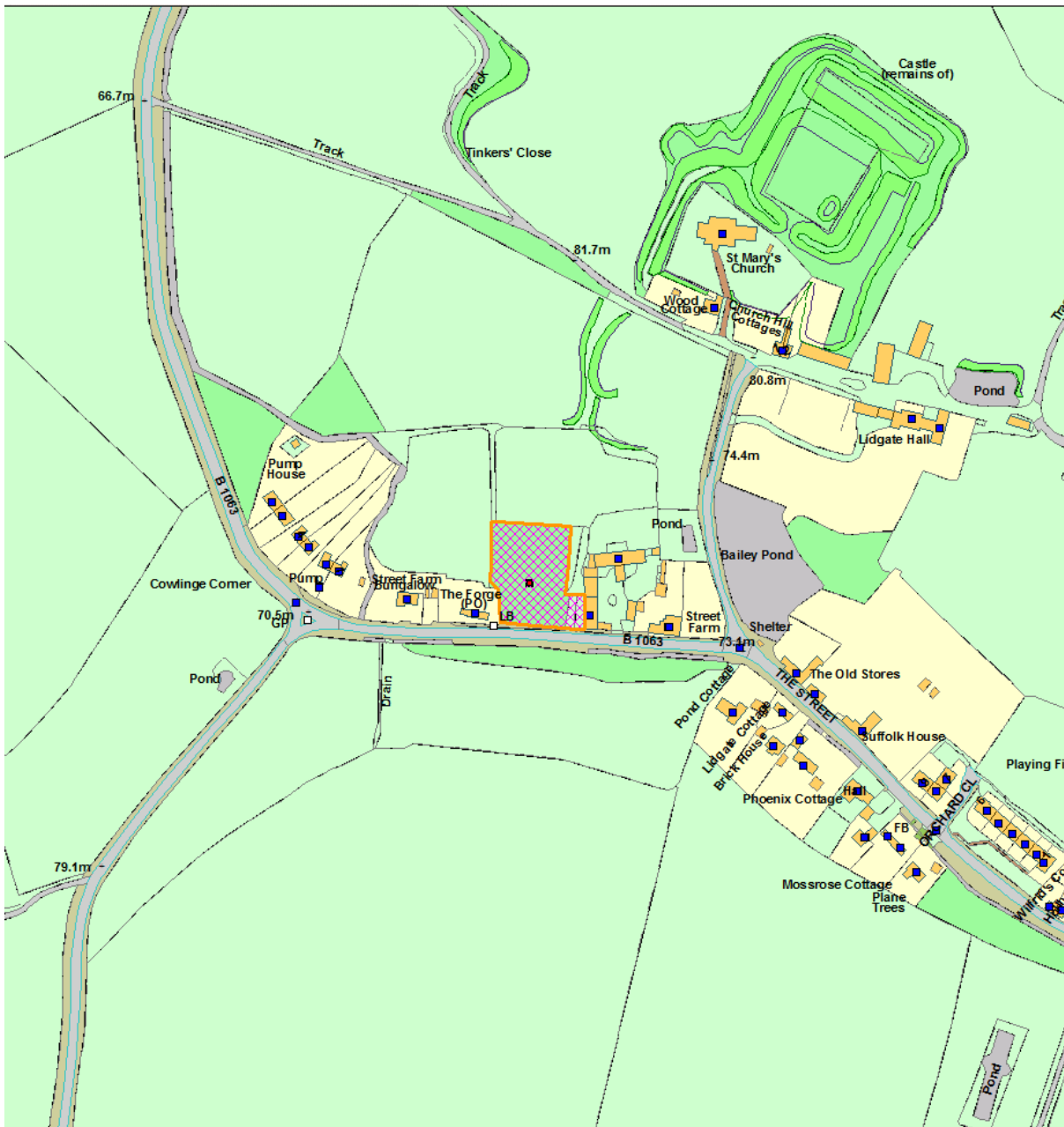
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PA9BO7PD04S00>

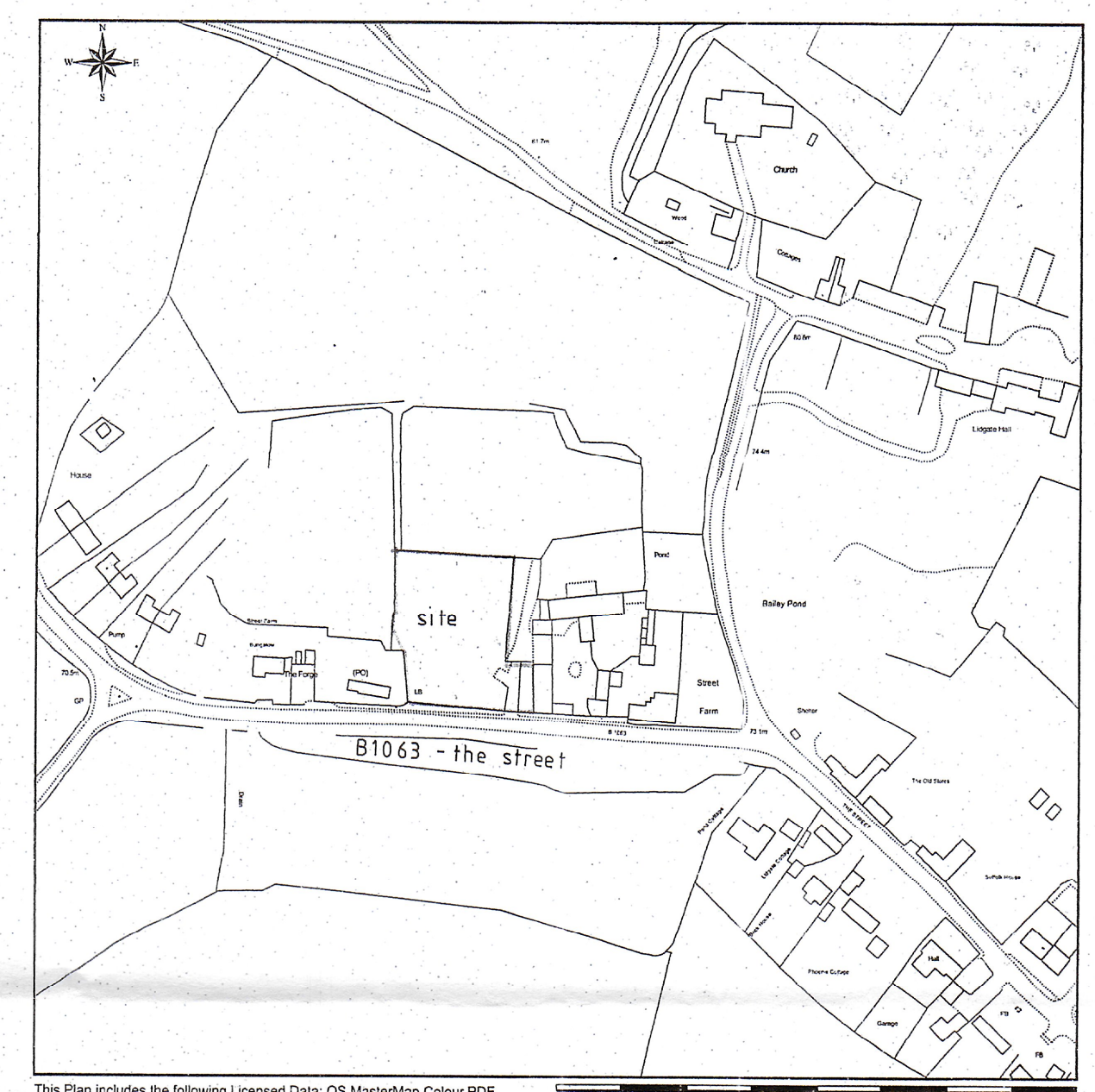
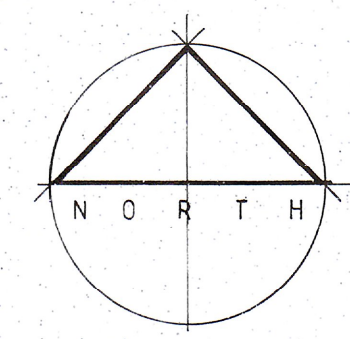
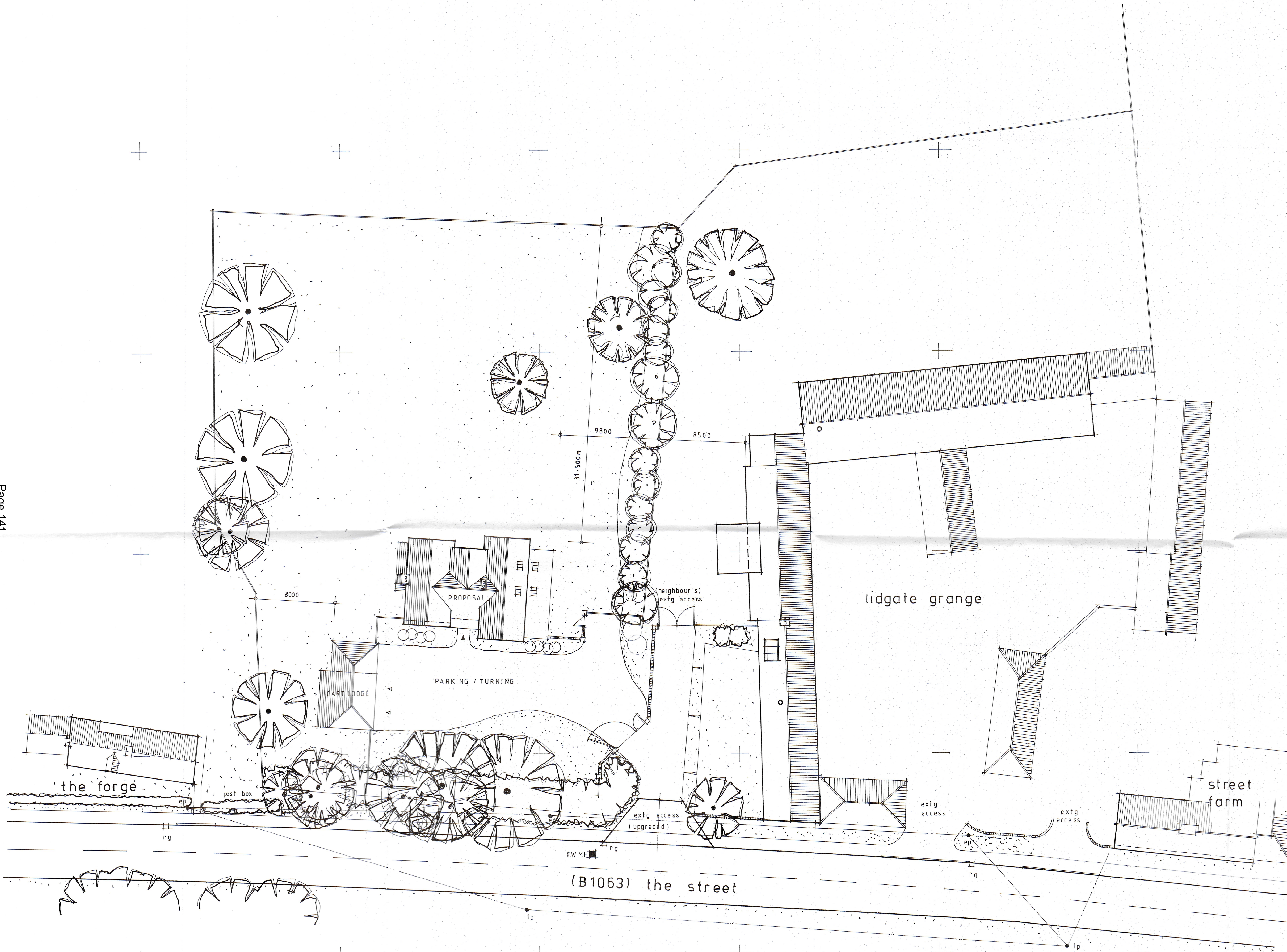


DC/18/1147/FUL

Land Adjacent To The Forge, The Street, Lidgate, Suffolk

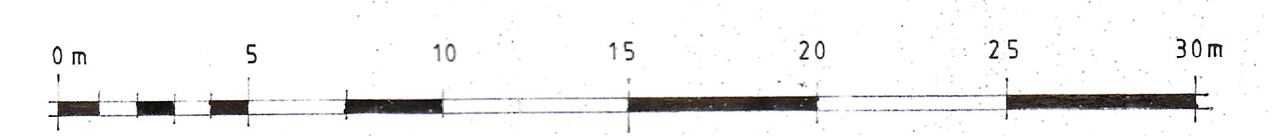


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 Scale: 1:2500

PROPOSED SITE PLAN 1/200 (A1)



dean jay pearce architectural design & planning ltd 2 / 3 Milestone, Hall Street, Long Melford Sudbury, Suffolk, CO10 9HZ T: 01787-378797 E: dean.pearce@live.co.uk	
Project: Erection of 1 No. dwelling, associated ancillary outbuilding and change of use of land (incorporating improvements to existing vehicular access).	
Site Address: Land at The Street, Lidgate, Newmarket	
Applicant: Logan Homes Ltd	
Drawing title: PROPOSED SITE PLAN	
scale: 1/200 date: 06 / 2018 drawn: djp checked:	drg no: 18/25/02 rev:
Do not scale this drawing. Use figured dimensions only. Contractor to set out all of the works prior to commencement and report any omissions / discrepancies immediately. Scales shown on this drawing are at A1 sheet size.	
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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/028

Development Control Committee 28 March 2019

Planning Application DC/19/0136/FUL & DC/19/0135/LB – 41 Cornhill, Bury St Edmunds

Date Registered:	25.01.2019	Expiry Date:	29.03.2019
Case Officer:	Adam Ford	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - Installation of security shutter to rear entrance		
Site:	41 Cornhill, Bury St Edmunds		
Applicant:	Mr Mark Walsh - West Suffolk Property Services		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Adam Ford
Email: adam.ford@westsuffolk.gov.uk
Telephone: 01284 757353

Background:

These applications are before the Development Control Committee as they are internal applications having been submitted by West Suffolk Property Services.

Proposal:

1. Planning permission and Listed Building consent are sought to install a security shutter door to the rear entrance of 41 Cornhill.
2. The proposal comprises a perforated aluminium lath roller shutter, guides and head box fixed to the modern brick extension, within the covered area.
3. The shutter will be 1.39m wide with a maximum height, when 'closed' of 2.53m. The proposed guide channels are 0.6m wide and the shutter box at the head is 0.25m deep. Externally, all elements of the proposed installation will be powder coated anthracite (grey).

Application Supporting Material:

- Completed application form
- Location plan
- Example of manufacturer's specification showcasing design
- Existing and proposed elevations
- Heritage statement
- Schedule of works
- Proposed block plan

Site Details:

4. The application site, 41 Cornhill, is a Grade II listed building which forms part of the Moyses Hall Complex. The property is located within the defined settlement boundary, the Town Centre, the primary shopping area and the Bury St Edmunds Conservation Area.

Planning History:

Reference	Proposal	Status	Decision Date
DC/18/1291/LB	Application for Listed Building Consent - Installation of security shutter to rear entrance yard	Application - Withdrawn	22.08.2018
SE/10/0264	Listed Building Application - Provision of black lettering above entrance	Application Granted	03.06.2010

Consultations:**5. Conservation Officer**

- *"The roller shutter would be fixed to modern fabric in a discrete location at the rear of the property. On this basis, I therefore have no objection."*

6. Historic England

- No objections or concerns raised. Advised to seek views of internal Conservation Officers.

Representations:**7. Bury Town Council**

- No objection to proposal subject to no issues with respect to

8. Ward Member (Abbeygate) Councillor Andrew Speed

- No comments submitted

9. Ward Member (Abbeygate) Councillor Jo Rayner

- No comments submitted

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:

SEBC 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

Bury Vision Document (2014)

- Bury Vision BV1 – Presumption in favour of Sustainable Development

Joint Development Management Policies Document (2015)

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM38 Shop Fronts and Advertisements

Other Planning Policy:

10. The NPPF was revised in February 2019 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 2019 NPPF that full weight can be attached to them in the decision making process.

11. The LPA also has a statutory duty under paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the effect of this proposal upon the listed building and the wider conservation area.

Officer Comment:

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

- Principle of Development
- Design, form and scale & resulting impact of the proposal upon heritage assets

Principle of Development

13. 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.

14. In this instance, the application property lies within the defined settlement of Bury St Edmunds and is within the town's formally allocated primary shopping area.

15. The principle of development in this location is therefore something the LPA are able to support, subject to other material planning considerations which, in this instance, are predominantly related to the impact of the proposal upon the Listed building, the Conservation area and visual amenity.

Design, form and scale & resulting impact of the proposal upon heritage assets

16. In policy terms the 2019 National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and goes on to establish a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11).
17. The core planning principles of the NPPF are observed in paragraphs 8 and 11 which propose a presumption in favour of sustainable development. This includes the need to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations as set out in Chapter 16.
18. At paragraph 193 the NPPF goes on to require planning authorities to place '*great weight*' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be; this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 also recognises that the significance of an asset can be harmed from development within the setting of an asset, and that '*any harm or loss should require clear and convincing justification*'. It is also recognised in the NPPF (paragraph 196) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. In this instance, however, the applications seek to install a modest roller shutter door to the rear of the property, within an existing recess, which is further enclosed by a brick wall & this serves to screen the majority of the shutter when it is in the 'down' position. In addition, the roller will be perforated and externally finished in anthracite grey; these design principles further prevent the shutter from appearing as a visually intrusive addition or from being one that the LPA would otherwise seek to resist.
20. Although the building is listed, and this must of course be noted, the proposal will be installed to the modern red brick addition which faces an existing service yard and a collection of rear elevations which do not contribute positively to the wider locality or the Conservation Area. Accordingly, neither the LPA's Conservation Officer nor Historic England have identified any material harm to the listed building or an adverse impact upon the Conservation Area. The requirement to balance harm against public benefit as contained at paragraph 196 of the NPPF is not therefore invoked. The proposal is therefore judged to represent something which is able to secure the support of both policies DM15 and DM17.
21. In addition, policy DM38 provides that the installation of external security shutters must preserve or enhance the character and appearance of the building and / or locality to which they are proposed. Whilst it must be noted that the installation of the shutter does not *enhance* the appearance, given

that it will only be 'down' when the building is closed, the proposal is able to demonstrate the character of the wider locality is generally preserved. The proposed shutter will be installed into an existing recess and although it is duly noted that this elevation still has a degree of public interaction it will not be a visually prominent addition to the property which materially conflicts with the provisions of DM15, DM17 or DM38.

Conclusion:

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

Recommendations:

22. Planning application - DC/19/0136/FUL

It is recommended that 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.

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

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

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

<u>Reference No:</u>	<u>Plan Type</u>	<u>Date Received</u>
(-)	Location Plan	25.01.2019
(-)	Block Plan	25.01.2019
002	Existing Ground Floor Plan	25.01.2019
003	Proposed Ground Floor Plan	25.01.2019
004	Existing & Proposed Elevations	25.01.2019

23. Listed building application - DC/19/0135/LB

It is recommended that Listed Building Consent be **GRANTED** 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.

Reference No:	Plan Type	Date Received
(-)	Location Plan	25.01.2019
(-)	Block Plan	25.01.2019
002	Existing Ground Floor Plan	25.01.2019
003	Proposed Ground Floor Plan	25.01.2019
004	Existing & Proposed Elevations	25.01.2019

Documents:

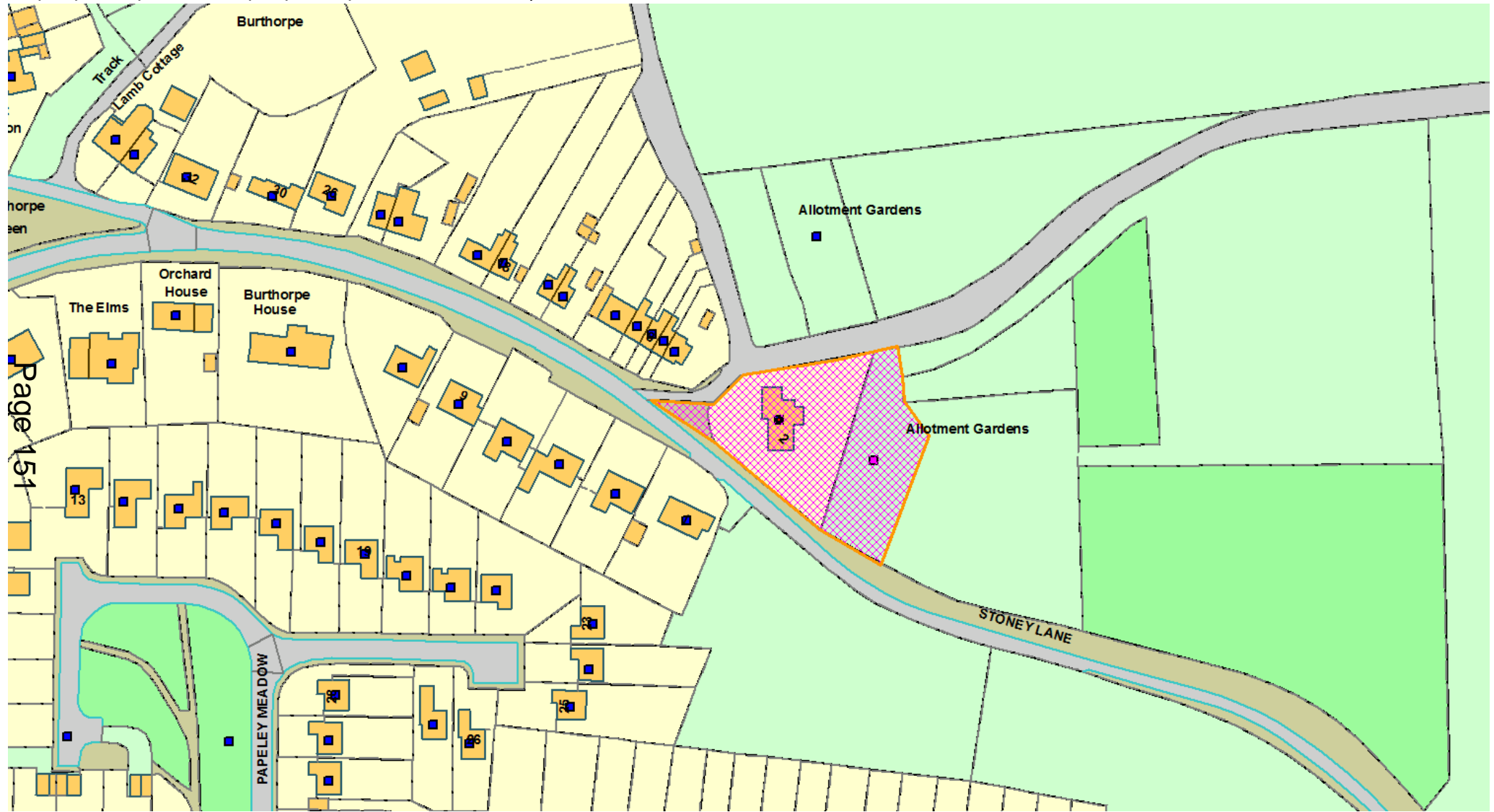
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLUI96PDLJW00>

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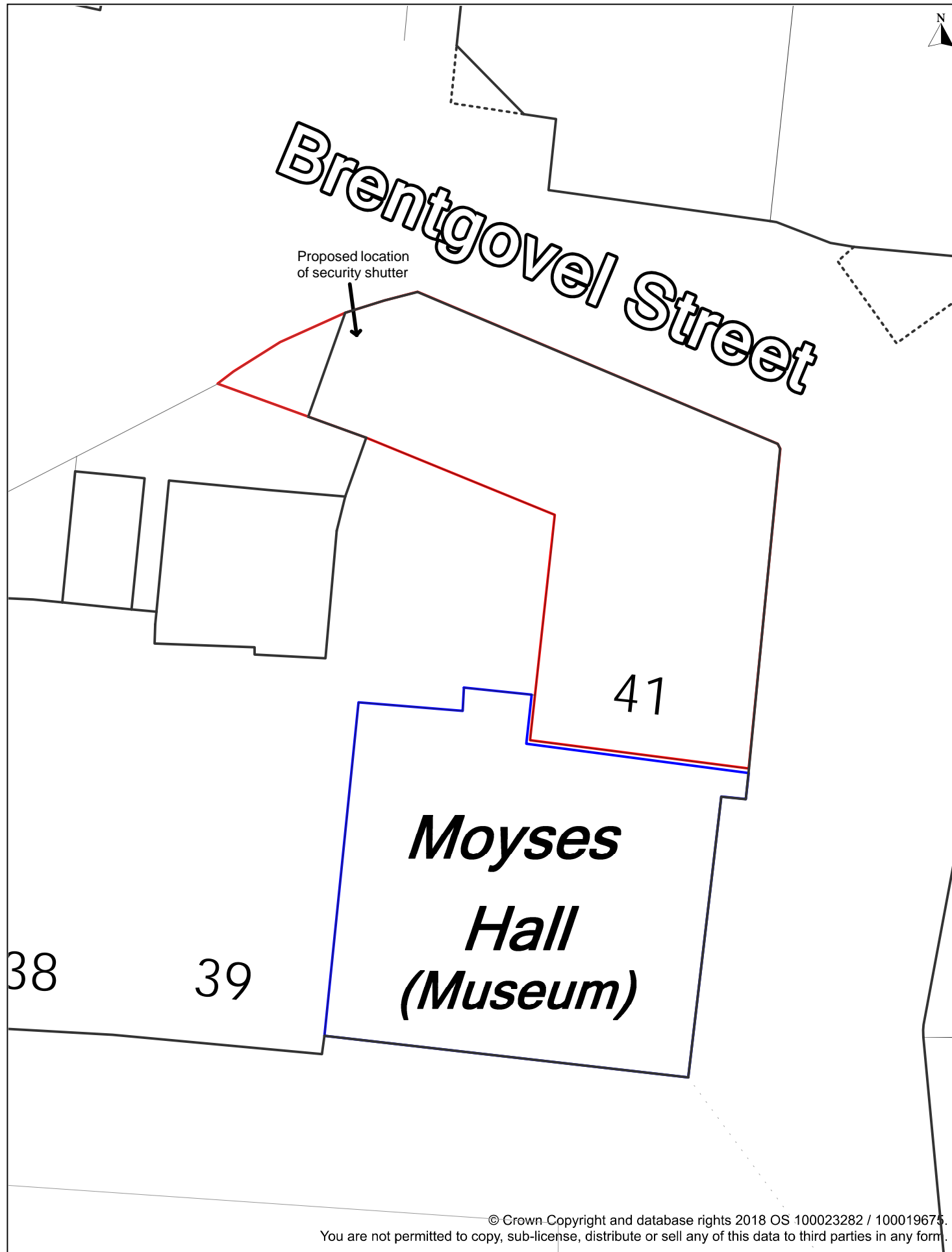


DC/19/0136/FUL & DC/19/0135/LB - 41 Cornhill, BSE



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Block plan 42 Cornhill and
Moyeses Hall Page 153

Scale 1200
Date 01/08/2018
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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/029

Development Control Committee 28 March 2019

Planning Application DC/18/2523/FUL – Aviary, Abbey Gardens, Angel Hill, Bury St Edmunds

Date Registered:	19.12.2018	Expiry Date:	13.02.2019
Case Officer:	Adam Ford	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - Installation of new plant sales retail building (A1 use) including removal of existing timber frame gardener's store and part of existing aviary		
Site:	Aviary, Abbey Gardens, Angel Hill		
Applicant:	Mr Damien Parker		

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:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 01284 757353

Background:

This application is before the Development Control Committee as it represents an internal application having been submitted by St Edmundsbury Borough Council's Leisure and Culture department.

Amended plans:

1. It should be noted that following verbal concerns raised by the Bury Conservation Group some minor amendments have been made to the proposal and these alterations are:
 - Removal of a gablet from the south elevation
 - Natural oak used for external cladding

Proposal:

2. Planning permission is sought for the installation of a new plant sales retail building (A1) within the abbey gardens complex. To facilitate this, the application also seeks to remove the existing timber frame gardener's store and part of the existing aviary building.
3. In addition to the retail building, there will be a small outdoor plant sales area enclosed within a 1.8m fence. A new 2.0m gate to the site's compound is also proposed.
4. The proposed retail building comprises a dual pitch roof with an eaves height of 2.4m and a ridge height of 3.7m. Externally the building will be finished with vertical oak cladding and a natural living sedum roof.

Application Supporting Material:

- Completed application form
- Site location plan
- Design and access statement
- Existing block plan
- Proposed block plan and elevations
- Indicative example of proposed fencing
- Biodiversity checklist
- Flood map
- Bat survey

Site Details:

5. The application site lies within the Abbey Gardens site which is a scheduled ancient monument pursuant to the Ancient Monuments Act 1953. The site is also located within the Bury St Edmunds Conservation Area.
6. The proposal relates to a small section of the Abbey Gardens site which is located to the immediate south of the Garden's boundary wall.

Planning History:

7. No relevant planning history with respect to this application

Consultations:

8. Principal Conservation Officer: no objection

- In response to the initial plans, the LPA's Principal Conservation Officer provided the following comments:
- *"The new building would be set forward of the face of the Abbey wall and include a window so that an arch in the wall could be seen. The removal of a section of the aviary would also reveal part of the Abbey wall. These aspects of the proposal would enhance and better reveal the significance of this important heritage asset in accordance with paragraph 200 of the NPPF. Verbal comments have been received requesting that the gablet on the south elevation is removed and that natural oak is used for the cladding. These changes would be acceptable. If the cladding is to be oak, it would be more appropriate to paint the windows and doors in a colour which would blend in with this, rather than white, to avoid them being overly prominent. When submitting a revised plan to show these changes, details of the railings should also be provided together with confirmation that the boarding between the plant sales area and aviary would be green horizontal boarding (to match the existing boarding on the aviary entrance) to ensure the boarding does not look like a suburban garden fence (as per the pre-application advice provided). Once these details are received I recommend approval of this application."*
- Following the submission of amended plans, the LPA's Principal Conservation Officer provided the following additional comments:
- *"I confirm I have no objection to this application based on the revised drawings and additional details. No conservation conditions are required."*

9. Historic England: no objection

- Historic England submitted a formal response to this application on the 22 January 2019. These comments are reproduced below.
- *Having considered the detailed drawings, we can confirm that we do not have an in principle objection to the development. We accept the broad principle of the development and have through pre-application discussions sought to minimise the impacts upon the scheduled monument. The works have also now been given Scheduled Monument Consent. We are however aware that the success of the scheme will be in the detailing of the new building and we would ask that the council give regard to these matters through specialist design and conservation advice, and with regard to there archaeological advisors.*
- *Historic England does not object to the application on heritage grounds, but we recommend that you take into consideration any advice from your specialist advisers prior to granting consent."*

10. Suffolk County Council Archaeological Service: no objection

- *"The proposed works are intended to be minimal in terms of excavation (less than 300mm deep), and given that the application is also subject to statutory Scheduled Monument Consent processes, I would not advise that there would also need to be a condition on planning consent relating to a formal programme of works.*

- *The Planning Statement notes that if in the event excavations deeper than 300mm are needed they would be consulted on, and I would expect this to be managed through the Scheduled Monument Consent process. The depth is quite important, as archaeological remains slightly further south into the Great Court have been noted to be more or less at 300mm deep (County Historic Environment Record BSE 393), and although there is a little more cover towards the aviary, archaeological horizons are relatively shallow in this area."*

Representations:

11. Bury Town Council: no objection

- *"No objection based on information received subject to Conservation Area issues and Article 4 issues."*

Policy:

12. 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:

SEBC Core Strategy document

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

Bury Vision document

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV17 - Out of Centre Retail Proposals

Joint Development Management Policies Document

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM17 Conservation Areas
- Policy DM19 Development Affecting Parks and Gardens of Special Historic or Design Interest
- Policy DM20 Archaeology
- Policy DM35 Proposals for main town centre uses

Other Planning Policy:

13. The NPPF was revised in February 2019 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 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Design, form and scale & resulting impact of the proposal upon heritage assets
- Impact on residential amenity
- Ecological implications

Principle of Development

15. 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.

16. This application seeks planning permission for a new plant sales (A1) building (with associated fencing and partial demolition) within the grounds of Abbey Gardens and is located within the defined settlement boundary of Bury St Edmunds although the proposal is not located within the town centre as defined on the policies maps.

17. In this regard, Policy DM35 provides the basis for applications which seek retail use outside of the main centres and it is clear that where main town centres uses are proposed, if they are not in a defined centre and are also not in accordance with an up to date local plan, a sequential approach in selecting the site must be demonstrated.

18. However, in this instance, whilst it is recognised that the proposed retail building is not located within a defined centre, Abbey Gardens is not allocated for a particular use class and therefore, the proposal cannot be considered as conflicting with the existing local plan. Accordingly, a sequential test is not deemed to be necessary and a material conflict with DM35 has not therefore been identified. However, whilst the principle of retail plant / flower sales is acceptable, further retail uses may give rise to additional adverse impacts in this heritage asset rich location. Accordingly, a condition which restricts additional retail uses beyond what is applied for within this application shall be imposed.

19. The principle of development in this location is therefore something the LPA are able to support, subject to other material planning considerations which, in this instance, are predominantly related to the impact of the proposal upon Abbey Gardens and the Bury St Edmunds Conservation Area.

Design, form and scale & resulting impact of the proposal upon heritage assets

20. The proposal under determination involves the partial demolition of the existing aviary building, the creation of an outside sales area, the provision of new 1.8m fencing and a new plant sales building.
21. The application site lies within the Bury St Edmunds Conservation area and Abbey Gardens is a scheduled monument in its own right. Accordingly, the impact upon these heritage assets must be considered fully as per the statutory duty placed on the LPA by paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. In policy terms the National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11). The core planning principles of the NPPF are observed in paragraphs 8 and 11 which propose a presumption in favour of sustainable development. This includes the need to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations as set out in Chapter 16.
23. At paragraph 193 the NPPF goes on to require planning authorities to place '*great weight*' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. '*this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. Paragraph 194 also recognises that the significance of an asset can be harmed from development within the setting of an asset, and that '*any harm or loss should require clear and convincing justification*'. It is also recognised in the NPPF (paragraph 196) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
24. Having regard to DM17 and DM19, the new building would be set forward from the 'face' of the Abbey wall and include a window so that an existing arch in the wall could be seen. The removal of a section of the dated aviary would also reveal part of the Abbey wall. These aspects of the proposal would enhance and better reveal the significance of this important heritage asset in accordance with paragraph 200 of the NPPF. In addition, the proposed building is modest in scale and is externally finished with Oak cladding and a sedum green roof whilst the proposed fencing comprises 1.8m black railings; all of which have been agreed with the LPA's Conservation Officers. The building does not therefore harm the setting of the conservation area, with respect to views in to, or out of it.
25. With respect to policy DM20 (archaeology) due to the project also requiring scheduled monument consent, Suffolk County Council's Archaeology service have confirmed that there is no need for a planning condition which requires a programme of works. This will be dealt with under the scheduled monument consent.

26.The proposal is therefore able to meet the requirements of policies DM17, DM19 and DM20.

Impact on residential amenity

27.Whilst the proposed development is located within the confines of Abbey Gardens, there are residential properties to the North of the application site, beyond the Gardens' wall. Accordingly, given the thrust of policy DM2, the potential impact of the proposal upon existing residential amenity must be considered.

28.In this instance, the proposed works will not be visible from within the residential properties and the modest retail use is not judged to give rise to adverse implications that the LPA would otherwise seek to resist. Given the enclosed nature of the application site and the extent to which the use will assimilate into the existing Abbey Gardens site, the proposal is not judged to give rise to an unacceptable impact with respect to residential amenity.

Ecological implications

29.Policies DM10, DM11 and DM12 seek to ensure that proposals do not give rise to an unacceptable impact upon biodiversity or protected species. In addition, the NPPF places responsibility on Local Planning Authorities to aim to conserve and enhance biodiversity and the encourage biodiversity in and around developments.

30.The redundant aviary (P1) is noted to be a single storey structure predominantly made with wire mesh with a brick built wall at the northern side of the structure (P2). The roof of the aviary is an un-lined plastic corrugated sheeting also with wire meshing (P3). Multiple wooden support beams are located throughout. The brick wall was in good condition and no holes or cracks were present that were considered suitable for bats. No holes were present within the wooden beams and gaps between beams and wall contained wire mesh restricting access for bats (P4). The structure is considered to have 'negligible' bat roosting potential.

31.The adjoining gardener's store (P5) is a wooden boarded/panelled storage structure with an un-lined plastic corrugated sheet roofing with wire meshing. There are also occasional wooden support beams. There were no gaps present between the wood joins and the wooden panels were well sealed. The structure is considered to have 'negligible' bat roosting potential.

32.No droppings or other evidence of bats was present in the redundant aviary or the adjoining gardener's store.

33.Accordingly, as no signs of bats were found during the building inspection, further emergence surveys are not considered necessary. The proposal is not therefore judged to represent a material conflict with policies DM10, DM11 or DM12.

Conclusion:

34. 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:

35. It is recommended that 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.

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

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

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

Reference No:	Plan Type	Date Received
20078/PA/002	Existing Site Block Plan	18.12.2018
2007/PA/001	Site Plan	18.12.2018
File 20078 v.1.1	Design and Access Statement	18.12.2018
20078/PA/003 REV A	Proposed Site Plan and Elevations	18.12.2018

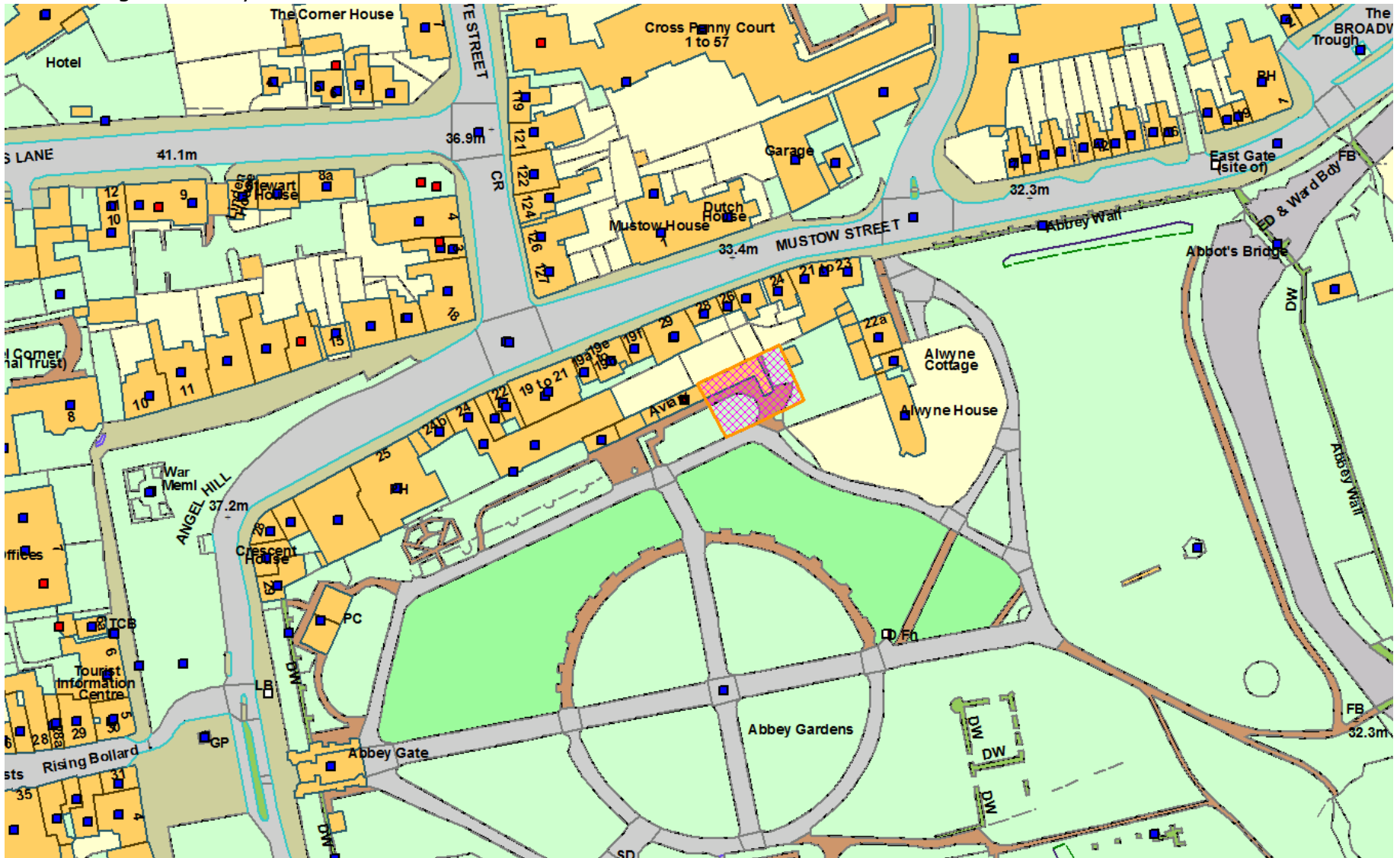
- 3 The building hereby approved for A1 retail purposes, shall be for the sale of plants and associated items only, and shall only be open for trade to members of the public during the following times:

Mondays - 07:30am to 20:00pm
Tuesdays - 07:30am to 20:00pm
Wednesdays - 07:30am to 20:00pm
Thursdays - 07:30am to 20:00pm
Fridays - 07:30am to 20:00pm
Saturdays - 07:30am to 20:00pm
Sundays - 07:30am to 20:00pm

Reason: To protect the amenities of occupiers of properties in the locality.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/18/2523/FUL>



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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/030

Development Control Committee 28 March 2019

Planning Application DC/18/2161/FUL – West Stow Anglo Saxon Village and Country Park, Icklingham Road, West Stow

Date Registered:	17.12.2018	Expiry Date:	18.03.2019
Case Officer:	Elizabeth Dubbeld	Recommendation:	Approve Application
Parish:	Culford, West Stow & Wordwell	Ward:	Risby
Proposal:	Planning Application- (i) Replacement of existing heating systems with Ground Source Heating System and associated pipe route and (ii) External plant room		
Applicant:	Mr Oliver Ingwall King		

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

Telephone: 01638 719475

Background:

The application is referred to the Development Control Committee because it is an application submitted on behalf of St. Edmundsbury Borough Council.

Proposal

1. The application seeks planning permission for the installation of a replacement heating system with Ground Source Heating System along with associated pipe route and an external plant room. Details of the application are as follows:
 - A GSHP system located within a single external plant room which will be situated outside the existing plant room. The plant room will be located at a lower ground level with earth excavated to provide a flat surface for the installation of the plant room
 - The external plant room will be a cladded container that will be finished to match the existing exterior cladding, and contain 2no. heat pumps, a thermal store, controls, heat exchangers and pumps.
 - The heat pumps will be linked to an array of 14no. bore holes drilled at a minimum separation of 5m. The overall drill area will be 15m x 15m = 225m². Each bore hole will be drilled to a depth of 158m using a rotational cartridge bore hole rig to provide an interface for underground heat exchange.
 - The heat pumps will be linked to a 2000 litre thermal store to provide hot water for the Café and the Café Toilets.
 - Highly insulated Uponor piping will link the external plant room to each of the three buildings and a separate Uponor circuit will connect to the Café hot water system
 - The Café will benefit from new heat emitters mounted at high level – the fan convectors will enable the room to be heated quickly and will be sited to encourage air movement.
 - During the summer the GSHP will also be able to provide an element of cooling to the Café and the Visitor centre. The cooling will use the 15°C ground temperature so will be able to provide cooled air.
2. The original submission also included a proposed Solar PV array for the roof of the collections building, but this element of the proposal was removed by the applicant.

Application Supporting Material:

- Location plan
- Proposed elevations
- Block plan
- Borehole Array and Trench Path
- West Stow works plan
- Arboricultural Method Statement – P1309 – AMS 01 V2
- Tree Protection Plan - P1309 - TPP01
- Preliminary Ecological Appraisal - 1094

Site Details

3. West Stow Anglo Saxon Village and Country Park is situated in West Stow, off Icklingham Road. Large portions of the site are in a natural tree'd or open state with three large visitor centre buildings to the south west, a large car parking area to the south east and an ablution block to the north of the application area. These three parts of the site are connected by one main, and two secondary pathways.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
DC/15/0556/FUL	Planning Application - (i) 180 pitch touring caravan and camping site (ii) reception buildings and 2no. utility blocks with associated accesses, drainage, hardstandings and landscaping	Application Withdrawn	10.03.2015	22.06.2015
DC/18/2161/FUL	Planning Application- (i) Replacement of existing heating systems with Ground Source Heating System and associated pipe route and (ii) External plant room	Pending Decision	24.10.2018	
SE/11/1371	Planning Application - Provision of ground mounted photovoltaic array	Application Refused	21.11.2011	23.08.2012
SE/05/02381	Regulation 4 Application - Erection of security perimeter fencing	Application Granted	15.09.2005	01.11.2005
E/92/1920/P	Regulation 4 Application - Erection of two timber kiosks	Application Granted	08.06.1992	01.07.1992
E/90/2429/P	Erection of wooden bird watching hide	Application Granted	02.07.1990	02.10.1990
E/78/3259/P	USE OF LAND FOR COUNTRY PARK	Application Granted	13.10.1978	07.12.1978
E/78/1582/P	BRICK SINGLE STOREY TOILET WITH TILED ROOF	Application Granted	16.03.1978	11.05.1978
E/77/1019/P	USE OF LAND AS MOTOR CYCLE SCRAMBLE COURSE	Application Granted	10.01.1977	16.03.1977

Consultations

4. Parish Council No comment received.
5. Ward Councillor No comment received.
6. Arboricultural Officer Submitted 02.01.2019

I would like to make the following comments in respect of the subject planning application:

- a. The map for the location of the drilling site in the Arboricultural Method Statement is different to the Borehole array and trench path document supplied. For an AMS to be correctly implemented the correct site needs to be identified.
 - b. Site Work Area document, this plan does not cover the area identified in the Borehole Array and Trench Path document.
 - c. In the Site Work Area document (text) it states "potential release area of Drill water (TBC)". At what stage will this be confirmed? What quantity of water will be discharged? What is the condition of the water being discharged?
 - d. There is no mention of ground reinstatement post project.
 - e. Proposed Elevations and Block Plan document, The Cladded Plant Room appear to be within the RPA of existing trees.
7. Tree Officer: After viewing the documents submitted to support this application and carrying out a site visit, I would like to raise concerns regarding the potential arboricultural impact of the proposed development. Although I believe the principle of the development to be acceptable, the three aspects of the proposal that currently present a potentially unacceptable arboricultural impact are as follows:

Insufficient detail of works in close proximity to retained trees

- Lack of a tree survey which plots trees within influencing distance and their root protection areas (RPAs) overlaid on the site plan.
- Width and depth of excavations within RPAs for pipework.
- Methodology and impact assessment of excavations to accommodate the plant room.
- Method of transporting surface discharge water to area identified in Ecology Appraisal, methodology for discharging the water.

Unsuitable arboricultural methodology and tree protection

- Proposed route of pipework crosses hard surfaced footpaths, airspade excavation would therefore not be possible at these points. Alternative methodology will need to be explored.
- No tree protection plan (TPP) has been submitted, arboricultural supervision forms part of a TPP and should not be relied upon to ensure an adequate level of protection for the trees within influencing distance. Construction exclusion zones should be incorporated within the TPP where necessary as well as other matters such as suitable location for storage compounds etc.

Inconsistencies between site plans and arboricultural method statement (AMS)

- It is understood that revisions to the plans have taken place since the AMS was drawn up. This is a working document and will need to accurately reflect any granted planning permission. Inconsistencies in the AMS pose a considerable risk of contractors not undertaking works in accordance with planning permission.

I believe the pipeline to the outside toilets to pose the most significant risk of causing harm. The most desirable option would be to locate this pipeline to run adjacent to the car park therefore eliminating much of the impact of this aspect. If this is not logistically possible then the least impactful options should be explored. Previous plans indicate that an electrical service route exists between the visitor centre and toilet block. The suitability of locating any new cabling and pipework within existing service trenches should be appraised.

8. Suffolk Wildlife Trust No comment received.

9. Ecology And Landscape Officer

Initial comments received 31.01.2019

Ecology

The applicant has submitted a Preliminary Ecological Appraisal to inform the planning applicant (Adonis Ecology Ltd, dated 14.12.18) The site is located approximately 70m from the closest component of Breckland Special Protection Area (also designated as Breckland forest SSSI), 2.6km from the closest component of Breckland Special Area of Conservation, 30m south of the closest component of Breckland Heath SSSI, and 200m north of Lackford Lakes SSSI.

Natural England has commented on the proposals and has no objection based on the information submitted. A Habitats Regulations Assessment is required and there is sufficient

information for this to be completed in due course.

The works (in particular those that are likely to generate noise which I presume will be the ground works) would need to be undertaken between October and the end of February to avoid the bird breeding season. This must be conditioned.

The PEA concludes that the site is of low ecological value at a local level and if a suite of impact avoidance measures as outlined within this report were undertaken, it should be possible for the proposed development to proceed with no negative impact upon nearby designated sites and protected species.

The PEA assumes no impact on trees. There is no arboricultural information to inform the construction of the plant room and therefore it is not clear what the impact will be on existing trees and consequently on biodiversity. If existing trees are to be removed these must be assessed for potential bat roosts. There is very little information about the release of drill water on the site and whilst it is accepted that if this were to be equally released over the area it would be the equivalent to a light rain shower, in practice it is unlikely that this will be the case. More information on this release of water into the adjacent habitat, and its quality is required to ensure that the effects are minimised and also that the effects on visitor access are also controlled.

The measures in section 5.2 of the report should be conditioned.

Landscape

The new infrastructure will largely be underground; the new plant room will be located adjacent to the existing building and will be clad so that it is relatively inconspicuous in itself. There will need to be some remodelling of ground levels, however there is no detail relating to this. From a landscape character and visual point of view, the main issues would be as a result of damage to existing landscape features in particular the existing trees, or poor restoration of the site following the works. More information about the extent of groundworks to accommodate the plant room is required. Restoration proposals could be conditioned.

Other effects on trees are being considered by the tree officer and the arboricultural officer.

From the draft **Habitats Regulations Assessment** received 11.03.2019:

The site is located approximately 70m from the closest component of Breckland Special Protection Area (also designated as Breckland forest SSSI), 180m away from West Stow Heath SSSI (also SPA), 2.6km from the closest component of Breckland Special Area of Conservation

The proposal is not directly connected with or necessary for the management of the European sites.

Direct effects

The development is located outside of Breckland SAC; no direct effects have been identified.

The development is located outside of Breckland SPA. The site is within the 400m constraint zone for woodlark and nightjar and the 1500m stone curlew constraint zone. However the majority of the works, in particular the ground works, would be undertaken outside of the bird breeding season and therefore any disturbance as a result of these operations would be avoided. The remainder of the works to complete the plant room would be screened by the existing/newly formed embankment. Connection to the existing heating system, and installation of new radiators, heat emitters and controls would be undertaken within the existing buildings. Any disturbance arising from these elements of the proposals is unlikely to be significant when considered in relation to the current levels, given that the site is a busy visitor destination with background noise from the existing car park, and visitors to the site including school parties. Based on the above, adverse effects on integrity of Breckland SPA are not can be ruled out alone.

The planning register has been reviewed to assess the potential for in-combination effects. No in combination effects have been identified.

Indirect effects

No indirect effects on Breckland SAC or Breckland SPA have been identified either alone or in combination.

Conclusions

Based on the above assessment, a conclusion of no adverse effects on the integrity of Breckland SPA requires the ground works to be undertaken between October and the end of February to avoid the bird breeding season. This must be conditioned.

10. Public Health And Housing Public Health and Housing do not object to this application.

11. Natural England submitted 16.01.2019

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant

adverse impacts on statutorily protected sites or landscapes.

Response to applicant's request to undertake works in the bird breeding season: Submitted 05.03.2019

Insufficient information provided

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

12. Leisure & Cultural Operational Manager No comment received.

13. RSPB Eastern England Regional Office No comment received.

14. Forestry Commission No comment received.

Representations

15. No representations received

Policy

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM8 Low and Zero Carbon Energy Generation
- 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 DM42 Open Space, Sport and Recreation Facilities

Other Planning Policy

17. National Planning Policy Framework (2019)
18. National Planning Practice Guidance
19. The NPPF was revised in February 2019 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.

Officer Comment

20. The key issues to be considered in the determination of this application are:
 - Principle of Development
 - Low and zero Carbon energy generation
 - Impact on Character & Visual Amenity
 - Impact on protected trees
 - Impact on sites of Biodiversity
 - Impact on recreation facilities

Principle of Development

21. The process for conducting the proposed works was outlined in the application as follows:
 - a. The drill process will be fully GSHPA VBS compliant. The ground source collector loop will be inserted and pressure tested before the system is backfilled with grout. The collector loop will be filled with a mixture of water and environmentally friendly Glycol solution (MEG) used to store and transfer heat efficiently to/from the heat pumps.
 - b. An Arborist will advise on the location of the boreholes to ensure that the trees are protected and that a root protection area is established and adhered to during drilling.
 - c. All spoil will be removed from the drill site by the drilling contractor.
 - d. The GSHP will interface with the existing heating circuits via a highly insulated underground primary heating flow and returns ring main.
 - e. The heat pumps will be linked to a 2000 litre thermal store to provide hot water for the Café and the Café Toilets.
 - f. Highly insulated Uponor piping will link the external plant room to each of the three buildings and a separate Uponor circuit will connect to the Café hot water system.

- g. A plate heat exchanger will be incorporated within the plant room to facilitate passive cooling via the emitter system to be provided. This will allow low energy summer cooling.
 - h. The system will be linked to the Council offices and Finn Geotherm who will monitor the system under a servicing contract. This will also provide immediate notice of any potential system issues, permitting a rapid, proactive response.
22. As per the process outlined above, 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.

Low and zero carbon energy generation

23. Policy DM8: Low and Zero Carbon Energy Generation states that all proposals for generation or recovery of low carbon or renewable energy, such as wind turbines, biomass, and combined heat and power, will be encouraged as long as they are able to demonstrate the carbon saving benefits and balance these with any visual or physical impacts to the landscape and provide mitigation and compensation measures where relevant.
24. The policy also states that, in the case of proposals in nature conservation sites all proposals will need to demonstrate to the satisfaction of the LPA that the proposal represents the highest standards of siting and design appropriate to the location.
25. In the case of this application, the carbon saving benefit of the proposed thermal heating system has been clearly demonstrated, and the processes of discussion and negotiation outlined below has ensured that the siting and design of the application has the optimal benefit for the sensitive location.

Impact on Character & Visual Amenity

26. The proposed development will primarily be located underground, in the form of boreholes and trenches connecting the various buildings to each other, and after works are complete these will not be easily visible.
27. One structure, the plant room, will be located below ground level adjacent to the café building. This structure will be a cladded container finished to match the exterior cladding of the café building.
28. Once construction is complete it is not anticipated that there will be any harmful impact on the character and visual amenity of the site from the proposed development

Impact on protected trees

29. The application as submitted went through the consultation process, and it became apparent during this process that further information needed to be submitted, particularly with regards to the arboricultural and biodiversity supporting documentation. Both the Tree officer and the Arboricultural officer submitted requests for further information.

30. In response to these requests, a meeting was held on the 01.02.2019 with the applicant to clearly define the scope of the information required.
31. It was agreed that some of the amended supporting documentation be submitted before the application was progressed, and that the remainder be added to the approval as pre-commencement conditions.
32. In regards to this, an amended arboricultural survey was submitted, along with revised location and site plans.
33. In a follow-up meeting on the 15.02.2019 with the applicant, the Arboricultural Officer, the Tree Officer and the Ecology and Landscape Officer it was agreed by both the Tree officer and the Arboricultural Officer that the submitted plans and documents were sufficient to address their concerns along with the addition of a number of pre-commencement conditions which can be found in this report.

Impact on sites of Biodiversity

34. The original submission of this application indicated that the works would take place between January and March 2019, as this would mean that any noisy drilling would occur outside of bird breeding season, and works would be completed before the peak visitor season commenced in April.
35. The applicant indicated during the negotiations, that, due to the delay in progressing the application, they would like to seek confirmation from Natural England that the works could take place during the bird breeding season. Due to the sensitivity of the site as a breeding location for various birds, and the close proximity to the Stone Curlew nesting site, the response from Natural England was that further supporting documentation would be required to make this assessment.
36. The site is located approximately 70m from the closest component of Breckland Special Protection Area (also designated as Breckland forest SSSI), 180m away from West Stow Heath SSSI (also SPA), 2.6km from the closest component of Breckland Special Area of Conservation.
37. On further discussion with the applicant and the Senior Ecology and Landscape Officer, it was decided that the cost and length of this process was not worth the small additional gain in project time, and so it was decided to withdraw this request, and that the application would be conditioned to take place between October and the end of February (outside of the bird breeding season).
38. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. Regulation 63 (1) requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. There is

also a requirement to consult the appropriate nature conservation body and have regard to any representations made by that body.

39. The Authority has undertaken a Habitats Regulations Assessment as required by the relevant provisions. This assessment concludes, based on the assessment undertaken, that there will be no adverse effects on the integrity of Breckland SPA provided that the ground works are undertaken between October and the end of February to avoid the bird breeding season. This must be conditioned but with such imposed it can be readily concluded that the effects upon the Breckland SAC and Breckland SPA can be considered acceptable.

Impact on recreation facilities

40. The proposed development, given that it is primarily underground and out of the way of users of the West Stow Country Park, is not seen as having any harmful impact on existing recreation facilities.

Conclusion:

41. After a thorough assessment of all the elements of the proposed development, and with the correct conditions in place, it is clear that the proposal can be recommended for approval, subject to conditions relating to arboricultural impacts and subject to the works being conditioned to take place outside of the stone curlew nesting season.
42. 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:

43. 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:
 - a. Location plan
 - b. Proposed elevations
 - c. Block plan
 - d. Borehole Array and Trench Path
 - e. West Stow works plan
 - f. Arboricultural Method Statement – P1309 – AMS 01 V2
 - g. Tree Protection Plan - P1309 - TPP01
 - h. Preliminary Ecological Appraisal - 1094

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

3. All groundworks must only take place outside of the bird breeding season which is considered to be between February and October inclusive.

Reason: To avoid disturbance to breeding birds in the surrounding area including within Breckland Special Protection Area.

4. Notwithstanding the details in the Arboricultural Method Statement (P1309 – AMS 01 V2) and the Tree Protection Plan (P1309 - TPP01), prior to commencement of development a revised Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall update the submitted documents as follows:
 - a. extension of the construction exclusion zone up to the ablution block over the trees to be protected,
 - b. Indicate the location and root protection area of all trees omitted from the original plan and located adjacent to the works in particular those located along the proposed ablution block connection pipe
 - c. Detail vehicle access routes and required ground protection
 - d. Detail the location of site facilities and storage during construction
 - e. The Councils Arboricultural Officer shall be informed when the tree protection fencing has been installed.

Thereafter, development shall proceed in accordance with these revised details.

Reason: To ensure the protection of trees during construction

5. **Construction Method Statement:**

Prior to the 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 the works including for the release of drilling water.
- 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, other recreational users and walkers on St Edmunds Way and Lark Valley path 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. No development shall take place until a landscape restoration plan for the site drawn to a scale of not less than 1:500 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 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 ensure that the works do not affect the amenity and use of the site.

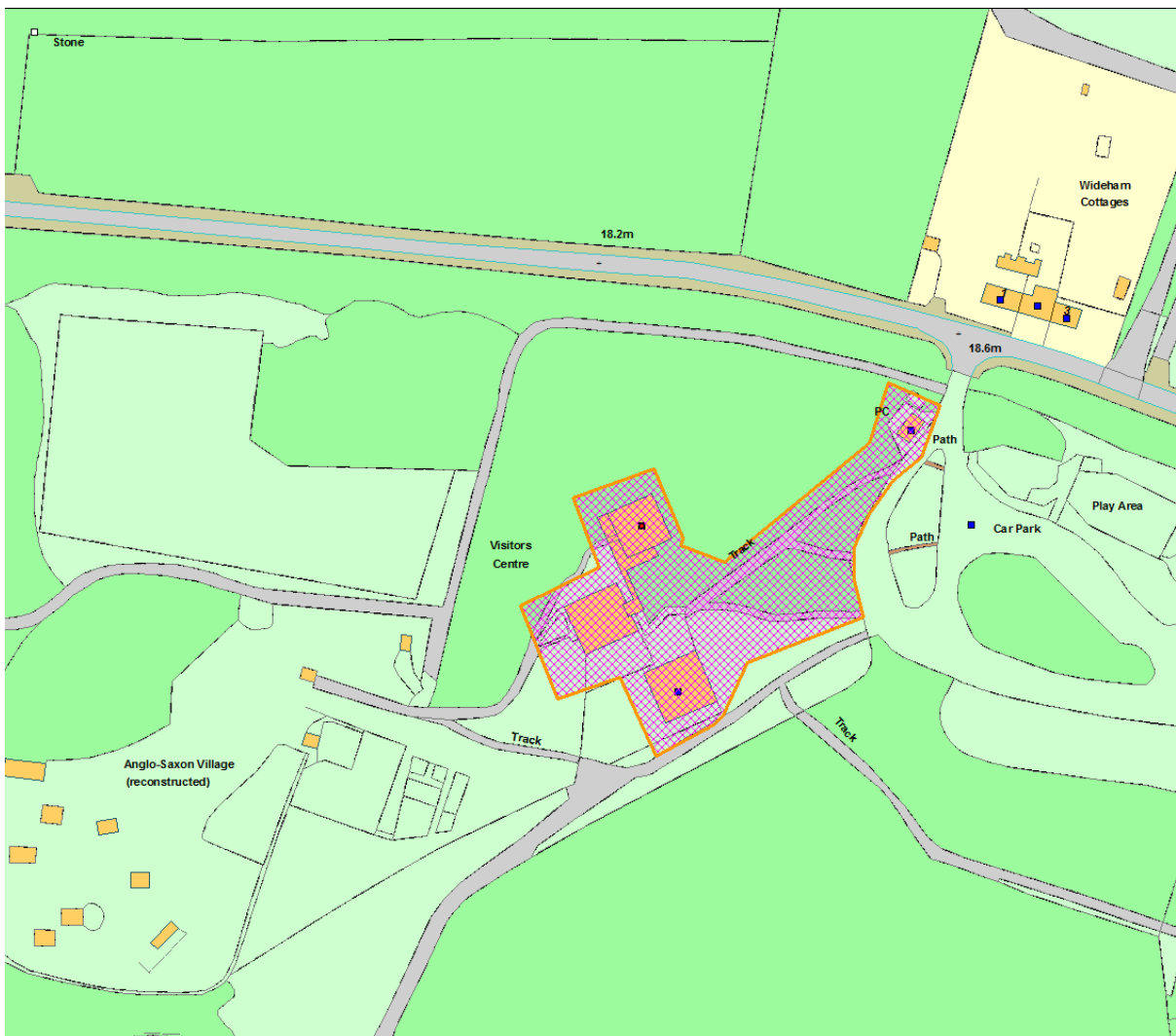
Documents:

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



DC/18/2161/FUL

West Stow Anglo Saxon Village and Country Park, Icklingham Road, West Stow, Bury St Edmunds



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St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/031

Development Control Committee 28 March 2019

Planning Application DC/19/0077/HH & Listed Building Consent DC/19/0078/LB – 143 Southgate Street, Bury St Edmunds

Dates	(i) 15.01.2019	Expiry Dates:	(i) 12.03.2019
Registered:	(ii) 07.02.2019	EOT Agreed:	(ii) 04.04.2019
			(i) 04.04.2019

Case Officer:	Debbie Cooper	Recommendation:	Approve Applications
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Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
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Proposals:

- (i) Householder Planning Application - (i) single storey rear extension (following demolition of existing rear extension) (ii) loft conversion and (iii) demolition and replacement of boundary wall (resubmission of DC/18/1700/HH)
- (ii) Application for Listed Building Consent - (i) Demolition of boundary wall with No.143 and (ii) replacement boundary wall.

Site: 143 Southgate Street, Bury St Edmunds

Applicant: Mr and Mrs Blake

Synopsis:

Applications 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 applications and associated matters.

CONTACT CASE OFFICER:

Debbie Cooper

Email: deborah.cooper@westsuffolk.gov.uk

Telephone: 01638 719437

Background:

These applications are referred to the Development Control Committee as the applicant is employed by St Edmundsbury Borough Council.

The Town Council raise no objections and the applications are recommended for APPROVAL.

Proposal:

1. Planning permission and listed building consent are sought for:
 - i. A single storey rear extension to create an enlarged kitchen / diner. The proposed extension measures 3 metres in depth and 5 metres in width, with the right flank wall forming part of the new boundary wall with No. 146. The height to the eaves is 2.6 metres with a ridge height of 3.7 metres. Within the existing open corridor space at ground floor a new utility room is to be created by infilling and adding a rear window.
 - ii. A loft conversion to create a fourth bedroom with en-suite. This conversion includes the addition of 3 rear facing rooflights.
 - iii. Demolition and replacement of the existing boundary wall between 143 and 146. This wall forms part of the historic boundary of 146, a Listed Building, and comprises a mixture of historic flint work and later brick repairs. The proposed replacement wall will be constructed with a rendered masonry finish facing towards 143 and facing brickwork towards 146 and will replicate the height of the existing wall at 2.85 metres.
2. The householder application is a resubmission of DC/18/1700/HH which was withdrawn to enable consideration of the boundary wall replacement and the need for Listed Building Consent.
3. The householder application as originally submitted proposed a rear extension of 1.4 metres in depth, extending across the full width of the rear elevation and with a ridge height of 3.2 metres. The amendments to increase the depth, reduce the width, raise the ridge height and utilise the right flank wall of the extension as part of the new boundary wall were at the request of the applicant.

Application Supporting Material:

4. Information submitted with the applications as follows:
 - Location plan
 - Proposed block plan
 - Existing and proposed floorplans and elevations
 - Design and Access Statement incorporating Heritage Statement

Site Details:

5. The application site of 143 Southgate Street comprises of a two-storey terraced dwelling situated within the settlement boundary of Bury St Edmunds and within a designated Conservation Area and an Article 4 Area

restricting permitted development. The adjacent property at 146 is Grade II Listed.

6. No. 143 has no vehicular access and parking is on-street with a residential parking permit scheme in operation.

Planning History:

Reference	Proposal	Status	Decision Date
DC/18/1700/HH	Householder Planning Application - (i) Single storey rear extension (following demolition of existing rear extension); (ii) loft conversion; (iii) replacement of boundary wall	Application Withdrawn	14.11.2018

Consultations:

7. Conservation Officer: The proposed work involving the demolition of the boundary wall between the application site and the neighbouring listed building was discussed informally. The wall is in a poor state of disrepair which due to the nature of its construction is likely to lead to collapse sooner rather than later. The existing wall is mixture of historic flint work and later brick repairs. The use of brick facing the garden side of the listed building is therefore considered acceptable. The proposed extension is located to the rear of an unlisted building and will not affect the character or appearance of the conservation area. I therefore have no objections to either the reconstruction of the wall or the proposed extension subject to samples of external materials for the reconstruction of the boundary wall.
8. Highways: Further to our no highways comment consultation response to DC/18/1700/HH – 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.

Representations:

9. Town Council: No objection based on information received subject to Conservation Area issues and Article 4 issues.
10. Neighbours: the owner/occupier of 146 has raised concerns that:
 - i. the replacement wall should be to the same height as the existing wall in order to maintain privacy (Officer Note: the plans show that the new wall will be at the same height as the existing wall at 2.85 metres)
 - ii. there should be no damage to their garage wall and garden plants (Officer Note: concerns regarding possible damage are not ones that can be addressed through the planning process as these are civil matters to be agreed between the parties)

Policy:

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Vision Policy BV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

12.National Planning Policy Framework (2019) paragraphs 124-132 and 184-202.

Officer Comment:

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

- Principle of Development
- Design and form
- Impact on neighbouring amenity
- Impact on the Listed Building
- Impact on the Conservation Area / Article 4 Area

NPPF Clarification

14.The NPPF was revised in February 2019 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.

15.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.

16.Policy DM24 states that extensions and alterations shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in

over-development of the dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.

17. In this case, the dwelling is positioned within a curtilage of a sufficient size such that the proposal does not represent overdevelopment of the plot.
18. The rear extension constitutes a subservient addition to the property and is considered to be respectful of the character, scale, design and appearance of the existing dwelling and the surrounding area.
19. Given the location, nature and scale of the proposed extension it is considered that there will be no adverse impact on neighbouring amenity by virtue of loss of light, overbearing or overlooking.
20. The replacement of the curtilage listed wall between 143 and 146 is acceptable given its current poor condition. The proposed material finish, with rendered masonry facing towards 143 and the use of brick facing the listed building at 146, is appropriate.
21. The proposed extension, replacement wall and new rooflights are all located to the rear of the property. There is therefore no adverse impact on the character or appearance of the Conservation Area / Article 4 Area.

Conclusion:

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

Recommendation:

23. It is recommended that:

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

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

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

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

Reference No:	Plan Type	Date Received
18-007-01 Rev P3	Proposed Elevations & Floor Plans	05.02.2019
(-)	Design and Access Statement	05.02.2019
18-007-Plans Rev P4	Block Plan and Site Location Plan	07.02.2019
1/001	Existing Floor Plans	15.01.2019
1/001	Existing Elevations	15.01.2019

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

And, Listed Building Consent 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:

Reference No:	Plan Type	Date Received
18-007 REV P4	Proposed Elevations & Floor Plans	06.02.2019
18-007-PLANB REV P4	Block Plan and Site Location Plan	07.02.2019
(-)	Design and Access Statement	06.02.2019

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

- 3 No development above ground level along the boundary wall shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority:

i) Samples of external materials for the reconstruction of the boundary wall

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

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.

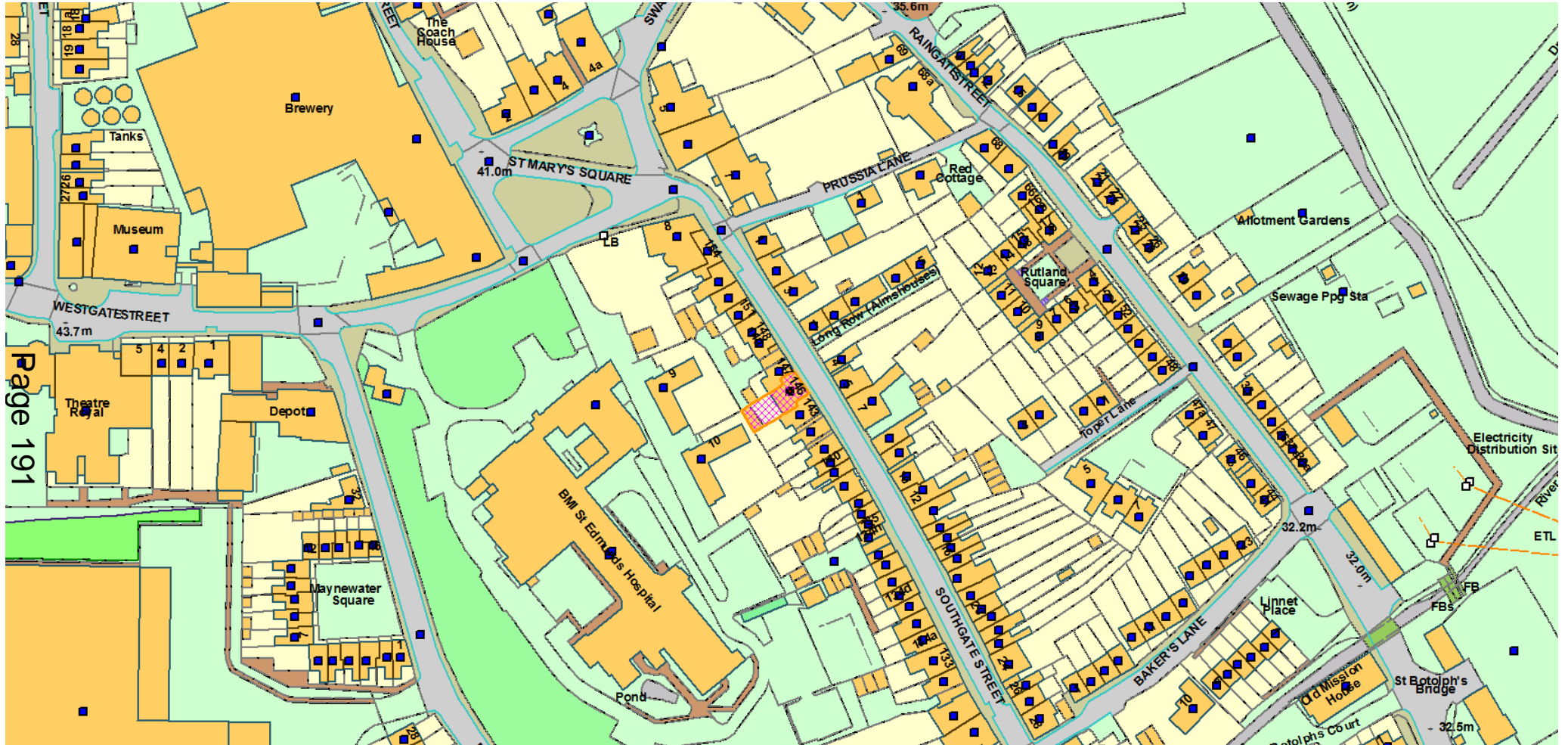
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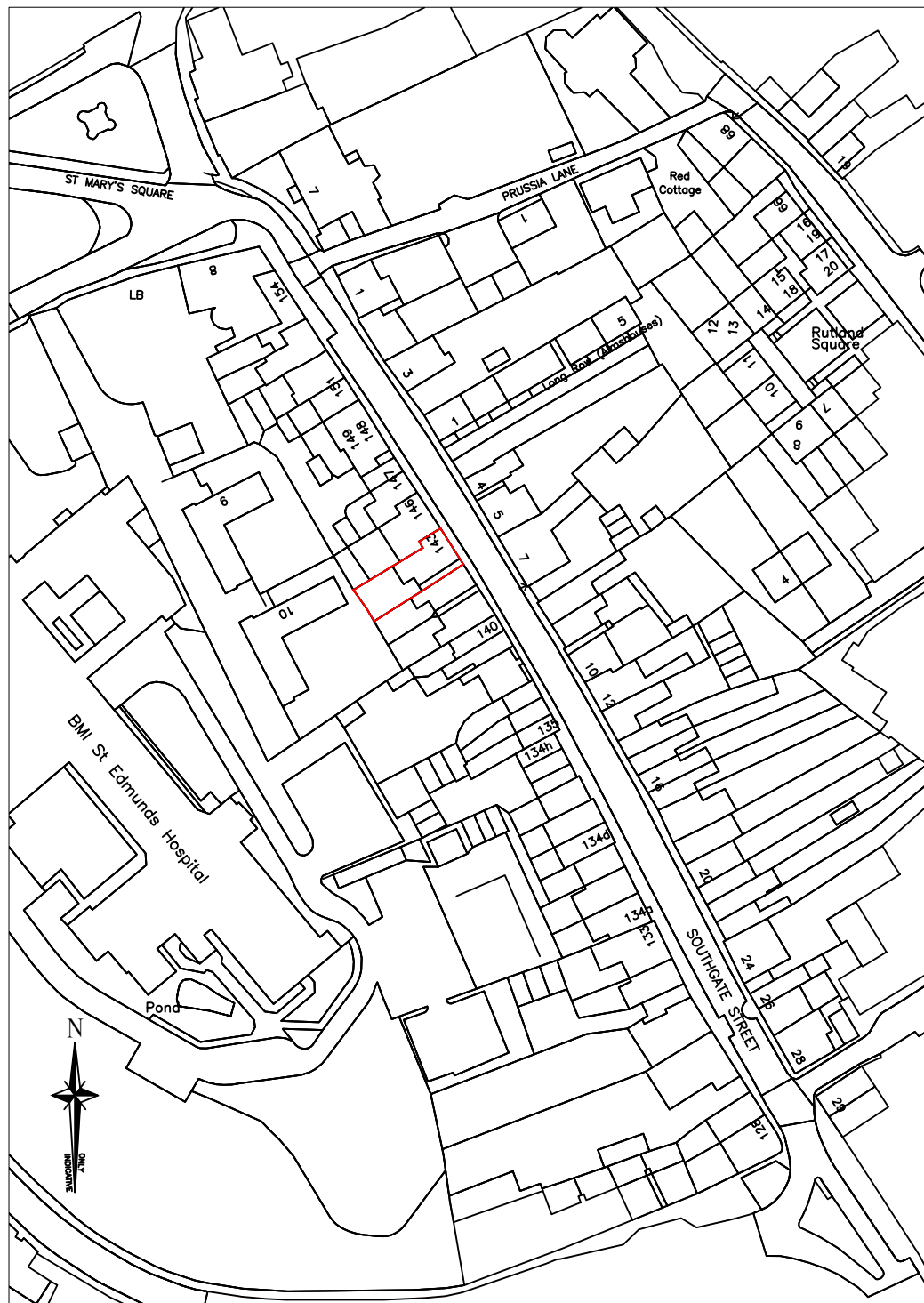
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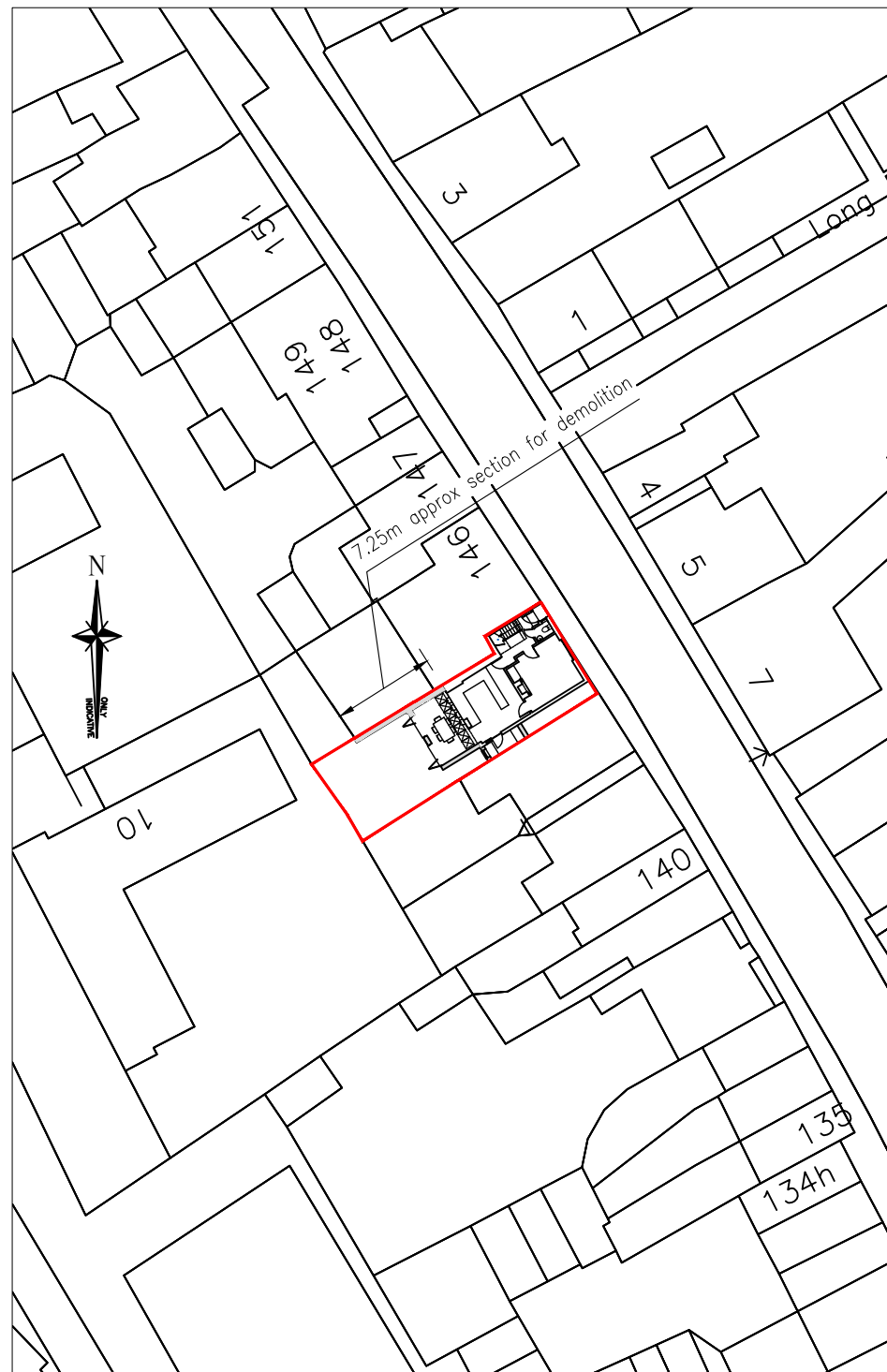
DC/19/0077/HH & DC/19/0078/LB – 146 Southgate Street, BSE



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Site Location Plan (1:1250)



Block Plan (1:500)

General Notes

All drawings are to be read with other relevant drawings & documents.

All dimensions are shown in millimetres. Any discrepancies should be reported to the Surveyor immediately.

Do not scale information – ask.

Drawing revisions marked with a 'P' are preliminary issue & should not be used for construction.

P4	Boundary Line adjusted	07.02.19	DM	DM
P3	Wall Section shown	06.02.19	DM	DM
P2	Revised Footprint	05.02.19	DM	DM
P1	Local Authority Approval	20.08.18	DM	DM

REF	DESCRIPTION	DATE	BY	AUTH
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CLIENT

Mr T Blake

PROJECT

143 Southgate St,
 Bury St Edmunds, IP33 2AF

TITLE

Site Location Plan & Block Plan

DRG NO. 18-007 - Plans	SCALE As Shown	REV P4
DRAWN DM	AUTH DM	DATE 07.02.19

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