

Development Control Committee



Title:	Agenda		
Date:	Wednesday 7 August 2019		
Time:	10.00am		
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members:	<div><div><i>Chair</i> Andrew Smith</div><div><i>Vice Chairs</i> Mike Chester and Jim Thorndyke</div><div><div><div><u><i>Conservative Group</i></u>(9)</div><div>Andy Drummond</div><div>Susan Glossop</div><div>Ian Houlder</div></div><div><div>David Roach</div><div>Peter Stevens</div><div>Ann Williamson</div></div></div><div><div><u><i>Spectrum Group</i></u>(3)</div><div>John Burns</div><div>Jason Crooks</div></div><div><div><u><i>The Independent Group</i></u>(3)</div><div>Roger Dicker</div><div>David Gathercole</div></div><div><div><u><i>Labour Group</i></u>(1)</div><div>David Smith</div></div></div>		
Substitutes:	<div><div><div><u><i>Conservative Group</i></u>(4)</div><div>Carol Bull</div><div>Terry Clements</div></div><div><div><u><i>Spectrum Group</i></u>(2)</div><div>Trevor Beckwith</div></div><div><div><u><i>The Independent Group</i></u>(1)</div><div>Andy Neal</div></div><div><div><u><i>Labour Group</i></u>(1)</div><div>Diane Hind</div></div></div> <div><div>Rachel Hood</div><div>Sara Mildmay-White</div><div>David Nettleton</div></div>		
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		
Site visit details overleaf...			

SITE VISITS WILL BE HELD ON MONDAY 5 AUGUST 2019 AT THE FOLLOWING TIMES *(please note that given the number of site visits, the distance to be travelled, and the routes needed, the timings provide a rough guide only):*
The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:

1. **Planning Application DC/19/1146/FUL - Land off Crown Lane, Crown Lane, Ixworth, IP31 2EH**
 Planning Application - Access road to serve residential development comprising 77 no dwellings - (resubmission of DC/17/0339/FUL)
Site visit to be held at 9.50am (by way of a drive-by along Thetford Road)
2. **Planning Applications DC/19/0344/FUL & DC/18/2137/HH - Liberty House, Hepworth Road, Market Weston, IP22 2PF**
 Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis); and
 Householder Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)
Site visit to be held at 10.05am
3. **Planning Application DC/18/2152/FUL & Listed Building Consent Application DC/18/2153/LB - Thripskin Farm, High Street, Thelnetham, IP22 1JL**
 DC/18/2152/FUL Planning Application - Provision of 1 no. agricultural worker's dwelling including conversion of existing single storey outbuilding (following demolition of existing pole barn and shed); change of use of agricultural land to garden. As amended by plans received on 6th and 20th December 2018; and
 DC/18/2153/LB Application for Listed Building Consent - (i) Demolition of pole barn and shed (ii) Conversion and extension of outbuilding to provide 1 no. agricultural worker's dwelling. As amended by plans received on 6th and 20th December 2018
Site visit to be held at 10.25am
4. **Planning Application DC/19/0774/HH - 14 Hallfields, Lakenheath, IP27 9LP**
 Householder Planning Application - Installation of fencing
Site visit to be held at 11.30am

The coach will then travel to the Council's College Heath Road offices in Mildenhall to allow for a short comfort break (approximately 12.00-12.30pm) before re-embarking and travelling to the following sites:

5. **Planning Application DC/19/0759/TPO - 3 Forest Way, Mildenhall, IP28 7LD**
 TPO/2007/02 - TPO/1996/06 - Tree Preservation Orders - (i) T1 - 1no. Oak - Fell (ii) T8 - 1no Scots Pine - Fell
Site visit to be held at 12.35pm
6. **Planning Application DC/19/1084/FUL - La Grange House, Fordham Road, Newmarket, CB8 7AA**
 Planning Application - 1no. dwelling
Site visit to be held at 13.05pm

On conclusion of the site visits, the coach will return to West Suffolk House by the approximate time of 1.45pm.

Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk
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**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

Local Plans covering West Suffolk Council	
Joint Development Management Policies 2015	
Forest Heath Local Plan	St Edmundsbury Local Plan
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 <ul style="list-style-type: none"> - 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/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend 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

Part 1 – Public

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 - 4

To confirm the minutes of the meeting held on 3 July 2019 (copy attached).

4. Planning Application DC/19/1146/FUL - Land off Crown Lane, Crown Lane, Ixworth

5 - 34

Report No: **DEV/WS/19/008**

Planning Application - Access road to serve residential development comprising 77 no dwellings - (resubmission of DC/17/0339/FUL)

5. Planning Application DC/19/0344/FUL - Liberty House, Hepworth Road, Market Weston

35 - 60

Report No: **DEV/WS/19/009**

Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis)

6. Planning Application DC/18/2137/HH - Liberty House, Hepworth Road, Market Weston

61 - 72

Report No: **DEV/WS/19/010**

Householder Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)

7. Planning Application DC/19/1084/FUL - La Grange House, Fordham Road, Newmarket

73 - 90

Report No: **DEV/WS/19/011**

Planning Application - 1no. dwelling

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8. Planning Application DC/18/2152/FUL & Listed Building Consent Application DC/18/2153/LB - Thripskin Farm, High Street, Thelnetham Report No: DEV/WS/19/012 DC/18/2152/FUL Planning Application - Provision of 1 no. agricultural worker's dwelling including conversion of existing single storey outbuilding (following demolition of existing pole barn and shed); change of use of agricultural land to garden. As amended by plans received on 6th and 20th December 2018; and DC/18/2153/LB Application for Listed Building Consent - (i) Demolition of pole barn and shed (ii) Conversion and extension of outbuilding to provide 1 no. agricultural worker's dwelling. As amended by plans received on 6th and 20th December 2018	91 - 108
9. Planning Application DC/19/0759/TPO - 3 Forest Way, Mildenhall Report No: DEV/WS/19/013 TPO/2007/02 - TPO/1996/06 - Tree Preservation Orders - (i) T1 - 1no. Oak - Fell (ii) T8 - 1no Scots Pine - Fell	109 - 122
10. Planning Application DC/19/0774/HH - 14 Hallfields, Lakenheath Report No: DEV/WS/19/014 Householder Planning Application - Installation of fencing	123 - 132

Development Control Committee



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

Present: **Councillors**

Chair Andrew Smith

Trevor Beckwith

John Burns

Terry Clements

Roger Dicker

Andy Drummond

David Gathercole

Susan Glossop

Rachel Hood

Ian Houlder

Sara Mildmay-White

David Palmer

David Smith

Don Waldron

Ann Williamson

12. **Apologies for Absence**

Apologies for absence were received from Councillors Mike Chester, Jason Crooks, David Roach, Peter Stevens and Jim Thorndyke.

13. **Substitutes**

The following substitutions were declared:

Councillor Rachel Hood substituting for Councillor Mike Chester

Councillor Trevor Beckwith for Councillor Jason Crooks

Councillor Sara Mildmay-White for Councillor Peter Stevens

Councillor Terry Clements for Councillor Jim Thorndyke

14. **Minutes**

The minutes of the meeting held on 5 June 2019 were confirmed as a correct record, with 10 voting for the motion and 4 abstentions, and were signed by the Chair.

(Councillor Roger Dicker joined the meeting at 10.03am on conclusion of this item.)

15. **Planning Application DC/19/0537/HH & DC/19/0538/LB - Cooks Farmhouse, Lawshall Road, Hawstead (Report No: DEV/WS/19/007)**

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

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

A Member site visit was held prior to the meeting.

Hawstead Parish Council supported the application which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 27 of Report No DEV/WS/19/007.

As part of his presentation the Planning Assistant highlighted the planning history of the site and outlined the Conservation Officer's objection to the scheme.

Speaker: Philip Baker (applicant) spoke in support of the application

Councillor Terry Clements spoke in his capacity as Ward Member for the application and highlighted the fact that the Parish Council had unanimously supported the application.

Councillor Clements went on to make specific reference to the rafters and the Officers' concerns that the scheme could cause harm. He also referred to a recent application granted by the Authority for the insertion of a dormer window in a thatched property.

In response to which, the Service Manager (Planning – Development) reminded the Committee that each application had to be considered on its own merits.

The Principal Conservation Officer was also invited to respond by the Chair and clarified that whilst the Heritage Statement did not refer to the age of the timbers Officers were, however, confident they were not modern and were likely to be 18th Century.

Without evidence to the contrary, Officers were concerned that the proposed works could result in both physical harm to the fabric of the building and adverse harm to the historic character, by way of the proposed dormers being an overbearing addition.

Councillor Trevor Beckwith stated that, contrary to Officers, he considered that the scheme accorded with Policy DM15 of the Joint Development Management Plan and would not cause visual harm due to the dormers being located on the rear of the property and not visible from the street scene.

Councillor Clements proposed that the application be approved, contrary to the Officer recommendation of refusal, for this reason and this was duly seconded by Councillor Beckwith.

The Service Manager (Planning – Development) drew attention to Paragraph 17 of the report and the duty of 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 that it possessed.

She also advised the Committee that if Members were minded to approve the application, contrary to the Officer recommendation, then the Decision Making

Protocol would be invoked and Officers would undertake a Risk Assessment prior to a final decision being made on the application by the Committee.

Further debate then ensued with a number of Members suggesting that the application be deferred, in order to allow additional time in which for evidence to be provided to demonstrate that physical harm would not be caused to the fabric of the building by the insertion of the dormers.

Accordingly, Councillors Clements and Beckwith withdrew their motion for approval (minded to) and instead proposed and seconded that the application be deferred.

Councillor Andy Drummond also proposed an amendment that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Susan Glossop.

Upon putting the amendment to the vote (for refusal) and with 6 voting for the motion, 8 against and with 1 abstention, the Chairman declared the motion lost.

Accordingly, the motion for deferral was then put to the vote and with 8 voting for the motion, 2 against and with 5 abstentions it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow additional time in which for evidence to be provided to demonstrate that physical harm would not be caused to the fabric of the building by the insertion of the dormers.

The meeting concluded at 10.38am

Signed by:

Chair

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Development Control Committee 7 August 2019

Planning Application DC/19/1146/FUL – Land off Crown Lane, Crown Lane, Ixworth

Date Registered: 30.05.2019

Expiry Date: 29.08.2019

Case Officer: Julie Barrow

Recommendation: Approve Application

Parish: Ixworth & Ixworth
Thorpe

Ward: Ixworth

Proposal: Planning Application - Access road to serve residential development comprising 77 no dwellings - (resubmission of DC/17/0339/FUL)

Site: Land Off Crown Lane, Crown Lane, Ixworth

Applicant: Mr Stuart McAdam

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Julie Barrow

Email: julie.barrow@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

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

The application has been submitted following the refusal of a similar application in January 2019 by St Edmundsbury Borough Council's Development Control Committee (DC/17/0339/FUL). The application was refused due to the fact that the proposed access road encroached upon the established tree belt alongside the A143 and insufficient information was submitted by the applicant to establish the full impact that the proposal would have on the tree belt.

An application for the construction of 77 dwellings on land to the south of the access road is still pending consideration with the LPA currently engaging with the applicant on matters relating to viability, design and layout.

A site visit will take place on 5 August 2019.

Proposal

1. The application seeks consent for the construction of an access road to the south of the A1088. The access road will serve the development proposed on land west of the A143 and south of the A1088 and land off Crown Lane as referred to in the Rural Vision 2031 (Policy RV12). The access road includes a spur that will facilitate access to the school planned for the north-west portion of the site allocation. The route of the access road takes into account the topography of the site, circling round the high point and then leading down to the point at which it will connect into the parcel of residential development known as 'land off Crown Lane'. The application site includes an area in the north-west corner of the site allocation where an attenuation basin is proposed.
2. Following the refusal of the previous application (DC/17/0339/FUL) the applicant has moved the part of the access road that would have encroached upon the tree belt that runs alongside the eastern boundary of the wider allocation. The road has been moved westwards to prevent it encroaching upon the tree belt. The northern half of the access road remains as previously submitted.

Application Supporting Material

3. The following plans and documents are relevant to the proposed development:
 - IX-SL02 Rev B Site Location Plan
 - IX-PL03 Rev G Road Layout Plan
 - 215-E-200 Rev D – Engineering layout sheet 1 of 2
 - 215-E-201 Rev D – Engineering layout sheet 2 of 2
 - E3772-910C – Signings and linings sheet 1 of 2
 - E3772-911B – Signings and linings sheet 2 of 2
 - OAS 19-011-TS01 – Tree Plan
 - OAS 19-011-TS02 – Tree Protection Plan

- OAS 19-011-TS03 – Tree Protection Plan
- OAS 19-011-AR01 – Arboricultural Method Statement
- Design & Access Statement
- Ecological Report
- Flood Risk Assessment
- Transport Assessment March 2019

Site Details

- The access road will run north-south through a parcel of land bounded by the A1088 to the north and A143 to the east. The parcel of land to the south of the access road is allocated for residential development and is the subject of a separate planning application. Ixworth Free School adjoins the wider site to the west with Ixworth cemetery to the south-west. Existing residential development adjoins the north-west corner of the wider area of land. The site is undulating in nature with the centre of the site being the highest point. The site is currently in agricultural use.

Planning History:

Reference	Proposal	Status	Decision Date
DC/15/0873/FUL	Planning Application - Introduction of a right turn ghost island junction on the A1088 to provide vehicular access	Application Refused – granted on appeal	01.10.2015
DC/15/2569/FUL	Planning Application - Introduction of a right turn ghost island junction on the A1088 to provide vehicular access (Resubmission of DC/15/0873/FUL)	Application Withdrawn	23.06.2016
DCON(A)/15/0873	Application to Discharge Condition 3 (Surface Water Drainage) of DC/15/0873/FUL	Application Granted	26.04.2018
DC/17/0333/FUL	Planning Application - 90no. dwellings with associated access road, emergency access, car parking and landscaping	Pending Consideration	
DC/17/0339/FUL	Planning Application - Access road to serve residential development	Application Refused	04.01.2019

Consultations

- SCC Highways - The County Council as Highway Authority recommends that any permission given should include conditions in relation to:
 - Submission of details of the implementation, maintenance and management of the drainage system adjacent to the access road;
 - The gradient of the access road;

- No other part of the development shall be commenced until the new vehicular access has been laid out and completed in accordance with the approved drawings;
 - Submission of details of the estate roads and footpaths (including layout, levels, gradients, surfacing and means of surface water drainage);
 - Submission of a Deliveries Management Plan and a Construction Management Plan;
 - Provision of visibility splays; and
 - Submission of any changes to the swale design and access road drainage design.
6. SCC Floods – Overall the design philosophy for the Access Road is acceptable given the variable geology and sloping nature of the site. Further discussions should be had with SCC Highways at detailed design stage regarding final components however the basis of the design so far has been orientated so that the Access Road is adoptable for SCC Highways with multiple access points provided via grated manholes in the base of the proposed swales. These will allow uninterrupted access for inspections/maintenance of the pipe network and control devices. Nonetheless, these principles must not be changed whoever adopts the drainage system. The residential site is critical to this application as the Access Road ultimately conveys through the residential area. If the full application site is not approved neither should this be. The LLFA are minded to provide approval subject to appropriate conditions.
7. Environment Agency – The site is entirely within Flood Zone 1 (low risk) of the Environment Agency's (EA) Flood Map for Planning (Rivers and Sea). The site is located above a Principal Aquifer. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.
8. SCC Archaeology – The proposed development site lies in an area of archaeological importance recorded on the County Historic Environment Record. The route of the access road has not been the subject of systematic archaeological investigation. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance.
- Best practice would be for archaeological evaluation to be undertaken at a pre-determination stage, however, if the developer is happy to recognise and accept the risk of undertaking archaeological work post-consent and to make provision for strip, map and excavation of the entire road route, SCC Archaeology would not advise refusal of planning permission if the required archaeological assessment is not undertaken prior to the determination of this application. Any permission granted should be the subject of a planning condition to record and advance understanding of the significant of any heritage asset before it is damaged or destroyed.
9. Suffolk Fire & Rescue – Recommend that fire hydrants are installed within this development.
10. West Suffolk Clinical Commissioning Group – NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

11.Natural England – No comments to make on this application.

12.Landscape & Ecology Officer – Whilst the principle of the road is acceptable, the proposal will nevertheless have an impact on the existing environment and farmland, which has been observed to be heavily used by residents for informal recreation. Effects are likely to be a result of the presence of the road infrastructure itself, activity associated with the use of the road particularly the intrusion of cars and lighting.

The new alignment of the road now appears to allow the retention of the existing tree belt on the eastern side of the site. However, the proximity of the road to existing trees might require that trees are removed to ensure the highway can function effectively. Suffolk Highways generally require an easement adjacent to the highway where trees are absent to avoid issues associated with trees in close proximity. The easement is likely to be reliant on the types of trees located at the point where the road is adjacent to the tree belt. Whilst the plan shows a root protection barrier to be located between the road and the highway, this does not taken into account issues which may arise associated with the proximity of the stem and canopy of trees.

The tree species do not appear to be detailed in any of the tree survey OAS19-011-TS01 the Tree Protection Plans OAS19-011-TS02 to TS03, and the Arboricultural Method Statement OAS19-011-AR02. However, the ecology survey (Wild Frontier Ecology February 2017) describes this as young broad leaved woodland – diverse planting including hawthorn, field maple, sycamore, ash, hazel, pedunculated oak, cherry, dogwood Cornus and larch.

It would be beneficial to see some levels information to confirm that the road can be delivered without groundworks that would affect the tree belt. Update tree protection plans and method statements will be required once this information is known and prior to construction commencing on the site.

It remains the case that based on the submitted plans, and the tightness of the red line around the road, meaningful landscaping to mitigate the visual impact of the road, in addition to this tree belt, will not be able to be achieved as part of this planning application. In addition it is likely that the proposed drainage scheme will mean that there can be no street trees located along the length of this road.

If planning permission is to be granted it is recommended that a number of conditions are imposed including the submission of an Arboricultural method statement and revised tree protection plan together with a management plan for the tree belt.

13.Public Health & Housing – No additional comments to those already provided (on DC/17/0333/FUL).

14.Strategic Housing – No comments on this application.

Representations:

15.Ixworth Parish Council – Object to this application.

The Parish Council still have concerns as to the safety of the ghost island junction as an access to this development then along this proposed access road. The Crown Lane Masterplan and Ixworth Concept Statement, adopted by St Edmundsbury Borough Council. Clearly show a 5-arm roundabout. Ixworth currently has a 5-arm roundabout in the Parish which has had no major accidents. However, less than three months after the ghost island access was granted a serious accident occurred at the ghost island junction, approximately 300 metres away from the proposed access. The Parish Council urge the developer to reconsider access to this development.

The application also shows that Walsham Road will be emergency access only with collapsing bollards. The Parish Council feel that Walsham Road should not be re-opened at all, now or in the future, as this would then become a 'rat race' in and out of the village. Installing collapsible bollards at this point concerns the Parish Council as future applications may then suggest removing the bollards and re-opening the road.

16. Public representations – Letters sent to 155 nearby addresses, site notice posted and advertisement placed in the East Anglian Daily Times. Representations received from 4 addresses raising the following points:

- The application for access and houses adjacent to Crown Lane continues to be an unwanted addition to Ixworth Village with no benefits to local residents.
- The proposed road is far too large for the size of the village, and transverses a ridge area of natural beauty.
- The area is used by the community including dog walkers and school children.
- The new application has an undefined structure encroaching the top of Thistledown Drive. This appears to be a road or footpath, which will significantly increase traffic, lowering the price of houses and quality of life of Thistledown residents.
- The traffic calculations only use one way figures to calculate overload on the A1088 and A143. Extra traffic for 77 houses will affect both directions and clearly overload the road.
- The fact that no serious accidents have thus far occurred at this junction does not mean that adding a further turn close to a busy roundabout and junction will not result in future incidents.
- The successful appeal for the ghost junction was approved without proper consultation. Residents received notification that the application had been rejected but did not hear that an appeal had been submitted and had no opportunity to comment or object.
- Trees on the edge of the A1088 have been cut prematurely for the road which has not yet been approved.
- The roadworks will create unacceptable noise and air pollution.
- Lack of affordable/social housing.
- No provision for safe crossing (footbridge) over the A143.
- Inadequate green space
- Footpath across land not part of this development, where future cemetery demands would be required.
- Access road leads to a highly dangerous and controversial right hand ghost junction instead of a renewed 5-arm roundabout, as stated in the adopted Crown Lane Masterplan.
- Re-opens Walsham Road and even though the plans show "bollards" to prevent through traffic, leads to the suggestion it could be opened up in the future.

- Very little funding is allocated for increasing capacity at the already over congested health centre.
- A substantial lowering of the speed limit on the A1088 will be essential if there is going to be a new junction. Speed restrictions should apply on the A1088 until after the Bardwell Road junction. There have been several bad accidents over the years at what is effectively a crossroad.
- Object on the same grounds as the previous application.
- Pedestrian/cycle access only should be permitted to Walsham Road.
- No additional access to the field to the south should be permitted from the spur leading to Walsham Road.
- If access to the field to the south of Walsham Road is needed it should be taken from the main access road itself.
- Any application must be refused until adequate provision for landscaping/noise attenuation is provided to address the loss of privacy and amenity to existing dwellings.
- The ghost island access is fundamentally unsafe.

Full representations are available to read on the Council's website.

Policy:

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/appeal with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

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

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

Policy DM1 Presumption in Favour of Sustainable Development
 Policy DM2 Creating Places Development Principles and Local Distinctiveness
 Policy DM3 Masterplans
 Policy DM6 Flooding and Sustainable Drainage
 Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 Policy DM13 Landscape Features
 Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 Policy DM20 Archaeology

Other Planning Policy:

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

18. 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

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

Principle of development

19. Ixworth is identified in Core Strategy Policy CS4 as a key service centre with a good range of local services and facilities on offer. The village is also described in the Rural Vision 2031 as having good transport links to Bury St Edmunds and Diss. The conservation area takes in the historic core of the village where there are a number of listed buildings. Policy RV12 allocates the land west of the A143 and south of the A1088, through which the access road runs, for development comprising of approximately 80 dwellings on the southern part of the site with the residual land to the north protected for educational use (allocation RV12(c)). The Policy also includes the allocation of the land off Crown Lane for the development of approximately 90 dwellings (allocation RV12(b)). The Policy states that the land off Crown Lane is likely to come forward in the short term and that the remainder of the land would be brought forward in the medium term.

20. A Concept Statement and Masterplan has been prepared in respect of the allocation RV12(b). This includes an indicative masterplan for the wider site, incorporating the route of the access road. It is understood that the land owners of the wider site are currently engaging with the Council in respect of a detailed masterplan for the northern part of the site. The current proposals for the access road have had regard to the adopted and emerging masterplans and the route of the road broadly follows that envisaged by the adopted masterplan.

21. One key difference to the scheme is the fact that the entire site will be accessed via a right turn ghost island junction on the A1088. The adopted Masterplan envisaged that a fifth arm of the roundabout to the north-west

of the site would be constructed, enabling access into the site. Planning permission for improvements (including the fifth arm) to the A143/A1088 roundabout was refused in June 2014 on the grounds of highway safety. It was determined that a fifth arm on the roundabout will be less safe than an alternative four arm access arrangement for the adjacent future residential development site.

22. A further planning application for a right turn ghost island junction was submitted in 2015 and refused by the Council in October 2015. The applicant subsequently appealed this refusal and planning permission was granted on appeal for the junction. A copy of the appeal decision is attached as Appendix 1.
23. The applicant intends to construct the right turn ghost island junction and this application deals with the access road that will lead off the junction. It is understood that the applicant has commenced work on the right turn ghost island junction in accordance with the time limit of May 2019 attached to the permission granted on appeal, thereby keeping this consent extant. It is acknowledged that the access arrangements differ from the adopted Masterplan, however, it was not until the full planning application stage that the merits of a fifth arm of the roundabout could be fully tested.
24. It is considered that the safety implications of a right turn ghost island junction have been fully tested through the planning system and in any event, any further consideration of this junction is outside the scope of this application. This application seeks consent for the remainder of the access road which, as stated above, broadly follows the Masterplan route.
25. Concerns have been raised that future residents of the development site will turn left onto the A1088 to avoid turning right during peak times, leading to increased traffic traveling through the village along High Street to access the A143. SCC Highways does not share these concerns and no evidence has been presented to the Council to support such an assertion or that it would have an adverse impact on the local highway network in any event. In addition, these matters are again outside the scope of this application.
26. The adopted Masterplan envisages that the land to the north-west of the access road will form the site of a new school in Ixworth. The applicant has therefore been asked to confirm that sufficient space for the school is being retained and that the design of the access road and its drainage system will not compromise the school land in any way. This confirmation has been received and accepted by Suffolk County Council
27. Notwithstanding the differences between the Masterplan and the approved details for obtaining access off the A1088, it is considered that the principle of constructing an access road through the land forming allocation RV12(c) has been established. Policy RV12 clearly envisages that the residential development in the southern part of the site would come forward ahead of the northern part and on this basis it is necessary for an access road to be constructed prior to any other residential development or the construction of a new school. The adopted Masterplan does not envisage that vehicular access to the southern part of the site would be taken from Crown Lane and SCC Highways has confirmed that Crown Lane does not have sufficient capacity to take the level of traffic that would be generated by the residential development.

28. Based on the adopted Masterplan and Policy RV12 it is considered that the principle of constructing an access road through the land to the south of the A1088 and to the West of the A143 is acceptable.

Highway safety

29. A Transport Assessment (TA) has been submitted with the application, which makes reference to this application and the separate application submitted for the residential development on the land to the south of the access road. The TA states that the carriageway of the access road will be a minimum of 5.5m wide and that there will be a shared use footway and cycleway provided to one side.
30. When the A143 Ixworth bypass was constructed Walsham Road was stopped up for vehicular traffic close to the current roundabout junction and the length of roadway that crosses the application site is open to pedestrians only. The plans submitted at the outset of the previous application indicated that Walsham Road would be reopened to vehicular traffic. A number of objections were raised by local residents in respect of the level of traffic that would utilise the existing length of Walsham Road and have to pass the Free School and a woodland area used by children for recreational and leisure purposes. The applicant subsequently amended the proposal and confirmed that Walsham Road will not become a through road once again, with bollards installed to allow emergency access only. These arrangements have been retained in this current application.
31. The access road as proposed allows for future access to the land reserved for a new school, with provision for emergency vehicle access only. The Highway Authority has confirmed that this arrangement is acceptable and details of the bollards and measures to direct pedestrians and cyclists can be secured by condition.
32. A cycle path is proposed alongside the access road to promote access through the wider site, into the residential land at the south and beyond to the cemetery, school and recreation ground to the south.
33. The TA details the trip generation calculations carried out in respect of the residential development to the south of the access road and concludes that no severe capacity issues are anticipated on the local road network as a result of the development and the Highway Authority has not disputed this. Future planning applications for residential development on the northern part of the site may need to review this issue, however, at this time there is no justifiable reason to refuse the application on highway safety grounds. Paragraph 109 of the NPPF 2018 states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe'.
34. During the course of the previous application the Highway Authority requested additional details in respect of the layout and construction of the road and this information was submitted by the applicant, and carried forward to this application. The Highway Authority has worked closely with SCC Floods team in order to ensure that a satisfactory drainage strategy is being employed to prevent surface water flooding on the access road.

35. As part of the previous application detailed discussions took place with the Highway Authority in respect of future adoption of the carriageway and footway/cycleway. The Highway Authority advised that it could adopt the scheme provided all the elements were constructed to an appropriate standard and the applicant entered into the necessary construction and adoption agreements. The Highway Authority has previously indicated that it would not adopt the drainage system due to what it considers to be onerous maintenance requirements. The applicant is therefore required to offer an alternative solution to the management and maintenance of the highway drainage. It proposes to pass these responsibilities to a management company and has suggested that the submission of a management and maintenance plan can be secured by condition.
36. It is preferable for the access road and its associated drainage system to be adopted and maintained by a single entity, however, in this case this is unlikely to be achievable and the Highway Authority has previously indicated that it is willing to accept the applicant's management company proposal. This is confirmed in its response to this application in which a number of conditions are recommended, including a condition requiring the submission of details relating to the management and maintenance of the drainage system. The submission of a management and maintenance plan will ensure that the Local Planning Authority retains some control over the arrangements and any failure to comply with the plan can be subject to enforcement action.
37. It has been brought to the attention of the LPA and SCC Highways that a serious accident has recently occurred on the A1088, close to the site of the new ghost right hand junction. The exact circumstances of the accident are not known but it is possible that vehicle speed was a contributory factor.
38. This application seeks consent for the construction of an access road leading to the proposed residential development to the south of the site and as such, the road will not come into full use until such time as that development can be occupied (assuming it is approved). It is noted, however, that once constructed the access road will be used by construction traffic. SCC Highways are considering whether it is necessary to impose a speed limit on this section of the A1088 and have sought an agreement in principle from the applicant to fund the costs of putting a Traffic Regulation Order in place to achieve this.
39. As stated above, the principle of constructing a ghost right hand junction has been established through the Planning Inspectorate's decision and neither the LPA nor SCC Highways can prevent the installation of the junction. SCC Highways has not objected to this current application on the grounds of highway safety and on this basis it is considered that refusal of the application on the grounds that the access road does not connect to a 'safe' junction could not be warranted. Should the application for residential development be approved it will be subject to a S106 Agreement securing a number of financial contributions and the applicant has indicated its willingness to include the costs of securing a Traffic Regulation Order in that Agreement.
40. It is considered that the applicant has demonstrated that the integrity of the access road can be maintained and that surface water can be adequately

managed. The proposal therefore satisfies the requirements of Policies CS7 and DM2 in relation to highway safety. The proposal ensures that safe and suitable access can be achieved and accords with paragraph 108 of the NPPF 2019 in this regard.

Flood risk and drainage

41. The site is located in Flood Zone 1, where the majority of development should be directed as it is at the lowest risk of Flooding. A Flood Risk Assessment has been submitted with the application, as required by paragraph 163 of the NPPF 2019, and has been revised on a number of occasions due to ongoing discussions between the applicant and SCC Floods. Due to the topography of the site the drainage strategy has been split up into northern and southern sections and as the drainage of the southern section of the access road will be reliant upon the drainage strategy for the residential development to the south a comprehensive strategy has been set out to address this.
42. The proposed drainage solution for the residential development and spine road south area is to dispose of the surface water to ground, at source. Where the capacity is exceeded, a network of pipes will convey the water to the open space at the lowest part of the site to an infiltration basin.
43. As there is no near accessible watercourse and the nearest surface water sewer will require pumping, the proposed drainage solution for the residential and spine road south area is to dispose of the surface water to ground, at source. Where the capacity is exceeded, a network of pipes will convey the water to the open space at the lowest part of the site to an infiltration basin. The spine road south will utilise a swale on either side. The outlets are manholes set within the base of the swale with open grates, leading to oversized pipework beneath. These oversized pipes have a controlled outflow to maximise the storage. This mechanism can be maintained by the highway authority using their current maintenance processes. The network outflows to the conveyance pipework then to the infiltration basin along the western boundary.
44. The spine road north will use the same principle as the south, but there is an available public surface water sewer in the north-west part of the site. Attenuation will be provided in the form of a basin, utilising the infiltration available, with a controlled discharge rate to the public sewer. During the course of the application the application red line has been increased to include the attenuation basin in the north-west corner.
45. Although this application does not include the residential parcel of land, the surface water drainage strategy relies on SuDS features within the southern area of land. As detailed above, the applicant anticipates that the access road will be adopted by the Highway Authority and that the drainage system will be managed and maintained by a separate management company. The infiltration basin proposed in the open space in the residential area will be offered for adoption to the Local Authority.
46. The applicant has worked closely with SCC Floods to agree the drainage strategy for the development and the Flood Risk Assessment has been revised on a number of occasions to address the technical concerns and queries raised. The Flood Risk Assessment outlines the broad drainage

strategy for the access road and the residential development to the south. SCC Floods have recommended a number of conditions relating to the next stage of detailed design of the scheme as well as a condition relating to the management of surface water during the construction process.

47. In accordance with paragraph 165 of the NPPF 2018 the applicant has incorporated sustainable drainage systems within the scheme and the future management and maintenance of the systems has been addressed. In addition, the proposal accords with the requirements of Policies CS2 and DM6 in relation to flooding and sustainable drainage.

Visual impact and landscaping

48. The application site is currently undeveloped agricultural land. The topography of the site is such that views across the site from both the north and south take in the high point towards the centre of the site. There is an established tree belt along the eastern edge of the site that screens it from the A143. A line of scrub and other vegetation lines the northern boundary where it adjoins the A1088. At the northern end of the site modern residential development adjoins the boundary of the agricultural field. Moving south the Ixworth Free School adjoins the boundary and at the southern end the cemetery adjoins the boundary. There are also a number of mature trees along the western boundary.
49. The construction of an access road through the open landscape will be an alien feature and with the inclusion of street lighting and other street furniture it will feature prominently in the landscape when viewed internally, as well as when viewed from the rear of the residential dwellings at the northern end of the field. The application site itself includes sufficient space for the construction of the carriageway, footways and cyclepath together with the drainage features that run alongside the highway. No landscaping is proposed as part of this application although the applicant has pointed out that the application site for the residential parcel of land includes the wider allocated site and there would therefore be scope to impose a condition requiring details of soft landscaping in the area around the access road to be submitted. Any such landscaping must not however compromise the availability of the wider allocated site to come forward for development and a careful balance between the desire to 'soften' the current development against the planned future development will need to be struck. It should however be noted that until such time as the pending application is approved no such conditions can be imposed and even if it were possible to secure a comprehensive landscaping scheme for this development it is unlikely to fully screen the effects of the development, in particular lighting when in operation.
50. At this time the practical need to construct the access road to facilitate the residential development to the south, and ultimately the remainder of the site, must be balanced against the adverse impact on the landscape character of the area in the short to medium term. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. In addition, development proposals are expected to demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape including the setting of settlements and the nocturnal character of the landscape.

51. The previous application saw a section of the access road encroach upon the existing tree belt to the east of the access road. The Development Control Committee shared the concerns of the Landscape & Ecology Officer in relation to the fact that the local planning authority did not have sufficient information to fully assess the impact on the tree belt, including the number of trees that may be lost to the development. The previous application was refused for this reason.
52. The applicant has subsequently adjusted the path of the southern section of access road and has now produced plans that show this section of access road moved westwards, away from the tree belt. The road still comes close to the tree belt and the applicant has been asked to produce plans confirming that the road can be constructed whilst protecting the trees. A tree protection plan has been submitted but the Landscape & Ecology Officer remains unconvinced that the road can be delivered without ground works that would affect the tree belt. Officers are therefore unable to rule-out the possibility that that tree belt will be affected in some way. However, any impact is likely to be far less than the previous scheme, which saw a significant section of the tree belt removed.
53. The scheme as a whole will have an adverse effect on the landscape character of the application site as it currently stands, however, given that the site is allocated for residential development it is anticipated that the nature and character of the land will change. The proposal effectively extends the edge of the settlement of Ixworth and to a large degree will still be screened by the existing tree belt on the eastern boundary.
54. The potential adverse effects of any loss or damage to part of the tree belt attract moderate weight against the proposal and conflict with the requirements of Policy DM13 to ensure that developments protect and where possible enhance the character of the landscape. To accord with Policy DM13 proposals are expected to make commensurate provision for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features. The current scheme fails to achieve these aims, with no scope for compensatory landscaping under this application, which may result in the loss of a small part of the tree belt. The short-term visual impacts of the scheme will also attract some weight against the proposal, albeit limited given the fact that the site is allocated for residential development.
55. The section of access road that will serve the new school follows the route of the stopped up section of Walsham Road. Walsham Road is currently open to vehicular traffic beyond the entrance to Coltsfoot Close and stops close to the rear boundary of No. 1 Coltsfoot Close. Concerns have been raised by residents of Coltsfoot Close regarding the visual impact of the access road where it joins Walsham Road and the noise, disturbance and loss of privacy that may arise once the access road is open. The residents have requested acoustic screening and landscaping in this location.
56. The treatment of this area is expected to be addressed through future applications for the residential parcel of land to the south and the remainder of the allocated site. The applicant has previously indicated that the access road will not be constructed until such time as planning permission for the

residential element has been granted. However the access road will be located beyond the existing boundary fences of the properties on Coltsfoot Close and at this time no further screening is considered necessary.

Residential amenity

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

Other matters

60. Suffolk County Council Archaeological Service has indicated that the site lies in an area of archaeological importance. The Service does not object to development proceeding subject to the implementation of a programme of archaeological work that can be secured by condition.
61. Suffolk Fire & Rescue has recommended that fire hydrants are installed within the development to ensure that sufficient provision is made along the route of the access road leading to the proposed residential development to the south. The submission of a scheme for the provision of fire hydrants can be secured by condition.

62.The West Suffolk Clinical Commissioning Group has also provided a full response to this application in which it states that that additional primary healthcare provision will be required. Again, these comments relate to the residential development as the construction of the access road on its own will not give rise to any additional demand for healthcare. These comments will therefore be taken into account in the determination of DC/17/0333/FUL.

63.A number of comments made by members of the public also refer to the residential element of this scheme. Matters such as affordable housing and open space will be addressed as part of that application.

Conclusion and planning balance

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

65.The adverse visual effects of the scheme on the local landscape in the short-term attract some weight against the proposal, albeit limited given the wider site allocation in the development plan. There is potential for the loss of a small part of the tree belt and the conflict with Policy DM13 attracts moderate weight against the proposal. It is anticipated that some compensatory planting can be brought forward as part of the applicant's concurrent planning application and through the development of the remainder of the area.

66.The scheme has satisfactorily addressed the requirements of SCC Floods and SCC Highways has confirmed its support for the proposal. Subject to appropriate conditions, any adverse effects on the residential amenity of nearby occupiers can also be limited.

67.On balance therefore it is considered that the benefits of the scheme outweigh the harm caused to the landscape character of the area and any minor damage to the tree belt. The principle and detail of the development is considered to be acceptable and sufficiently compliant with relevant development plan policies and the National Planning Policy Framework in order for a recommendation of approval to be put forward.

Recommendation:

68.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
IX-SL02 B	Location Plan	30.05.2019
OAS 19-011-TS01	Tree Survey	30.05.2019
OAS 19-011-TS02	Tree Protection Plan	11.06.2019
OAS 19-011-TS03	Tree Protection Plan	11.06.2019
215-E-201 D	Engineering Layout	30.05.2019
E3772/910/C	Section 38 agreement plan	30.05.2019
E3772/911/B	Section 38 agreement plan	30.05.2019
IX-PL03 G	Access Plan	30.05.2019
280/2016/FRA	Flood Risk Assessment	30.05.2019
Ecological Report	Ecological Survey	30.05.2019
OAS 19-011-AR02	Arboricultural Assessment	30.05.2019

- 3 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

- 4 The access road shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 5 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 6 Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be

submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

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

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

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

- 7 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with 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 within 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 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The

applicant shall submit a detailed design based on the Drainage Strategy & Appendices by GH Bullard (ref:-280/2016/FRA Rev P12 & dated March 2019) and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Details of which will include:

1. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
2. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
3. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each soakaway should also be illustrated on the plans and should be cross referenceable with associated soakaway calculations.
4. Full modelling results (or similar method) to demonstrate that runoff from the Northern Spine Rd will be limited to 2l/s and the Southern Spine Rd to 5l/s for all events up to the 100yr+cc event. Infiltration devices will be adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
5. Infiltration devices will have a half drain time of less than 24hours.
6. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
7. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside an Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
8. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
9. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Details of the management arrangements for the SuDS basins shall be included together with details of the access and egress points.
10. Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

Reason: To prevent the development from causing increased flood risk off site over the lifetime of the development (by ensuring the inclusion of volume control), to ensure the development is adequately protected from flooding, to ensure the development does not cause increased pollution to

the water environment and to ensure clear arrangements are in place for ongoing operation and maintenance, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

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

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

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

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

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

To preserve the residential and visual amenities of the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National

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

Reason: To safeguard the ecological and nature conservation value of the area, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To ensure that those habitats and species to be retained on site are adequately protected from harm during construction, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

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

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 Prior to commencement of the development hereby approved, details of the implementation, maintenance and management of the drainage system adjacent to the access road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with

Section 11 of the approved FRA prepared by GH Bullard, dated March 2019 and shall include the following details:-

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

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

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

- 16 The gradient of the access road shall not be steeper than 1 in 20 throughout its length.

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

- 17 No other part of the development shall be commenced until the new vehicular access road has been laid out and completed in all respects in accordance with Drawing Nos 215-E-201 Rev D & 215-E-200 Rev D and has been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, in 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.

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

Reason: To ensure that the access is designed and constructed to an acceptable standard, 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. This condition requires matters to be agreed prior to commencement since it relates to highway safety and it is necessary to secure details prior to any other works taking place.

- 19 All HGV 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 Local Planning Authority for approval a minimum

of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV movements and parking whilst waiting to deliver and during delivery due to the location of the site with regard to the school on a narrow road and the road potentially being accessed by the A1088 and in the interests of 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.

- 20 All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Construction Management Plan which shall be submitted to the Local Planning Authority for approval a minimum of 28 days before any deliveries of materials commence.

The site is adjacent to a school via a narrow adopted road and the A1088. The site crosses an adopted highway that must remain open to all traffic and care should be taken not to introduce mud and detritus onto the highway.

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.

The plan should contain amongst other usual remediation, the parking location of construction vehicles and method of control and removal of mud control onto the highway.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction vehicles on the immediate area and adopted roads and footways and in the interests of 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.

- 21 Before the access is first used visibility splays shall be provided as shown on Drawing Nos 215-E-201 Rev D & 215-E-200 Rev D 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.

- 22 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.

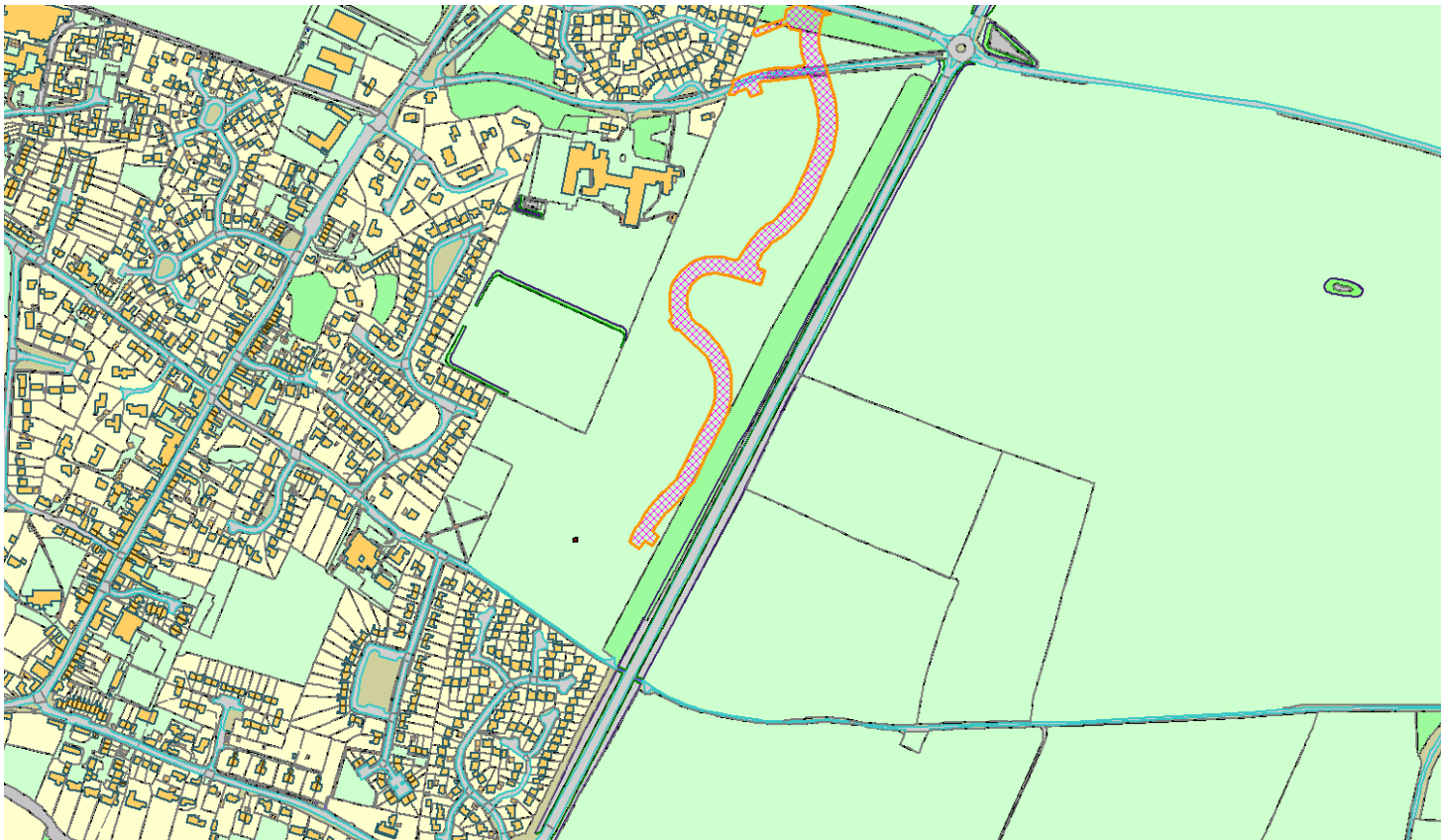
Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1146/FUL](#)

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Development Control Committee 7 August 2019

Planning Application DC/19/0344/FUL – Liberty House, Hepworth Road, Market Weston

Date Registered: 25.02.2019

Expiry Date: 08.08.2019

Case Officer: Adam Ford

Recommendation: Approve Application

Parish: Market Weston

Ward: Barningham

Proposal: Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).

Site: Liberty House, Hepworth Road, Market Weston

Applicant: Mrs Juliet Hargrave

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

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Telephone: 01284 757353

Background:

Due to the Officer's recommendation of approve conflicting with the objection submitted by the Parish Council, this application was presented to the Delegation Panel on the 2 July 2019, with the Ward Member (Barningham), Councillor Carol Bull also present.

Due to the public interest in the application, Members resolved that this application should be presented to the Development Control Committee with a site visit to take place on 5 August 2019 prior to the Committee meeting.

Proposal:

1. Following a planning enforcement investigation, the application which is before members seeks retrospective planning permission to change the use of an existing dwelling, known as Liberty House, from a residential use (C3) to that of a holiday let property (sui generis).
2. The 8 bedroomed property can be booked throughout the year and save for sporadic periods when the applicant may wish to use the property for personal holiday purposes, there are no periods in which the property is 'off-line'. No other external operational development or alterations to the property are proposed. The application under determination only proposes a change in the property's use.
3. Liberty House is a large dwelling set within a very spacious and generous plot of approximately 3 acres. The property has 8 bedrooms across the ground floor, first floor and the attic. Vehicular access is achieved via an unmade lane onto Hepworth Road.
4. As a holiday let, the property is only available as a whole unit and the application does not seek a mixed use. Therefore, in the event that planning permission is granted, a position in which residential use takes place alongside holiday lets is not envisaged.

Application Supporting Material:

5. In support of the application, the applicant initially provided the following:
 - Planning statement
 - Site location plan (amended)
 - Floor plans
6. However, as the application progressed, to address concerns raised by those objecting to the proposal, additional information has been provided, albeit **not** formally requested by the Local Planning Authority. The additional information provided is as follows:
 - Highway / traffic report
 - Acoustic / noise report
7. All of the above documents can be seen on the Council's website.

Site Details:

8. Liberty House is an existing 8 bedroomed residential dwelling set within approximately 3 acres of associated amenity grounds and gardens.
9. Due to its location outside of the Market Weston settlement boundaries, the property technically lies within the open countryside from a land use perspective, as do a number of other residential properties in the vicinity.
10. Undeveloped, open countryside lies to the North, West and South of the application property with fields and open space also located to the East. Off-site dwellings which could reasonably be described as neighbouring properties, noting the generous degrees of separation, are located to the North, East and South East of the application site.
11. To appreciate the spacious nature of the locality, Members are invited to look at the submitted site location plan.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Application Granted	04.11.2016
E/95/1042/P	Planning Application - Erection of single storey wood store to south west elevation of barn as supported by letter dated 17th February 1995 providing further details	Application Granted	03.02.1997
E/93/1697/P	Planning Application - Erection of two storey side extension and conservatory, detached double garage and workshop, and detached workshop, store and vehicle shed as amended by plan received 16th June 1993	Application Granted	07.07.1993
E/88/2885/P	Erection of detached dwelling house	Application Refused	16.08.1988

Consultations:

SCC Highway Authority

- The Suffolk County Council Highway Authority have (intentionally) responded to this application twice.
- In response to the initially submitted plans, the Highway Authority, in their consultation response dated 5th April 2019, raised no objection subject to a condition being imposed relating to the bin storage and presentation area. No further information was requested by the Highway Authority.
- However, the applicant voluntarily submitted a Highways Report prepared by Strategic Land Solutions. On the 7th June 2019, the Highway Authority confirmed that they have no comments or objections to make in response to this report.

Public Health and Housing

- Public Health and Housing have (intentionally) responded to this application twice also.
- In response to an informal number of tests carried out at the property, and explained to Public Health and Housing, the first set of comments from the LPA's Senior Public Health and Housing Officer are as follows:
- The 'assessment' is all very good in attempting to replicate the occupation of the property by 'reasonable' people who want to enjoy the quiet surroundings that I believe that Liberty House provides. Unfortunately not all people that hire the property may fall in to this category and knowing that they will only be there on the single occasion some will choose to either play amplified music externally way above the '*average music levels of 80dB(A) were played*' as demonstrated in the test, and may communicate with each other whilst on the patio area way above the level also used in the conversational test as well, possibly at the same time.
- The only certainty that can be taken from the assessment is the background levels for this area, and as you can see during the night time this is very low as it is in a rural area with little background traffic or any other noise sources. Should permission be granted it is possible that the above scenarios may be played out and complaints will be received by our service of amplified music from the address.
- Whilst we would look to take formal action we would need evidence and a member of the team would have to witness such occurrences in order to take formal action. This is unlikely to happen every week, and may not happen for several weeks or even months therefore unlikely to be determined a Statutory Nuisance where we can serve a formal Notice.
- The behaviour of those that rent is more likely to be governed by the level of deposit they pay, i.e. you would be well advised to request a high deposit which is returned following the rental period and no damage or complaints are made, however this is not a condition I feel we are able to recommend as a planning condition. There are a number of holiday lets throughout the district and it is unusual to receive complaints from neighbours regarding

the behaviour of those that rent them, and so I cannot see why this one would be any different, therefore Public Health and Housing would not object to the application.

Following these comments, the applicant voluntarily submitted a noise assessment and noise management plan. Due to the technical nature of such documents, formal comments from Public Health and Housing (dated 18th June 2019) were sought and are as follows:

- Although it is difficult to identify the level of sound individuals and groups may make vocally during a stay at the premises I agree with the methodology used by the consultant, Adrian James Acoustics Ltd, to estimate the music noise levels likely to be experienced at nearby residential properties when the sound equipment available at the premises is used at the maximum level it can be.
- It should be noted though that music noise levels experienced at distances away from the noise source can also be affected by varying atmospheric factors and changes in other external noise sources. Notwithstanding such variations I consider the report fairly assesses likely noise levels when music is played at the maximum level with living room windows open and closed, and conclude that such levels are unlikely to have an adverse impact on amenity and would not be actionable under statutory nuisance legislation. That is not to say that on occasion there may be some music audible at various locations around the site.
- The issue of people noise is more difficult to quantify however the measures being proposed to control this via a noise management plan are considered acceptable. Preventing people from using their own music equipment at the property and installing a noise limiting/warning device in the living room that warns persons that music noise levels are reaching the maximum particularly after 2200 hours, are considered important. The fact that the owners can see a record of noise levels internally throughout the period will be key in managing this aspect of control over occupiers.
- Requirements to reduce noisier external activity after 2200 hours would help to reduce people noise impacts but controlling this may prove more challenging. It is not clear how the owners will in practice prevent, for example, loud voices or use of the hot tub after 2200 hours. This is something for them to properly monitor and enforce. I agree with the proposals to adopt a complaint reporting scheme but do not consider that they should be asking residents to report these to the Council out of hours. We do not operate an emergency out of hour's service but of course will investigate any noise complaints received as part of our normal procedures. It is incumbent on the operators of this facility to have in place a means by which they can address any concerns raised by residents directly, with records kept for viewing by the Local Authority if required.
- I would suggest conditions are placed on any permission that requires the applicant to adopt the measures they have proposed. I also note that there have been concerns raised about the level of intrusive lighting at this site. A condition requiring lighting proposals to be submitted and approved by the Local Authority prior to installation would be required as light pollution in such a rural area, especially if they operate throughout the night as

suggested, could have an adverse effect on residential amenity without proper controls.

Environment Team

- In their formal response to the application dated 9th April 2019, the Council's Environment team have confirmed that they have no comments to make with respect to air quality or land contamination.

Representations:

Parish Council

- The Parish Council object to the proposal and quote that 21 local residents attended the Parish Council meeting on 25th March 2019. The main issues raised are noise and traffic concerns.

Ward Member – Cllr Bull

- I would like this to go to Delegation Panel and possibly even committee, but appreciate this is for the panel to decide, because of all the enforcement and other matters etc. that surround this.

Public comments

12. In response to this application, 23 public comments have been submitted to the Local Planning Authority. Whilst all 23 representations can be seen on the website and read verbatim, they can be broadly summarised as follows:

Public comments in favour of the application

13. Three comments in support of the application which cite the following factors have been submitted:

- Economic support for small business;
- Lack of adverse impact;
- Wider tourism benefits.

Public comments not in favour of the application

14. In total, twenty comments objecting to the application, which cite the following factors, have been submitted:

- Holiday let generates too much noise which is detrimental to amenity
- Noise and disturbance at unsociable hours
- Proposed use is inappropriate for locality
- The application is disingenuous as the intended use is for parties
- Guests who use the property are not considerate to residents or road users
- Proposed use creates additional traffic and poses a risk to highway safety
- The proposed use startles and unsettles nearby livestock
- Inaccurate information submitted in support of the application
- Guests unfamiliar with the area trespass on land they are not familiar with

- Previous refusals for planning permission should be upheld
- The proposal fails to meet relevant planning policy requirements

Planning Policy:

15. 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.

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

SEBC Core Strategy 2010

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS9 – Employment and the local economy
- Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- Policy DM34 Tourism Development
- Policy DM46 Parking Standards

Other Planning Policy:

National Planning Policy Framework (2019)

17. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication.
18. 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.
19. 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

Part A: Preliminary matter

- The need for planning permission

Part B: Material Planning Considerations

- The principle of Development
- Impact on residential amenity
- Highway and traffic implications
- Biodiversity considerations

Part A:

The need for planning permission

20. As confirmed at the beginning of this report, this application has been submitted in an attempt to regularise a change of the property's use from a residential dwelling (C3) to that of a holiday let property (sui generis). It is however noted that the submitted planning statement suggests that the applicant does not believe planning permission is required. As such, the LPA wish to confirm why a material change in the use of the property is judged to have taken place so as to require a change of use application.
21. With the upsurge in popularity of the Air B and B business model, it is not uncommon in popular tourist destinations for properties which are classified as C3 dwellings to offer overnight sleeping facilities for tourists and visitors.
22. Typically, when local planning authorities (LPAs) want to permit a dwelling for a purely holiday use, the planning permission will be for a C3 use, but with suitable conditions to restrict occupation. Restrictive words in the description of the development permitted e.g. 'holiday home' are unlikely to be sufficient to limit the lawful use in the absence of occupancy conditions, and in those cases the LPA may well be unable to refuse to

grant a certificate of lawfulness for a wider C3 use. However in some cases a holiday or leisure use in a dwelling originally permitted under C3 can amount to a material change of use as in *Moore –v-SSCLG and Suffolk Coastal DC [2013] JPL 192*. Whether or not a material change has taken place is an assessment which must be made on a case by case basis with a range of pertinent planning factors considered.

23. In the *Suffolk Coastal* case referred to above, Lord Justice Sullivan warned against two extreme points of view which are equally wrong in law; that any holiday or commercial letting will inevitably and always lead to a material change of use, and the opposite that such a use can never in any circumstances amount to a material change of use. Generally speaking, with this as a framing context, Holiday and commercial leisure uses of dwelling houses can be put into a spectrum with the *Suffolk Coastal* case near to one end of it: at the other end would be 'second homes' which are mostly used by their owners, perhaps most weekends in spring and summer and sometimes for longer.

24. Some properties are put to (or certainly have the potential) a commercial use all year round and might be owned by a company that exists for that purpose, being advertised and having many different and unconnected, transient occupants. In between this category and the aforementioned second home there is a common middle category where the property is to a large degree used by its owner and their extended family and friends but commercially exploited when not so required.

25. In terms of what factors the LPA should consider to establish whether or not a material change of use has taken place, and thus an application for planning permission is needed, the Inspector appointed to deal with the appeal set out some useful parameters:

- a) the pattern of arrivals and departures with associated traffic movements;*
- b) the unlikelihood of occupation by family or household groups;*
- c) the numbers of people constituting the visiting groups on many occasions;*
- d) the likely frequency of party type activities;*
- e) the potential lack of consideration to occupiers.*

26. On this basis, and with direct reference to Liberty House, given the scale of the property (8 bedrooms), the lack of any C3 residential occupation, the large groups that Liberty House can cater for and the type of behaviour and activities which can be reasonably anticipated (notwithstanding vetting procedures by the applicant) to take place from within a holiday let, it is the LPA's assertion that in this instance a material change in the use of the property *has* taken place for which planning permission is required.

Part B: Material Planning Considerations

The principle of Development

27. The application site is located outside any of the LPA's defined settlements and as such, the proposal comprises development in the countryside from a land use perspective.
28. From a national policy perspective, the revised NPPF is clear, at paragraph 83 that LPAs should seek to support, subject to material planning considerations, applications which propose sustainable rural tourism – as would be the case here.
29. Proposals for new development and changes of use outside of the LPA's defined settlements must however be considered carefully as it is incumbent upon the LPA to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, they should be resisted.
30. National and local policies therefore broadly aim to direct development to locations which are both sustainable and will not result in the loss of unspoiled rural landscapes.
31. In this instance, whilst the countryside location of the site is duly noted, policy CS9 of the SEBC Core Strategy Document supports rural tourism facilities whilst policy DM5 of the Joint Development Management Policies Document provides that proposals for new buildings (and changes of use) related to new tourism facilities, and which preserve the openness of the countryside, will also generally be supported. The proposal in question does not seek to erect any additional buildings or built development and it therefore does not prejudice the openness of the rural locality. It should also be noted that although the application site lies outside any of the LPA's defined settlement boundaries, the site is not within the open countryside as intended by DM5. The property is an existing residential dwelling set within landscaped gardens and it does not therefore represent the open sprawling countryside that DM5 strives to preserve.
32. In addition, and notwithstanding the above, DM5 further provides that proposals for economic growth and expansion of all types of business (such as Liberty House) which recognise the intrinsic character and beauty of the countryside will be permitted if the proposal:
- does not result in a loss of best and most versatile agricultural land
 - there will be no significant detrimental impact on the historic environment, landscape, ecology or highway network
33. The proposal is able to demonstrate compliance with the above points owing to the lack of built development arising and the lack of identified adverse impacts on the local landscape or the highway network.
34. Overall, given the national and local policy position, there is a general degree of support for rural enterprises which deliver sustainable tourist based development and do not unjustifiably or irrevocably erode existing amenity or character. By its very nature, the use for a holiday let is an end use which preserves the openness of the semi-rural landscape as required by DM5.

- 35.Paragraph 83 of the NPPF and policy DM5 are broad in their remit however and in this instance, the proposal must be considered in detail against DM33 (Re-use of buildings in the countryside) and DM34 (Tourist Development) with respect to its wider impact and relationship with the existing locality. Both of these policies provide a presumption in favour of the proposed development and offer support to the intended use as a holiday let.
- 36.Therefore, given the site's context, subject to compliance with policies DM33 and DM34, the principle of development in this location is something that the LPA are able to support.

Degree of compliance with policies DM33 (Re-use of buildings in the countryside) and DM34 (Tourist Development).

Policy DM33: Re-use of buildings in the Countryside.

- 37.With the principle of development established as being something that the LPA can support, the proposal must next be considered against policies DM33 and DM34 as noted above.
- 38.Although the site does not sit within the open sprawling countryside as DM5 intends, Liberty House remains outside any of the defined settlements and the proposed use therefore represents the re-use of an existing building in the countryside.
- 39.Policy DM33 provides that the re-use, conversion and alteration or extension of buildings in the countryside for tourist accommodation will be permitted, provided such proposals comply with other relevant planning policies which comprise the LPA's Development Plan. In this instance, the most notable and relevant policies with respect to Liberty House are DM2, DM5, DM33, DM34 and DM46.
- 40.In addition to other policies in the Plan, DM33 outlines that proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria:
- A. the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction;*
 - B. any proposed alterations to the building, its proposed use, its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance or adversely affect the setting of the building in the rural locality;*
 - C. the nature and intensity of the proposed use would be compatible with its rural location. Proposals for employment uses will be required to provide a sustainability assessment (which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
 - D. proposals which would be likely to create a significant number of jobs should be well located in relation to towns and villages or be reasonably accessible by public transport;*

E. in the case of tourist accommodation there is no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area;

F. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area

41. With respect to the above criterion, as set out by policy DM33, the application under consideration is able to demonstrate clear and adequate compliance so as to enable the LPA to deem the policy as being satisfied. Given that the proposal only seeks a change of use, point A is not relevant and the proposed use for holiday lets does not result in visual harm or affect the prevailing semi-rural setting of the property or wider locality.

42. Insofar as point C is concerned, the nature and intensity of the proposed holiday let use is considered appropriate for the locality. The property is an 8 bedroomed dwelling and given the scale and spacious setting of the plot and wider area, the use does not give rise to a use which is incompatible with the site. The setting of the dwelling is not compromised as a result of the property being used for holiday lets and given that a large dwelling such as Liberty House would likely have multiple vehicle movements per day, the activity associated with the intended holiday let does not represent a level of activity which the LPA consider unacceptable or inappropriate for the locality.

43. Furthermore, and with reference to point E, there is, as a result of this application, no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area.

44. The final relevant section of the policy, being point F, relates to the highway implications of the proposal and as will be discussed in the Highway section of this report, no adverse impact with respect to the operation of the existing Highway network has been identified.

Policy DM34: Tourism Development

45. With tourism becoming an increasingly important element of the economy, in conjunction with paragraph 83 of the NPPF, policy DM34 of the Joint Development Management Policies Document aims to ensure that proposals for tourist based development are appropriate and well considered for the locality within which it will be based. With Liberty House functioning as a Holiday Let, the provisions set out within DM34 are therefore relevant to the proposal under consideration.

46. However, in considering DM34, it should be remembered that this policy relates to “*new tourism facilities*” and as such, the wording of the policy is generally geared towards those proposal which seek to create new buildings or tourism complexes, and in particular those at the more intensive end of the spectrum. It remains relevant to the Liberty House application nonetheless as the underlying principles remain the same.

47. Policy DM34 provides that planning applications for new tourism facilities, or improvements and extension to existing facilities, will be permitted provided that:
- A. the proposals are connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;*
 - B. it would not adversely effect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority;*
 - C. vehicle access and on-site vehicle parking would be provided to an appropriate standard.*
48. In addition to the above, proposals for tourist accommodation in rural areas must also seek to support the existing local community services and facilities, and:
- D. have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;*
 - E. be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.*
49. Liberty House is an existing dwelling which sits outside any of the defined settlement boundaries and the locality does not benefit from a large range of facilities, as those in a key service centre would, which the property could benefit from. However, it relates to the area's fragmented settlement boundaries well by not proposing additional intrusive development which would be discordant and out of keeping with the wider character of the area. In addition, although the locality benefits from few amenities and services, it is possible to walk the 0.5m route from the property to the local public house (the Mill Inn) on footpaths and wide verges.
50. The amenity impacts of the development proposal will be considered in detail below but for the purposes of this section, whilst the public concerns are noted, given the degree of policy support afforded to this proposal, the change of use is not judged to give rise to such an adverse impact on amenity that the LPA wish to recommend the application for refusal. The site is large and spacious with very generous distances and extensive screening between it and off-site dwellings; the proposed change of use to a holiday let, noting the controls with respect to bookings which exist outside the scope of this application, is not therefore deemed to be something which adversely impacts residential amenity to such an extent that the proposal should be refused.
51. Point D of policy DM34 refers to the need to preserve local biodiversity. This is again discussed at the relevant juncture below in greater detail but it should be clarified here too. The proposal relates to an existing dwelling and proposes no additional building or operational development. As such,

given the lawful use of the site for purposes which are directly incidental to the enjoyment of the dwelling, such as playing sport, hosting outside gatherings and general socialising, a materially adverse impact on the local biodiversity credentials, above and beyond that which might naturally occur as a result of a large dwelling being occupied at full capacity in the countryside, has not been identified. A substantial conflict with this element of the policy is not therefore judged to arise and full ecology survey has not been requested.

Impact on residential amenity

52. The preceding sections of this report have exhibited the extent to which the LPA are able to support the principle of development with respect to the proposed holiday let use.
53. However, despite this degree of support and the subsequent weight to be attached by the LPA in the overall planning balance, policies DM5, DM33 and DM34 (in conjunction with DM2) state that amenity should not be materially and adversely impacted by any such proposal.
54. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development (including changes of use) should, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity.
55. As this application seeks only to change the use of Liberty House, there are limited opportunities for a materially adverse impact (upon residential amenity) to arise. However, it is duly noted by the LPA that a large number of public objections have been submitted which suggest that the use of the property for holiday lettings has resulted in noise disturbances to nearby dwellings.
56. Whilst these concerns with respect to noise are acknowledged, given the site's context and the degree of separation between Liberty House and the off-site dwellings, the proposal is not judged to give rise to such severe amenity impacts that it should be refused. This is not to say that the occupants and guests of Liberty House will never be audible – such a postulation would be remiss given the low background noise levels of the locality – but in order for the LPA to recommend refusal of the application, the use itself would need to give rise to activities and noise which generate unrelenting, irrevocable harm to the area's amenity.
57. In reaching this conclusion, formal comments from the LPA's Public Health and Housing Officers have been sought and these are reproduced within the consultations section of this report. As can be seen, in response to the application the initial comments from Public Health and Housing confirmed that they wished to raise no objection to the proposal as they note that should noise disturbances arise, this is something they are able to pursue as a potential statutory noise nuisance.
58. In addition to these comments, the first set of comments from the Public Health and Housing team confirm that it would not be possible to impose suitable conditions in this instance to control a hypothetical noise source.

This is something that the LPA would concur with having regard to the tests for planning conditions as set out by paragraph 55 of the National Planning Policy Framework. For completeness, this sets out that conditions on planning permission must be:

1. necessary
2. relevant to planning
3. to the development to be permitted
4. enforceable
5. precise
6. reasonable in all other respects

59. However, despite raising no formal objection to the proposal, the Public Health and Housing Officer does note that the informal noise tests carried out by the applicant *"is all very good in attempting to replicate the occupation of the property by 'reasonable' people who want to enjoy the quiet surroundings that I believe that Liberty House provides. Unfortunately not all people that hire the property may fall in to this category and knowing that they will only be there on the single occasion some will choose to either play amplified music externally way above the 'average music levels of 80dB(A) were played' as demonstrated in the test, and may communicate with each other whilst on the patio area way above the level also used in the conversational test as well, possibly at the same time"*.

60. This is of course a valid point and the LPA would accept that there may, on occasion, be times at which there is audible emanation from within Liberty House; but this is true of most development proposals and it is not sufficient to recommend an application be refused based on the hypothetical eventuality that noise may be created to the detriment of the locality.

61. It is also noted that those wishing to book Liberty House must offer a deposit and bookings are made through an online agency and at the time of booking, the website makes it abundantly clear that the property is **not** suitable for stags, hens, weddings or corporate events. This helps to ensure the 'type' of booking is less likely to give rise to louder, more excitable activities as are potentially more common with such groups. However, as laudable as this is, the LPA cannot condition or dictate which type of clientele are allowed to book the property. The applicant has noted that this policy was not in place at the beginning of the venture and it is therefore likely that a number of the objections relating to the noise are driven by this initial period of a less stringent booking and vetting process.

62. It is further noted, within the objections, which raise noise as a concern that Liberty House is a 'Party House'. Whilst these concerns are perhaps understood given the lack of a strict booking policy during the initial set up phase, it would be the LPA's assertion that the property is not designed nor set up to be used as a large scale 'party' venue in the way that some of the public objections imply. The property is internally finished and furnished in the way akin to that of a contemporary dwelling and the LPA's own site visits have not given rise to any suspicion, given the interior décor and presentation that Liberty House is anything other than a holiday let property.

63. The noise concerns as raised by those objecting to the proposal remain relevant however, although when the separation distances between Liberty

House and the off-site dwellings are considered, the LPA are unable to substantiate a claim that the proposed use would have such an adverse impact on residential amenity that it should be refused. The below table illustrates the separation distances between Liberty House and other (not all) properties in the vicinity.

64.The quoted figures below are based on measuring the centre point of Liberty house to the centre point of the tabled properties.

Property Name	Distance from Liberty House	Comments
Stone Cottage	113m	Objection based on noise impacts
Rose Cottage	140m	No comments submitted
Hartmoor	147m	Objection due to fire risk
Three Waters	150m	Objection based on noise impacts
2 New Common Road	160m	Objection based on highway impacts
Lodge Farm	333m	Objection based on noise impacts
Swiss Cottage	1900m	Objection based on noise impacts

65.In light of the above, whilst the objections from residents are noted, the LPA are unable to recommend that application be refused. The property does not share intimate boundaries with off-site dwellings and ample screening and vegetation exists between the host property and off-site dwellings to ensure residential amenity is not so unduly threatened that the LPA can justify recommending the application be refused.

66.However, due to the number of noise based objections submitted, the applicant voluntarily submitted an acoustic report in support of the application. Although this report was not required or requested by the LPA, Public Health and Housing have reviewed its content and have confirmed that *"the report fairly assesses likely noise levels when music is played at the maximum level with living room windows open and closed, and conclude that such levels are unlikely to have an adverse impact on amenity and would not be actionable under statutory nuisance legislation. That is not to say that on occasion there may be some music audible at various locations around the site."*

67.The suggestion that the LPA condition the noise management plan is duly noted but with regard to the 6 tests for planning conditions as set out earlier in this report, it would not be possible to impose such controls. A condition which requires the installation of a noise management system which notifies the owner if a set limit is breached is not reasonable, necessary nor enforceable. Such a condition would not be necessary on the basis the development would still be acceptable without the condition, given the site context, spacing and separation distances. The condition would fail the reasonableness test as it would place unjustifiable and disproportionate burdens on an applicant through the need to continually have access to the generated data and potentially take intervening action should the system indicate the noise levels have exceeded a particular level.

68.Finally, it would be impractical to enforce such a condition as it would be impossible to detect whether the condition had been breached and enforcement action would not result in a remedial solution due to the

transient nature of the clientele using the property. Furthermore, reliance upon such a condition assumes that it is required to mitigate an identified source of harm and this is not the case as the LPA do not concur that the use of the property for holiday lets results in a position whereby a material, significant adverse impact on amenity is likely to arise.

69. Notwithstanding points made in paragraphs 69 and 70, it is understood by the LPA that the owner has already made significant amendments to the way in which bookings are made and managed so as to ensure unacceptable noise impacts do not arise. A noise monitoring system, which displays real time noise levels being generated by guests has been installed. If the noise level generated exceeds a pre-defined set level of 85 decibels – which Public Health and Housing confirm is a reasonable and appropriate level in this instance - the applicant / owner is notified who is then able to make contact with the guests directly. Failure to then reduce the noise as *may* have triggered the alert system, is then subject to the potential loss of a £1000 deposit that shall have been made prior to booking. Whilst the LPA cannot impose such controls through the use of a planning condition, this approach could act as a useful measure between the owner and their guests that the LPA would welcome but do not deem essential to the granting of the permission.

70. In this instance, the control of potential and sporadic noise emanating from the property, given the human element of the proposal is something which is more appropriately addressed, should it be necessary, under the Environmental Protection Act 1990.

71. The Environmental Protection Act 1990 places a duty on the local authority to investigate complaints of noise nuisance made by a person living within its area. Where the local authority is satisfied that a statutory nuisance exists or is likely to occur or recur it must serve an abatement notice requiring abatement of the nuisance. The Act does not define nuisance. The law only requires the investigating officer to be of the opinion that the effect of the noise on the average reasonable person would cause a nuisance or be prejudicial to health, e.g. preventing restful sleep. There is no set level above which an intrusive noise may be considered a statutory nuisance and each case must be considered on its merits. Matters to be considered include the level of the noise, its character, frequency of occurrence, time of occurrence and duration.

72. In addition to the noise concerns raised in numerous objections and discussed above, the most recent consultation response from Public Health and Housing recommends a condition be imposed which restricts the installation of external lighting. Whilst the LPA fully note that the installation of poorly designed and inconsiderately positioned lighting can be detrimental to amenity, in this instance given the generous stand-off distances between properties and the abundance of existing vegetative screening, a restrictive condition in this regard is not judged to be required.

Highway and traffic implications

73. This application represents a change in the use of an existing property and as such, formal comments from Suffolk County Council Highway Authority have been sought.

74. In addition to the noise concerns raised by multiple objectors, a second source of concern is the perceived adverse impact on the safety of the highway network.
75. A number of the submitted objections refer to road users not being familiar with the road network and driving at inappropriate speeds. In support of this, a privately appointed Highway assessment, authored by GHBullard & Associates LLP has been commissioned by the residents of Stone Cottage. This report concludes, with reference to paragraphs 109 and 110 of the NPPF that the proposal would result in an *"unacceptable impact on highway safety to all road users"*
76. However, whilst the private report submitted on behalf of Stone Cottage is noted, formal comments from the Suffolk County Council Highway Authority, who are a statutory consultee confirm that they have no objection to the proposal to change the use of Liberty House. No conflict with the NPPF or policy DM2, DM46 of the Joint Development has been identified by the Highway Authority.
77. For clarity, the comments made by the Highway Authority in response to this application are as follows:
- *"We assume the layout provided showing 8 bedrooms is a layout which has previously gained planning approval and as such there are no material alterations which would affect the highway. We do not feel the change of use from a dwelling house of this size to a holiday let will add significant traffic moments onto the highway, nor have a severe impact on the highway."*
 - *We note the existing access has over 4.1m of hardened surface, and has grass verges either side. This would aid pedestrian safety and allow a refuge should pedestrians and vehicles meet. We also note this access serves two dwellings giving a low risk of pedestrians and vehicles meeting unexpectedly. We note the access has adequate visibility in both directions for the expected traffic movements."*
78. The National Planning Policy Framework outlines, at paragraph 109 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. Given that the Highway Authority have raised no such concerns, the LPA do not consider the proposal to represent a material conflict with National Policy in this regard.
79. The above comment from the Highway Authority however does rely on an assumption that Liberty House has planning permission to operate as an 8 bedroomed dwelling. However, given that the property is existing, planning permission would not have been required to add new bedrooms as such internal only alterations do not require planning permission and, in any event, the property has sufficient space as would be required by the 2015 Suffolk Parking Standards. This comment from the Highway Authority is given very limited weight in the determination of this application.
80. In addition, the Highway Authority go on to advise that a condition which requires confirmation of the bin storage and presentation area should be

imposed onto any planning permission as may be issued. This information remains to be provided and as such, the following condition is recommended:

- *"Within 3 months from the date of this permission, details of the areas to be provided for the storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety within 2 months from the date of the details being agreed by the LPA and shall be retained thereafter for no other purpose."*

Electric Charge points for vehicles

81. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.
82. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.
83. On this basis a condition will be attached to the permission to ensure an operational electric vehicle charge point is provided for the holiday let property.

Biodiversity considerations

84. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM10, DM11 and DM12. Policies DM5, DM33 and DM34 also seek to ensure proposals for conversion / tourism schemes do not unduly harm local ecological credentials.
85. The National Planning Policy Framework (2019) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
86. In this instance, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting

information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective.

87. It is not anticipated that the proposal would have a harmful impact on biodiversity interests in this case. Nonetheless, noting the need to secure biodiversity enhancements in any scheme, a condition which requires the submission of basic ecological enhancement measures, for example bird boxes, bat boxes etc., is recommended.

Conclusion and planning balance:

88. Having considered the above matters, a material change in the use of Liberty House is judged to have taken place; from a C3 residential property to a sui generis holiday let property.
89. Despite being outside of the LPA's defined settlement boundaries, the principle of a holiday-let property, in this location is deemed to be acceptable and is supported by the provisions of policy CS9 of the St Edmundsbury Core Strategy and policies DM5, DM33 and DM34 of the Joint Development Management Policies Document (2015).
90. Residential amenity is not judged to be unduly or adversely impacted by the proposal and no other material factors which would require the LPA to consider the refusal of this application have been presented; no objection has been submitted by the LPA's Public Health and Housing service and as such, the proposal is not judged to conflict with policy DM2 of the Joint Development Management Policies Document (2015). In addition, the proposal has been considered against paragraph 109 of the National Planning Policy Framework (2019) and policy DM2 / DM46 of Joint Development Management Policies Document (2015) with no material conflict or severe implications with respect to highway safety identified.
91. In conclusion, the principle and detail of the development are considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

- 92 It is recommended that planning permission be **GRANTED** subject to the following conditions:
- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reference No:	Plan Type	Date Received
20-001	Location Plan	24.04.2019
Appendix B - Floor Plan	Floor Plans	06.03.2019
302924	Planning Statement	25.02.2019

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

- 2 Within 3 months from the date of this permission, details of the areas to be

provided for the storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety within 2 months from the date of the details being agreed by the LPA 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

- 3 Within 3 months from the date of this permission, 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.

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

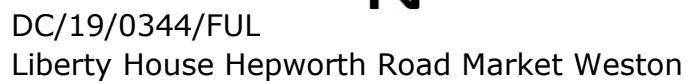
- 4 Within 6 months from the date of this planning permission, the holiday let property hereby approved shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

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

Documents:

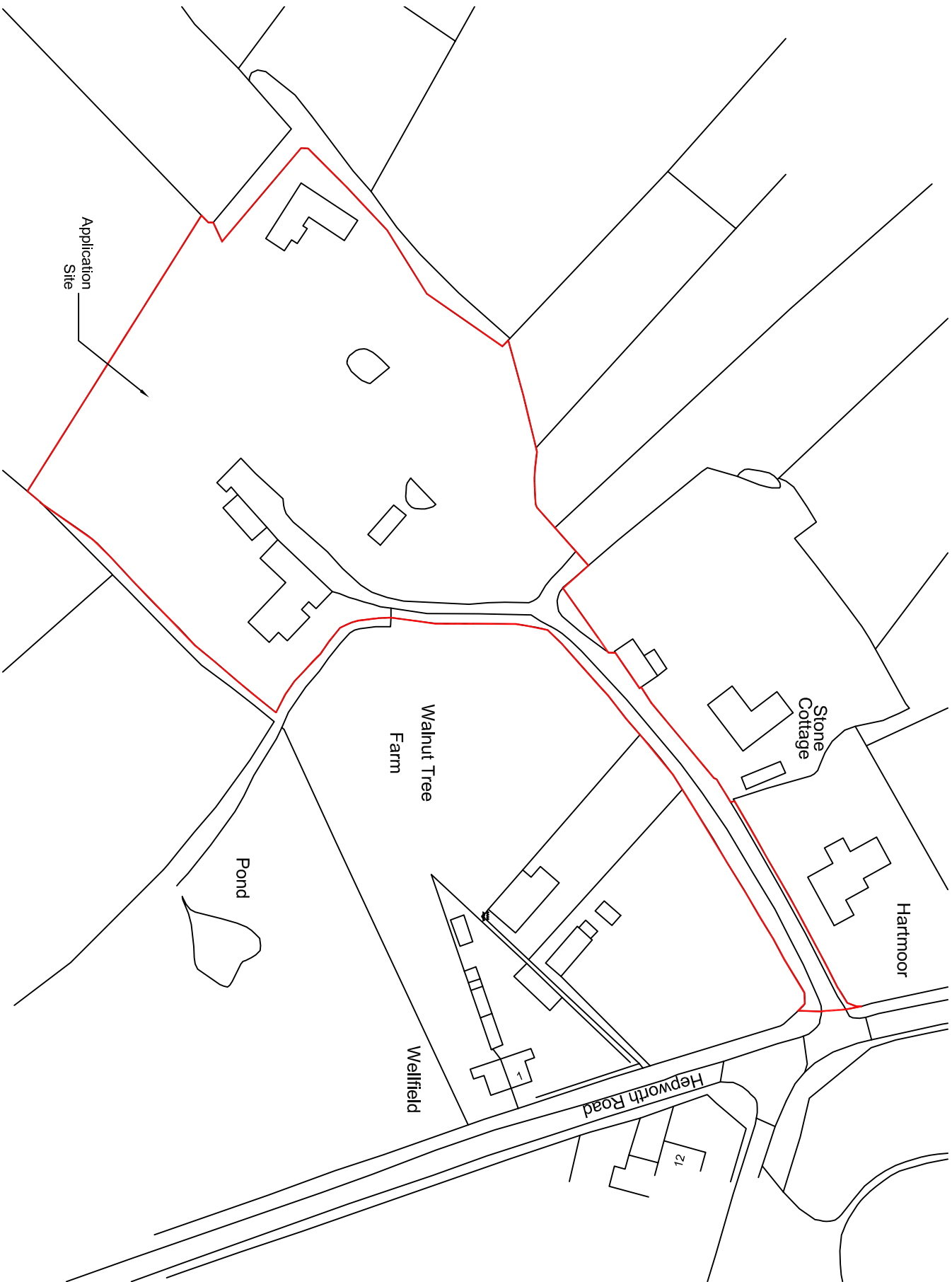
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0344/FUL](https://www.suffolk.gov.uk/DC/19/0344/FUL)

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DRAWING NOTE <ul style="list-style-type: none">- This drawing must not be released, loaned or copied without the written consent of Durants.- All dimensions are given in metres unless otherwise specified to Durants, measurements should be taken from the centre of the building.- All dimensions to be checked before site allocation by the contractor. No sub-contractor or supplier involved.- Information from the drawing to be reported to Durants immediately.- This drawing is only to be used for the purpose identified in the boxes below. DO NOT SCALE FROM DRAWING
CDM 2015 DESIGNER RISK INFORMATION <p>In addition to the hazards/risks normally associated with the proposed works, the following hazards/risks have been identified by the contractor, which a competent contractor should be able to control using normal good practice and procedures.</p> NOTE THE FOLLOWING HAZARDOUS AND EXTRAORDINARY RISKS TO HEALTH AND SAFETY - CONSTRUCTION
MAINTENANCE/CLEANING
DECOMMISSIONING/DEMOLITION
Further information can be found on designer risk assessment number / document no:-
It is assumed that all works will be carried out by a contractor competent under CDM 2015 working to an approved method statement and that unless otherwise stated a principal designer has been appointed



LOCATION PLAN
Scale 1:1250

Date	Issued	Rev	Scale	Drawn	Check
21/11/2020	21/11/2020	1	A3	19	19
302924	21/11/2020	1	A3	19	19

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DURRANTS
SINCE 1825

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Development Control Committee 7 August 2019

Planning Application DC/18/2137/HH – Liberty House, Hepworth Road, Market Weston

Date Registered:	23.10.2018	Expiry Date:	18.12.2018
Case Officer:	Elizabeth Dubbeld	Recommendation:	Approve Application
Parish:	Market Weston	Ward:	Barningham
Proposal:	Householder Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)		
Site:	Liberty House, Hepworth Road, Market Weston		
Applicant:	Ms Juliet Hargraves		

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 site has been subject to a number of planning applications over the years, notably an application for a single storey extension to the south east elevation (reference DC/16/1930/HH) which was granted in November 2016. Subsequently, an application has been submitted to regularise a discrepancy between the approved plan and the constructed extension. This is the application under consideration in this report.

The site is simultaneously subject to an ongoing application for change of use from single dwelling house (use Class C3) to a holiday let property (sui generis) DC/19/0344/FUL.

A site visit is proposed to take place on Monday 5 August 2019.

Proposal:

1. The application seeks planning permission for the erection of a single storey side extension (following the demolition of an existing conservatory), and the installation of a sound attenuation fence.
2. The proposed single storey side extension extends 8.2 metres from the wall of the existing dwelling, measures 9.6 metres in width and 3.2 metres in height.
3. The proposed fence extends 3.3 metres south east of the proposed extension, 14.6 metres along the south eastern boundary of the site and measures 3.5 metres in height.
4. Consideration of this application has been held pending consideration, assessment and determination of the application to change the use of the premises under DC/19/0344/FUL. Noting that proposal seeks to change the use of the property it is only appropriate to determine this proposal in light of a recommendation of approval of that change of use application.

Site Details:

5. The application site comprises of a two storey, detached dwelling house located within the parish of Market Weston, fronting onto a private road that extends off Hepworth Road. The property is located outside of the housing settlement boundary and is not within a conservation area.
6. The dwelling is located towards the east of a large curtilage, with an outbuilding located to the west of the site. The dwelling has been subject to a number of extensions from the original structure since at least 1995.

Planning History:

Reference	Proposal	Status	Decision Date
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Application Granted	04.11.2016

DC/18/2137/HH	Householder Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)	Pending Decision	
DC/19/0344/FUL	Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Pending Decision	
E/95/1042/P	Planning Application - Erection of single storey wood store to south west elevation of barn as supported by letter dated 17th February 1995 providing further details	Application Granted	03.02.1997
E/93/1697/P	Planning Application - Erection of two storey side extension and conservatory, detached double garage and workshop, and detached workshop, store and vehicle shed as amended by plan received 16th June 1993	Application Granted	07.07.1993
E/92/1794/P	Construction of store/workshop	Application Refused	08.07.1992
E/90/2233/P	Erection of single storey side extension to form granny annexe	Application Granted	09.08.1990
E/88/2885/P	Erection of detached dwelling house	Application Refused	16.08.1988

Consultations:

Market Weston Parish Council raised the following objection to this application:
It was felt that the extension size was not subservient to the original dwelling size and as such we would consider this to be over development.

The sound attenuation fence is not fit for purpose and would not serve to reduce the noise pollution from the parties that are regularly held at the house.

Questions were raised about the structural aspect of the structural engineers report. If this was based on the original size of the extension (as submitted previously) can it guarantee the structural integrity of the new extension? Concerns were also raised about the name on the application and the legality of this.

Councillor Carol Bull on the 26.10.2018:

I would very much like to speak to you about this application which has arisen as a result of an enforcement visit and is linked in with another enforcement matter in relation to change of use.

A great many villagers and also the parish council are very concerned about what is going on at Liberty House.

Representations:

7. Six public objections from three objectors have been submitted in response to this application. The main issues cited are:
 - Original application overbuild represents overdevelopment of the site
 - Character, scale, design and appearance not respectful to the existing dwelling
 - Owner of the property not the applicant
 - Boundary line shown on drawings incorrect
 - Concern over structural integrity of extension, and request to resubmit structural engineering documents
 - Sound attenuation fence not sufficient to block noise
 - Sound attenuation fence too close to existing ditch
 - Sound attenuation fence an 'eyesore'
 - Screening of Sound attenuation fence provided by neighbour's hedge which he intends to remove, meaning the fence will be very visible in the future
 - Impact of noise from the property on the heath and amenity of surrounding residents
 - Inaccuracy of application submitted as a householder application if the use is not domestic
 - Use of the property resulting in damage of amenity to the village and rural character of the area

Policy:

8. 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.
9. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 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 DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

10. National Planning Policy Framework (2019)

11. 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Design and Form
- Impacts on residential amenity
- Impacts on street scene/character of the area

Principle of Development

12. The proposed extension under consideration is a deviation from an application for a single storey side extension approved in 2016. The original application had a similar design and layout to the one now under consideration, but proposed to extend the floor area by 67m², whereas the extension that was subsequently built measures 75.5m², effectively increasing the floor area of the approved extension by 7.5m², and requiring a new application. The application for an extension has an additional element of a 3.5 metre high sound attenuation fence.

13. 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.

Design and Form

14. Core Strategy Policy CS3 requires proposals for new development to create and contribute to a high quality, safe and sustainable environment.

15. DM24 requires domestic extensions within the countryside to be subservient in scale to the original dwelling. Whilst it is not accepted that this would necessarily be the case in the scenario given the extent of previous extensions and additions that have increased the size of this property, the extension now proposed is subservient in terms of its height and footprint to the building being extended, which sits within a generous

and discrete curtilage, and any technical conflict with the provisions of DM24 in this regard therefore is not considered sufficient to justify a refusal.

16. Accordingly, it is considered that the proposed extension is of a design that does not appear inharmonious to that of the existing dwelling, through the use of complementary materials, yet reads as visually subservient.
17. The proposed fence will be constructed of timber, a suitable material for the countryside setting.

Impacts on Residential Amenity

18. In the case of this application, the dwelling is located within a large curtilage which is able to accommodate the scale of extension without over-development occurring. The height of the proposed extension is modest at 3.2 metres, and the fence at 3.5 metres and would not impact negatively on the residential amenity of neighbouring properties, partly due to existing screening from a large hedgerow and trees on the neighbouring properties. Also given the significant size of the adjoining properties, and the distances between dwellings, the visual impact of the proposal is not anticipated to be of any harm.

Impacts on Street Scene/Character of the area

19. The existing extension is not visible from either Hepworth Road or from Walnut Tree Lane (the private road). It is not anticipated that the proposed fence will be visible from either road once constructed.
20. The surrounding dwellings are all of mixed design and character, with a few listed buildings nearby, the closest being Three Waters, (a grade II listed former farmhouse from the 16th and 17th centuries), as well as a number of dwellings of more recent construction. Many of the buildings in the surrounding area have been extended and altered, giving the area a varied character. In this context, the extension and fence do not make a significant impact on the street scene, nor harm the character of the surrounding area.

Conclusion:

21. DM5 states that the extension of existing buildings will be permitted as long as they 'preserve the openness, appearance and character of the countryside'.
22. Liberty House is situated within a large curtilage, and has significant space on site to accommodate the proposed extension without impacting on the sense of openness that characterises the countryside. The proposed fence is of a substantial height at 3.5 metres, but given the existing vegetative screening, it is not anticipated that this will have a significant visual impact which could cause harm to the openness or character of the countryside.
23. Overall, the proposed side extension and sound attenuation fence are considered to be in compliance with the relevant planning policy. In conclusion, therefore, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

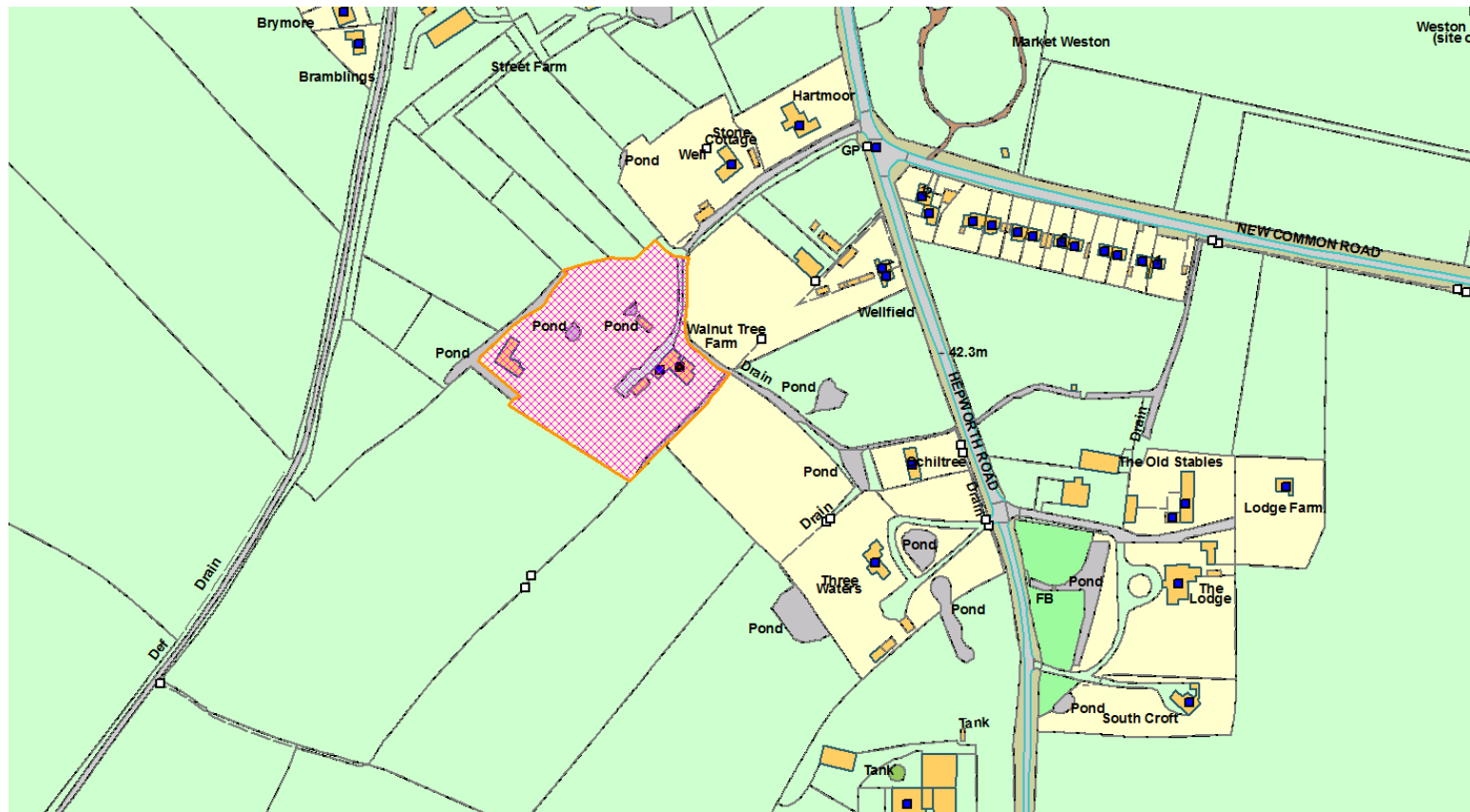
24. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Time Limit
2. Compliance with plans.

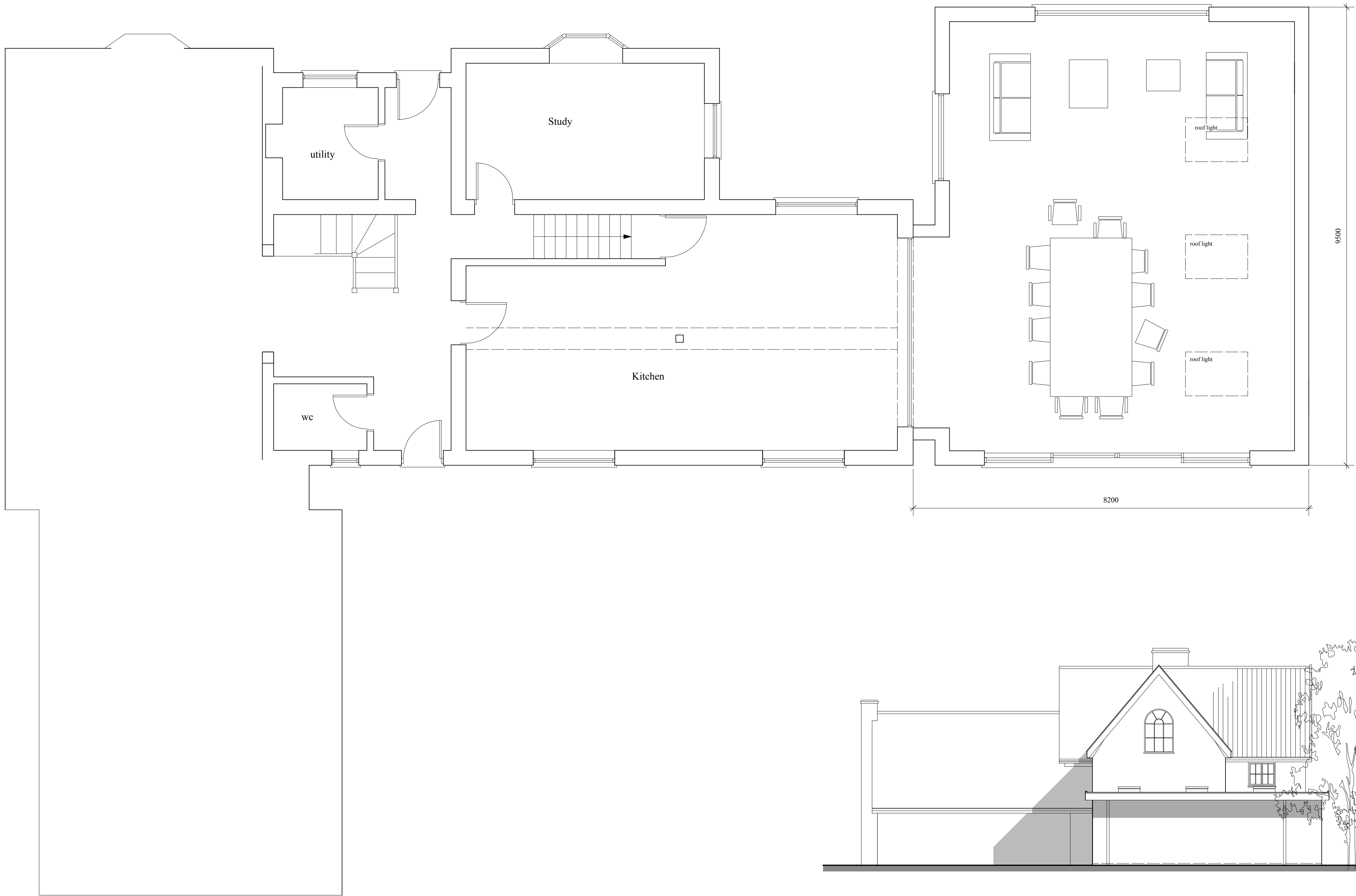
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2137/HH](#)

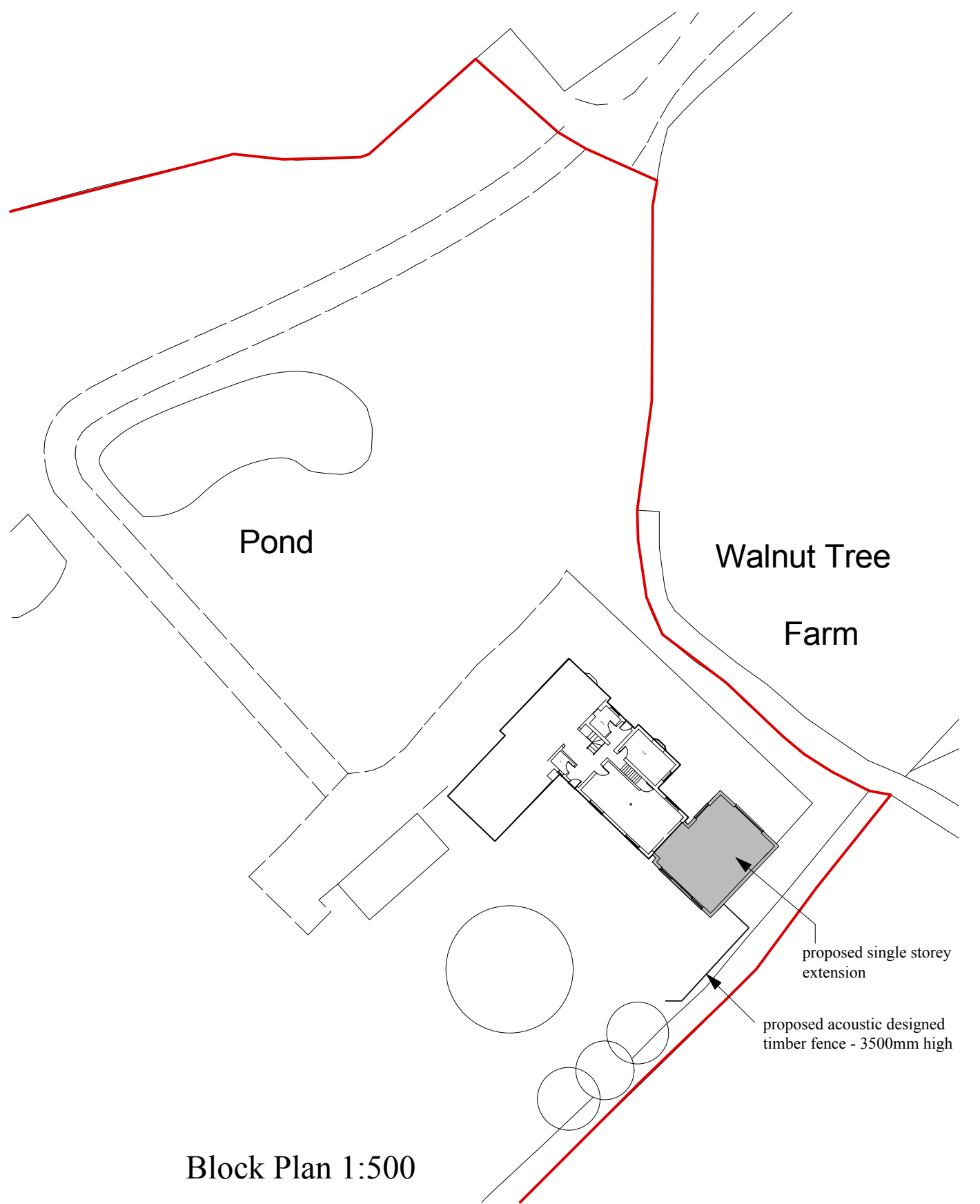
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Proposed Ground Floor Plan 1:50



Block Plan 1:500



South East Elevation



North East Elevation

Proposed Elevations 1:100



South West Elevation

Proposed Extension

Acoustic fence

B 15 10 18 As built

A 05 09 16 - gable windows omitted - rooflight removed in favour of flat rooflights

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Client
Juliet Hargrave

Drawing Title
**Liberty House
Market Weston**

proposed plans elevations

Date	Scale	Ref
02 09 16	1:50 1:100	
Job No.	Drawing No.	Rev
16/476	PL02	B

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Development Control Committee 7 August 2019

Planning Application DC/19/1084/FUL – La Grange House, Fordham Road, Newmarket

Date Registered: 21.05.2019 **Expiry Date:** EoT: 16.08.2019

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

Parish: Newmarket Town Council **Ward:** Several

Proposal: Planning Application - 1no. dwelling

Site: La Grange House, Fordham Road, Newmarket

Applicant: Mr Worsley

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 after consideration by the Delegation Panel.

The application is recommended for APPROVAL and the Town Council object.

A site visit is proposed for Monday 5 August 2019.

Proposal:

1. Planning permission is sought for the erection of 1no. three bedroom, single storey flat roofed dwelling and associated access within the grounds of La Grange House. The existing access for the main house is utilised for the proposed dwelling with the driveway positioned behind existing vegetation and the front boundary of the site.

Application Supporting Material:

2. The following documents have been submitted with the application:
 - Site location plan
 - Existing and proposed plans and elevations
 - Tree Survey
 - Proposed and Existing Tree Layout
 - Design & Access Statement
 - Daylight/Sunlight Assessment

Site Details:

3. The site is within the settlement boundary and Conservation Area of Newmarket, located within the eastern part of the grounds of La Grange House. The property known as La Grange has a large garden, along with a tennis court, pool and pool house. The tennis court and swimming pool are situated behind a mature tree belt and are somewhat segregated from the main dwelling itself.

Planning History:

4. DC/18/1167/FUL: Erection of a single storey dwelling - Refused 07.02.2019
F/2012/0627/FUL: Erection of a single storey dwelling - Approved 11.03.2013

Consultations:

5. Highway Authority: (Verbal consultation) No objection, subject to condition.
6. Conservation Officer: (Verbal consultation) – No objection.
7. Tree Officer: (Verbal consultation) – No objection. Full comments to follow in the late papers.

8. Environment Team: Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low. Also recommend a condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging the use of zero emission vehicles.
9. Public Health and Housing: The new dwelling will be located in close proximity to the La Grange Stables. In particular, there is an existing stable block at La Grange Stables, along the rear, Eastern boundary of the application site and a horse training track to the Southern boundary. There is therefore the possibility that the activities at the existing La Grange stables will give rise to noise, dust and odour which may impact on the proposed residential occupiers. There is however a high brick wall to the existing Eastern boundary of the site and the applicant is looking to install triple glazed windows to this elevation of the proposed dwelling. In addition, the application includes the construction of a 2m high Jacksons Jakoustic Environmental Noise Barrier fence to a length of 40m along the Southern boundary of the site. A Mechanical Heat-Recovery Ventilation system will also be installed to provide ventilation, without the need to open windows. Whilst Public Health & Housing would not wish to object to this application, due to the close proximity of the proposed dwelling to La Grange Stables, activities undertaken at the stables may still give rise to some lack of amenity, particularly in respect of dust and odour, which may impact on the proposed residential occupiers.
10. Jockey Club Estates: No particular comment on the application itself other than that any application which produces extra traffic, albeit limited, across a horsewalk is unwelcome. Also, the site is close to a stable block at La Grange Stables and you might wish to consider whether there are any environmental issues arising from the construction of a new dwelling no more than a few metres from stables. I would recommend that a condition of any planning permission is that a Working Method Statement should be agreed between the applicant/contractor and the trainer at La Grange Stables to minimise disturbance during the construction programme, particularly with regard to noisy external works.

Representations:

11. Ward members: No comments received.
12. Town Council: Objected, raising concern with regard to over-development of the site and incompatibility with the adjacent stable.
13. Neighbours: Ed Dunlop Racing Limited raises concern with regard to:
 - Adverse impact on the horse racing industry
 - Additional traffic near to the horse walk and crossing point
 - Out of character with the surrounding area
 - Adverse impact on the Conservation Area
 - Too close to the existing off site stables

- Impact on trees

Policy:

14. 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 Forest Heath District Council/St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 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 DM13 Landscape Features
- Policy DM17 Conservation Area
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Policy DM48: Development Affecting the Horse Racing Industry
- Core Strategy Policy CS5 - Design and Local Distinctiveness

Other Planning Policy:

15. National Planning Policy Framework 2019.

Officer Comment:

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

- Principle of Development
- Impact on the Conservation Area
- Trees
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways considerations
- Impact on the Horse Racing Industry

Principle of Development

17. The site is located within the Housing Settlement Boundary for Newmarket and is in a position where shops and facilities are in close proximity. As such, the principle of new small scale windfall residential development in this location is considered sustainable and generally acceptable. However, consideration would also need to be given to other adopted policies and the provisions of the National Planning Policy Framework.
18. The proposed development also needs to be considered against policies DM2, DM22 and DM17 of the Development Management Policies Document which seeks to ensure that new development does not result in the loss of residential or visual amenity, that their layout and design respects the established pattern and character of development in the locality and that the proposal preserves or enhances the surrounding conservation area. These policy issues will be considered further below.
19. For background information there was a scheme that was refused at Forest Heath Development Control Committee on 6th February 2019 with the reason being:

The position of the large Beech Tree (detailed as T013), which is a prominent category A1 specimen, would lead to a significant loss of sunlight hours that the proposed dwelling would otherwise enjoy and be a burdensome seasonal nuisance due to leaf drop and other detritus. The presence of the Beech tree is also the likely to lead to a heightened perception of risk from falling branches to future occupants due to the size and age of the tree in such close proximity to the dwelling. Consequently, these matters are all likely to lead to future pressure to lop or fell the Beech tree. Should this occur, the significant contribution that the tree does and could continue to make to the overall character and appearance of the conservation area would be lost. The proposal would therefore be in conflict with policies DM2, DM13 and DM17 of the Joint Development Management Policies Document 2015, Policy CS5 of the Forest Heath Core Strategy 2010 and the provisions of the National Planning Policy Framework 2018 which seek to maintain local character and require new development to address key features and characteristics of an area.
20. This differed from the previous approval (F/2012/0627/FUL, which expired on 11th March 2016 without having been implemented) in that the dwelling had an internal courtyard, a smaller curtilage, and with the existing swimming pool area being left within the remaining grounds of La Grange House and not included within the proposed site. In addition, the western elevation was straight and therefore was in closer proximity to the large and visually prominent protected Beech tree forward of the proposed dwelling.
21. The current proposal has addressed the reason for refusal by relocating the dwelling out of the Root Protection Area of this tree. This has moved the dwelling 2.4m further from the Beech tree to reduce the risk of detritus falling on to the building. The floor area of the dwelling has also been scaled back in order to reduce both the impact on the tree and the impact of the

tree on the dwelling to reduce overshadowing. The window to floor area ratio has been increased.

22. The green sedum roof has been replaced with a brown (biodiverse) roof and again the former swimming pool area has been included within the site to increase the usable amenity space. The Council's Tree officer and Conservation officer raise no objection.

Impact on the Conservation Area

23. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 72) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
24. Policy DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should:
 - a. preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area;
 - b. be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting;
 - c. 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;
 - d. retain important traditional features that contribute to the area's character such as original doors, windows, shop fronts and flint or clunch walls;
 - e. include fenestration which respects its setting;
 - f. use materials and building techniques which complement or harmonise with the character of the area; and
 - g. 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. The proposal should demonstrate how the key characteristics of the character area have been addressed.
25. The Local Authority's Conservation Officer has raised no concern with regard to the size, scale and design of the proposed dwelling in this location which would in fact be well screened in the existing street scene.
26. The changes that have been made to this proposal since the previous refusal, not least in relation to the concern that the scheme would impact negatively on the large Beech tree and could ultimately lead to pressure to fell, are considered to satisfactorily address this point, as is discussed in the following paragraphs.

Trees

27. The Haydens' Tree report details that it is necessary to fell two individual trees and one landscape feature in order to achieve the proposed layout.

Additionally, five trees and one landscape feature require minor surgery to permit construction space or access. The alignment of the proposed dwelling nominally intrudes within the Root Protection Areas of one tree and one landscape feature to be retained. This has only minor influence on the Root Protection Areas and as such it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist construction techniques at these locations. The alignment of the proposed new vehicular access encroaches within the Root Protection Areas of eight trees and three landscape features that are to be retained, but given the use of modern “no dig” construction techniques this is not considered to be a substantial issue, subject to the imposition of a condition to control such. The alignment of the proposed parking area nominally intrudes within the Root Protection Areas of one tree to be retained. This has only minor influence on the Root Protection Areas and as such it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist “no dig” construction techniques at this location.

28. Whilst it is not welcomed, the works to the trees and the positioning of the driveway is not considered to be so significant as to recommend refusal.
29. The Beech tree (detailed as T013) is a very large and prominent category A1 specimen (estimated to be in the region of 200 years old with an expected remaining life expectancy of at least 40 to 80 years) within the site, which offers great amenity benefits not only to the site but also the surrounding conservation area. It is a mature specimen with only minor faults identified including some minor inclusion and one major piece of deadwood to the east aspect of the tree. It appears to be in healthy condition and is considered to be of great arboricultural value.
30. The application is accompanied by a Daylight/Sunlight Assessment which confirms that there would be no unacceptable impact on the residents of the proposed dwellings by virtue of T013's (the large Beech tree) presence.
31. Following the reduction in floor area in the proposed scheme, the dwelling (excluding the garage) stands at 203m². 38% of the area is glazing. For the purposes of Building Control any dwelling with a building: glazing ratio of above 25% glazing is considered excessive glazing. It is therefore evident that the design has maximised the use of glazing to ensure as much light into the property as possible without compromising the privacy of the residents. The use of features such as roof lights, full height glazing to the bedroom windows and wrap around glazing to the hall all assist in ensuring that the residents will benefit from acceptable natural light levels, notwithstanding the proximity to the tree.
32. Introducing a brown roof system (biodiverse roof) rather than a green roof system will lead to a lower maintenance solution and branches or trees from nearby trees would fall onto the roof and add to a biodiverse roof. This would mean that the presence of T013 could arguably be a positive to the roof's future as opposed to a negative. The dwelling will not make use of traditional gutters and all gullies would be covered with stones for drainage purposes so leaf fall would not affect functionality. The roof would need annual

maintenance to remove any detritus which has not added positively to the biodiverse roof. The presence of the tree would not become a nuisance to the roof of the property or burden to future occupiers.

33. This matter has been discussed in detail with the Council's Tree officer, who was also involved through consideration of the previously refused application. Formal written comments remain outstanding at the time of the preparation of this report, albeit these will be provided within the Late Papers or otherwise through a verbal update as appropriate.
34. Notwithstanding therefore, it is considered that there would no longer be future pressure to significantly lop or fell the significant Beech tree which continues to make a positive impact to the overall character and appearance of the conservation area, in compliance with policies DM2, DM13 and DM17 of the Joint Development Management Policies and the provisions of the National Planning Policy Framework 2018 in so far as they seek to maintain local character and require new development to address key features and characteristics of an area.

Impact on Visual Amenity

35. In accordance with policies DM2, DM22 and CS5, the proposal should maintain or create a sense of place and respect the character, scale, density and massing of the locality. The proposed development is considered to sit comfortably within the site. The surrounding area comprises large feature houses and therefore the scale of design is appropriate not only to the site but also to the character of the area. The height of the dwelling has been restricted to single storey at 3m. This relates to the existing wall boundary which stands at between 2.4m and 3.3m along the eastern boundary of the site. With the scheme proposing less floor area than previously proposed. At 241sqm it is well below the 284sqm proposed under application DC/18/1167/FUL and 248sqm approved under F/2012/0627/FUL.
36. The proposal is considered to comply with the provisions of the NPPF which emphasises the importance of planning positively for the achievement of high quality design and states that planning decisions should aim to ensure that developments respond to local character and reflect the identity of local surroundings.
37. The NPPF makes it clear in paragraph 124 that 'good design' is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential to achieving this. In this case, it has been demonstrated that the proposal would comply with this criteria.

Impact on Residential Amenity

38. Due to the single storey nature of the proposed dwelling and the distances of separation involved, there is not likely to be any loss of residential amenity to any neighbouring properties by reason of overlooking or

overbearing impact. Neither is it considered that any intensification of the access or use of the driveway would create any material issues at nearby property.

39. It is clear from the daylight analysis that some sunlight hours would be lost within the proposed dwelling as a consequence of the tree, however the elevation which is in closest proximity to the Beech tree has been moved some 2.4m further away when compared to the previous refusal and any future residents would also now benefit from the amenity space provided by the inclusion of the former swimming pool area, which was not part of the previously refused scheme. A condition is proposed requiring the garden area on the approve plan to be made available for use in conjunction with the occupation of this dwelling, with details of boundary treatments to be agreed and a Permitted Development restriction on further boundary treatments thereafter. The occupiers of the proposed dwelling itself are not likely to experience a significant loss of residential amenity by reason of loss of light to the dwelling or associated amenity space in compliance with Policy DM2.
40. Policy DM22 states that development should be of high architectural merit, meaning that they are fit for purpose and function well, providing adequate space, light and privacy. Concerns have been raised with regard to noise, dust and fumes from the existing neighbouring stables, impacting upon the residential amenity of the proposed dwelling; however Public Health and Housing have raised no objection with regard to these issues with a high brick wall to the existing eastern boundary of the site and the applicant is to install triple glazed windows to this elevation of the proposed dwelling. In addition a 2m high noise barrier fence is to be provided to a length of 40m along the Southern boundary of the site. A Mechanical Heat Recovery Ventilation system is also be installed to provide ventilation, without the need to open windows. A condition is proposed that seeks to agree these details and ensure their implementation and retention thereafter.
41. The design of the dwelling raises no concerns, and neither does the large Beech tree which it is considered would not seriously impact on the amount of light available to habitable rooms or otherwise impact on enjoyment of the associated amenity space.

Highways

42. The existing vehicular access off Fordham Road for the main house is utilised for the proposed dwelling with the driveway positioned behind existing shrubs, trees and front boundary of the site. Whilst the positioning of the driveway and works to the trees in this area are not welcomed they are not considered to be so significant as to recommend refusal. Also the Highways Authority has raised no objection to this arrangement which provides three off street parking spaces and turning area, subject to a condition to control the provision of this area in compliance with Policy DM46.

Impact on the Horse Racing Industry

43. Policy DM48: Development Affecting the Horse Racing Industry (HRI) provides that any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the Horse Racing Industry (such as noise, volume of traffic, loss of paddocks or other open space, access and/or servicing requirements), or which would threaten the long term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.
44. The proposal is entirely within the residential curtilage of La Grange House and therefore there would be no loss of paddocks, open space, access or servicing requirements. Concerns with regard to additional vehicular movements in close proximity to a horse walk are noted, however the scheme proposes to utilise the existing vehicular access which currently serves the host dwelling with the Highway Authority raising no concerns with regard to this arrangement. It is not considered that the addition of one dwelling in this location would adversely impact on or threaten the long term viability of the horse racing industry, nor that it would, as a consequence of its limited additional impact, adversely affect the operational use of an existing site within the HRI.
45. That said, it is considered reasonable, noting the comments of Jockey Club estates, and noting the proximity to the off site training yard and also the fact that the access crosses a horse walk, to agree a working method statement to reflect this relationship, in order to manage the construction impacts are effectively as possible. A condition is added accordingly.

Conclusion:

46. In conclusion, the principle of the development is considered to be in accordance with both local and national policy and as such, the application is considered acceptable and recommended for approval.

Recommendation:

47. It is recommended that planning permission be **APPROVED** subject to the following condition/s:

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

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

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

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

3. The development hereby permitted shall be constructed entirely of the materials detailed within the application hereby approved.

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. Prior to occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents in accordance with policy DM2 of the Joint Development Management Policies (2015).

5. Prior to the commencement of any development above ground level, details of the sustainable roof system to be installed to the dwelling hereby approved shall be submitted and approved in writing with the Local Planning Authority.

Reason - to protect existing trees on the site and residential amenity of future occupiers in accordance with policies DM13 and DM22 of the Joint Development Management Policies (2015).

6. Prior to any development, site works or clearance, all the existing trees to be retained (as indicated by the approved plans) shall be protected by fences, of a type and position including details of the 'no dig construction area for the driveway to be approved by the Local Planning Authority, erected around each tree or group of trees. Within the areas so fenced, 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 50mm or more shall be left unsevered. (See British Standard BS 5837:1991 entitled "Trees in relation to construction").

Reason: To ensure that the existing landscaping features included on the site are retained and protected from damage during the course of construction works in accordance with policy DM13 of the Joint Development Management Policies (2015).

7. Prior to the commencement of development, details of a temporary protective roadway to be installed during the construction of the dwelling hereby approved shall be submitted and approved in writing with the Local

Planning Authority. The roadway as so approved shall be constructed prior to the first delivery of materials and / or plant and equipment to the site and shall be retained for the duration of the construction period.

Reason - to protect existing trees on the site during the construction phase in accordance with policy DM13 of the Joint Development Management Policies (2015).

8. The dwelling hereby approved shall not be occupied until the area(s) within the site shown on drawing no. 1179-PO3 for the purposes of 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 in accordance with policy DM46 of the Joint Development Management Policies (2015).

9. The windows installed in the rear elevation shall be triple glazed and thereafter retained as shown on drawing no. 1179-PO6.

Reason - to protect the amenity of the occupiers of the new dwelling in accordance with policy DM2 of the Joint Development Management Policies (2015).

10. Prior to occupation of the new dwelling the 2000mm high Jackoustic Environmental Noise Barrier Fencing shall be constructed as detailed on drawing no. 1179-PO3 and retained thereafter.

Reason - to protect the amenity of the occupiers of the new dwelling in accordance with policy DM2 of the Joint Development Management Policies (2015).

11. Prior to the commencement of any development above ground level, details of the mechanical ventilation system to be installed to the dwelling hereby approved shall be submitted and approved in writing with the Local Planning Authority. The ventilation system as so approved shall be installed prior to the first occupation of the dwelling and thereafter retained.

Reason - to protect the residential amenity of future occupiers in accordance with policies DM13 and DM22 of the Joint Development Management Policies (2015).

12. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors

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

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

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

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

14. 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 and the Suffolk Parking Standards.

15. Prior to commencement of development a Horse Racing Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This Method Statement shall specify how the construction process will minimise the effect of delivery and construction

activities upon the Fordham Road horsewalk and also how noisy development in close proximity to La Grange Stables will be controlled. Any such Method Statement as may be agreed shall be implemented during the construction process. There shall be no development on site unless and until a Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the adverse effects of construction upon the horse racing industry, in accordance with the provisions of Policy DM48.

16. Prior to the first occupation of the dwelling hereby permitted the amenity space within the red line on drawing No. 1179-P03 shall be provided for use in conjunction with this property. The amenity space as so provided shall thereafter be retained for use in conjunction with this property.

Reason: In the interests of ensuring sufficient useable amenity space, in the interests of protecting trees from post development pressure for their removal.

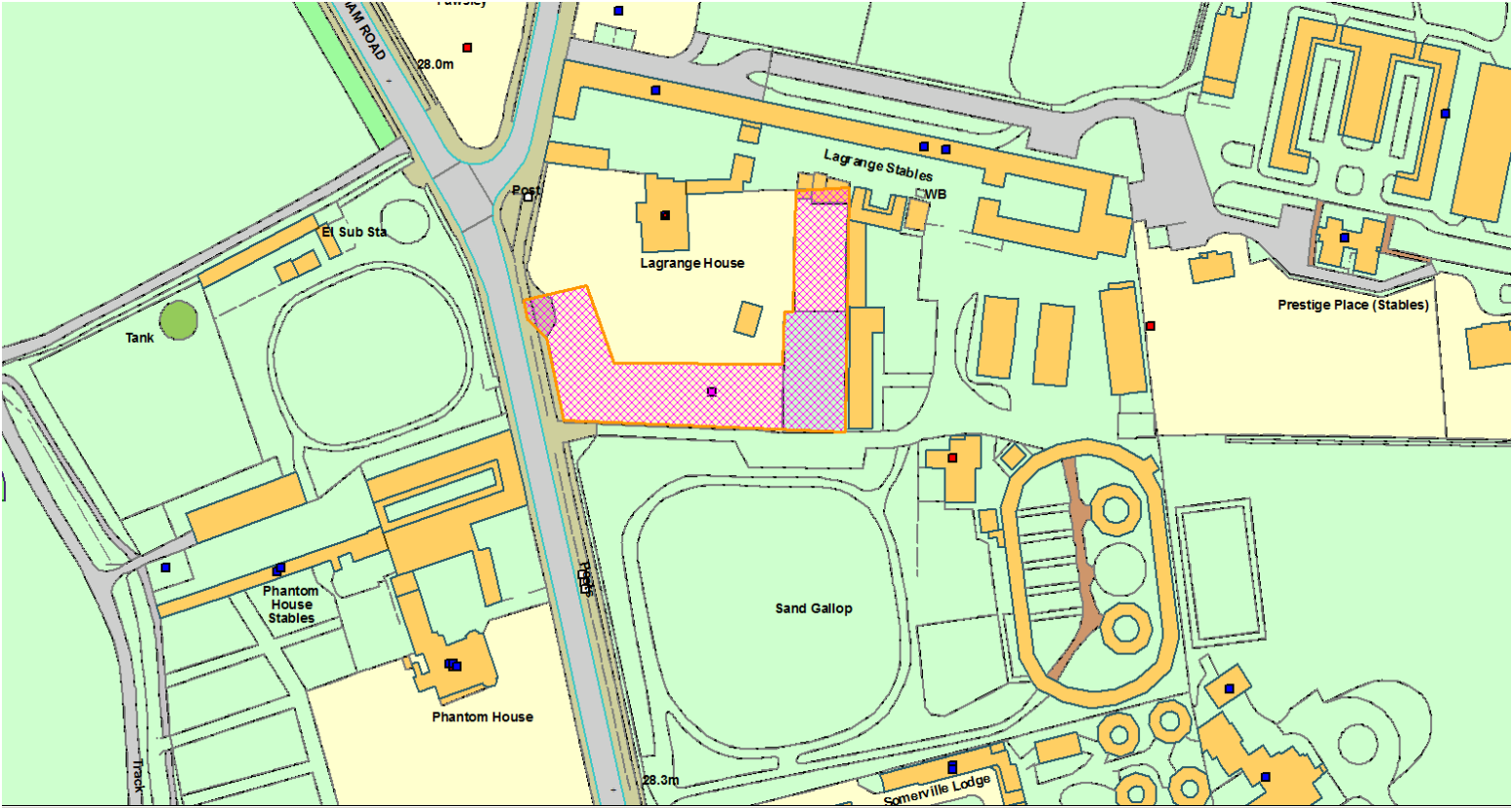
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the site other than those agreed pursuant to condition 4 above.

Reason: In the interests of ensuring sufficient amenity space, and in the interests of protecting the openness of the site, in accordance with the provisions of Policies DM2 and DM17 of the Joint Development Management 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=documents&keyVal=PRSVMQPDG8200>



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Rev	Date	By	Description
STATUS: PLANNING			
DO NOT SCALE - REPORT ANY DISCREPANCIES			

Land at La Grange House
Fordham Road
Newmarket
Suffolk

Proposed Site Plan

KWA Architects
Chartered Architects

Croak Farm, High Street
Badeham, Cambridge
CB22 3AG
Date: Jun 2012
Scale: 1:250 @ A2

Drawing no:
1179-P03
Rev:

Tel: 01223 839992
Fax: 01223 839994

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Development Control Committee 7 August 2019

Applications DC/18/2152/FUL & DC/18/2153/LB – Thripskin Farm, High Street, Thelnetham

Date Registered:	26.11.2018	Expiry Date:	21.01.2019 EoT agreed until 21.08.2019
Case Officer:	Marianna Hall	Recommendation:	Refuse Application DC/18/2152/FUL Approve Application DC/18/2153/LB

Parish:	Thelnetham	Ward:	Barningham
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Proposal: DC/18/2152/FUL Planning Application - Provision of 1 no. agricultural worker's dwelling including conversion of existing single storey outbuilding (following demolition of existing pole barn and shed); change of use of agricultural land to garden. As amended by plans received on 6th and 20th December 2018.

DC/18/2153/LB Application for Listed Building Consent - (i) Demolition of pole barn and shed (ii) Conversion and extension of outbuilding to provide 1 no. agricultural worker's dwelling. As amended by plans received on 6th and 20th December 2018.

Site: Thripskin Farm, High Street, Thelnetham

Applicant: Mr & Mrs Paul & Jo Nunn

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:

Marianna Hall

Email: marianna.hall@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

The applications were considered by the Delegation Panel on 18 June 2019 at the request of Councillor Bull as Ward Member (Barningham). The Parish Council also supports the applications, which in the case of the planning application is contrary to the Officer recommendation of REFUSAL. The Delegation Panel determined that the applications should be referred to the Development Control Committee.

A site visit will take place on Monday 5 August 2019.

Proposal:

1. Planning permission and listed building consent are sought for the provision of an agricultural worker's dwelling at Thripskin Farm including the conversion of an existing single storey outbuilding. A pole barn and shed on the site would be demolished. Planning permission is also sought for the change of use of agricultural land to garden to serve the new dwelling.
2. The existing farmhouse at Thripskin Farm is occupied by relatives of the applicants (Mr Nunn's parents) who are no longer able to manage the farm. The proposed new dwelling would be occupied by the applicants and their children. Mr Nunn currently works in sales for a company that provides bovine genetics and reproduction services and intends to continue this employment alongside taking on the responsibility of managing the farm. The farm has a breeding herd of 15-20 adult cattle and 1-2 years of young stock, resulting in a total of approximately 40 cattle.
3. The proposed dwelling would be mainly finished in black boarding on a brick plinth with zinc/profile metal sheeting and an aluminium profiled roof with a zinc or profiled metal finish. For the single storey outbuilding to be converted it is proposed to use brickwork with pantiles to the roof, both to match existing.
4. The dwelling would have four bedrooms and two bathrooms on the ground floor with the converted outbuilding providing an office, shower room, utility room and area for general storage. The living accommodation would be at first floor level comprising a kitchen, dining room and sitting room. The dwelling would use the existing access to Thripskin Farm from High Street with two parking spaces provided within an attached cartlodge and a further two spaces available in front of this. The proposed garden area would be predominantly to the rear of the new dwelling.
5. The proposals were amended in December 2018 to address concerns raised by the Environment Agency regarding the ground floor level and also to reduce the red line to the solely include the area of the proposed development.

Application Supporting Material:

6. The information submitted with the applications comprises:
 - Application Forms
 - Plans
 - Design, Access & Heritage Statement
 - Environmental Report

- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Flood Warning and Evacuation Plan
- Supporting information regarding need for dwelling
- Financial information (confidential)

Site Details:

7. The site forms part of Thripskin Farm and is currently occupied by a single storey brick built outbuilding, a timber shed and a pole barn. The brick building has partially collapsed in places. The pole barn is an open-fronted structure with corrugated asbestos and metal cladding. The buildings are currently used for agricultural purposes and are immediately opposite the existing farmhouse which is a Grade II listed building.
8. In addition to the agricultural buildings and listed farmhouse, Thripskin Farm comprises 78 acres of arable land which is mainly used for the production of forage for livestock. 28 acres are currently rented out. The farm has a breeding herd of 15-20 adult cattle and there are also normally 1-2 years' worth of young stock on the farm, resulting in a total of approximately 40 cattle on the farm at any one time.
9. The site lies within the countryside to the south of the settlement of Thelnetham. The local authority boundary runs through the farm complex, with the agricultural buildings falling within West Suffolk and the farmhouse falling within the parish of Hinderclay within the Mid Suffolk District. The access and a small part of the site are within Flood Zone 3.

Planning History:

10. There is no previous planning history relevant to the proposals.

Consultations:

11. Parish Council

Support (without comments).

12. Councillor Bull

Request that this goes to the Delegation Panel.

13. Conservation Officer

Application is for the repair of a single storey farm building which is part of the original farmyard and the replacement of a modern pole barn with a two storey weather-boarded barn which would be similar to the traditional barn which formerly existed in the same location. A number of derelict and redundant farm buildings which are not of historic interest and do not relate to the original farm yard would also be removed. Proposed building together with the removal of unnecessary structures would hugely improve the appearance of the site, reinstate the original layout and enhance the setting of the nearby listed farmhouse. It would also ensure the repair and reuse of the surviving single storey building. No objection subject to conditions regarding materials and finishes, details of repairs to the building and details of boundary treatments.

14. Highways

Conditions recommended regarding manoeuvring and parking areas and surfacing of access.

15. Public Health & Housing

No adverse comments.

16. Environment Team

Initial comments: Insufficient information provided regarding potential contamination.

Further comments: Am now satisfied from the information provided that the likelihood of significant contamination at the site is low and I therefore withdraw my objection. Condition recommended regarding unexpected contamination.

17. Suffolk Wildlife Trust

Have read the ecological survey report and we are satisfied with the findings. Request recommendations made within the report are implemented in full via a condition of planning consent.

18. Environment Agency

Initial comments: Object in the absence of an acceptable flood risk assessment (FRA). FRA fails to demonstrate that the proposed development will be safe for its lifetime.

Further comments: Having received revised flood risk information we withdraw our objection subject to the measures outlined in the FRA being implemented in full. The LPA will also need to determine whether the Sequential Test has to be applied and whether there are other sites available at lower flood risk.

Representations:

19. None received.

Policy:

20. 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 these applications with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

21. The following policies of the St Edmundsbury Core Strategy, the Rural Vision 2031 and the Joint Development Management Policies Document have been taken into account in the consideration of the applications:

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

- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS13 - Rural Areas
- Rural Vision Policy RV1 – Presumption in favour of Sustainable Development
- DM Policy DM1 - Presumption in Favour of Sustainable Development
- DM Policy DM5 – Development in the Countryside
- DM Policy DM6 Flooding and Sustainable Drainage
- DM Policy DM7 Sustainable Design and Construction
- DM Policy DM11 Protected Species
- DM Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM Policy DM13 Landscape Features
- DM Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- DM Policy DM15 Listed Buildings
- DM Policy DM18 New Uses for Historic Buildings
- DM Policy DM22 Residential Design
- DM Policy DM26 Agricultural and Essential Workers Dwellings
- DM Policy DM28 Residential use of Redundant Buildings in the Countryside
- DM Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- DM Policy DM46 Parking Standards

Other Planning Policy/Guidance:

National Planning Policy Framework (NPPF 2019)

22. 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 provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

23. This is a joint report for both the planning application and listed building consent application for the proposed development. As the issues to be considered for the planning application are wider ranging than for the listed building consent, it is highlighted that those matters marked with an asterisk below relate solely to the planning application and are not material to the assessment of the related application for listed building consent.

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

- Principle of Development*
- Design and Heritage Considerations
- Biodiversity
- Flood Risk*
- Landscape Impact*
- Contamination*
- Highway matters*

*(*planning application only)*

Principle of Development

25. The site is located outside of the defined Housing Settlement Boundary for Theltham and is therefore within the countryside for planning purposes. Policy CS13 of the Core Strategy states that development outside the settlements will be strictly controlled, with the development management and rural vision policies setting out the detailed uses which are appropriate in rural areas. The NPPF states that the development of isolated homes in the countryside should be avoided unless particular circumstances are met, and these include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside (paragraph 79a). Development Management Policies DM5 and DM26 are consistent with the NPPF in supporting the principle of agricultural workers dwellings, with DM26 setting out the detailed considerations for this type of residential development.

26. Policy DM26 states:

New dwellings in the countryside, related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

- a) evidence has been submitted to the satisfaction of the local planning authority that there is an existing agricultural, forestry or other commercial equine business-related functional need for a full time worker in that location; and,*
- b) there are no suitable alternative dwellings available, or which could be made available, in the locality to serve the identified functional need; and,*
- c) it can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects; and,*
- d) the size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned; and,*

e) the development is not intrusive in the countryside, is designed to have a satisfactory impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements.

In addition to the above requirements, if a new dwelling is essential to support a new agricultural or forestry or other commercial equine business-related enterprise it will normally, for the first three years, be provided temporarily by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. Successive extensions to any temporary permission will not normally be granted beyond three years, and any subsequent proposals to provide permanent accommodation at any site will be considered using the criteria above.

27. The local planning authority commissioned Kernon Countryside Consultants to carry out an independent appraisal of the proposals in relation to the above policy requirements based upon the information provided. Their report dated 10th April 2019 is available to view online, with the key findings set out below with reference to the specific criteria set out within DM26.

Whether there is an existing functional need for a full-time worker in this location

28. Kernon Consultants advise that in assessing whether or not there is a functional need it is necessary to consider the chances of things going wrong, the frequency of such problems occurring, the severity of any problems and the potential for a resident worker to be able to identify and deal with any such problems. Whenever livestock are kept there is some risk, as illness or injury can occur at any time. Where animals are giving birth the risk of problems is increased, and a stockperson should generally be making regular inspections in the run-up to and during the calving process so as to be able to assist or deal with problems swiftly.
29. With regards to suckler cows, the most intense need relates to the calving of cows. There needs to be very close observation in the run-up to and during the calving process due to difficulties with delivery. A stockperson may not need to assist in many cases, but that only becomes evident as the calving progresses. The stockperson needs to observe the process each time if possible. There is also a need for close attention with young calves to ensure that they suckle, that they do not get stuck or crushed and that they do not develop coughs or diseases. Older cattle also require supervision and attention as they can develop problems including illness, getting stuck in feeders, fighting and escape which all require swift attention.
30. Additional information submitted by the applicant on the 26th March 2019 sets out a detailed explanation of the farming operations and explains the importance of someone being onsite to monitor the suckler cows as they come into heat. The independent consultant agrees with the applicant that close supervision of the suckler cows is required to identify when best to artificially inseminate in order to avoid unsuccessful attempts at breeding, and acknowledges that more successful breeding will benefit the enterprise economically. The consultant advises however that the timing of artificial insemination does not, of itself, require someone to live on site. If the farm worker were engaged in the farm full time, or making regular inspections as they should be, then they would be able to monitor the suckler cows throughout the day. The process of animals giving birth is generally what

gives greatest rise to the need to live on site as this specifically concerns the welfare of the livestock. The level of stocking in this case however, at 15-20 suckler cows, is not considered to be of a level that demonstrates an essential need to permanently live on site at this stage. There may be occasions where the need for close attention extends into the night time, and when a worker would benefit from living nearby. However, the number and frequency of such events with just 15-20 calving cows is not enough to warrant a permanent dwelling. Typically, 50–60 suckler cows are required to generate a full-time need for a resident worker.

Whether there are suitable alternative dwellings available to serve the need

31. Thripskin Farm benefits from an existing farmhouse however this is occupied by the applicant's parents who it is understood are no longer involved in the day to day management of the site. As such this dwelling would not be considered to be a suitable alternative dwelling even in the event that a functional need were accepted in this case.
32. The agent has advised that there are no alternative dwellings within half a mile of the farm. Policy DM26 refers to alternative dwellings 'in the locality' and whilst the term 'locality' is not defined, it could reasonably include a search area wider than half a mile. Notwithstanding this point, the independent consultant notes that the applicant currently lives within a few miles of the site, making it relatively easy to commute, and that the farmhouse, which it is noted is owned and occupied by the applicant's parents, may also provide temporary accommodation when livestock are likely to give birth, or at least provide some welfare and comfort facilities such as washrooms.

Whether the enterprise is a viable business with secure future prospects

33. In order to satisfy the financial test for a permanent agricultural worker's dwelling, the enterprise concerned must also already be considered financially sustainable. In general terms, this means the business must be making a profit that is sufficient to pay a farm worker if the applicant, for whatever reason, could not undertake the day to day management of the farm. It is also important to note that the enterprise that demonstrates the need to live on site must be the enterprise that is financially sustainable.
34. The supporting information submitted acknowledges that the farm is not currently viable and does not generate sufficient income to sustain a family. Kernon Consultants have considered the financial information provided and advise that at present the farm does not make a profit sufficient to satisfy the financial test within policy DM26. Setting aside the applicants' other sources of income, the suckler enterprise must be making a profit of at least agricultural minimum wage to justify a dwelling on site to serve that enterprise.
35. In the case of new businesses, policy DM26 similarly requires applicants to demonstrate that the enterprise will become a viable business with secure future prospects. In addition, if a new dwelling is essential in relation to a new enterprise it will normally be provided by temporary accommodation for the first three years. Whilst this is an existing rather than a new enterprise, Kernon Consultants advise that it does not have a clear prospect of becoming financially sustainable even after 8 years management, based

upon the information provided by the applicant. The application is also for a permanent rather than a temporary dwelling.

Whether the size and nature of the dwelling is commensurate with the needs of the enterprise

36. Kernon Consultants advise that the dwelling is relatively large in a farming context and is not commensurate with the financial performance of the farm enterprise given that it is not presently financially sustainable.

37. The footprint of the building has however been guided by that of previous historic buildings on the site together with the incorporation of an existing structure to be converted. Officers consider that the associated heritage benefits of this approach (discussed later in this report) should be given due weight when considering this particular criteria. The applicant has also provided justification for the number of bedrooms proposed, and the dwelling is appropriately sited to meet the needs of the farm.

Whether the development is otherwise acceptable when considered against other planning requirements

38. Policy DM26 states that development will also only be permitted where it is not intrusive in the countryside, is designed to have a satisfactory impact upon the character and appearance of the area, and is acceptable when considered against other planning requirements. These points are considered in detail elsewhere within this report, and Members will note that no harm has been identified with regard to other planning requirements.

Conclusions regarding DM26

39. Whilst the design of the proposed dwelling itself is not objectionable, the starting point when considering proposals for agricultural workers dwellings is that there must be an existing business-related functional need for a full time worker in that location and the enterprise must be a viable business with secure future prospects. As dwellings for rural workers are an exception to policies that otherwise seek to limit new residential development within the countryside, the criteria set out within DM26 are specific and must all be met in order for a proposal to be policy compliant.

40. In this case there is a clear conflict with policy DM26 in that, having sought independent professional advice, it is considered that a functional need for the applicants to live permanently at the site has not been demonstrated. In addition, both the applicant and the independent consultant acknowledge that the existing enterprise at the farm is not viable. Whilst the desire of the applicants to live on site in order to improve the farm and its financial viability is acknowledged, this is not considered to warrant a departure from policy DM26 which seeks to ensure that new houses in rural locations such as this are necessary for the operation of an already viable enterprise. This conflict with Policy DM26 weighs heavily against the proposals.

Other relevant policy considerations

41. Reference is also made within the submitted Design and Access Statement to policy DM18 which supports the adaptation of historic buildings to sustain new uses and policy DM28 which supports the residential use of redundant

buildings in the countryside. The majority of the proposed dwelling is however new construction, with only a modest amount of accommodation being provided within a single storey outbuilding being converted. In addition policy DM28 requires alternative uses for employment/economic development, tourist accommodation, recreation and community facilities to have been fully explored before a residential use can be supported and the building must be capable of conversion without the need for extension, significant alteration or reconstruction. In this case the building that is being retained and converted is proposed to be substantially extended in order to provide a dwelling. Given that the proposal is for a predominantly new build dwelling for an agricultural worker, policy DM28 would be the key policy in this case.

Design and Heritage Considerations

42. 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. In this case the site is within the curtilage of the farmhouse at Thripskin Farm which is a Grade II listed building.
43. The proposed dwelling would be sited directly opposite the listed farmhouse in a location where historic maps show a large agricultural building previously existed. The agent for the application states that this is believed to have burned down in the 1960s. One single storey wing remains and is proposed to be converted as part of the proposals. The rest of the historic barn footprint is now occupied by a modern pole barn which is to be removed. The repair and conversion of the historic single storey wing and the replacement of the pole barn with a more sympathetic building that also reflects what was on site historically (setting aside the proposed use of the building) would significantly improve the appearance of the site, reinstating the original farm complex layout and enhancing the setting of the nearby listed farmhouse. The dwelling is considered to be of a good standard of design utilising sympathetic materials and would have a satisfactory relationship with the existing dwelling in terms of amenity. For this reason the recommendation for the application for listed building consent in this case is one of approval, as that application is solely for the physical works proposed on site.

Biodiversity

44. The applications are accompanied by a Preliminary Ecological Appraisal which identifies the two buildings to be demolished as being of negligible bat roosting potential with no signs of bat use and a lack of suitable cavities or roosting conditions. The single storey building to be converted is assessed as having some bat roosting potential, however, the dilapidated nature of the building means it is only likely to be used by an individual bat opportunistically. The appraisal does not identify any significant loss of habitat for nesting birds or reptile habitat and concludes that Great Crested Newts are highly unlikely to be present on site. The proposals are also expected to have no effects on statutory or non-statutory protected sites or their qualifying features, owing to their relatively small scale, distance from protected sites and limited predicted impacts beyond the area of works.

45. Appropriate mitigation measures are recommended together with biodiversity enhancements which the appraisal concludes will result in a net gain for biodiversity overall. These measures could be secured by condition were the proposals otherwise acceptable.

Landscape Impact

46. The proposals are not considered to have any significant impact upon the wider area or existing landscape features. The dwelling would be sited in the location of the existing pole barn to be demolished, with its associated rear garden also not extending beyond this area. The dwelling would be viewed as part of the established farm complex and would not appear as an isolated or incongruous feature within the landscape. The development also does not affect any significant trees on or adjacent to the site.

Flood Risk

47. The access to the site is within Flood Zone 3 (high risk of flooding) as defined by the Environment Agency (EA) and the footprint of the single storey building to be retained and converted also falls partly within this flood zone. The remainder of the proposed development falls within Zone 1 (lowest risk). Following an initial objection from the EA the scheme has been amended to raise the ground floor level of the proposed dwelling by 600mm and a Flood Warning and Evacuation Plan has also been provided. The EA has now withdrawn their objection, highlighting that the mitigation measures outlined in the Flood Risk Assessment must be implemented in full prior to occupation. This could be secured by condition were the development otherwise acceptable.
48. Where new dwellings are proposed within Flood Zones 2 or 3 LPAs are required to apply the Sequential Test to ensure that development is directed to areas at the lowest risk of flooding wherever possible. The Sequential Test does not apply to the conversion of buildings in flood risk areas however, and would not therefore apply to the single building to be retained and converted on the site. Only a very small part of the remainder of the proposed dwelling falls within Flood Zone 3. The EA has confirmed that it is for the LPA to determine if the Sequential Test has to be applied in this instance. Given the very modest proportion of the new building falling within the flood zone and the fact that this would likely be the most appropriate location for the development were the Test applied (for the heritage reasons cited above), officers are satisfied that the development is acceptable in flood risk terms.

Contamination

49. The applicant has provided additional information regarding the use of the site and associated buildings and on this basis our Environment Team has confirmed that they are satisfied the risk of land contamination in this case is low.

Highway matters

50. The proposed dwelling would utilise the existing established access to the farm complex and would provide two car parking spaces within an attached cartlodge with a further two spaces available in front. There is also ample

space within the site for cycle and bin storage. The highway authority has raised no objections to the proposals subject to the improvement of the surfacing of the existing access. This could be secured by condition were the proposals otherwise acceptable.

Conclusions:

51. Whilst the proposal is not considered to raise any adverse issues in terms of heritage, biodiversity, landscape or highway impacts and is also acceptable in respect of flood risk and land contamination, the starting point is whether the principle of the development complies with planning policy.
52. Policy DM5 indicates that a dwelling for a key worker must be *essential* to the operation of agriculture in order to be supported. Policy DM26 sets out the detailed criteria against which proposals for agricultural workers are assessed, and is clear that all five of these must be met for proposals such as this to be permitted.
53. In this case, for the reasons set out within this report, there is not considered to be an existing functional need for a full time worker to live permanently in this location given the nature and scale of operations at the farm. It is also noted that the applicants will continue with their current employment outside of the enterprise concerned and that they live within a readily commutable distance from the farm (within approximately 4/5 miles). The business is not currently viable, a point that is acknowledged by the applicants. The submitted business plan also indicates that it will be difficult to achieve a viable enterprise without expanding the herd beyond the 21 breeding cows that the applicants hope to eventually farm by 2026. The proposals therefore fail two of the key tests set out within Policy DM26.
54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Several High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. The NPPF is also a material consideration in planning decisions but does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted (paragraph 12). The NPPF also states that planning policies and decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply, one of these being where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. As outlined above, it is considered that an essential need has not been demonstrated in this case. Furthermore, neither is it considered that the proposal meets the 'permanence' test set out in paragraph 79 of the NPPF, noting the lack of financial sustainability.
55. The heritage benefits of the proposals have been acknowledged and must be afforded appropriate weight in the planning balance, particularly having regard to the statutory duty to have special regard to the desirability of preserving or enhancing a listed building or its setting. Officers do not consider these benefits to warrant the approval of a new dwelling within the countryside contrary to planning policy however, particularly having regard

to the degree of conflict with DM26 in this case. The removal of the modern pole barn and timber shed and the conversion of the historic single storey building to provide some ancillary accommodation (such as a farm office with washroom for an agricultural worker) would be supported by planning policies and these works alone would have a positive impact on the setting of the listed farmhouse. As such some heritage benefits could be readily achieved in this location, without the introduction of a new dwelling.

56. For the above reasons it is recommended that planning permission is refused. Given that the sole considerations for the listed building application are whether the physical works to the buildings are acceptable in heritage terms, a recommendation of approval of listed building consent is appropriate.

Recommendations:

57. It is recommended that **PLANNING PERMISSION** be **REFUSED** for the following reason:

The site lies outside of the defined housing settlement boundary for Thelnetham in an area designated as countryside. Policy CS13 of the Core Strategy provides that in such locations development will be strictly controlled, with a priority on protecting and enhancing the character, appearance and other qualities of the countryside while promoting sustainable diversification of the rural economy. Development Management Policy DM5 states that the countryside will be protected from unsustainable development, with a new or extended building permitted where it is for (inter alia) a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26. Policy DM26 sets out the detailed criteria that must be met in order for agricultural workers dwellings to be permitted. These include the need to demonstrate to the satisfaction of the local planning authority that there is an existing agricultural functional need for a full time worker in that location, and the need to demonstrate that the enterprise is a viable business with secure future prospects. The National Planning Policy Framework (NPPF) states that planning policies and decisions should avoid the development of isolated homes in the countryside unless (inter alia) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Planning permission is sought for a permanent agricultural worker's dwelling on the site in connection with an existing cattle breeding and rearing enterprise. The enterprise is not considered to be of a size that demonstrates an essential functional need for a full time worker to reside on site and the enterprise is furthermore not currently financially sustainable. The circumstances of the proposal are not such as to justify the dwelling as an exception to local and national policies that generally seek to restrict development in the countryside. The development is therefore contrary to Policy DM5 and DM26 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and paragraph 79 of the National Planning Policy Framework (2019).

And,

58.It is recommended that **LISTED BUILDING CONSENT** be **GRANTED** subject to the following conditions:

- Standard time limit
- Schedule of repairs/works to single storey building to be agreed
- Samples of materials and finishes to be agreed

Documents:

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

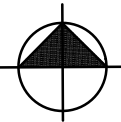
[DC/18/2152/FUL](#)

[DC/18/2153/LB](#)

Thripskin Farm, High Street, Thelnetham



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Key



Blue hatched areas relate to Land Contamination questionnaire

revision	description	date
Rev A.	Adjusted site boundary	Dec 2018

Client:
Mr & Mrs Nunn

Job Title:
Thripskin Farm

Drawing Title:
Proposed site layout, with contamination risks

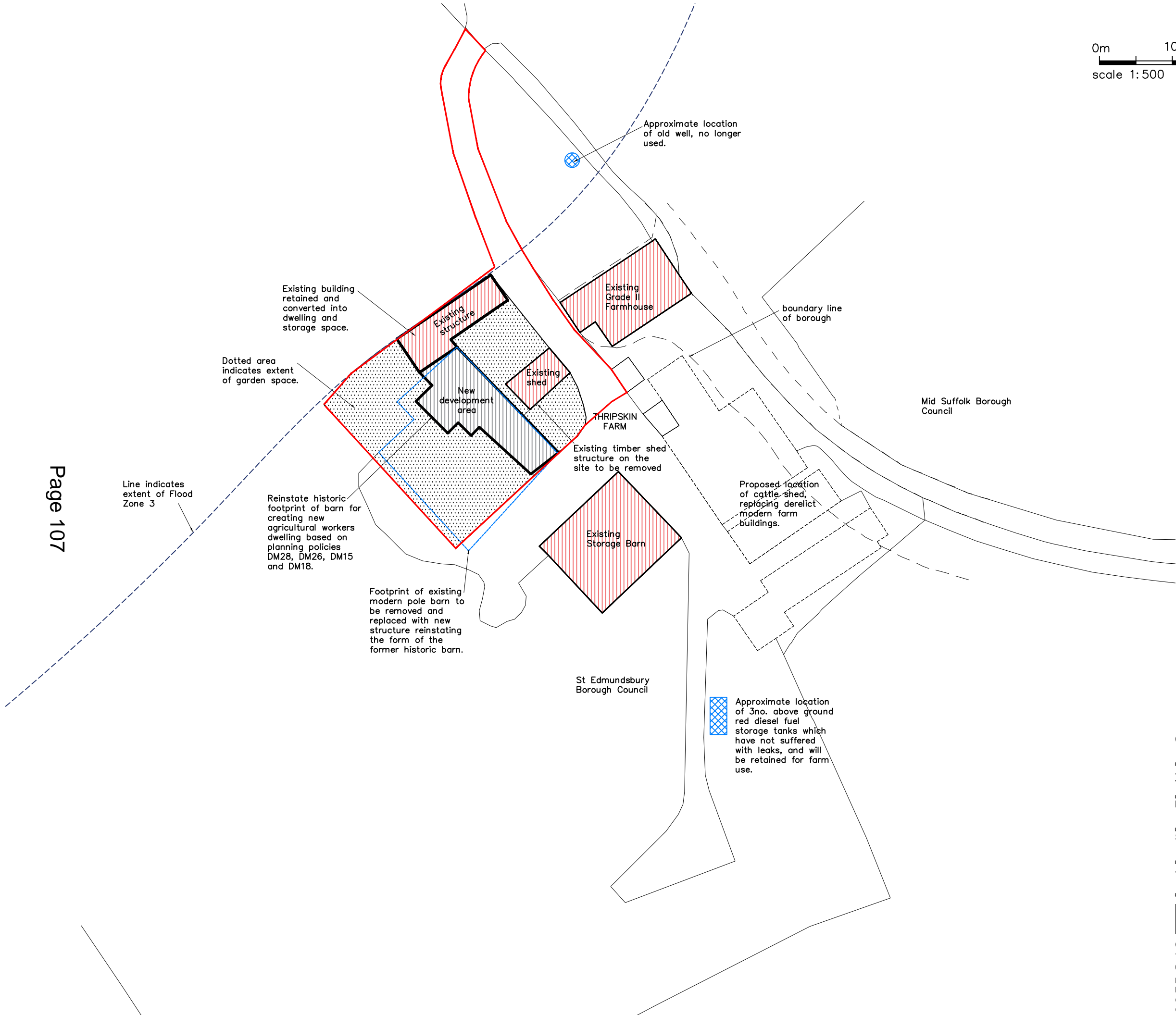
Scale:	Drawn By:	Date:
1:500	A3 MC/ KK	November 2018
Job Number:	Drawing Number:	Status:
5642	106/B	Preliminary

whitworth

Chartered Architects & Chartered Building Surveyors
18 Hatter Street, Bury St Edmunds, Suffolk, IP33 1NE
01284 760421 info@whitworth.co.uk www.whitworth.co.uk

NOTE:
Do not scale from this drawing. Confirm all dimensions on site. Refer any discrepancies to the Architect before work is put in hand. Read this drawing in conjunction with the relevant sections of the specification, schedule of works and other drawings.

This drawing is copyright of whitworth.



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Development Control Committee 7 August 2019

Planning Application DC/19/0759/TPO – 3 Forest Way, Mildenhall

Date Registered:	08.04.2019	Expiry Date:	03.06.2019
Case Officer:	Mr Nicholas Yager	Recommendation:	Split Decision
Parish:	Mildenhall	Ward:	Mildenhall Kingsway and Market
Proposal:	TPO/2007/02 - TPO/1996/06 - Tree Preservation Orders - (i) T1 - 1no. Oak - Fell (ii) T8 - 1no Scots Pine - Fell		
Site:	3 Forest Way, Mildenhall		
Applicant:	Mr John Carey		

Synopsis:

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

Recommendation:

The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory Services). However, it is recommended that the Delegation Panel advise the Assistant Director (Planning and Regulatory Services) of their opinion as to whether this application should be referred to the Development Control Committee for determination or whether it should otherwise be determined using delegated powers.

CONTACT CASE OFFICER:

Nicolas Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 01284 757629

Background:

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

The Officer's recommendation is to grant consent for the felling of the T1 – 1no. Oak and to refuse consent for the felling of the T8 – 1no. Scots Pine.

Negotiation sought to secure changes to the proposal, so that limb reduction works took place instead to the Scots Pine. However, the applicant did not agree to the suggested proposal change from Officers therefore making the recommendation a 'split decision'.

It was referred to the Delegation Panel as the Town Council and Ward Member (Mildenhall Kingsway & Market) both object to the felling of the trees, therefore, contrasting with the Officer's recommendation to fell T1 – 1no. Oak Tree.

A site visit is proposed for Monday 5 August 2019.

Proposal:

1. TPO consent is sought to fell 1no. Oak and to fell the T8 – 1no. Scots Pine.
2. However, the officer's recommendation is for a split decision to fell the T1 – 1no. Oak and to refuse the felling of the T8 – 1no. Scots Pine, for reasons that are set out and discussed below. The recommendation includes conditions to secure the replacement planting of the Oak with a Lime tree.

Application Supporting Material:

- Application Form
- Tree Location Plan
- T1 Tree Location Plan
- T8 Tree Location Plan
- Tree Inspection Report
- Photographs
- Arboricultural officer annotated photographs 001

Site Details:

3. The application site comprises of a detached bungalow located along 3 Forest Way, Mildenhall. The Scots Pine is located to the west side of the dwelling which is therefore visible from Thetford Road and Forest Way. The Oak tree is located in the north east corner of the site and again can be seen from both Thetford Road and Forest Way. The property is adjacent to the tree preservation orders 02(2007) and 06(1996).

Planning History:

Reference	Proposal	Status	Decision Date
DC/19/0759/TPO	TPO/2007/02	- Pending	
	TPO/1996/06	- Tree Decision	
	Preservation Orders - (i) T1		

	- 1no. Oak - Fell (ii) T8 - 1no Scots Pine - Fell		
F/2008/0561/TPO	Reduce oak tree by two thirds	Refuse	18.09.2008
F/2009/0332/TPO	Crown reduction of 3m to 1 Oak tree (as amended 28/10/2009).	Approve with Conditions	02.11.2009
F/2007/0787/FUL	Part demolish end of existing bungalow, erection of side and front extensions (to North, South and East elevations)	Approve with Conditions	16.11.2007
F/2010/0088/TPO	Fell 1 x Silver Birch (as amended by email received 02/03/2010)	Approve with Conditions	01.04.2010
F/2003/0353/TPO	Lift the canopy of 1 Oak tree and 1 Pine tree - TPO 6/96	Application Approved	30.06.2003

Consultations:

4. The arboricultural officer recommended the felling of the Oak tree and the refusal of the felling of the Scots Pine (for reasons set out below).

Representations:

5. Mildenhall Town Council: 06/08/2019

- *Parish Council Members objected to the planning application subject to an Arboriculturalist Report.*

6. Ward Member Cllr Ian Shipp: 28/06/2019

- *Objects to the planning application.*

7. A number of Neighbour comments have been received in response to the application;

The following comments were received in **support** of the proposal –

- *Petition was submitted on the 10/06/2019, from 13 Forest Way, 12 Forest Way, 10 Forest, Way, 9 Forest and 7 Forest Way **supporting** the proposal.*
- *Comments received from 4 Forest Way on the 10/05/2019, **supporting** the application. Due to the trees being located very close to the sewer pipes and the roots interfering with the free running of the system.*

The following comments were received in **objection** to the proposal -

- *Petition was submitted from 27 Thetford Road and a property along Forest View on the 03/07/2019 **objecting** to the proposal.*

- **Objection** received from 29 Thetford Road Mildenhall on the 22/05/2019 and the 21/05/2019.

29 Thetford Road 22/05/2019

8. We do not wish any neighbour to have drainage problems, but we have **objected** as felling the trees seems an extreme action to take to a relatively common problem, for which simpler and quicker solutions exist. A planning application was made to the mature oak tree (T1) around 10 years ago. A lengthy case concluded with a thorough examination conducted by Keith Rushford (an Arboricultural Inspector appointed by the Secretary of State). His detailed report* found nothing wrong with the tree or its roots and classified it as medium public amenity value. As a well established tree of over 100 years old I doubt anything has changed since then. Both trees appear healthy. The scots pine has ivy growing on it that could weaken the branches in time. One of the branches near the electricity cable may require routine pruning soon. Our stance remains the same as before. We like the trees, they create work clearing up leaves etc but overall the trees add value. When we moved here we were aware of the legal mechanism protecting them and the rationale behind this. We have had no drainage problems.

29 Thetford Road 21/05/2019

9. I do not consider this to be a complex case, rather a case made up of many things that were described in the report as "minor" or "not significant".

I found the report to contain a lot of conjecture and had expected it to be more matter of fact and objective. We made a few observations to arboricultural officer whilst doing the site visit which were not included in the report so I will mention them here.

- The oak tree, part based on our property, is of high amenity value to us and overhangs our garden more than any other.

- We do not remember seeing any maintenance on the scots pine and with substantial ivy growing on it, it is in need of attention. It would seem likely that the photographed fallen branches, supplied by the applicant, are as a result of this. Clearly a qualified tree surgeon is needed to remove these branches described in the report as "not considered unpredictable". On the day we were told that the scots pine would be good for at least 20-40 years but it was documented as "no more than 10-20 years".

- We have had strong winds and storms this winter, on each occasion there was lots of debris from the trees the next day but no branches fell that would have caused any harm, just twigs, cones leaves etc. I cannot ever remember any dangerous branches falling into our garden from which the tree overhangs.

- I've observed the trees for over 20 years and know them well, I have not noticed any changes in their health, in fact the oak tree looks in better shape than it did when a previous declined application was made to reduce by 2/3rds in 2008 (referred to in the report). The tree has recovered from the dieback and the associated deadwood has disappeared.

Policy:

10. Assessment of Tree Preservation Order (TPO) works are not made with reference to specific Development Management Policies. Rather, they are assessed on the basis of good arboricultural practise, balancing the need and justification for the works against any harm to amenity.

Officer Comment:

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

- Reason for the Works
- Impact on the Amenities of the Local Area

12. Both of the trees in this application form part of an area TPO, and both help contribute to the rural and wooded character of the local area. The Scots Pine in particular is a tree of high amenity value, with the Oak, whilst being less prominent, still adding to the amenity of the wider area.

T1 Oak Tree

13. T1, *Quercus robur*. This semi mature Oak is located in the rear garden of the property. Due to its size and stature, it is visible from the surrounding public roads, predominantly from the public road of Forest Way itself, meaning the greatest amenity value will be from within this housing development. The tree is visible to the wider public accessible area, but to a lesser extent. Partial views can be seen from Thetford Road, but these views of the tree would be best described as adding to an already verdant character of the area, when viewed from outside the development of Forest Way. The tree has also had a crown reduction in the past, which has reduced the visible crown of the tree, from a wider area. As such, the tree would be described as having a moderate amenity value (neither excessively high, nor excessively low).

14. However, during the arboricultural officer's inspection of the tree there was found significant cambium necrosis of the main stem and in the buttress zone. No fungal fruiting bodies were noted associated with this, but this may be due to a fungal pathogen which would not be fruiting at this time of year.

15. With approximately 1/3rd of the total circumference of the main stem being affected. The necrosis extends to approximately 500mm above ground level. It is possible this is the result of a fungal pathogen, and it is evident the tree has responded with woundwood development to the margins of the necrosis, with some levels of compartmentalisation. Overall, at this time, given the crown size of the tree, it is not considered that this causes an imminent risk of catastrophic failure at stem base. The exposed sapwood is still relatively intact, but soft decay in some areas has begun and is forming cavities deep within the buttresses. While the tree has actively responded to this, long term it is likely this area of dysfunction will continue to decay, and it would be very hard to determine the extent of decay and stability of the tree, without further Picus tomography investigation, carried out at a lower level, through the affected area.

16. It is likely that a crown reduction of up to 4 metres would be required to reduce the loading satisfactorily on the base of the main stem, which would ordinarily be considered as heavy, and in itself likely detrimental to the health and amenity of the tree. In some cases, such heavy reductions

are necessary when balanced against the risk of failure or removing the tree entirely. A finer point of consideration for this tree, and one which is important to consider, is that such a heavy reduction would necessarily reduce the tree's amenity value further, likely resulting in a tree with only a moderate to possibly even low amenity value. In this scenario it is considered that removing the tree and securing a replacement would be preferential to a detrimental reduction, in terms of securing long term amenity.

17. It should also be considered that the tree is a species that can attain great size, and its proximity to the two properties is such that it is a tree that will never be able to attain its full potential, as its proximity is such that it would require maintaining at a size and spread no greater than it currently is. As such, it will never have as high an amenity value as it otherwise could. It would be fair to say that while the immediate amenity value of the surrounding properties may be negatively impacted, given the tree's moderate amenity value, that this impact would be moderate at most. The area also has a very verdant character, and given the remaining tree cover, will still mostly retain this character.
18. The application has also been supported by a drain inspection report, which notes that roots been found in the applicant's drains. Also third party neighbouring comments have been received in relation to the drains. It is important to note that the drain inspection report does not make direct connections to T1 Oak, or draw any conclusions or recommendations. Roots from other trees, shrubs and vegetation all have the potential to enter a drain. Tree roots can extend twice the crown height of a tree. However, on balance, given the proximity of the tree, it would be reasonable to assume at least some of this root growth, if not all, does emanate from T1 Oak. However, it is also important to note that tree roots do not generally damage drains, rather, fine feeder roots will exploit an already failed drain, which would lead to roots being present within a drain. In most cases, repairing the drain would be the reasonable action. Comments from the neighbour that roots have also been found in their drains, for which the above comments also stand. Generally, the presence of roots in a drain, would not justify the removal of a tree with moderate to high amenity value. However, it would be fair to say that tree roots are likely to continue to encroach the drain, unless it is repaired. Removing the Oak tree would be likely to reduce the amount of roots re-growing into the damaged drain. There is mention of roots in the neighbours' flowerbed. This would be expected, and would not be considered a significant nuisance, unless the roots were causing damage to structures. The applicant also states that it is likely that roots are at the foundations of their house, and the neighbours. This is likely. However, tree roots are unlikely to cause direct structural damage to either properties, based on the likely foundation design and depth. In essence the pressure from incremental growth of roots would not be great enough to counter the weight loading of the house on the foundations, as such roots would deform around the foundation, rather than the other way around. Damage to foundations is typically associated with vegetation related subsidence, which given the light sandy soils, would not be likely, and can also be discounted. Overall, removal of the tree purely for the reasons of the above stated root issues, would not be justified, albeit the conclusions already reached above are clearly material.

19. With respect to the Oak's remaining life it is important to be clear about the difference between its potential remaining life, and its predicted safe, useful life expectancy. It is possible the tree could remain 80 years or more, if it was retrenched back to something like a pollard, over an extended period of time. In this way, it could be retained for some time, albeit with an even lower amenity value. When the actual condition of the tree is balanced with the nuisances, and the moderate amenity impact, then it is considered that it would be unreasonable in the circumstance for the Local Planning Authority to object to its removal.
20. Accordingly, noting this, and as a fine matter of balance, officers consider that the amenity value of this tree would be better preserved through the planting of a suitable longer term replacement, rather than allowing the tree to suffer the inevitable significant works that would be necessary to ensure its loading was appropriate, with the inevitable, and considerable, erosion of its amenity value as a consequence.
21. At this point, a note on replacement planting should be made. The applicant has stated they would be amenable to a replacement tree. In this case a replacement would need to be a species that will achieve a similar mature size, to replace the current amenity. It would not be recommended to replace with another tree of similar mature size, in the same location. However, an attractive semi mature Lime is located to the side of the property, adjacent to Thetford Road. This tree is part of a line of Lime trees that continue along Thetford Road on the opposite side of Forest Way. Replacing this oak tree with a Lime, planted to the west of the existing Lime, along Thetford Road, would likely secure a better and sustainable long term amenity, forming a valuable landscape feature in the form of a line of Limes.
22. It is for these reasons that officers consider that it is reasonable, on balance to consent to the felling of the Oak tree subject to the replacement planting of a Lime Tree.

T8 Scots Pine

23. T8 *Pinus sylvestris*. This mature Scots Pine is located to the side of the property, and fronting Thetford Road. Its size and stature is such that it is prominent to the wider area. It is located to the side of the property, and fronting Thetford Road. It would be fair to describe its amenity as being notably higher than T1 Oak. For a Scots Pine, it is a rather fine mature specimen, and has reached a mature age that many Scots Pine do not attain. This adds additional amenity value, when considering its uniqueness, and that it represents a particularly fine example of the species. In addition it has strong connections with the landscape, in terms of being synonymous with the Brecks. These factors combined would further increase its amenity value. As such, it would be described as having a high to very high amenity value. However, the Scots Pine in this application does have a significant risk of limb failure within the crown. Therefore, it is considered that pruning would reduce weight and loading within some specific parts on the tree. These suggested works were discussed with the applicant who did not want to negotiate and revise the proposal, and instead wanted a decision to be made on their proposal to fell the Scots Pine.

24. Due to the high amenity value of the tree, further reductions, or removal of the tree, would need to be supported by additional information on the condition of the tree. The Arboricultural Officer commented also stating that a full inspection of the tree cannot be made with the ivy in place and would strongly recommend the applicant to remove the ivy and have a detailed tree inspection to be carried out, particularly an aerial inspection.
25. Noting this, and noting, as set out, the high amenity value, it is not considered that justification has been made for the removal of the Scots Pine at this stage and refusal of consent to fell such is recommended.

Other Matters

26. Town Council, ward member and a number of neighbour comments have been received objecting to the removal of the Oak tree. These are noted. However, in this instance it is noted also that up to 1/3rd of the main stem of the tree is infected with cambium necrosis. The arboricultural officer recommended that a crown reduction of up to 4 metres would be required to reduce the loading satisfactorily on the base of the main stem, which would ordinarily be considered as heavy and would likely be detrimental to the health and the amenity of the tree. It is therefore considered, as set out above, and on balance, that removing the tree and conditioning the replacement planting of a Lime tree would be preferred to the inevitable detrimental reduction which would otherwise be required, and would in time secure the long term amenity of the area.
27. Neighbouring comments relating to the support of the felling of the Scots Pine are also noted. In this instance it is considered that the Scots Pine has a high amenity value that provides strong character to the area. It is noted that the Scots Pine has a number of over-extended limbs significantly increasing the risk of limb failure. However, the applicant has declined to agree any changes to the proposal to incorporate such limb reduction, and has confirmed their request to fell the tree. However, and regardless, with some pruning it is considered that the tree can overcome any concerns relating to limb failure, leaving the tree as a viable specimen for a number of years, potentially in excess of 20. Therefore, for further works relating to the removal of the Scots Pine to be considered and consented this would require more information to be submitted and such would have to outweigh against loss of the high amenity value that the tree currently holds, and it is for this reason that felling of the Scots Pine is recommended for refusal.

Conclusion:

28. In conclusion, the proposal to remove the Oak tree is considered to be acceptable. However, the removal of the Scots Pine is considered to be unacceptable in this instance.

Recommendation:

29. It is recommended that the Tree Preservation Order Consent for the **T1 Oak Tree** be **GRANTED** subject to the following conditions;
1. Works to take place within two years

2. Works to take place in accordance with standard arboricultural practice.
3. Replacement Planting of a Lime Tree

And

30. It is recommended that the Tree Preservation Order Consent of the **T8 Scots Pine** be **REFUSED** for the following reason:

1. The Scots Pine has a significantly high amenity value that contributes considerably to the wooded character of the local and wider area. Due to this high amenity value removal of the tree would need to be supported by additional information on the condition of the tree. No further evidence has been supplied and therefore, in the circumstance, it is not considered that a complete felling of the tree would be justified and would certainly not outweigh the adverse visual impacts that would arise and the removal of this tree would not therefore be justified.

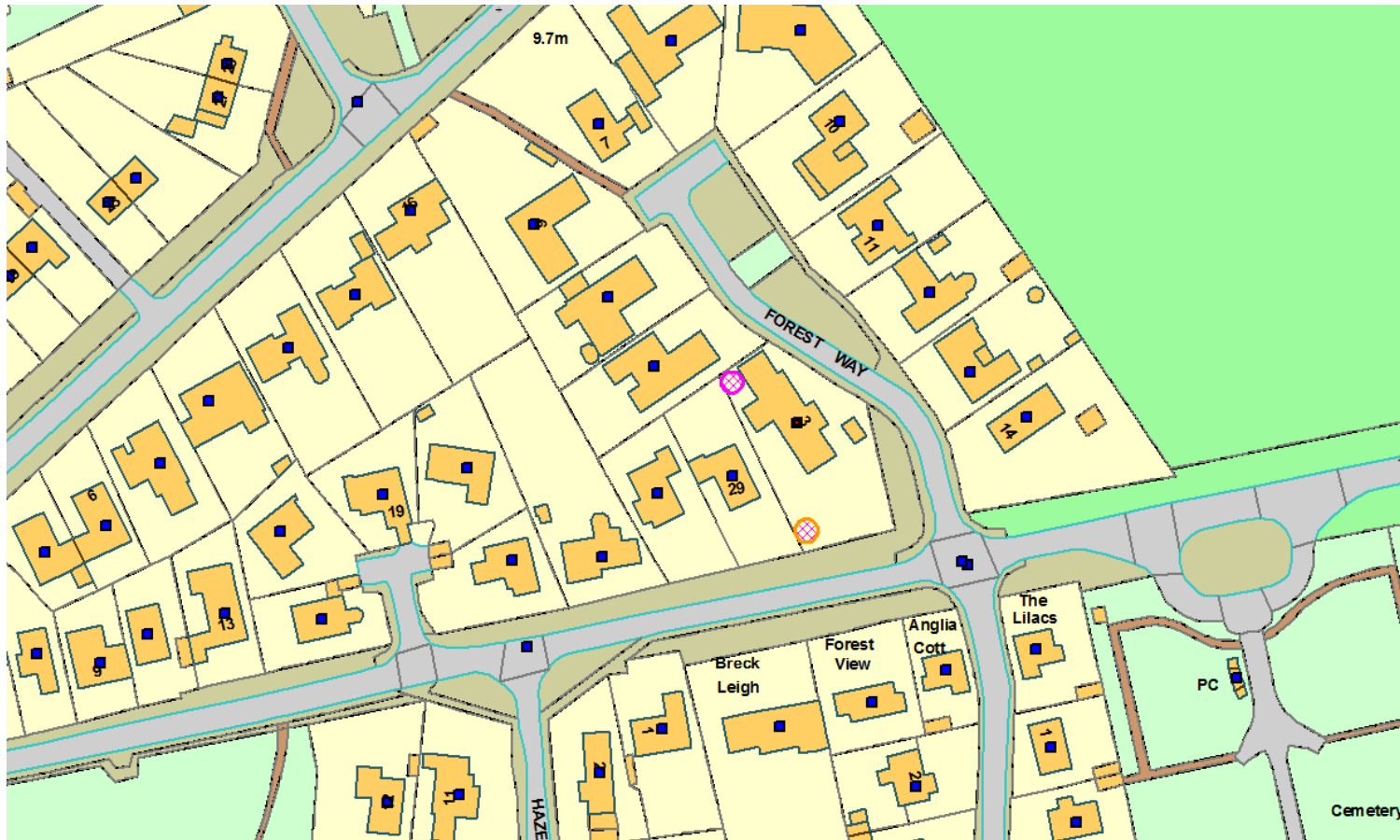
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0759/TPO](#)

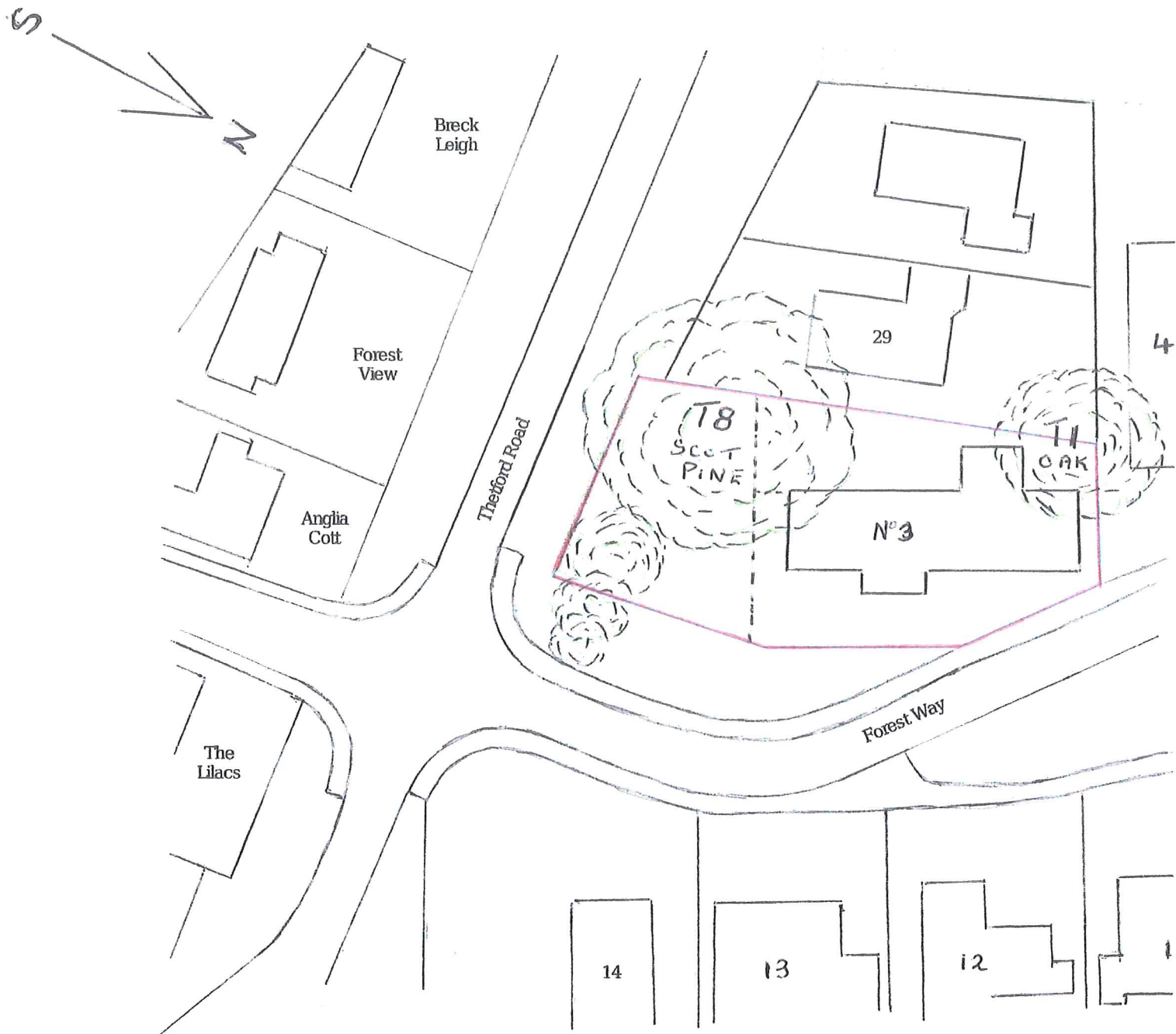
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3 Forest Way Mildenhall



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Development Control Committee 7 August 2019

Planning Application DC/19/0774/HH – 14 Hallfields, Lakenheath

Date Registered:	14.05.2019	Expiry Date:	09.07.2019
Case Officer:	Olivia Luckhurst	Recommendation:	Approve Application
Parish:	Lakenheath	Ward:	Lakenheath
Proposal:	Householder Planning Application - Installation of fencing		
Site:	14 Hallfields, Lakenheath		
Applicant:	Mr Ryan Pervin		

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:

Olivia Luckhurst

Email: Olivia.Luckhurst@westsuffolk.gov.uk

Telephone: 01638 719792

Background:

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

A site visit is scheduled to take place on Monday 5 August 2019.

Proposal:

1. The application seeks planning permission for the erection of a 2.2m close boarded wooden fence to enclose amenity space to the south of the property.

Application Supporting Material:

2.
 - Location Plan
 - Existing Elevations
 - Proposed Elevations
 - Block Plan

Site Details:

3. The site comprises of a detached bungalow located on a corner plot at the entrance of the residential cul-de-sac Hallfields. The site falls within the Lakenheath settlement boundary and is not situated within a conservation area, nor is the property listed.

Planning History:

4. No relevant planning history

Consultations**5. Local Member comment:**

- Councillor Stephen Frost stated that the fence would look odd and would disrupt the street scene. Councillor Frost seconded Councillor David Gathercole's Delegation Panel call in request.
- Councillor Gathercole raised concerns regarding the visual impacts of the proposed fencing and referred the application to Delegation Panel

6. Town/Parish Council comment:

- The Parish Council support the original proposed layout subject to no fencing being erected in front of the building line
- The Parish Council commented in support of the amended layout subject to no visibility problems

7. Highways comment:

- Highways recommended the following condition on the original layout;
'Condition: Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the

carriageway of the adjacent highway for any part of the property boundary which extends westwards beyond the front line of the dwelling.'

- Comments of support were received from Highways on the amended location of the proposed fence.

Representations:

8. Comments received on 4th June 2019 from No.13 Hallfields suggesting an amended layout and raised concerns regarding loss of visibility, possible blockage of driveway and safety of pedestrians.

Neighbours were reconsulted on the amended plans, however, no further comments were submitted by No.13 Hallfields.

Policy:

9. 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/appeal with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

10. Forest Heath Core Strategy 2010

- Core Strategy Policy CS5 - Design quality and local distinctiveness

11. Joint Development Management Policies 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

Other Planning Policy:

12. 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

provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

13. The main consideration in the determination of this application are:

- Principle of development
- Impact on amenity
- Impact upon the street scene
- Design and form

Principle of Development

14. Policy DM2 states that proposed developments should recognise and address key features, characteristics, landscapes/townscape character, local distinctiveness and special qualities of the area and building. Development should also maintain or create a sense of place or local character and should not involve the loss of gardens and important open, green or landscapes area which make a significant contribution to the character or appearance of the settlement.

15. 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 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.

16. The proposed layout and position of the fence is considered to have taken into consideration of the character of the area and prominent position of the plot on a corner by setting the fence further back into the plot resulting in the retention of as much green space as possible.

Impact upon Amenity

17. The proposed development is considered to have no material adverse impact upon the residential amenity of nearby occupants by means of being overbearing or resulting in loss of light given the location of the proposed fence. Concerns were raised by a neighbouring resident with regards to what effect the fence may have on their driveway and their visibility when pulling out, however as the amended plans show, the fence has been brought in by 1m from the footpath edge and therefore, it is considered that the fence will not have a detrimental impact.

Impact upon the Street Scene

18. The street scene is made up of properties that are of a similar character and appearance and all have low level fences or brick walls enclosing their front amenity space. Given that the proposed fence will measure 2.2m there will be some degree of impact on the street scene, however on balance, No. 14 is located on a corner plot that benefits from green amenity space to the front and side of the property unlike the other dwellings located on Hallfields and High Street. The applicant has taken into consideration the prominent positioning of the plot by amending the

proposed layout to incorporate a fence located further back from the front elevation and moving the fence in by 1m from the footpath.

19. The plans originally submitted with the application showed a 2.2m fence positioned in line with the front elevation of the property measuring 5.3m in width and 20.3m in depth which fell in line with the footpath located immediately adjacent to the site. However, after negotiation with the applicant, amended plans were received. The plans now show the fence located 3m back from the front elevation and a width of 4.3m and depth of 17.3m, with the fence set in 1m from the edge of the footpath. The amended plans are considered more appropriate and more in keeping with the area as the fence is positioned further away from the front of the property and footpath, making the addition less prominent within the street scene. The fence will clearly be visible, but it is considered that the modest impact the fence (in its amended position) would have on the street scene is not significant enough to justify refusal. The amended fence position will provide additional private amenity space for the family.

Design and Form

20. The proposed fence will be a close boarded timber fence which is considered to be in keeping with the area. The fence will measure 2.2m due to a kickboard at the bottom to prevent rotting, however, given that the measurements of the fence will have no impact upon the amenity of neighbouring dwellings the addition is considered acceptable.

Conclusion:

21. 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:

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

1. 001A - Time Limit – Detailed

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. 14FP - Approved Plans

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

Location Plan	Received: 14/05/2019
Block Plan	Received: 09/07/2019
Floor Plan	Received: 17/06/2019

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

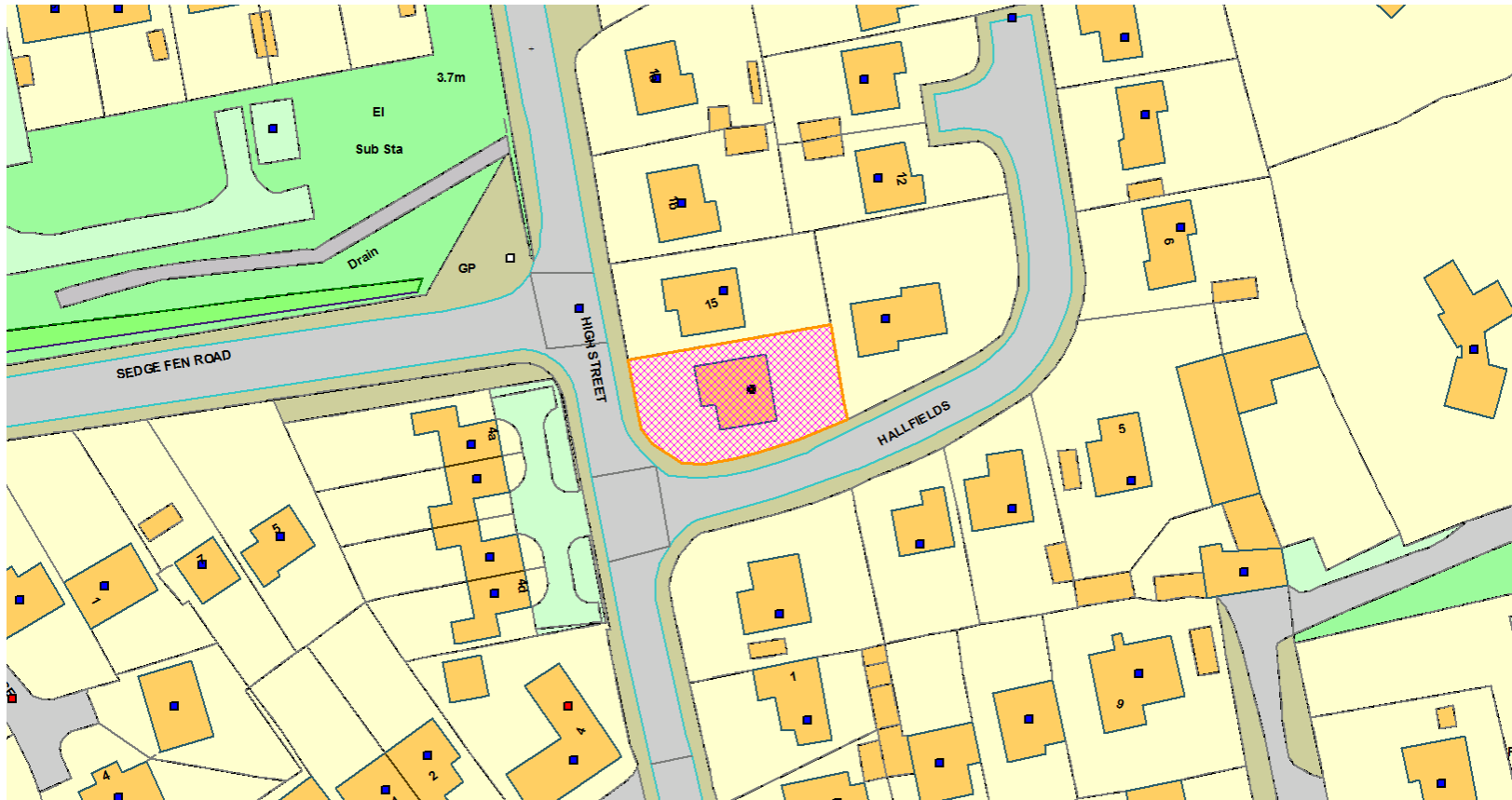
Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PPOY96PDFI500>



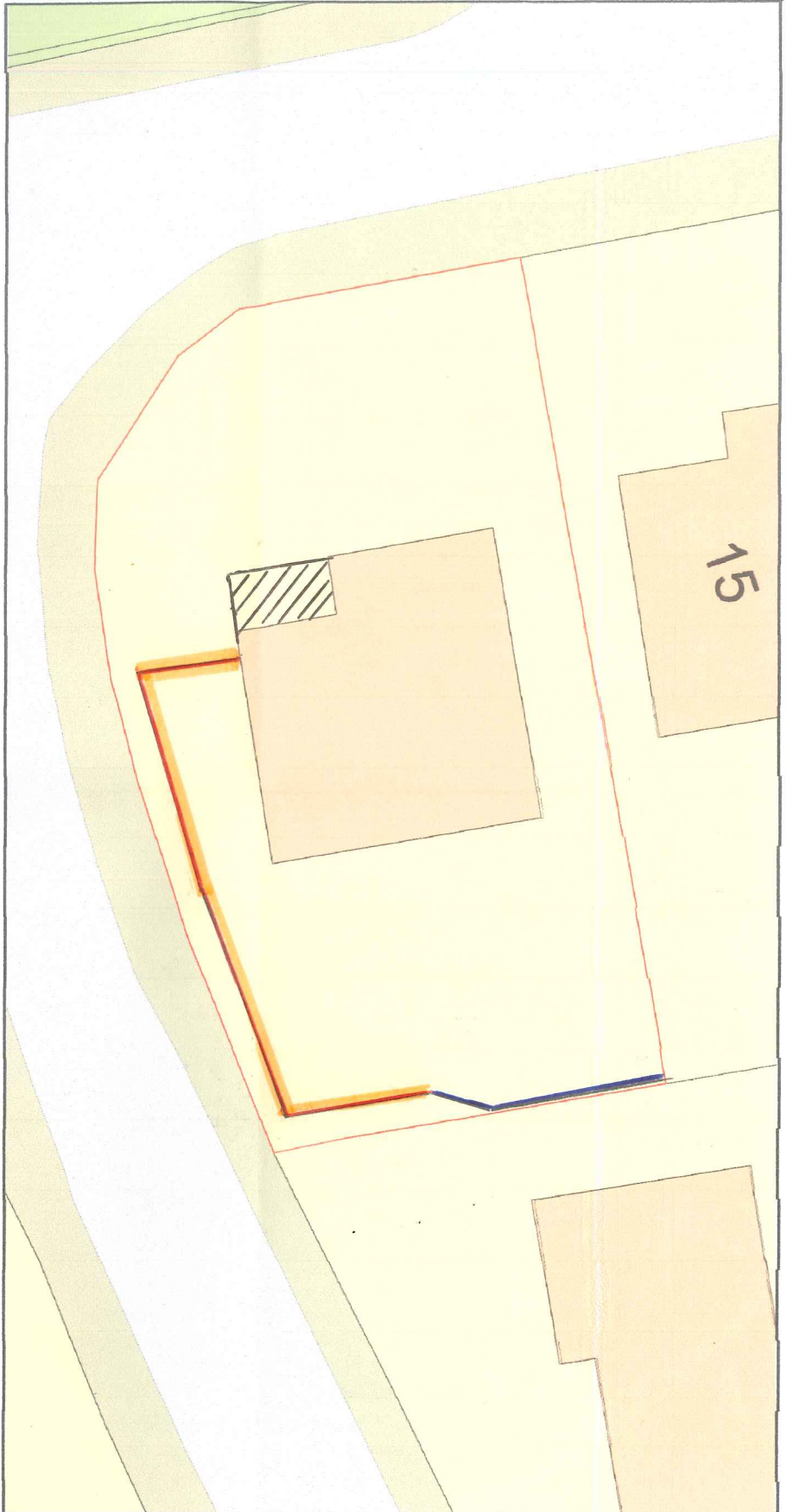
14 Hallfields Lakenheath



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Fence

Ref: DC/19/0774/HH



Plan Produced for:

Suzanne hunter

Date Produced:

13 May 2019

Plan Number/Project ID:

TORQM19133081654827

Scale:

1:200 @ A4

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- Existing extension



- New fence



- Existing garden wall

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