

# Development Control Committee



<b>Title:</b>	<b>Agenda</b>														
<b>Date:</b>	<b>Wednesday 3 July 2019</b>														
<b>Time:</b>	<b>10.00am</b>														
<b>Venue:</b>	<b>Conference Chamber West West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chair</b> Andrew Smith</p> <p style="text-align: center;"><b>Vice Chairs</b> Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Conservative Group</u>(9)</td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>Spectrum Group</u> (3)</td> <td>John Burns Jason Crooks</td> <td>David Palmer</td> </tr> <tr> <td><u>The Independent Group</u>(3)</td> <td>Roger Dicker David Gathercole</td> <td>Don Waldron</td> </tr> <tr> <td><u>Labour Group</u>(1)</td> <td>David Smith</td> <td></td> </tr> </table>			<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>Spectrum Group</u> (3)	John Burns Jason Crooks	David Palmer	<u>The Independent Group</u> (3)	Roger Dicker David Gathercole	Don Waldron	<u>Labour Group</u> (1)	David Smith	
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<b>Interests – Declaration and Restriction on Participation:</b>	<p>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.</p>														
<b>Quorum:</b>	Six Members														
<b>Site visit details overleaf...</b>															

**A SITE VISIT WILL BE HELD ON MONDAY 1 JULY 2019 AT THE FOLLOWING TIME:**

**Planning Application DC/19/0537/HH & DC/19/0538/LB - Cooks Farmhouse, Lawshall Road, Hawstead, IP29 5NR**

Householder Planning Application and Listed Building Consent - Insertion of two cat slide dormer windows within rear elevation

**Site visit to be held at 9.50am**

*(No coach is to be provided for this single site visit, Members are requested to make their own way there, to car share wherever possible and to park considerately. Any Member with difficulty reaching the site should make contact with the Case Officer.)*

**Committee administrator:**

**Helen Hardinge**

Democratic Services Officer

**Tel:** 01638 719363

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

**DEVELOPMENT CONTROL COMMITTEE:  
AGENDA NOTES**

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

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

**Material Planning Considerations**

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
  - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
  - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
  - The following Planning Local Plan Documents

<b>Local Plans covering West Suffolk Council</b>	
Joint Development Management Policies 2015	
<b>Forest Heath Local Plan</b>	<b>St Edmundsbury Local Plan</b>
Forest Heath Local Plan 1995 Saved Policies	St Edmundsbury Core Strategy 2010
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	Vision 2031 adopted 2014 - Bury St Edmunds - Haverhill - Rural
<i>Emerging Local Plan</i>	
Core Strategy Single Issue Review of Policy CS7	
Site Specific Allocations	
Note: The adopted Local Plans for St Edmundsbury and Forest Heath (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.	

- 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 Council's website.

## **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 of Circular 11/95: "The Use of Conditions in Planning Permissions." 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/alterred, 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 Development Control training.

## **Notes**

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

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

# Agenda

## Procedural Matters

*Page No*

### Part 1 – Public

**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 - 20**

To confirm the minutes of the meeting held on 5 June 2019 (copy attached).

**4. Planning Application DC/19/0537/HH & DC/19/0538/LB -  
Cooks Farmhouse, Lawshall Road, Hawstead**

**21 - 32**

Report No: **DEV/WS/19/007**

Householder Planning Application and Listed Building Consent -  
Insertion of two cat slide dormer windows within rear elevation

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

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 5 June 2019** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Carol Bull	Ian Houlder
John Burns	David Palmer
Mike Chester	David Roach
Jason Crooks	Andrew Smith
Roger Dicker	David Smith
Andy Drummond	Peter Stevens
David Gathercole	Jim Thorndyke
Susan Glossop	Don Waldron

**In attendance:**

Simon Brown (Ward Member: Pakenham & Troston)

1. **Election of Chair 2019/2020**

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2019, the Service Manager (Democratic Services) opened the meeting and asked for nominations for the Chair of the Committee for 2019/2020.

Councillor Carol Bull nominated Councillor Andrew Smith as Chair and this was seconded by Councillor Andy Drummond.

There being no other nominations and no objections, it was

**RESOLVED:**

That Councillor Andrew Smith be elected Chair for 2019/2020.

Councillor Smith then took the Chair for the remainder of the meeting.

2. **Election of Vice Chair(s) 2019/2020**

The Chair made reference to the volume of work that would need to be undertaken in the role of Vice Chair to the Committee, in light of which he proposed that the Committee appoint two Vice Chairs.

This was duly seconded by Councillor Carol Bull and upon being put to the vote, and with the vote being unanimous, it was

**RESOLVED:**

That the Development Control Committee appoint two Vice Chairs for 2019/2020.

The Chair then sought nominations for the two positions of Vice Chair.

Councillor Peter Stevens nominated Councillor Jim Thorndyke and this was seconded by Councillor Ian Houlder.

Councillor David Gathercole nominated Councillor Roger Dicker and this was seconded by Councillor Don Waldron.

Councillor Susan Glossop nominated Councillor Mike Chester and this was seconded by Councillor David Roach.

In light of there being three nominations for two positions, the Service Manager (Democratic Services) explained that each nomination would be voted on in turn, with each Member of the Committee only being able to vote for a maximum of two, and the two Members with the highest number of votes would be appointed as Vice Chairs.

Upon being put to the vote:

- Councillor Jim Thorndyke received 13 votes;
- Councillor Roger Dicker received 6 votes; and
- Councillor Mike Chester received 10 votes.

Accordingly, it was

**RESOLVED:**

That Councillors Mike Chester and Jim Thorndyke be elected as Vice Chairs for 2019/2020.

**3. Chair's Announcement**

Prior to commencing with the order of business on the agenda, the Chair addressed Members and gave thanks for his appointment and stated that he looked forward to working with the Committee over the ensuing year. He encouraged all Members to involve themselves in the debate but to ensure that they focused on material planning considerations and avoided repetition.

The Chair also gave specific acknowledgement to Councillor Jim Thorndyke who had been Chair of the St Edmundsbury Borough Council Development Control Committee for a considerable number of years and who had supported and guided the newly appointed Chair whilst he served as his Vice Chair.

**4. Apologies for Absence**

Apologies for absence were received from Councillor Ann Williamson.

5. **Substitutes**

Councillor Carol Bull attended the meeting as substitute for Councillor Ann Williamson.

6. **Committee Procedure Documents (Report No: DEV/WS/19/001)**

This report set out four documents which were integral to the workings of the Development Control Committee (Site Visit Protocol, Guide to Having Your Say on Planning Applications, Decision Making Protocol and Agenda Notes) and sought Members' approval.

The report also recommended that a review of working practices of the Development Control Committee be undertaken in 2020.

Councillor Jim Thorndyke made reference to the recommendation in respect of the review which stated that it would be undertaken in consultation with the Committee Chair and Vice Chairs. He asked if all Members of the Committee would have opportunity to contribute.

The Service Manager (Planning – Development) assured Councillor Thorndyke that feedback into the review would be welcomed from all Members of the Committee.

It was moved by the Chair, duly seconded by Councillor Peter Stevens and with the vote being unanimous, it was resolved that

Decision

1. The following documents be approved, as attached to Report No DEV/WS/19/001:
  - Site Visit Protocol;
  - Guide to Having Your Say on Planning Applications;
  - Decision Making Protocol; and
  - Agenda Notes
2. A review of working practices of the Development Control Committee be undertaken during 2020 in consultation with the Committee Chair and Vice Chairs.

7. **Planning Application DC/19/0479/FUL - Land East of Chivers Road, Haverhill (Report No: DEV/WS/19/002)**

*(Councillor Ian Houlder declared a non-pecuniary interest in this item as he was a shareholder representative on Barley Homes (Group) Ltd. He indicated that he would remain in the meeting and take part in the discussion and voting thereon.)*

**Planning Application -26no. dwellings and associated works including parking, vehicular access and landscaping**

This application was referred to the Development Control Committee because the applicant, Barley Homes (Group) Ltd, is owned by West Suffolk Council.

The Senior Planning Officer drew attention to the 'late papers' which had been circulated supplementary to the agenda and set out four additional conditions that were to be added to the recommendation.

Members were asked to note that the third of the additional conditions should include the number 26 where the number had been denoted as an 'X' in the supplementary late papers.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions and the completion of a Section 106 Agreement as set out in Paragraph 86 of Report No DEV/WS/19/002 and in the supplementary late papers.

As part of his presentation the Officer explained that the application site fell within the West Suffolk Wards of Haverhill South and Haverhill West (the report incorrectly made reference to Haverhill North which reflected the, now dissolved, St Edmundsbury Borough Council ward boundaries.)

Speaker: Hannah Northrop (agent) spoke in support of the application

During the debate a number of Members raised questions in respect of the following matters and the Case Officer responded as below:

- Site clearance/disposal – this would be dealt with by way of condition No 17;
- The colour palate to be used – Officers considered the colour of the cladding proposed by the developer to be appropriate;
- Tree removal – 10 Poplar trees were to be removed to facilitate the development, however, replacement planting was controlled by way of condition No 13;
- The ownership/management of the shared use foot and cycle path – the Committee was advised that this matter was still being explored between Suffolk County Council and West Suffolk Council and condition No 7 could be expanded to reflect this; and
- The provision of electric charging points, solar panels and fibre optic cables – electric charging points had been included by way of condition No 15 and Officers could pass on the comments in relation to solar panels and fibre optic cables to the applicant.

Councillor David Smith asked if it would be possible to include some form of 'spur' off the foot/cycle path in order to provide a more direct link to the school site.

The Service Manager (Planning – Development) explained that this had not been requested by Suffolk County Council (as Local Education Authority), however, it is something that Officers could explore with the LEA and applicant.

Councillor John Burns raised some concerns with the consultation that was undertaken with local residents in that it was not held locally to the development site.

However, he proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Susan Glossop.

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

### Decision

Planning permission be **GRANTED** subject to:

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

- Pre School contribution: £24,999
- Secondary and Sixth Form contribution: £111,682
- Library Contribution: £416
- Enhancement of play facilities at castle playing field: £24,000  
(If West Suffolk Council adopt the retention basin that would require a maintenance contribution based on the agreed management/maintenance plan for this feature which is currently being negotiated.)

And, 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 development hereby permitted shall be constructed entirely of the materials detailed within the application hereby approved.
4. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) the garage associated with each property shall be used solely for the garaging of private motor vehicles and for ancillary domestic storage incidental to the occupation and enjoyment of the associated dwelling and shall be used for no other purpose.
6. No part of the development shall be commenced until details of the proposed vehicular access from Chivers Road (including visibility splays and works to widen the existing footway to provide a shared use path) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to the first occupation of any dwelling within the site. Thereafter the access shall be retained in its approved form.
7. Before any works above ground level commence details, including surfacing, lighting, ground levels and barriers of the shared use foot and cycle path from the site to School Lane must have been submitted to and approved in writing by the Local Planning Authority. The approved shared use foot and cycle path shall be laid out and constructed in its entirety with an agreed ownership/management plan in full accordance with any agreed details prior to the first occupation

- of any of the dwellings hereby approved. Thereafter the access shall be retained in its approved form. There shall be no occupation of any dwelling hereby approved unless and until the foot and cycle path has been provided in accordance with the details agreed pursuant to this condition.
8. Before occupation of the first dwelling details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
  9. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
  10. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
  11. Before first occupation the area(s) within the site shown on drawing No. 500361-IW-XX-XX-DR-A-2101-P02 for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter that area(s) shall be retained and used for no other purposes.
  12. The areas marked and indicated as open space on the approved site layout plan No. 500361-IW-XX-XX-DR-A-2102 shall have been provided and all associated landscaping works detailed in the approved landscaping scheme for the site shall be carried out in the first planting season following the commencement of the development. Thereafter the amenity open space shall be retained and used for no other purpose.
  13. All planting comprised in the approved details of landscaping on plan No. 500361-IW-XX-XX-DR-A-2102 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.
  14. The development shall be carried out strictly in accordance with the Arboricultural implications assessment & tree protection plan report by Plandescil dated May 2019.
  15. 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.
  16. Before the first occupation of any of the dwellings hereby approved details of the biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. Any such details as may be submitted shall include in full the mitigation measures as laid out in the Geosphere Environmental Ltd ecological PEA, June 2017 and Bat Survey, September 2017. Any such measures as may be agreed shall be installed and thereafter retained as so installed. There shall be no residential occupation unless and until the

- biodiversity enhancement measures as agreed in writing have been implemented.
17. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) The parking of vehicles of site operatives and visitors
  - ii) Loading and unloading of plant and materials
  - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
  - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
  - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
  - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
18. The site preparation and construction works, including road works, shall only 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. No generators are 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. The Local Planning Authority shall be provided with three day's notice prior to any extended concrete pour taking place outside the agreed hours of construction for agreement that the works can proceed.
19. Before first occupation of any of the dwellings hereby approved details of the treatment of the boundaries of the site and of the dwellings within the site, shall 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/retaining walls/fences/knee rails 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 occupation in accordance with the approved details and thereafter retained as so installed.

20. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the Drainage Strategy by Richard Jackson Engineering (ref:- 49291-PP-003 Rev A and dated 02 May 2019) + FRA by Richard Jackson Engineering (ref:- 49291 Issue A and dated 02 May 2019) and will demonstrate that surface water run-off generated by the development will be limited to 3l/s up to and including the critical 100yr + CC storm.
21. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
22. The [26no of dwelling/building] 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.
23. 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

8. **Planning Application DC/18/1498/FUL - Boyton Meadows, Anne Sucklings Lane, Little Wratting (Report No: DEV/WS/19/003)**

**Planning Application - 38no. dwellings and associated access works**

This application was referred to St Edmundsbury Borough Council's Development Control Committee on 28 March 2019 as it was a major application and Haverhill Town Council had registered objections to the scheme.

Consideration of the application was deferred by the Committee on 28 March 2019 in order to allow additional time for Officers to work with the applicant, in light of the concerns raised by Members in respect of access and parking provision.



Subsequent to the meeting amended plans had been submitted by the applicant and further comments had been received from the Highways Authority.

Officers were continuing to recommend approval, subject to the completion of a Section 106 Agreement and conditions as set out in Paragraph 20 of Report No DEV/WS/19/003.

In light of the fact that this was the first meeting of the West Suffolk Development Control Committee the Senior Planning Officer provided Members with a full, detailed presentation on the application and highlighted the changes that had been made to the amended plans.

It was also noted that the application site fell within the West Suffolk Wards of Haverhill North (the report incorrectly made reference to Withersfield which reflected the, now dissolved, St Edmundsbury Borough Council ward boundaries.)

Speaker: Alasdair Vaux (agent) spoke in support of the application

Councillor David Palmer requested that solar panels and fibre optic cables were included in the scheme, in response to which, Officers advised that they would pass on the comments to the applicant.

Councillor John Burns proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

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

#### Decision

Planning permission be **GRANTED** subject to:

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

30% Affordable Housing

Pre-school - £41,650

Education facilities - £239,666

Library provision - £623

And, subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No development above slab level shall take place until 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.
- 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:

- a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 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.
- 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.
- 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.
- 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.
- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
10. 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.
- 11 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.
- The applicant shall submit a detailed design based on the Drainage Strategy by MTC Engineering (Drawing ref:- 2192-03 Rev G and dated 14/03/2019) and will demonstrate that surface water run-off generated by the development will be limited to  $Q_{bar}$  or 2l/s/ha (whichever is higher) up to and including the critical 100 year+CC storm.
- 12 No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 13 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
    - i. Temporary drainage systems
    - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
    - iii. Measures for managing any on or offsite flood risk associated with construction
- 14 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.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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.
- 21 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.
- 22 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.
- 23 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.
- 24 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.
- 25 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.
- 26 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 27 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.
- 28 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.
- 29 Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved

- form unless the prior written consent of the Local Planning Authority is obtained for any variation.
- 30 All recommendations and ecological mitigation measures contained in the following reports:  
Preliminary Ecological Appraisal by MIKA Ecology dated 18th December 2018  
Reptile Survey by MIKA Ecology dated 18th December 2018  
Bat Inspection Survey by MIKA Ecology dated 18th December 2018  
shall be adhered to in their entirety throughout the construction period.
- 31 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

9. **Planning Application DC/18/2483/FUL - Land Adjacent to Culford Terrace, Mill Road, Bury St Edmunds (Report No: DEV/WS/19/004)**

**Planning Application - 3no. dwellings and repositioning of parking area**

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

Bury St Edmunds Town Council had raised objections to the scheme which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 35 of Report No DEV/WS/19/004.

A Member site visit was held prior to the meeting.

As part of her presentation, the Senior Planning Officer advised that comments had been submitted from Councillor Jo Rayner (Ward Member: Abbeygate) who had been unable to attend the meeting.

The Officer therefore read out the submitted statement to the Committee which outlined objections to the scheme due to the loss of informal parking and the impact on residential amenity. Councillor Rayner requested that the application be deferred in order to allow time in which for an historic parking agreement (made reference to by neighbouring residents) to be sourced.

Speakers: Catherine Howes (on behalf of fellow neighbouring residents in Mill Road South) spoke against the application  
Councillor Kevin Hind (Bury St Edmunds Town Council) spoke against the application  
Jane Wilkie (agent) spoke in support of the application

In response to questions posed by Members during the debate, the Senior Planning Officer explained that both the Council and Orwell Housing Association (the applicant) had attempted to source a historical formal parking agreement for the site in question mentioned by residents but had

been unable to do so. Furthermore, none of the residents or Bury St Edmunds Town Council had been able to provide any kind of formal documentation in this regard.

The Service Manager (Planning – Development) also clarified that the current informal parking arrangement could in theory be withdrawn by the landowners (Orwell Housing Assoc.) at any time, irrespective of the application before the Committee. Moreover, the scheme seeking approval would actually enable the parking provision for existing residents to be formalised for the new area proposed.

Councillor John Burns asked if adverse possession rights could apply to the existing parking area. The Lawyer advising the meeting explained that this would be a separate legal matter that the residents concerned would need to pursue outside of the planning process and it was not a material planning consideration.

Councillor David Roach proposed that the application be deferred in order to allow additional time in which for clarity to be sought with regard to the current parking arrangement used by existing residents. This was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 6 voting for the motion, 7 against and with 3 abstentions the Chair declared the motion lost.

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

Upon being put to the vote and with 8 voting for the motion, 6 against and with 2 abstentions 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. 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.

4. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
5. The use shall not commence until the area(s) within the site shown on Drawing No. 18 1594 01 Rev A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and the back garden sheds for the purposes of cycle storage, thereafter those areas shall be retained and used for no other purposes.
6. 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.
7. 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.
8. The development shall be carried out strictly in accordance with the recommendations and measures included within Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan produced by Haydens and dated 17<sup>th</sup> September 2018 and referred 6972 Rev A.
9. Before the first dwelling hereby permitted is first occupied, the first floor bathroom windows in the rear elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.
10. 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.

(On conclusion of this item the Chairman permitted a short comfort break before reconvening the meeting.)

10. **Planning Application DC/19/0258/OUT - Land SW of The Bull, The Street, Troston (Report No: DEV/WS/19/005)**

**Outline Planning Application (Means of Access to be considered) - 4no. dwellings with garaging and creation of new vehicular access**

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

Troston Parish Council supported the application which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 59 of Report No DEV/WS/19/005.

A Member site visit was held prior to the meeting.



As part of her presentation the Senior Planning Officer advised the Committee that the Parish Council had submitted a late, further representation largely reiterating their earlier points raised and this was read out to the meeting.

In response to this, the Case Officer made reference to the specific types of schemes which may be permitted outside of a designated settlement boundary. However, in respect of the application before the Committee, Officers considered there to be no material considerations to set the Plan aside.

Speakers: Councillor Simon Brown (Ward Member: Pakenham & Troston) spoke in support of the application  
Philip Cobbold (agent) spoke in support of the application

Councillor Jim Thorndyke made reference to a previous planning application which resulted in the change of use of agricultural land to recreational Public Open Space; the site in question falling outside the settlement boundary of Troston.

In response, the Service Manager (Planning – Development) explained that the reallocation of the settlement boundary in relation to the recreation area could be addressed as part of the impending review and development of a West Suffolk Local Plan.

Councillor Roger Dicker proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 14 voting for the motion, 1 against and with 1 abstention, it was resolved that

#### Decision

Planning permission be **REFUSED** for the following reason:

1. The site falls outside the settlement boundary of Troston which is defined as an Infill Village under Core Strategy Policy CS4. Policy RV3 of the Rural Vision 2031 states that residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. There are exceptions to allow for housing development in the countryside as set out under DM5, DM26, DM27 and DM29 (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings), but this proposal does not satisfy any of these exceptions. The site is also not allocated for residential development in the Local Plan. West Suffolk can demonstrate a five year housing land supply and therefore the development plan can be considered up to date. The proposals therefore fail to comply with policy RV3 of the Rural Vision 2031, Core Strategy policy CS1 and CS4, Policies DM5 and DM27 of the Joint Development Management Policies Local Plan and the 2019 NPPF, particularly paragraphs 11, 77 and 79 and is considered unacceptable as a matter of principle. Moreover the proposal would encroach into the countryside and be harmful to the verdant and undeveloped village edge, contrary to policy DM2. The limited social and

economic benefits from the provision of four market houses is considered to significantly and demonstrably be outweighed by the proposal harmfully undermining the adopted spatial strategy for rural housing in the development plan and harm to the visual amenity of the area.

11. **Planning Application DC/19/0046/FUL - Rear of 7 The Street, Hepworth (Report No: DEV/WS/19/006)**

**Planning Application - 1no dwelling**

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

Hepworth Parish Council supported the application which was contrary to the Officer recommendation of refusal, for the reasons set out in Paragraph 44 of Report No DEV/WS/19/006.

A Member site visit was held prior to the meeting.

Councillor Carol Bull (Ward Member: Barningham) spoke in support of the application and proposed that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Roach.

The Service Manager (Planning – Development) explained that if Members were minded to approve the application, contrary to the Officer recommendation of refusal, then Officers would invoke the decision making protocol and a risk assessment would be produced for consideration by the Committee at a future meeting, prior to making final decision on the application.

Upon being put to the vote and with 3 voting for the motion and with 13 against the Chair declared the motion lost.

Councillor Peter Stevens spoke in support of the Officer's recommendation of refusal and commented on the harm the application could have on the character of the site.

The Service Manager (Planning – Development) stated that the second reason for refusal could be expanded in order to include the impact upon the character of the site as a consequence of the elevated position.

Henceforth, Councillor Stevens proposed that the application be refused as per the Officer recommendation and inclusive of the expansion to the second reason. This was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 13 voting in favour, 2 against and with 1 abstention it was resolved that

Decision

Planning permission be **REFUSED** for the following reasons:

1. Policies CS1 and CS4 of the Core Strategy between them establish the spatial strategy and the settlement hierarchy for development within West Suffolk. Both seek to resist, in conformity with the provisions of Para. 79 of the National Planning Policy Framework (NPPF), residential development outside of settlement boundaries in otherwise unsustainable areas. Furthermore, Policy DM5 states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the circumstances where dwellings will be permitted outside of settlement boundaries. Hepworth is a lower order settlement and the provision of a dwelling outside of the designated settlement boundary represents an unsustainable form of development. The proposal does not meet the provisions of policy DM27 in that it is not within a cluster and neither is it considered to be a small undeveloped plot within an otherwise continuous built up frontage. There are no material considerations that outweigh this significant conflict with the Development Plan; and
2. Policy DM2 (Creating Places - Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area, supporting the provisions of DM13, and Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement. The proposal would create an encroachment to the countryside, distinctively separate from the housing settlement boundary. The provision of 1no. dwelling on this elevated and visually prominent site would intrude into this countryside setting, which forms an important buffer beyond the existing linear dwellings within the settlement boundary. It would have an undesirable urbanising effect on views from the settlement, and upon its setting. The provision of a long access from North Common will also erode the spacious linear character of the settlement. The dwelling is also likely to be visible in gaps between buildings when viewed from The Street, again materially and harmfully eroding the spacious rural character of the village and its setting, and which is further exacerbated by the elevated nature of the site relative to neighbouring properties. A dwelling in this location, plus associated curtilage and paraphernalia, would also adversely alter the landscape character of this area. The proposal would create a visual intrusiveness in this rural location and create a significant impact, causing material harm to the surrounding landscape, to the detriment of the character and appearance of the settlement and wider area. The proposal is therefore contrary to the provisions of Policy DM2 and Policy DM13 of the Joint Development Management Policies Document 201, Policy CS4 of the St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (NPPF).

The meeting concluded at 12.45 pm

**Signed by:**

**Chair**

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## Development Control Committee 3 July 2019

### Planning Application DC/19/0537/HH & DC/19/0538/LB – Cooks Farmhouse, Lawshall Road, Hawstead

<b>Date Registered:</b>	25.03.2019	<b>Expiry Date:</b>	20.05.2019
<b>Case Officer:</b>	Adam Yancy	<b>Recommendation:</b>	Refuse Applications
<b>Parish:</b>	Hawstead	<b>Ward:</b>	Horringer
<b>Proposal:</b>	Householder Planning Application and Listed Building Consent - Insertion of two cat slide dormer windows within rear elevation		
<b>Site:</b>	Cooks Farmhouse, Lawshall Road, Hawstead		
<b>Applicant:</b>	Mr & Mrs Baker		

**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 Yancy

Email: adam.yancy@westsuffolk.gov.uk

Telephone: 01638 719264

## Background:

The application is referred to Development Control Committee following consideration by the Delegation Panel. The Parish Council support the applications and the recommendation is for REFUSAL.

A site visit is scheduled to take place on Monday 1 July 2019.

## Proposal:

1. Planning permission and Listed Building Consent is sought for the insertion of 2no. dormers to the rear elevation of the dwelling.
2. The application was previously submitted in a similar form in 2017, albeit following negotiation with the agent the dormer windows were removed allowing the remainder of that proposal to be approved.
3. An application submitted by the previous owner was also refused in 2014 for the provision of 3 rooflights to the rear roofslope.

## Application Supporting Material:

4. - Location and Existing Plans
  - Existing Elevations
  - Proposed Elevations
  - Design and Access Statement

## Site Details:

5. The site consists of a two storey semi-detached Grade II listed building located in the Hawstead settlement boundary. The property fronts onto Lawshall Road and is situated amongst dwellings of varying scale and designs.

## Planning History:

6.

Reference	Proposal	Status	Decision Date
DC/14/0304/LB	Listed Building Application - Installation of 3 no. velux windows on rear elevation roof	Application Refused	13.05.2014
DC/17/0185/HH	Householder Planning Application - (i) demolition of garden room, (ii) single storey rear extension, (iii) demolition and reconstruction of garage	Application Granted	24.05.2017
DC/17/0186/LB	Application for Listed Buildings Consent - (i) Removal of late C20th garden room (ii) Construction single storey	Application Granted	24.05.2017

	rear extension oak framed garden room, (iii) Demolition of existing garage (iv) Construction of replacement garage/storage building		
E/99/2071/P	Planning Application - Change of use from agricultural land to paddocks	Application Granted	06.08.1999
E/86/1463/LB	Listed Building Application - Erection of conservatory	Application Granted	16.04.1986
E/84/3112/P	Conversion of barn to form two dwellings	Application Granted	12.12.1984
E/79/2035/P	ALTERATIONS AND EXTENSION AND CONSTRUCTION OF ACCESS	Application Granted	13.08.1979

**Consultations:**

7. Conservation Officer – Objects to the application, as explained in more detail below.

**Representations:**

8. Hawstead Parish Council – The Parish Council support the application on the basis that the application:
  - Is sympathetic to the to the style of the property
  - Would not be visible from the public domain
  - Would allow for more headroom and light into bedroom
9. Ward Member – No comments.
10. Neighbour representations – None received.

**Policy:**

11. On 1 April 2019 Forest Heath District Council merged with St Edmundsbury Borough Council to become a single Authority, West Suffolk Council. The development plans for the merged local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
12. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

## **Other Planning Policy:**

13. National Planning Policy Framework (2019) (NPPF)

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 NPPF; the closer the policies in the plan to the policies in the NPPF; 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 provision of the NPPF that full weight can be attached to them in the decision making process.

## **Officer Comment:**

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

- Principle of Development
- Impact on Listed building
- Design and Form

### Principle of Development

16. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties. In this instance, the principle of adding dormers to the dwelling is acceptable under Policy DM24 subject to consideration of the detail below, including the effect upon the listed building.

### Impact on Listed Building

17. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

18. Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting and the setting of the listed building.

19. The proposed dormers are to serve the former attic space now used as a fourth bedroom and to light and provide additional head height over the staircase. Whilst the desire to introduce natural light to the attic space and improve head height over the staircase is understood, according to the list description this space was created in the 18th century for further attic space. Therefore, it is unlikely that this space was ever intended to provide the



comforts typically enjoyed by the primary rooms found at lower levels; indeed such limitations are not uncommon for attic accommodation. Whilst some opening up work has been undertaken no assessment of the roof's significance has been provided. The purpose of the opening up works is to determine the significance of the roof carpentry, which should then be used to inform the acceptability of loss of fabric. Officers are advised the areas exposed are modern plaster and insulation from the late 20th century with boarded plyboard ceilings and that the insertion of the dormers will not involve the loss of historic fabric, however no evidence to substantiate this claim has been provided. The list description advises the building is of 16th century origin with 17<sup>th</sup> and 18th century alterations with a wind braced purlin roof. It is highly likely therefore (assuming the list description is accurate and in the absence of any evidence to demonstrate to the contrary) given the position of the proposed dormers, that their insertion will involve cutting the purlin and possibly historic rafters. This would be likely to result in the loss of historic fabric causing physical harm to the building. In the absence of sufficient assessment and based on the list description it is appropriate that a precautionary approach should be taken.

20. The second issue relates to the visual impact of the proposal on the external appearance of the building. Currently the external appearance of the roof slope is uninterrupted by any physical features with the exception of an impressive off centre axial chimney with four attached hexagonal flues on a square base. This chimney contributes greatly to the significance of the building, inserted in the 17th century and is emphasised due to the absence of any other distractions within the roof. The provision of the proposed dormers will appear as a visual intrusion particularly due to the awkward relationship of the staircase dormer with the off centre axial chimney. In addition, the size and scale of the proposed dormers are notably larger than windows serving the first floor rear elevation. As a result undue attention is drawn to their existence appearing at odds with key characteristics which contribute towards the building's significance. Consequently the impact of the proposed dormers on the significance of the roof and chimney will prove detrimental irrespective of whether or not the work will involve loss of historic fabric, particularly given the awkward relationship of the proposed dormer serving the staircase with the chimney stack due to the positioning and size.
21. A similar proposal submitted by a former owner for the insertion of rooflights was previously refused on similar grounds and a more recent application for dormer windows and other works (as set out at paragraph 6) was negotiated to secure the removal of the dormer windows from the proposal. In the absence of any additional information to address the continuing concerns it would be appropriate to be consistent in the determination of the application.
22. The potential loss of historic fabric together with the visual impact on the external appearance of the roof will inevitably cause harm to the building's significance. That harm is likely to be 'less than substantial' harm subject to the loss of historic fabric. The proposed development will therefore fail to

contribute towards the preservation of the building proving detrimental to its special architectural and historic interest, proving contrary to policy DM15, and causing 'less than substantial' harm.

23.Paragraph 196 of the NPPF states 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 including, where appropriate, securing its optimum viable use. In this regard, there is no public benefit arising from the proposal, and the building is already in its optimum viable use so there nothing to balance and mitigate against the clear harm identified.

24.To conclude, and in the absence of any further information, it is considered highly likely that the proposed dormers will not only involve the loss of historic fabric but will also materially and adversely affect the building's significance. This is due to the visual impact of providing disproportionately large dormers on this presently uninterrupted roofspace, thereby causing harm to its significance. It is not possible to determine the degree of harm due to insufficient information in relation to the degree of historic fabric to be lost. However, noting the visual harm arising and that there would in any event be no public benefit to outweigh the harm caused, the proposal would be contrary to Policy DM15 as well as to Paragraph 196 of the NPPF.

#### Design and Form

25.The design of the proposed dormers are simple and would not result in any harm to the amenity currently enjoyed by neighbouring property or to the character of the surrounding area. As a result the proposal would otherwise be acceptable when considered against Policy DM24. However, given the listed status and the presently uninterrupted roofscape of the building, the proposed dormers would result in harm to the listed building and therefore would not be compliant with Policy DM15.

#### **Conclusion:**

26.In conclusion, the principle and detail of the development is considered to be unacceptable and fails to comply with relevant development plan policies and the provisions of the NPPF relating to heritage assets.

#### **Recommendation:**

27 It is recommended that planning permission and Listed Building Consent be **REFUSED** for the following reason:

1. The list description advises that the house dates back to the 16th century with 17th and 18th century alterations. The roof is referred to as a wind braced purlin roof. Whilst some opening up works have been undertaken no assessment of the significance of the roof carpentry has been provided. Information provided states that the areas exposed are modern plaster and insulation from the late 20th century with boarded plyboard ceilings. Furthermore, that the works will not involve cutting any historic timbers however, in the absence of a suitable assessment of the significance of the

roof carpentry or evidence to support this statement it is not possible to determine whether or not the works will result in physical harm to the fabric of the building.

Currently the roof is uninterrupted by any physical features with the exception of an impressive off centre axial chimney with four attached hexagonal flues on a square base. This chimney contributes greatly to the significance of the building inserted in the 17th century and is emphasised due to the absence of any other distractions within the roof. Whilst the desire to introduce natural light to the attic space and improve head height over the staircase is understood, according to the list description this space was created in the 18th century for further attic space, and it is considered unlikely therefore that this space was ever intended to provide the comforts of primary rooms found at lower levels. The impact of the proposed dormers on the significance of the roof and chimney will prove detrimental irrespective of whether or not it will involve loss of historic fabric particularly given the awkward relationship of the proposed dormer serving the staircase with the chimney stack. In addition the size and scale of the proposed dormer windows are notably larger than those serving the first floor rooms to the rear elevation, consequently their insertion would detract from the smaller historic openings to this elevation proving an overbearing addition. As a consequence the proposed dormers would result in visual harm to the currently uninterrupted roof slope of the dwelling, resulting in adverse harm to the historic character of the building.

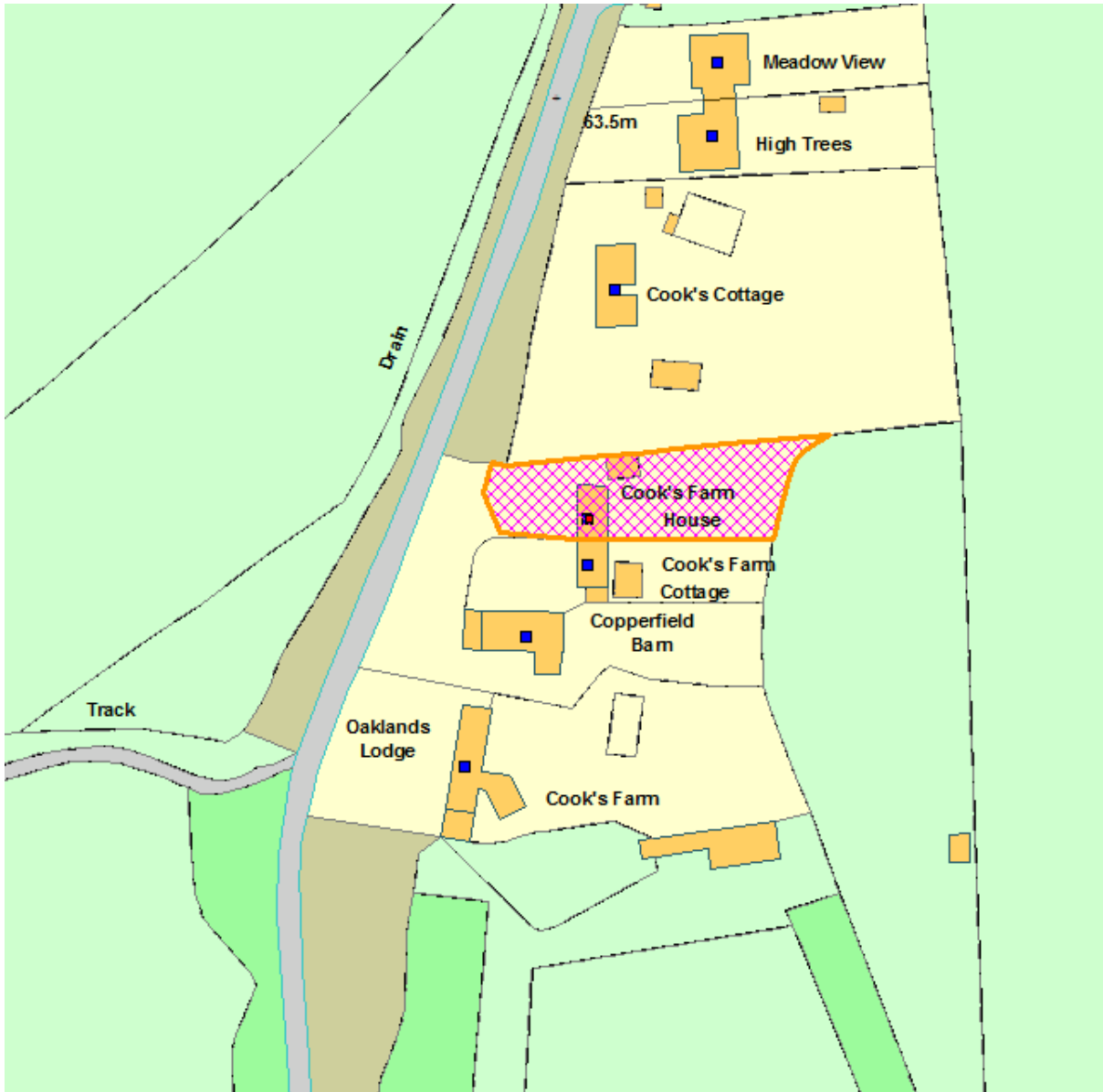
It is not possible to determine the degree of harm potentially caused to the roof timbers due to insufficient information but it is considered highly likely that the proposed dormer windows would involve the loss of significant structural roof timber(s). However, and regardless, the adverse visual impact of the insertion of the oversized dormer windows into the otherwise uninterrupted roof slope is clear, and there would be no public benefit to outweigh the harm caused. Therefore the proposals would be contrary to Policy DM15 of the Joint Development Management Plan and Paragraph 196 of the National Planning Policy Framework (2019).

#### **Documents:**

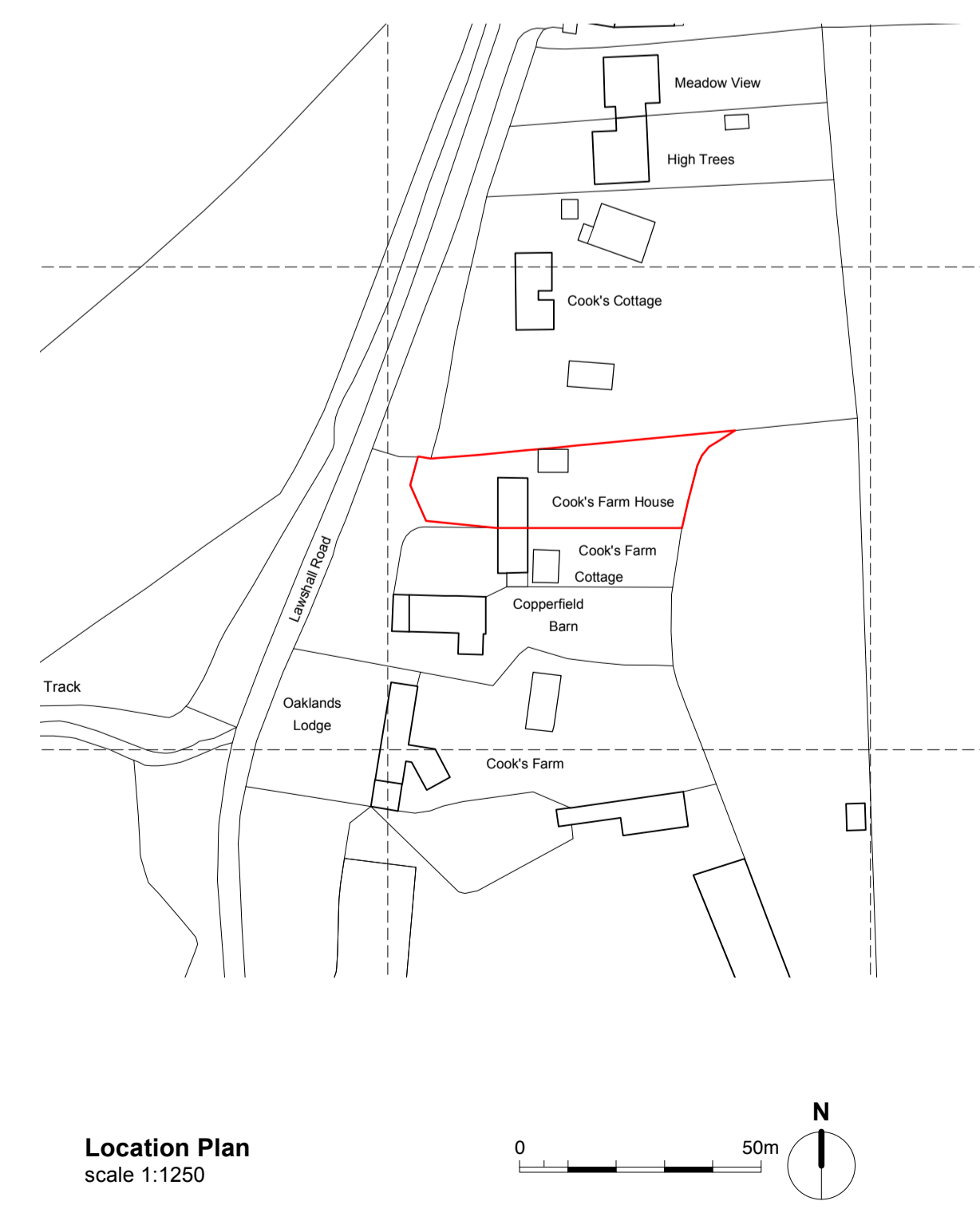
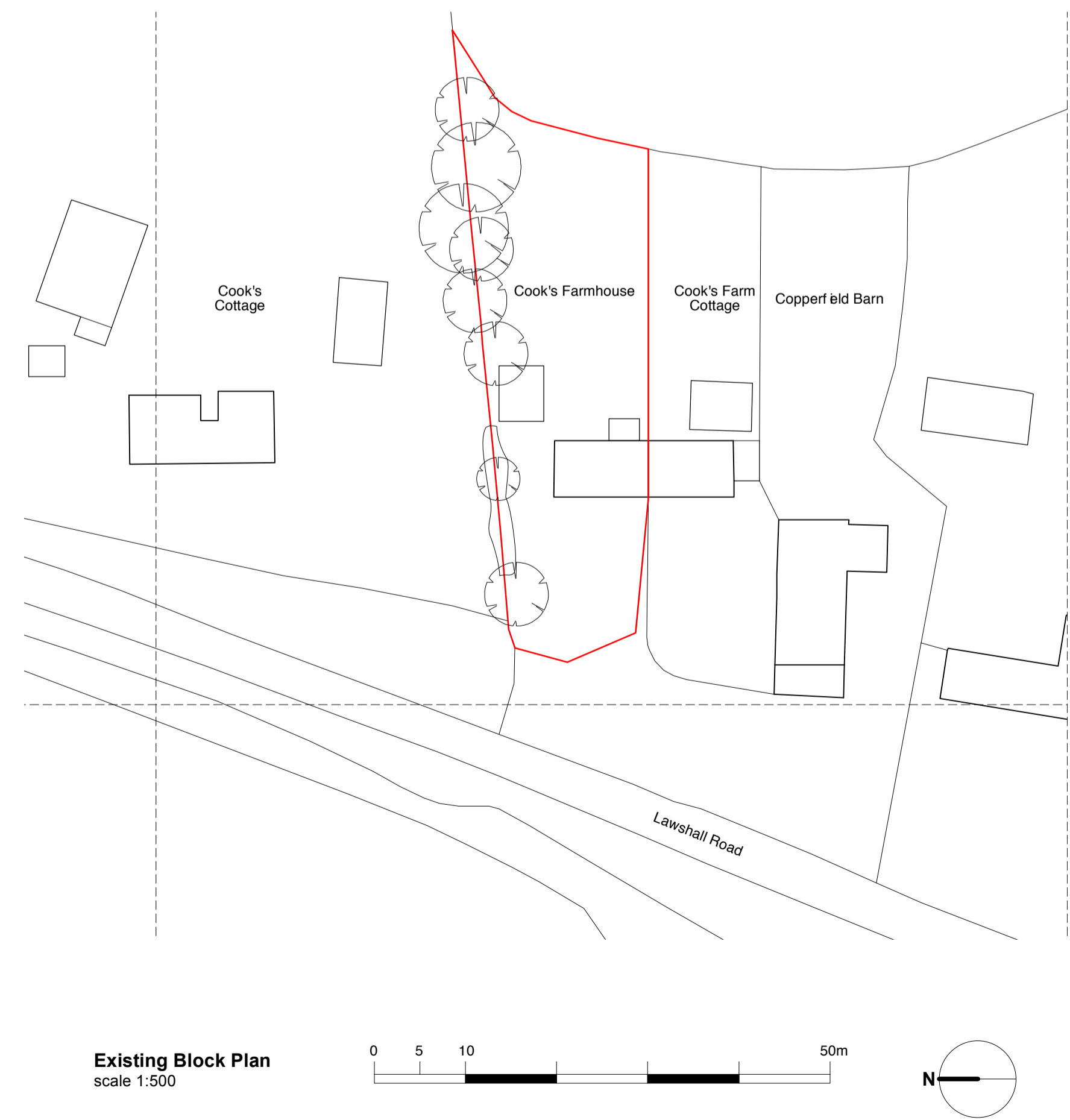
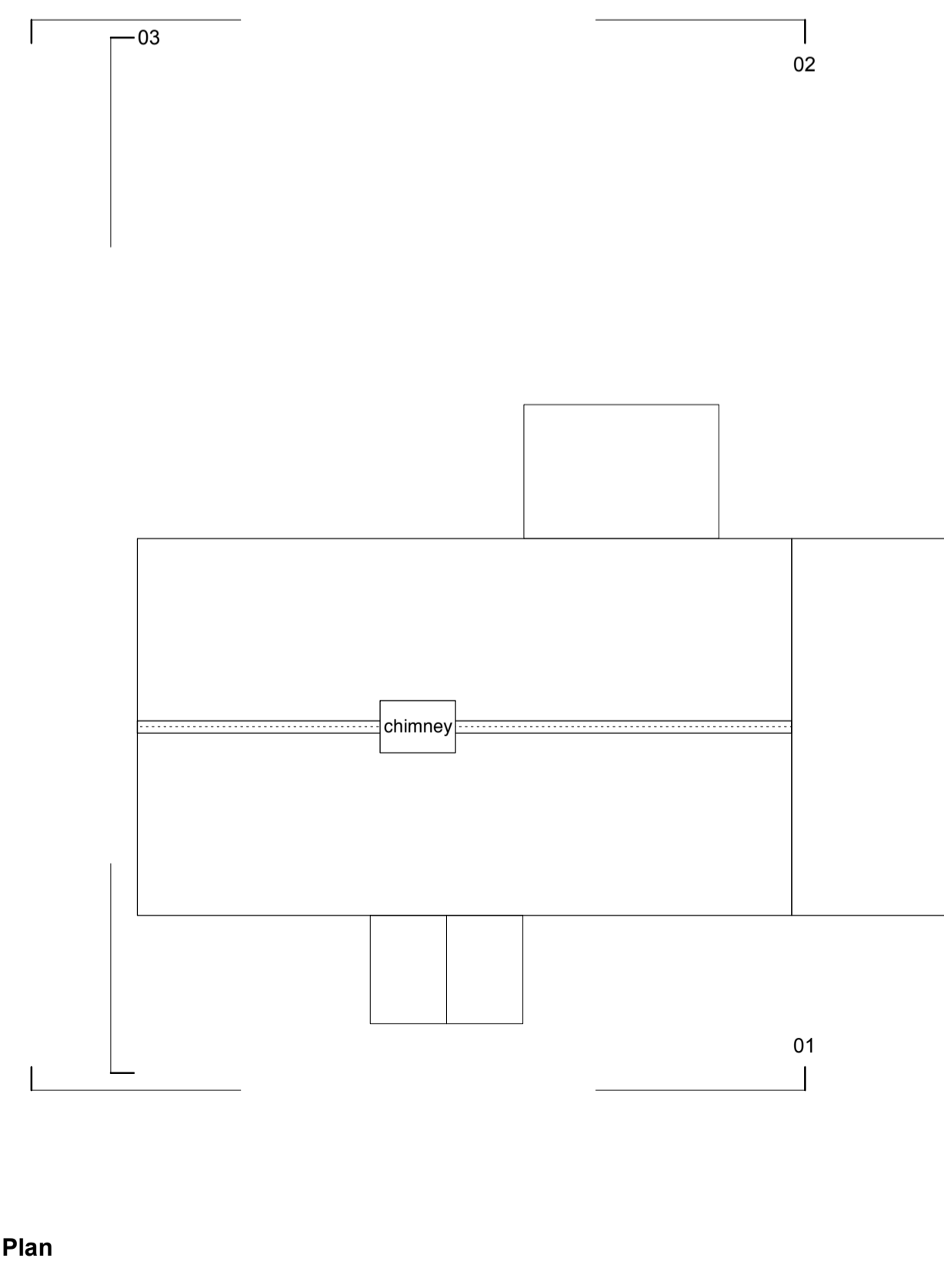
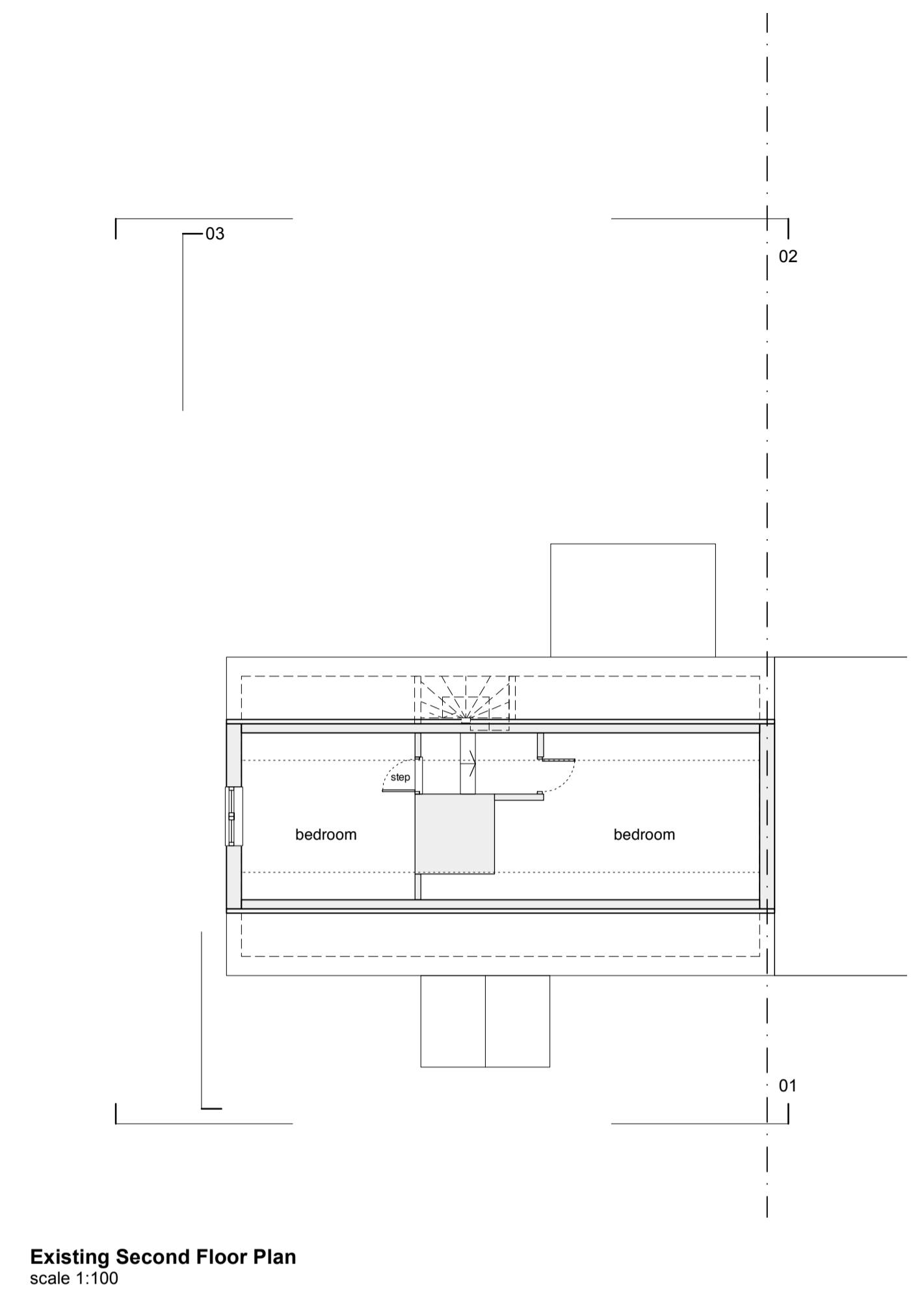
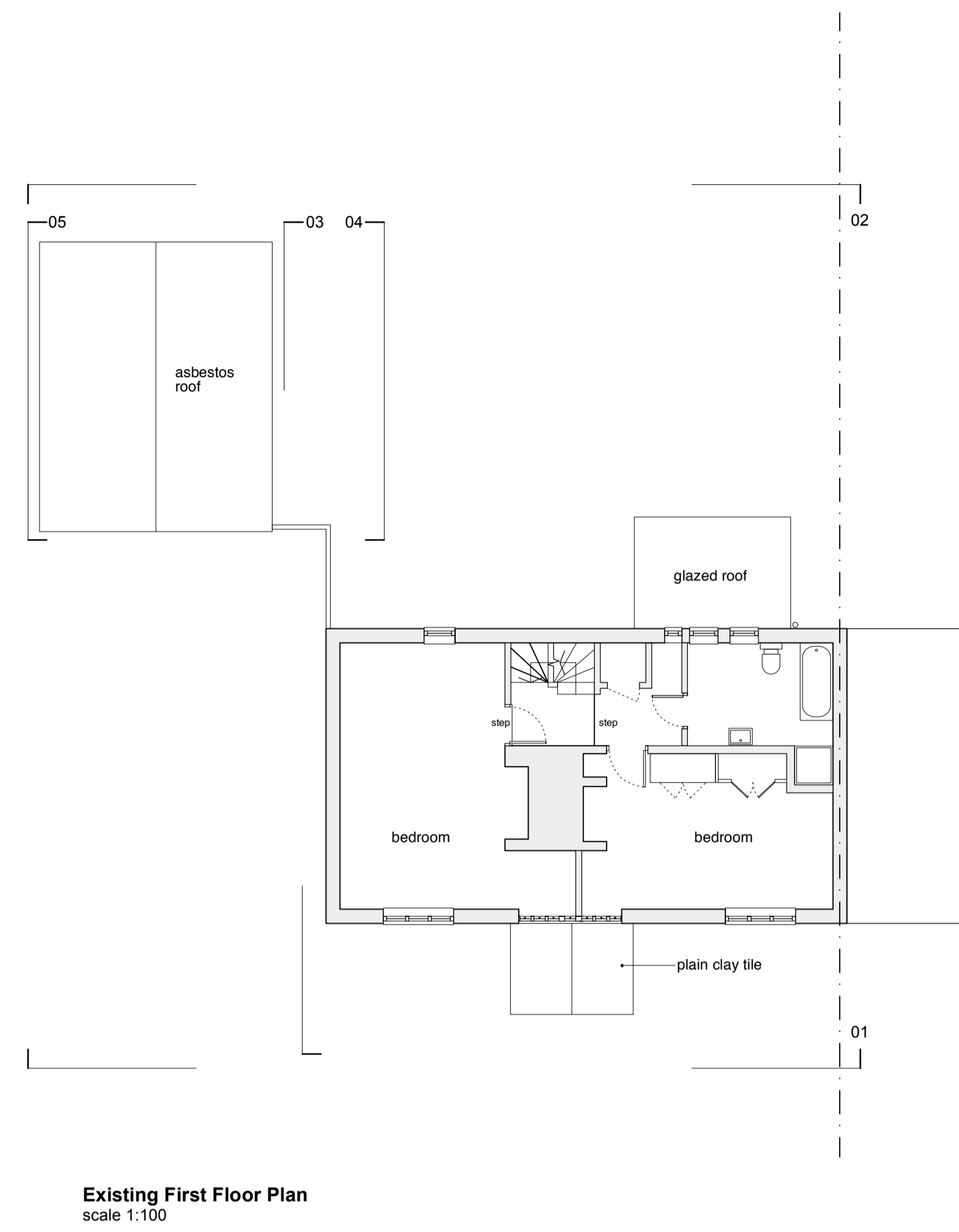
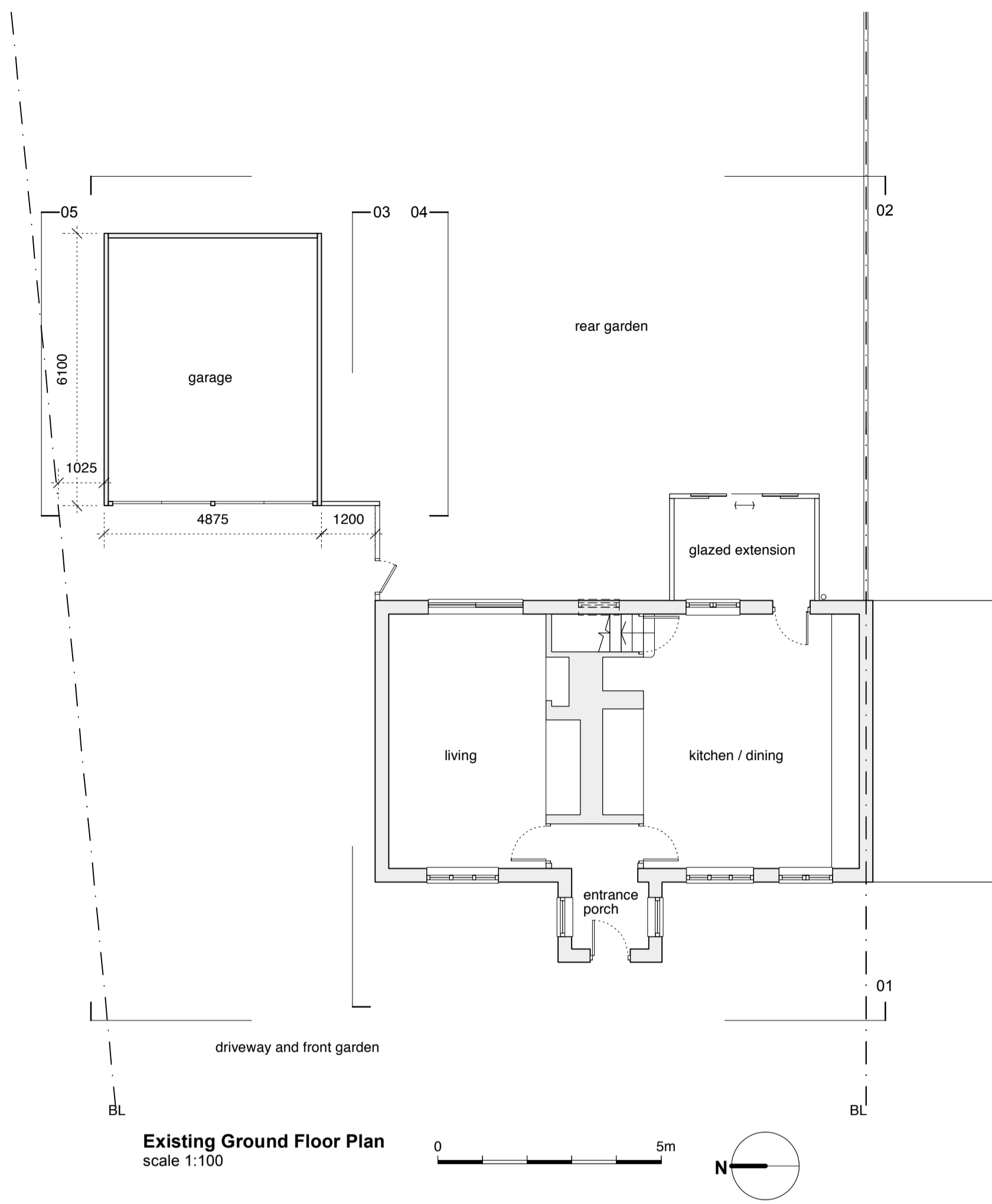
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0537/HH](https://www.planningportal.co.uk/applications/19/0537/HH)

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**Planning Application DC/19/0537/HH & DC/19/0538/LB – Cooks Farmhouse, Lawshall Road, Hawstead, IP29 5NR**



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-	29.01.17	Planning Issue
-	23.11.16	First Issue
rev	date	description
<b>location</b>		
<b>client</b> Mr & Mrs P Baker		
<b>project</b> Cooks Farmhouse, Lawshall Road, Hawstead, Suffolk, IP29 5NR		
<b>drawing title</b> Location Plan & Existing Plans		
Joseph Hardy   design & heritage		
31 Dalyn Drive, Stock, Ingatstone, Essex CM4 9TA t: 01277 840981 e: info@josephhardy.co.uk		
<b>status</b>	Planning	
<b>drawn</b>	<b>checked</b>	<b>date</b>
KN	-	08.10.16
<b>project</b>	<b>building element</b>	<b>drawing no</b>
059CF	-	E100
		<b>revision</b>
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