

Development Control Committee



Title:	Agenda												
Date:	Wednesday 4 September 2019												
Time:	10.00 am												
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU												
Full Members:	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Conservative Group</u>(9)</td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>Spectrum Group</u> (3)</td> <td>John Burns Jason Crooks</td> <td>David Palmer</td> </tr> <tr> <td><u>The Independent Group</u> (3)</td> <td>Roger Dicker David Gathercole</td> <td>Don Waldron</td> </tr> <tr> <td><u>Labour Group</u>(1)</td> <td>David Smith</td> <td></td> </tr> </table>	<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>Spectrum Group</u> (3)	John Burns Jason Crooks	David Palmer	<u>The Independent Group</u> (3)	Roger Dicker David Gathercole	Don Waldron	<u>Labour Group</u> (1)	David Smith	
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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 2 SEPTEMBER 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/19/0224/FUL - Land NE Haverhill, Wilsey Road, Little Wratting, CB9 7TB**
Planning Application - Provision of temporary holding area for storage of materials and machinery associated with the construction of Great Wilsey Park, including the siting of a portacabin to accommodate welfare facilities
Site visit to be held at 10.05am

- 2. Planning Application DC/18/1712/FUL - Bridgelands Farm, Newmarket Road, Cowlinge, CB8 9HN**
Planning Application - (i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping
Site visit to be held at 10.40am (access to the site will be provided to Members by way of transport on a Gun Bus – Councillors are therefore advised to be mindful of this and to wear appropriate footwear/clothing)

- 3. Planning Application DC/18/2477/FUL - Land at Brickfield Stud, Exning Road, Newmarket, CB8 7JH**
Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping
Site visit to be held at 11.25am

The coach will then travel back to West Suffolk House in order to allow for a short comfort break and refreshments (approximately 12.25 – 12.55pm) before re-embarking and travelling to the following sites:

- 4. Planning Application DC/18/0382/FUL - Cornhill Walk, Brentgoval Street, Bury St Edmunds, IP33 1EJ**
Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,541sq.m (Use Class A1/D2) at the ground floor (ii) 48 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018, 27th March 2019 and 5th July 2019
Site visit to be held at 1.05pm

- 5. Planning Application DC/19/1117/FUL - Land Adjacent to High Trees, The Park, Great Barton, IP31 2SU**
Planning Application - (i) 1no. dwelling (ii) detached double garage and (iii) creation of a shared access
Site visit to be held at 1.45pm

On conclusion of the site visits, the coach will return to West Suffolk House by the approximate time of 2.10pm.

PLEASE NOTE:

Planning Application DC/19/1046/FUL - Kentford Lodge, Herringswell Road, Kentford, CB8 7QS

Planning Application - Installation of 6 x 2 Tonne Underground LPG Tanks including pipework network serving 60 properties (Retrospective)

Whilst there is no specific site visit scheduled for this application Officers will endeavour to direct the coach to allow Members to see the site by way of a drive-by whilst on the way to/from other site visits.

**Committee
administrator:**

Helen Hardinge

Democratic Services Officer

Tel: 01638 719363

Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
AGENDA NOTES**

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

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

Material Planning Considerations

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

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 - 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/altered, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
 - Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend 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 A

(commences at 10am)

Page No

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 14

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

4. Planning Application DC/18/2477/FUL - Land at Brickfield Stud, Exning Road, Newmarket

15 - 42

Report No: **DEV/WS/19/015**

Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

5. Planning Application DC/19/0224/FUL - Land NE Haverhill, Wilsey Road, Little Wratting

43 - 62

Report No: **DEV/WS/19/016**

Planning Application - Provision of temporary holding area for storage of materials and machinery associated with the construction of Great Wilsey Park, including the siting of a portacabin to accommodate welfare facilities

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

63 - 98

Report No: **DEV/WS/19/017**

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

Continued overleaf...

- 7. Planning Application DC/18/0382/FUL - Cornhill Walk, Brentgovel Street, Bury St Edmunds** **Page No**
99 - 134

Report No: **DEV/WS/19/018**

Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,541sq.m (Use Class A1/D2) at the ground floor (ii) 48 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018, 27th March 2019 and 5th July 2019

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

Part B

(commences not before 1pm)

- 8. Planning Application DC/19/1426/FUL - Unit 3, Haverhill Retail Park, Haverhill** **Page No**
135 - 148

Report No: **DEV/WS/19/019**

Planning Application - (i) Change of use from Class A1 (retail) to Class D2 (gymnasium) (ii) minor external alterations to provide new entrance to front elevation

- 9. Planning Application DC/18/1712/FUL - Bridgelands Farm, Newmarket Road, Cowlinge** **149 - 174**

Report No: **DEV/WS/19/020**

Planning Application - (i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping

- 10. Planning Application DC/18/1822/FUL - Norish, Northern Way, Bury St Edmunds** **175 - 186**

Report No: **DEV/WS/19/021**

Planning Application - Creation of access from the A1101 to Norish's premises (resubmission of DC/18/0616/FUL)

Continued overleaf...

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|------------|--|------------------------------|
| 11. | Planning Application DC/18/2152/FUL - Thripskin Farm, High Street, Thelnetham | Page No
187 - 220 |
| | Report No: DEV/WS/19/022 | |
| | 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 | |
| 12. | Planning Application DC/19/1243/FUL - Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford | 221 - 236 |
| | Report No: DEV/WS/19/023 | |
| | Planning Application - To provide A11 mitigation land comprising of (i) Topsoil stripping to a depth of approx. 300mm to be taken from bare earth (126 hectares) (ii) Topsoil to be spread evenly across scrub area (99 hectares) resulting in approx. 400mm land raise (iii) Installation of predator-proof fencing | |
| 13. | Planning Application DC/19/1117/FUL - Land Adjacent to High Trees, The Park, Great Barton | 237 - 256 |
| | Report No: DEV/WS/19/024 | |
| | Planning Application - (i) 1no. dwelling (ii) detached double garage and (iii) creation of a shared access | |
| 14. | Planning Application DC/19/1046/FUL - Kentford Lodge, Herringswell Road, Kentford | 257 - 270 |
| | Report No: DEV/WS/19/025 | |
| | Planning Application - Installation of 6 x 2 Tonne Underground LPG Tanks including pipework network serving 60 properties (Retrospective) | |

Development Control Committee



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

Present: **Councillors**

Chair Andrew Smith

Vice Chair Mike Chester and Jim Thorndyke

Carol Bull

Andy Neal

John Burns

David Palmer

Terry Clements

David Smith

Jason Crooks

Peter Stevens

Andy Drummond

Don Waldron

David Gathercole

Ann Williamson

Susan Glossop

16. **Apologies for Absence**

Apologies for absence were received from Councillors Roger Dicker, Ian Houlder and David Roach.

17. **Substitutes**

The following substitutions were declared:

Councillor Andy Neal substituting for Councillor Roger Dicker

Councillor Carol Bull substituting for Councillor Ian Houlder

Councillor Terry Clements substituting for Councillor David Roach

18. **Minutes**

The minutes of the meeting held on 3 July 2019 were confirmed as a correct record and signed by the Chair.

19. **Planning Application DC/19/1146/FUL - Land off Crown Lane, Crown Lane, Ixworth (Report No: DEV/WS/19/008)**

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

This application was referred to the Development Control Committee as it related to a major planning application.

A Member site visit was held prior to the meeting. The Parish Council objected to the proposal which was contrary to the Officer recommendation of

approval, subject to conditions as set out in Paragraph 66 of Report No DEV/WS/19/008.

The application had 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 had been submitted by the applicant to establish the full impact that the proposal could have on the tree belt.

As part of her presentation the Principal Planning Officer drew attention to the changes that had been to the scheme since the application that was considered in January 2019.

The Committee was also advised that an application for the construction of 77 dwellings on land to the South of the access road was still pending consideration; with the Local Planning Authority in the process of engaging with the applicant on matters relating to viability, design and layout.

Speaker: Councillor Ben Lord (Chairman, Ixworth & Ixworth Thorpe Parish Council) spoke against the application
Stuart McAdam (Persimmon Homes, applicant) spoke in support of the application

Considerable detailed discussion took place on the application, in response to which the Principal Planning Officer explained:

Ecology – Condition Nos 6 and 7 had been included at the request of the Landscape and Ecology Officer. Members were also reminded that the tree belt was not protected.

Flooding – the entire site had been assessed for flood risk, including that of the application and the adjacent residential application site.

Road Route / Cycle Path – the road was intended to largely follow the topography of the site with the cycle path to be on the Western side of the road and not adjacent to the tree belt.

Emergency Access / Bollards – the collapsible bollards specified for use at the emergency access were requested by Suffolk County Council Highways and were used as standard.

Condition No 21 – Members were advised of the justification for this condition and informed that it was not possible to link this in any way to the adjacent residential application. However, Suffolk County Council Highways were mindful of the linkage and both schemes would need to comply with the Highways Authority's requirements.

Councillor Peter Stevens raised specific concern that the Crown Lane Masterplan was yet to have been confirmed and questioned the validity of the application in light of this. He therefore, proposed that the application be refused for this reason and this was duly seconded by Councillor Terry Clements.

The Service Manager (Planning – Development) appreciated that it would have been preferable for the related masterplan to have been agreed but

advised that the fact that it was not in place was not a valid reason to refuse the application, and Members needed to be mindful of the length of time that a masterplan took to develop and establish.

In response to the Officer's comments Councillor Peter Stevens withdrew his motion for refusal and instead proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 5 voting for, 10 against and with 1 abstention the Chairman declared the motion lost.

Further debate then ensued with Members continuing to raise concern/seek further detail specifically in connection with:

Ecology – Condition Nos 6 and 7 and the tree belt;

Emergency Access / Bollards – Questions were raised as to whether the collapsible bollards specified for use at the emergency access could be replaced by a gate; and

Condition No 21 – Seeking assurance from Suffolk County Council Highways with regard to the linkage to the adjacent residential application.

In light of these points, Councillor Terry Clements proposed that consideration of the application be deferred in order to allow Officers time in which to pursue these matters. This was duly seconded by Councillor David Gathercole and with the vote being unanimous, it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow additional time for Officers to seek further information in respect of:

Ecology – Condition Nos 6 and 7 and the tree belt;

Emergency Access / Bollards – Questions were raised as to whether the collapsible bollards specified for use at the emergency access could be replaced by a gate; and

Condition No 21 – Seeking assurance from Suffolk County Council Highways with regard to the linkage to the adjacent residential application.

20. **Planning Application DC/19/0344/FUL - Liberty House, Hepworth Road, Market Weston (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)

This application was referred to the Development Control Committee following consideration by the Delegation Panel where, due to the public interest in the application, Members resolved that it should be presented to the Development Control Committee.

A Member site visit was held prior to the meeting. The Parish Council objected to the application which was in conflict with the Officer recommendation of approval, subject to conditions, as set out in Paragraph 92 of Report No DEV/WS/19/009.

As part of his presentation the Senior Planning Officer tabled a copy of the noise policy which the applicant's had implemented for all bookings at the property.

Speakers: Nigel French (neighbour objector) spoke against the application
Robert Snelling (neighbour objector) spoke against the application
Councillor Miranda Martin (Vice Chairman, Market Weston Parish Council) spoke against the application
Councillor Carol Bull (Ward Member: Barningham) spoke on the application on behalf of village residents
Juliet Hargrave (applicant) spoke in support of the application

Considerable debate took place by Members with a number commenting on the lack of amenity that village residents received directly from the premises (when operating as a holiday let) together with the limited control the Local Authority had on businesses of this nature.

Some of the Committee also remarked on the distinctive rural nature of Market Weston and how noise travels much further in the countryside, thereby, affecting amenity even if noise levels fell below statutory nuisance legislation.

In response to questions, the Lawyer advising the meeting explained that one of the tests for proposed conditions was enforceability. Hence, Officers did not recommend the inclusion of a condition in relation to the control of noise levels in relation to when and where music was played as this could be covered by other legislation, however, as referenced in the comments by Public Health and Housing, a condition could be included in respect of external lighting.

The Service Manager (Planning - Development) added that a noise management plan could also be requested via a condition.

Councillor Peter Stevens asked if it would be possible for permission to be granted on a temporary basis and the Service Manager (Planning - Development) confirmed that she considered this to be reasonable in this instance and would recommend a temporary period of 1 year.

Accordingly, Councillor Stevens proposed that the application be approved, as per the Officer recommendation, for a temporary period of 1 year, inclusive of a noise management plan and a lighting condition. This was duly seconded by Councillor Don Waldron.

(Prior to taking the vote the Chair permitted a short comfort break.)

Upon being put to the vote and with 8 voting for the motion, 7 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED FOR A TEMPORARY PERIOD OF 1 YEAR** 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 approved plans and documents.
- 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
- 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.
- 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.
- 5 Noise Management Plan.
- 6 External lighting condition.

21. **Planning Application DC/18/2137/HH - Liberty House, Hepworth Road, Market Weston (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)

This application was referred to the Development Control Committee as it related to the previous agenda item (Planning Application DC/19/0344/FUL) and was also considered by the Delegation Panel where Members resolved that it should be presented to the Development Control Committee.

A Member site visit was held prior to the meeting. The Parish Council objected to the application which was in conflict with the Officer recommendation of approval, subject to conditions, as set out in Paragraph 24 of Report No DEV/WS/19/010.

As part of her presentation the Planning Officer explained that the application site had been subject to a number of planning applications over the years, notably an application for a single storey extension to the South East elevation (DC/16/1930/HH) which was granted in November 2016.

Subsequently, an application was submitted to regularise a discrepancy between the approved plan and the constructed extension – which formed the matter under consideration by the Committee.

The Service Manager (Planning – Development) made reference to the related previously (temporarily) approved agenda item for the same premises and

advised Members that all considerations within the report were still relevant together with the addition of policy DM34 which specifically related to extensions to tourism premises.

Speakers: Nigel French (neighbour objector) spoke against the application
Juliet Hargrave (applicant) spoke in support of the application

Councillor Andy Drummond proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Susan Glossop.

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

Decision

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

1. Time limit
2. Compliance with plans

22. **Planning Application DC/19/1084/FUL - La Grange House, Fordham Road, Newmarket (Report No: DEV/WS/19/011)**

Planning Application - 1no. dwelling

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

Newmarket Town Council objected to the scheme which was in conflict with the Officer's recommendation of approval, subject to conditions, as set out in Paragraph 47 of Report No DEV/WS/19/011.

A Member site visit was held prior to the meeting.

As part of his presentation the Senior Planning Officer drew attention to the following:

- The 'late papers' that had been issued following publication of the agenda and which set out comments from the Council's Tree Officer and one further associated condition;
- The planning application previously submitted for the site which was considered by Forest Heath District Council's Development Control Committee in February 2019 and refused. The amendments which had been made to this scheme were highlighted to the Committee; and
- The agent for the application had revisited the site in recent days and surveyed the two trees that were to be removed to accommodate the proposed property's driveway, namely T004 Yew tree and T005 Oak tree. It had transpired that the trees were 2.5m nearer to the Fordham Road boundary than previously understood, hence, these trees could now be retained and the only tree loss would be a small group of young Yew trees.

Speakers: Andrew Fleet (on behalf of neighbour objector Edd Dunlop Racing) spoke against the application

Keith Warth (KWA Architects, agent) spoke in support of the application

Councillor Andy Drummond spoke on the application and clarified that whilst he was a member of Newmarket Town Council's Development and Planning Committee he had abstained from voting on the item when considered by the Town Council in order to allow him to take part in the District Council's Committee.

Councillor Drummond objected to the application due to the location of the proposed property, close to a stable block, and the impact it could have on the amenity of the future residents. He therefore proposed, contrary to the Officer recommendation, that the application be refused. This was duly seconded by Councillor David Gathercole.

The Service Manager (Planning – Development) advised that if Members were minded to refuse the application 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.

Upon being put to the vote and with 2 voting for the motion and 14 against the Chair declared the motion lost.

Councillor John Burns raised a question in respect of Condition No 12 and the Construction Method Statement. In response, the Service Manager (Planning – Development) clarified that in applications where the Jockey Club Estates were consulted this bespoke condition was included to enable parties to liaise and come to a mutually appropriate arrangement.

Councillor Burns then proposed that the application be approved, as per the Officer recommendation and inclusive of the additional condition within the late papers, this was duly seconded by Councillor Andy Neal.

Upon being put to the vote and with 14 voting for the motion and with 2 against, it was resolved that

Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development hereby permitted shall be constructed entirely of the materials detailed within the application hereby approved.
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.
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.
 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").
 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.
 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.
 9. The windows installed in the rear elevation shall be triple glazed and thereafter retained as shown on drawing no. 1179-PO6.
 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.
 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.
 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.
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.
 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.
 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.
 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.
 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.
 18. Prior to commencement of development a detailed Tree Protection Plan and Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The plans should include details of the following:
 1. Measures for the protection of those trees and hedges on the application site that are to be retained,
 2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 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,

3. Detailed schedule of arboricultural supervision,
4. 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.

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

23. 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.

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.

These applications were referred to the Development Control Committee following consideration by the Delegation Panel.

The Parish Council supported both applications which, in the case of the planning application, was contrary to the Officer recommendation of refusal for the reasons set out in Paragraph 57 of Report No DEV/WS/19/012.

Officers were also recommending that the application for Listed Building Consent be approved, subject to conditions as set out in Paragraph 58 of the report.

A Member site visit was held prior to the meeting.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke on the application on behalf of the applicants
Paul Nunn (applicant) spoke in support of the application

Councillor Peter Stevens raised questions in relation to Class Q Permitted Development rights in respect of the application site which the Service Manager (Planning – Development) responded to.

Councillor Andy Drummond asked if it would be possible to condition the planning application's dwelling to ensure occupancy was restricted to the farm business and Officers confirmed that this could be done.

Councillor Drummond then proposed that the planning application be approved, contrary to the Officer recommendation of refusal, as he considered the dwelling for a key worker to be essential to the operation, and that the Listed Building Consent application be approved as per the Officer recommendation. These were duly seconded by Councillor John Burns.

The Service Manager (Planning – Development) advised that if Members were minded to approve the planning application 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.

Accordingly, the Chair agreed to take the vote on each application separately.

With 13 voting for the motion and with 3 against it was resolved that

Decision

Members be **MINDED TO APPROVE PLANNING PERMISSION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** as they considered the dwelling for a key worker to be essential to the agricultural operation. The application was therefore **DEFERRED** in order to allow a Risk Assessment to be produced for consideration by the Committee at a future meeting.

And, with the vote being unanimous it was resolved that

Decision

LISTED BUILDING CONSENT be **GRANTED** subject to the following conditions:

1. Standard time limit
2. Schedule of repairs/works to single storey building to be agreed
3. Samples of materials and finishes to be agreed

24. **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

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

Officers were recommending to grant consent for the felling of the T1 Oak and to refuse consent for the felling of the T8 Scots Pine.

The Town Council objected to the felling of both trees. A Member site visit was held prior to the meeting.

As part of his presentation the Planning Officer advised Members that 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 change from Officers, therefore making the recommendation the split decision as set out in Paragraphs 29 and 30 of Report No DEV/WS/19/013.

Speakers: Bruce Talbot (neighbour objector) spoke against the application
Brenda Carey (applicant) spoke in support of the application

A number of Members made comment, largely opposing the felling of the Oak tree and posing a number of questions in relation to the tree.

In response to which, the Chair invited the Council's Assistant Arboricultural Officer to address the meeting who advised the Committee that:

- The Oak tree was considered to be of medium public amenity value. On balance the replacement planting with a Lime tree would add to the Lime tree avenue that lined the adjacent Thetford Road and this enhancement was considered to be of high public amenity value; and
- Whilst it was difficult to age trees accurately he considered the Oak tree to be over 100 years old and to have entered the last stage of its life.

Councillor Peter Stevens remarked on the Oak tree appearing to straddle the applicant's property and that of the immediate neighbour.

The Service Manager (Planning – Development) advised that if Members granted the felling of the tree then both parties would have to agree to the works, however, this was a matter of common law and not a material planning consideration.

Councillor Andy Neal proposed that the Tree Preservation Order Consent for the felling of the T1 Oak Tree be refused, contrary to the Officer recommendation of approval, due to the high amenity value he considered the tree to provide. This was duly seconded by Councillor Susan Glossop.

Upon being put to the vote and with 15 voting for the motion and with 1 against, it was resolved that

Decision

The Tree Preservation Order Consent for the felling of the **T1 Oak Tree** be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the high amenity value the tree provided.

And, Councillor Neal also proposed that the Tree Preservation Order Consent for the felling of the T8 Scots Pine be refused, as per the Officer recommendation, This was duly seconded by Councillor Andy Drummond.

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

Decision

The Tree Preservation Order Consent for the felling 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.

(Prior to taking the vote on this item the Lawyer advised the meeting that whilst Councillor David Gathercole had briefly stepped out of the room during the debate on this matter, whilst he was absent the only advice given by Officers was to highlight something that was not pertinent to the application, therefore Councillor Gathercole was still able to take part in the vote.)

(On conclusion of this item Councillors Susan Glossop, David Palmer and Peter Stevens left the meeting at 2.20pm.)

25. **Planning Application DC/19/0774/HH - 14 Hallfields, Lakenheath (Report No: DEV/WS/19/014)**

Householder Planning Application - Installation of fencing

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

The Parish Council supported the application and Officers were recommending that it be approved, subject to conditions, as set out in Paragraph 22 of Report No DEV/WS/19/014.

A Member site visit was held prior to the meeting.

The Principal Planning Officer explained that throughout the report the fence had been referenced as being 2.2m when in fact it should have read 2.02m.

The Committee were also advised of the 'fallback' Permitted Development option that the applicants could pursue if permission was not granted.

Speaker: Councillor David Gathercole (Ward Member: Lakenheath) spoke on the application

Further to questions/comments made in respect of the property's covenant restrictions in relation to fencing, the Service Manager (Planning – Development) advised Members that this was not a material planning consideration.

Councillor Gathercole proposed that the application be refused, contrary to the Officer recommendation of approval, as he considered it not to comply

with policies DM24 and DM2. This was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 10 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, as it did not comply with policies DM24 and DM2.

The meeting concluded at 2.33pm

Signed by:

Chair

Development Control Committee 4 September 2019

Planning Application DC/18/2477/FUL – Land at Brickfield Stud, Exning Road, Newmarket

Date Registered: 17.12.2018 **Expiry Date:** 18.03.2019 EOT till 30.09.2019

Case Officer: Gary Hancox **Recommendation:** Approve Application

Parish: Newmarket Town Council **Ward:** Newmarket North

Proposal: Planning Application - 79 no. dwellings, a new vehicle access from Exning Road and public open space, together with associated external works including parking and landscaping

Site: Land at Brickfield Stud, Exning Road, Newmarket

Applicant: CALA Homes (North Home Counties) Ltd

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

This application is referred to the Development Control Committee as the views of the Town Council are contrary to the Officer recommendation and because the application is recommended for APPROVAL contrary to the development plan.

Proposal

1. The application proposes a residential development of 79 dwellings containing a mixture of 1, 2, 3, 4 and 5 bed properties, estate roads, parking, open space, landscaping and associated infrastructure. Twenty-four affordable dwellings are being proposed on-site. Vehicle and pedestrian access to the site would be from Exning Road, and a further pedestrian link is proposed to Brickfields Avenue.

Application Supporting Material:

2. The application contains the following plans and supporting documents:
 - Layout plans, elevations and street scenes
 - Refuse plan
 - Parking allocation plan
 - Open space plan
 - Landscape masterplan
 - Design & Access Statement (DAS)
 - Affordable Housing Statement
 - Transport Assessment
 - Travel Plan
 - Energy Statement
 - Flood Risk Assessment
 - Landscape VIA
 - Biodiversity Survey
 - Ecological appraisal
 - Tree Survey
 - Statement of Community Involvement

Site Details:

3. The application site extends to some 2.88 hectares and is located to the North of the town alongside the B1103 Exning Road. Directly to the north of the site are the buildings associated with Brickfield Stud, including a stable yard and Etheldera House, a large house dating back to 1878 and refurbished in 1980. The house has 14 bedrooms split over 3 floors. Directly to the south of the site there is a single residential dwelling and field, and beyond that a business and industrial estate. To the west of the site beyond Exning Road lies fields and horse paddocks. To the east of the site is residential development fronting onto Brickfields Avenue, and development at Petingo Close that both fronts and backs onto the site.
4. The boundary of the site has an almost continuous line of trees and hedges which screens the central area of the site from views from the roads and the immediate surrounding area. The majority of the site was paddocks associated with Brickfields Stud and is divided into four roughly equal quadrants by clearly defined hedgerows and trees.

5. The site is approximately 2.3 km from the centre of Newmarket, is outside the settlement boundary, and is not within a Conservation Area.
6. The site is proposed allocation SA6(a)' Land at Brickfield Stud' within the emerging Site Allocations Local Plan (SALP).

Planning History:

7. None relevant

Consultations:

8. Newmarket Town Council – OBJECT on the grounds that the application contravened the FHDC horse racing policy, highway safety and planning creep, which would merge Newmarket with Exning.
9. Newmarket Horsemen's Group - the proposed development site is horseracing land and should be treated as such until the Local Plan is adopted, and hence the application could be considered to be premature. In addition, a development of this scale is likely to have an impact on the horseracing industry, and any impacts should be properly considered and mitigated. At both the initial and Main Modification EiPs for the Local Plan, both FHDC (as was) and SCC Highways stated that the cumulative impacts of developments, especially with regard to highways matters, would be dealt with fully at Development Management level when applications are considered, and yet that does not appear to be happening. Both the Traffic Assessment and the follow up Technical Note on Impact on Horse Crossings appear to be written with the single aim of avoiding any commitment by the applicant to any infrastructure improvements, and this approach does not seem to be being robustly challenged by either Highways England or the Highways Authority. Given the significant capacity and safety issues in Newmarket, this is disappointing.
10. The Technical Note, at para 2.0 challenges NHG's suggestion that vehicles from the development travelling to or from Cambridge, or anywhere west, will use the A1303. It states "In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre". Either the writer has no understanding of what happens in practice or has chosen to ignore reality. This route does not necessitate travelling through the town centre for travelling west, and, as has been well evidenced, junction 37 suffers from capacity and safety issues at both am and pm peaks, and hence people wishing to travel west will use the A1303, via the busy horse crossing at Rowley Drive/Hamilton Road junction. A scheme design to improve safety at that junction exists, and I suggest that a contribution should be made towards that scheme.
11. Any traffic accessing the town centre will cross the horse crossing at St Mary's Square, and an appropriate contribution to mitigation measures should be made in that regard also. More generally;
 - the Applicant has not analysed the impact of the development on junction 37 of the A14 (para. 7.10 of TA) to which around 50% of its traffic is assigned in each peak hour (i.e. around 20 vehicles).

- Given the capacity and safety issues associated with junction 37 it is surprising that Highways England have not raised a holding direction requiring analysis. No mitigation is proposed by the applicant at junction 37; therefore the incremental addition of traffic to the overcapacity junction with a poor safety record should have been a concern;
- the cumulative impact point put to the recent Hatchfield Farm Inquiry applies here because there is no certainty the HF development will come forward nor is there any certainty the SCC/ HE longer term proposals for junction 37 will materialise;
- the Exning Road / Studlands Park Avenue junction is shown to be over capacity in the PM peak, but the applicant refers to HF having a significantly higher impact (para. 7.26 TA). That does not solve the problem;
- the applicant claims the site is sustainable but it is not well located for buses or the train station. The propensity will be for residents to use the car, notwithstanding the Travel Plan, which might suggest the trip rates and therefore traffic figures should be reviewed.

12. It could be argued that the Travel Assessment is unrealistic since it underplays the impact of the development on a congested network that experiences highway safety issues (without any mitigation) and therefore is contrary to the NPPF.

13. Natural England – NO OBJECTION

14. Suffolk Wildlife Trust – Satisfied with the findings and recommendations of the ecological survey report. Note that the consultant has requested that a Natural England Licence is required in order to close a main badger sett. In addition to this, a badger mitigation strategy, based on up-to-date surveys should be submitted and approved prior to sett closure.

15. Highways England – NO OBJECTION

16. SCC Flood & Water Management – NO OBJECTION, subject to appropriate conditions.

17. NHS (CCG) – NO OBJECTION subject to a developer contribution to mitigate the impacts of this proposal. 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 and calculates the level of that contribution to be £45,900. Payment should be made before the development commences.

18. Public Health and Housing – NO OBJECTION subject to appropriate conditions to deal with internal noise levels of dwellings, construction hours and management.

19. Environment Team – NO OBJECTION subject to appropriate conditions to provide for electric vehicle charging points (to reduce emissions), and the submission and approval of a contamination remediation strategy.

20. Anglian Water – Newmarket Water Recycling Centre has available capacity to receive the foul drainage from this development. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. The developer has

indicated that a gravity discharge will be promoted as per drawing IDL/897/07/100, however, in order to conduct an accurate impact assessment, confirmation of the connecting manhole will be required accordingly at this time. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.

21. Environment Agency – No comments.

22. Strategic Housing – Support the amended scheme and request the following tenure split:

Affordable/Social Rent

8 x 1 bed flats

8 x 2 bed houses

1 x 3 bed house

1 x 4 bed house

Shared Ownership

2 x 2 bed FOG

1 x 3 bed house

1 x 4 bed house

23. SCC Planning Obligations – Request contributions towards education improvements in pre-school, primary and secondary education at the local catchment schools totalling £641, 626.

24. SCC Highways – Final comments on amended plans to be reported. However, will require the following;

- Relocated unmarked bus stops (can form part of a future section 278 highways agreement)
- South bound bus stop and shelter and real time info screen to accommodate additional commuters into Newmarket town (£17,000)
- Sustainable transport measures identified in the Travel Plan to be secured by condition

Representations:

25. One letter of support received from a nearby resident commenting that

- the land the application is for is very poor grazing land, and if built on will not have any negative effect on the training establishments that are there now.

26. Five letters of objection received from one individual property

- Traffic impact will be severe
- Increased danger to cyclists and pedestrians
- Increased noise from people/traffic
- Loss of trees and wildlife

Policy:

27. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The

development plans for the previous 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.

28. 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:

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS4 - Reduce emissions, mitigate and adapt to future climate change
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision
- Core Strategy Policy CS13 - Infrastructure and developer contributions
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM45 Transport Assessments and Travel Plans

- Policy DM46 Parking Standards
- Policy DM48 Development Affecting the Horse Racing Industry
- Policy DM49 Re-development of Existing Sites Relating to the Horse Racing Industry
- Policy DM50 Horse Walks

Other Planning Policy:

Emerging Site Allocations Local Plan (SALP)

29. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The site is allocated for residential development under Policy SA6(a) and is not subject to any modification. The SALP is now due to be adopted by the Council on 19th September 2019. This emerging plan is therefore considered to have almost full weight.

National Planning Policy Framework (2019)

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

Officer Comment:

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

- Principle of Development
- Design & Layout
- Landscape & Ecology
- Amenity impact
- HRI impact
- Highway impact
- Planning obligations

Principle of development

32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010). National planning

policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

33. The application site is allocated in the emerging Site Allocations Local Plan (SALP) as allocation SA6(a). This allocation provides for an indicative capacity of 87 dwellings, with the following requirements:

- (a) Strategic landscaping and open space must be provided... to address the individual site requirements and location.
- (b) Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to: (i) determine whether the proposal results in material adverse impacts; and (ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).
- (c) the site must include sustainable travel provision including facilities for pedestrians and cyclists and links to existing networks.

34. Paragraph 48 of the NPPF gives advice on the weight to be given to emerging plans and states: 'LPAs may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

35. Paragraph 49 of the NPPF gives advice as to when prematurity might be justifiable as a reason to refuse planning permission:

'...arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

36. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
37. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.
38. Where there are no relevant development plan policies, or relevant policies are out-of-date (footnote 7 indicates that relevant policies are out of date where the LPA can not demonstrate a 5-year land supply of housing land), granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
39. Referring back to paragraph 30 above, the Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.3 year land supply of housing can be demonstrated. Footnote 7 of NPPF paragraph 11 is therefore not engaged and the development falls to be considered having regard to development plan policies and material considerations.
40. A significant relevant material consideration is the emerging SALP. This plan is at a very advanced stage in the plan preparation process and the Inspectorate has now, subject to agreed modifications, declared it sound. The SALP is now due to be adopted by the Council on 19th September 2019. This emerging plan is therefore considered to have almost full weight.
41. Linked to the above emerging policy allocation is Joint Development Management Policy DM49, which only allows the re-development of existing sites related to the Horse Racing Industry in exceptional circumstances:
- "The change of use of racehorse training yards, stud farms, racecourses, and horse training grounds, including associated residential accommodation or other uses directly related to the Horse Racing Industry (and buildings/land last lawfully used for such purposes) to uses not directly related to the Horse Racing Industry will only be permitted if allocated as a proposal in an adopted local plan."*
42. Given the advanced stage of the SALP allocation SA6(a), and the almost full weight to be attached to it, the site is almost capable of being treated as adopted. Ahead of formal adoption however, development approval of the site would be contrary to the current development plan. Notwithstanding this, Officers are of the view that the re-development of the site is acceptable in principle. The proposed development is therefore capable of being approved,

subject to compliance with the criteria of emerging Policy SA6(a) and the all other relevant development plan policies and material considerations.

Design and Layout

43. The application is accompanied by a design and access statement that includes an assessment of the existing character and appearance of the area. This identifies that there is a varied character, both in terms of built form and land uses. There are a large amount of industrial units to the south east of the site, which itself is located adjacent to residential development. The Studlands estate to the north east of the site contains dwellings that all have a similar appearance of buff or brown/red brick ground floors with the first floor clad in narrow boarded timber cladding in black or red. Large areas of green space in front of the dwellings improves the amenity whilst also reducing the overall development density.
44. The existing buildings of Brickfields Studs also have an influence on the site, and are visible in views into and out of the site. The scale and layout of the proposal has been designed to respect and where possible reflect the historic nature of the paddocks and their associated buildings. Throughout the course of the application Officers have sought to improve the design and layout of the scheme, and the applicants have made amendments accordingly. Generally, the scheme has been designed with good townscape principles, and more specifically, the 2/3 storey houses and apartments have been laid out to reflect the general arrangement of the adjacent paddock buildings surrounding a central courtyard. The proposed material palette including a combination of weathered and multi buff and red brick, along with traditional plain and pan-tiles to the roofs will further compliment the historic nature of the site.
45. The layout also includes an approach to landscaping that seeks to retain as much as possible of the existing hedging through the central band of the site, and to open this up for amenity value and for use by the residents. Almost all existing trees to the boundaries of the site will be retained and enhanced where appropriate. Open space is created to the centre of the site as well as to the north east of the site. This helps to provide maximum amenity space between the new development and the existing dwelling at Brickfield Avenue and Petingo Close.
46. Pedestrian links have been provided to Exning Road, and provision has been made for a pedestrian/cycle link through to Brickfields Avenue.
47. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraph 124 of the NPPF 2019 require good design to be considered as a key aspect of sustainable development with a sense of place and character being created. NPPF paragraph 127 adds that decisions should ensure that developments:
 - (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

48. As amended, the overall scale and form of the proposed dwellings are appropriate for the locality and is in-keeping with existing development surrounding the site. The response to the historic context of Brickfields Stud has helped to create a sense of place and character. The layout also allows for the retention of significant vegetation and trees, as well as new landscaping and pedestrian links to the east and west. The design and appearance of the individual dwellings is simple in terms of detailing and follows a traditional form and scale appropriate for its locality. The density of the development is low and reflective of its rural location allowing for sufficient separation distances between dwellings, garden areas, open space and parking to serve the needs of the development.

49. This type of development generates a requirement for on site open space in accordance with Policy CS13 and the Forest Heath SPD for Open Space, Sport and Recreation Facilities. The amended scheme now includes an appropriate amount of usable on site open space in accordance with this policy.

50. Overall it is considered that the design and layout of the scheme accords with the requirements of Joint Development Management Policies DM2 and DM22 and paragraphs 124 and 127 of the NPPF 2019 in this regard.

51. Energy efficiency – JDM Policy DM7 states that;

"All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

52. In response to the above, the applicant's Design and Access Statement states that;

"The development has been designed with the hierarchy model of Be Lean, Be Clean, Be Green. Passive design measures will be incorporated into the design of the proposed development to reduce energy consumption whilst enhancing occupant comfort and well-being. This will aim to result in a Dwelling Fabric Efficiency (DFEE) that is less than the Target Fabric Efficiency (TFEE). Key sustainable design features include maximising exposure to solar energy and daylight through considered façade design, minimising overheating and glare via passive shading and providing facilities for effective, controlled natural ventilation, and specialist designed SuDs systems."

53. In respect of water efficiency, the applicant's have indicated that the following strategies will be adopted;

- Specification of water efficient appliances, including washing machines and dishwashers.
- Dual and low flush toilets
- Reduced flow (low pressure) showers and aerated taps
- Flow restriction on piped water supplies to sinks and basins.
- Minimisation of leakage by installing isolation valves and leakage detection.

54. The above strategies have been calculated to reduce water consumption to 105 litres per person per day, which accords with the requirements of Joint Development Management Policy DM7 in this regard.

Landscape and ecology

55. Joint Development Management 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.'* The policy requires that *'development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape.'*

56. The policy further states that *'it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.'*

57. The amended proposals now retain the majority of hedgerows running east west across the site and this is incorporated in a central area of open space that connects with a larger area of open space in the north east corner of the site. Additional planting is also proposed in these areas to further mitigate for the overall landscape impact of the development.

58. The applicant has submitted a Preliminary Ecological Appraisal (Geosphere environmental Ltd, 02 March 2018). The report concludes that there are suitable features within the area to be affected by the proposed development

which may provide habitat for foraging and commuting bats, badgers, breeding birds, and reptiles.

59. The survey goes on to require that further Phase 2 protected species surveys are undertaken in respect to breeding birds (including skylarks) and reptiles. Breeding birds and reptiles are protected by law. The local planning authority has a duty under section 40 of The Natural Environment and Rural Communities (NERC) Act to have regard to biodiversity conservation when carrying out its functions. A full ecological survey report was duly submitted in November 2018. A further updated report (including the results of a tree survey for bats) was submitted in June 2019.

60. This survey recommended specific habitat enhancement in order to adequately mitigate for the loss of improved grassland and hedgerow:

- Amenity grassland planted with slow growing grasses with wild flowers that respond well to mowing
- Native tree planting
- Enhancement of retained hedgerows with native planting and a fringe grassland habitat.

61. Mitigation for birds, bats and mammals includes;

- Access gaps in fencing for hedgehogs
- Bat boxes to be installed and a lighting plan to be agreed
- Compensation for the loss of potential breeding habitat for birds to include the installation of six sparrow terraces general purpose bird boxes either integrally into new designs or onto the side of new dwellings.

These mitigation and enhancement measures can be secured by condition.

62. The proposed development will result in the destruction of a main and outlying badger sett, therefore the setts will need to be closed under license from Natural England. A detailed badger mitigation survey, based on up-to-date survey information, can be required to be submitted and approved by condition.

Habitat Regulations Assessment

63. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017. In this case the site is located 9.4 km away from the Breckland Special Protection Area (SPA) and is outside of the 7.5 km recreational SPA buffer zone. The qualifying features of the SPA are three birds; Stone Curlew, European Nightjar and Woodlark. The project is not directly connected with or necessary to the management of the site for nature conservation.

64. No direct effects on the Breckland SPA have been identified, and given the distant location from the edge of the recreational buffer zone, there is minimal potential for increased indirect recreational disturbance to occur as a result of the increased housing in the area.

65. The application site is located sufficiently distant from the woodland and heathland elements of the SPA and the scale of development proposed is unlikely to lead to significant recreational effects on Breckland SPA noted for woodland and nightjar.
66. In-combination recreational effects: The site is located 9 km from the SPA and 5.2 km from the edge of the 7.5km recreational impact buffer zone. Officers consider that in-combination effects arising in relation to recreational pressure from this development are unlikely to be significant.
67. Overall, the proposed development (as amended) is considered to accord with the requirements of the Forest Heath Core Strategy Policy CS2, Joint Development Management Policies DM12 and DM13, and par. 170 of the NPPF 2019 in this regard.

Amenity impact

68. The impact on existing neighbouring dwellings to the east and south of the site has been considered, both in respect of separation distances, overlooking and existing and proposed landscaping. To the east, minimum separation distances of 45 metres to the existing dwellings at Petingo Close and Brickfields Avenue have been achieved. Within this area is a significant amount of open space and retained trees, which further helps to minimise impact in this respect. Plots 66 and 67 further to the south of the site maintain an approx. 18 metre gap to the gable end of the nearest neighbouring dwelling.
69. To the south of the site a separation distance of 25 metres to Stud Lodge has been achieved, minimising any overlooking impact. Existing tree screening is also retained and enhanced in this area.
70. To the north of the site are the range of buildings at Brickfields Stud. One of these buildings is a long 2 storey building, which appears historically to have contained accommodation at first floor level. However, presently this building is unoccupied. Notwithstanding this, proposed plots 31 to 34 achieve a minimum separation distance of approx. 20 metres to the gable end of this building, thereby avoiding any potential direct overlooking impact.
71. Overall, the direct impact on neighbouring amenity is not considered to be significant, and the proposal accords with Joint Development Management Policies DM2 and DM22 in this regard.

Horse Racing Industry (HRI) Impact

72. It is a requirement of the emerging SALP Policy SA6 (as set out in the SALP Main Modifications proposed by the Council and recently found sound by the Local Plan Inspectors) that an assessment of transport impact on horse movements in the town be assessed and mitigated where necessary. The comments of Newmarket Horsemen's Group are noted, particularly in respect of their concerns regarding horse crossings in St Mary's Square and Hamilton Road. In response to this, the applicants submitted a separate Horse Crossing Impact Statement, noting of course this impact had already been assessed by Suffolk County Council and Forest Heath District Council (West Suffolk Council) in consideration of allocating the site for residential development under the SALP process.

73.The impact statement comments that;

"The policy listed in the Main Modifications calls for the transport impact for each proposal (including cumulative impacts where appropriate) on horse movements to be assessed together with the impact on other users of the highway. For "other road users", particularly with reference to traffic capacity, the analysis in the Transport Assessment takes specific account of the Hatchfield Farm proposed development and also the traffic growth in the area by the use of TEMPRO growth factors. However for the impact on Horse Crossings only the specific impact of this development is considered. This is because, as will be demonstrated, the impact is so slight as to be immaterial and so the cumulative impact from other sites is not relevant to this application."

74.A total of 17 crossings were assessed, and 14 of them were found to be unaffected. The remaining 3 crossings were shown to be impacted as follows: Barbara Stradbroke Avenue (West) (0.9% traffic increase), Rowley Drive/Mill Hill (1.5% traffic increase), and Barbara Stradbroke Avenue (East) (0.9% traffic increase). It should be noted that in order to address the specific concerns raised in the Newmarket Horseman's Group response, traffic to Cambridge was modelled avoiding the A14 junction and travelling via the A1303. In practice this is unlikely to be the case as the A14 is a more direct route and avoids travelling through the town centre and so the impacts assessed are very much a worst case.

75.It can therefore be concluded that the impact of the development on horse crossings and the HRI in general is neutral with no significant impact. Notwithstanding the almost full weight to be attached to emerging Policy SA6(a) and the site's allocation for residential development, officers consider that the neutral impact on the HRI, and in particular horse crossings, has been adequately demonstrated.

76.The proposed development therefore accords with emerging Policy SA6(a) and Joint Development Management Policy DM48 in this regard.

Highway Impact

77.Paragraph 108 of the NPPF 2019 requires development to ensure that;

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

78.Paragraph 109 goes on to require that developments;

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise

the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

79. The application proposes a single access off Exning Road to serve the development. In order to afford the best visibility with the least amount of existing vegetation affected, the access is located towards the south corner of the site. Standard estate type roads with a shared surface are then proposed to serve individual dwellings. Although the applicants do not propose to offer the estate roads for adoption by the Local Highway Authority, appropriate visibility splays at the junction with Exning Road have been incorporated and the access at this point will be to adoptable standards.

80. A full transport assessment and travel plan considering the wider impact on the local highway network has been submitted with the application, and this has been reviewed and found to be acceptable by the Local Highway Authority. The Travel Plan can be secured by condition.

81. Final details of the construction of the estate roads and shared surfaces are still to be agreed, and these can be required by condition. Following comments from the Local Highway Authority, the latest amended plans now include sufficient resident parking and visitor parking, the majority of which is 'in curtilage'. Parking serving the apartments and 'flat over garages' will be allocated.

82. Final details of the proposed pedestrian/cycle links to Exning Road and Brickfields Avenue are still to be agreed and can be required by condition. However, their location and general arrangement is acceptable in principle. The pedestrian link to Brickfields Avenue requires crossing land currently outside the applicant's control, in this case it is under the control of a management association. The applicants have got an agreement in principle to cross this land, however it is proposed that a Grampian style condition will be applied to any permission to ensure that agreement for this link is in place before development can go ahead.

83. It is noted that SCC Highways has requested improvements to the design of the estate roads. Although not being offered for adoption, final amended plans are awaited that address the majority of these concerns. An update on amended plans received will be given to members.

84. Subject to appropriate conditions requiring the submission of detailed designs for the access junction, off-site highway works and estate roads, the

application has demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety. Safe and suitable access can be achieved for all users. Overall, the proposal is considered to accord with Policy DM2 and paragraphs 108 and 109 of the NPPF in this regard.

85. Furthermore, paragraph 110 of the NPPF 2019 states 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."

86. Taking both the direct impacts and the residual cumulative impacts on the highway network into account, it has been adequately demonstrated that the impacts on the road network would not be severe.

Planning Obligations

87. Affordable Housing - The application proposes 24 of the dwellings as 'affordable', which is 30.4% of the total number of units to be provided on the site. This achieves the 30% target set out in Policy CS9 of the Core Strategy and can be secured through a S106 legal agreement.

88. The Council's Housing Officer has confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the following requested mix has been agreed with the applicant:

Affordable/Social Rent

8 x 1 bed flats
6 x 2 bed houses
1 x 3 bed house
2 x 4 bed house

Shared Ownership

2 x 2 bed FOG
4 x 2 bed house
1 x 3 bed house

89. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider will be secured through the S106 planning obligation.

90. Education - The local catchment schools are Laureate Primary School, Newmarket Academy and for sixth form either Mildenhall College, King Edward in Bury St Edmunds or One in Ipswich. There are currently forecast to be surplus places available at the sixth form providers serving the proposed development, so SCC is not seeking sixth form school contributions.

91. Suffolk County Council have confirmed that in this case the site acquisition of the new primary school site will cost £90,000 in total for a 2.2 ha site. The proportionate contributions from this scheme will therefore be based on a cost per pupil place of £19,322 per pupil contribution, plus a land contribution of $\frac{£90,000}{420} = £214$ per place. Based on 18 primary age pupils anticipated to arise gives a total contribution sought of $18 \times £19,322 + 18 \times £214$ ($£19,536$ per pupil) = **£371,184** (2019/2020 costs).

92. At the secondary school level the latest forecasts show that there will be no places available. Therefore full contributions are requested to provide the additional places at the school and a project is in place to expand the school from 960 places to 1,200 places. This equates to a contribution of **£289,978**.
93. Education for early years should be considered as part of addressing the requirements of the NPPF Section 8: 'Promoting healthy and safe communities'. It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. The Childcare Act in Section 7 sets out a duty to secure free early years provision and all children in England receive 15 free hours free childcare. Through the Childcare Act 2016, from September 2017 families of 3 and 4 year olds may now be able to claim up to 30 hours a week of free childcare. This new challenge has increased the assumptions on the overall need for full-time equivalent (FTE) places.
94. Given the scale of development proposed in the area, the legislative changes and the intention to establish a new primary school, the most practical approach is to establish a new early education setting on the site of the new primary school which would be a 60 place setting. A contribution of **£154,576.00** towards pre-school provision is therefore required.
95. Healthcare Provision – the CCG (NHS England) have confirmed that existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 190 residents and subsequently increase demand upon existing constrained services. The development would have an impact on the primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. Appropriate mitigation is therefore required.
96. To provide for additional floorspace growth at The Rookery Medical Centre and Orchard House Surgery a capital contribution of £45,900.00 is requested. Again this can be secured via a S106 legal agreement.
97. In order to meet the infrastructure requirements of the development in accordance with Core Strategy Policy CS13, the following planning obligations will be secured through the completion of a S106 legal agreement:
- Primary Education (requested and confirmed as necessary by SCC) - £371,184
 - Secondary Education (requested and confirmed as necessary by SCC) - £289,978
 - Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
 - Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
 - Library Provision (requested and confirmed as necessary by SCC) - £17,064
 - Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

Other Matters

98. Air Quality - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into

account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'

99. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Furthermore, Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
100. In order for the development to accord with the above, an appropriately worded condition will need to be attached to any permission requiring 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.
101. Archaeology - The proposed development site lies in an area of high archaeological potential as recorded by information held by the County Historic Environment Record (HER). Recent archaeological investigation on the opposite side of Exning Road discovered a previously unknown Roman road with traces of significant adjacent Prehistoric and Roman occupation (HER no NKT 050 and EXN 012). Historic maps show that much of this site was once covered by a gravel pit and therefore any surviving archaeology across much of this site is likely to have been destroyed. However, there is still high potential for archaeological remains to survive outside of the area covered by the gravel pit and the proposed works would damage or destroy any below ground remains which exist.
102. SCC Archaeology has confirmed that there are no grounds to consider refusal of permission to achieve preservation of heritage assets. However, in accordance with paragraph 199 of the NPPF 2019 and the requirements of Joint Development Management Policy DM20, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
103. Noise - A noise survey has been carried out to assess the existing noise levels in the area which are dominated by road traffic noise from the A14 and B1103. Full construction details for the development have not been finalised however, based on the assumption that the external walls of the development will be constructed using a standard masonry construction and internal noise levels, to meet the criteria within BS 8233:2014 will be dictated by external noise ingress through glazing and ventilators. Based on typical dimensions as detailed in the report, the glazing and ventilator requirements to meet the internal noise criteria are detailed in Tables 2 and 3. The report clearly states that the requirements are however approximate and will need to be confirmed at the detailed design stage.
104. With regard to noise levels within the external amenity spaces, levels of up to 63 dB LAeq,T have been recorded, which significantly exceeds the upper guideline value of 55 dB LAeq,T. Whilst the installation of 1.8-2m close boarded timber fencing would typically be expected to reduce garden noise levels by around 5-10 dB, no details have been provided as to which

properties would be affected; furthermore, external noise levels within the worst affected amenity areas are still likely to be above the upper level.

105. Whilst it is accepted that with suitable and sufficient noise mitigation measures the site is suitable for development, further information will be required so as to ensure that sufficient noise mitigation measures are implemented within each dwelling as may be necessary so as to meet the day and night-time guideline internal ambient noise levels as stated within BS 8233:2014. Noise mitigation measures will also be required in order to meet the recommended external noise levels within the private amenity spaces.

106. Suitable noise mitigation can be achieved using the following condition:

No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:

i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;

ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.

107. Drainage – the site is located wholly in Flood Zone 1 and is at low risk of flooding from all sources. A Flood Risk Assessment has been submitted with the application that proposes a surface water drainage design that incorporates fully infiltrating sustainable drainage systems, including soakaways for private roofs, drives and access roads draining to permeable paving. Foul drainage will be to the existing network, and Anglian Water has confirmed that the local Waste Water Recycling Facility has adequate capacity to accommodate the flows from the development. A suitably worded condition requiring the final drainage scheme to be submitted and agreed will ensure that appropriate checks, and if required, improvement works to the existing network, are undertaken before any occupation of any dwelling.

108. Local residents and Town Council – the comments of local residents and the Town Council have been taken into account throughout the consideration of this application. It is noted that the Town Council do not agree that the site should be developed for housing. However, as referred to above, great weight has been attached to emerging policy SA6(a) that allocates the site for residential development.

Conclusion and planning balance:

109. This report has identified that the proposed development due to its location outside the current settlement boundary is contrary to the development plan. Paragraph 12 of the NPPF does recognise that local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed. That proviso reflects the statutory test. In this case, a number of matters arise from the proposed development which constitute other material considerations, including;

- The application proposes the development of an emerging allocation for residential development as part of a SALP, which has been found sound by local plan Inspectors and is due for adoption by the Council on 19th September 2019. This is a material consideration that carries almost full weight in favour of the proposed development.
- The development would contribute 79 dwellings towards the 5-year housing supply, as well as providing for 24 much needed affordable homes.
- The development of the site would lead to economic gains realised through the financial investment and employment created. Further benefits would accrue from the increased population that would spend money in the local economy. This can be afforded modest weight.

110. The information submitted with the application, along with the amendments to the proposed development, have demonstrated that a sustainable development of 79 dwellings can be achieved that meets the relevant requirements of Local Plan policy, the emerging allocation Policy SA6(a), and the NPPF 2019 (as set out in this report). It has been demonstrated that the impact on the HRI is neutral and the impact on the local highway network would not be severe. Where not directly provided for on-site, the application mitigates for ecological and infrastructure impacts through appropriate financial contributions towards education, healthcare provision, off-site highway works, and provision of footpath links.

111. In conclusion, having considered the material considerations raised by the application proposal, Officers consider that the collective benefits arising from the development are substantial and are of sufficient weight to allow the development to be approved contrary to the Development Plan.

Recommendation:

112. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to provide for the following planning obligations,

- Primary Education (requested and confirmed as necessary by SCC) - £371,184 (subject to confirmation from SCC as this as a June 2019 revised figure)
- Secondary Education (requested and confirmed as necessary by SCC) - £289,978
- Pre-school Education (requested and confirmed as necessary by SCC) - £154,576
- Affordable Housing in perpetuity - 30% (in accordance with Forest Heath Core Strategy Policy CS9)
- Library Provision (requested and confirmed as necessary by SCC) - £17,064
- Healthcare Provision (requested and confirmed as necessary by SCC) - £45,900

and the following conditions (full wording to be agreed):

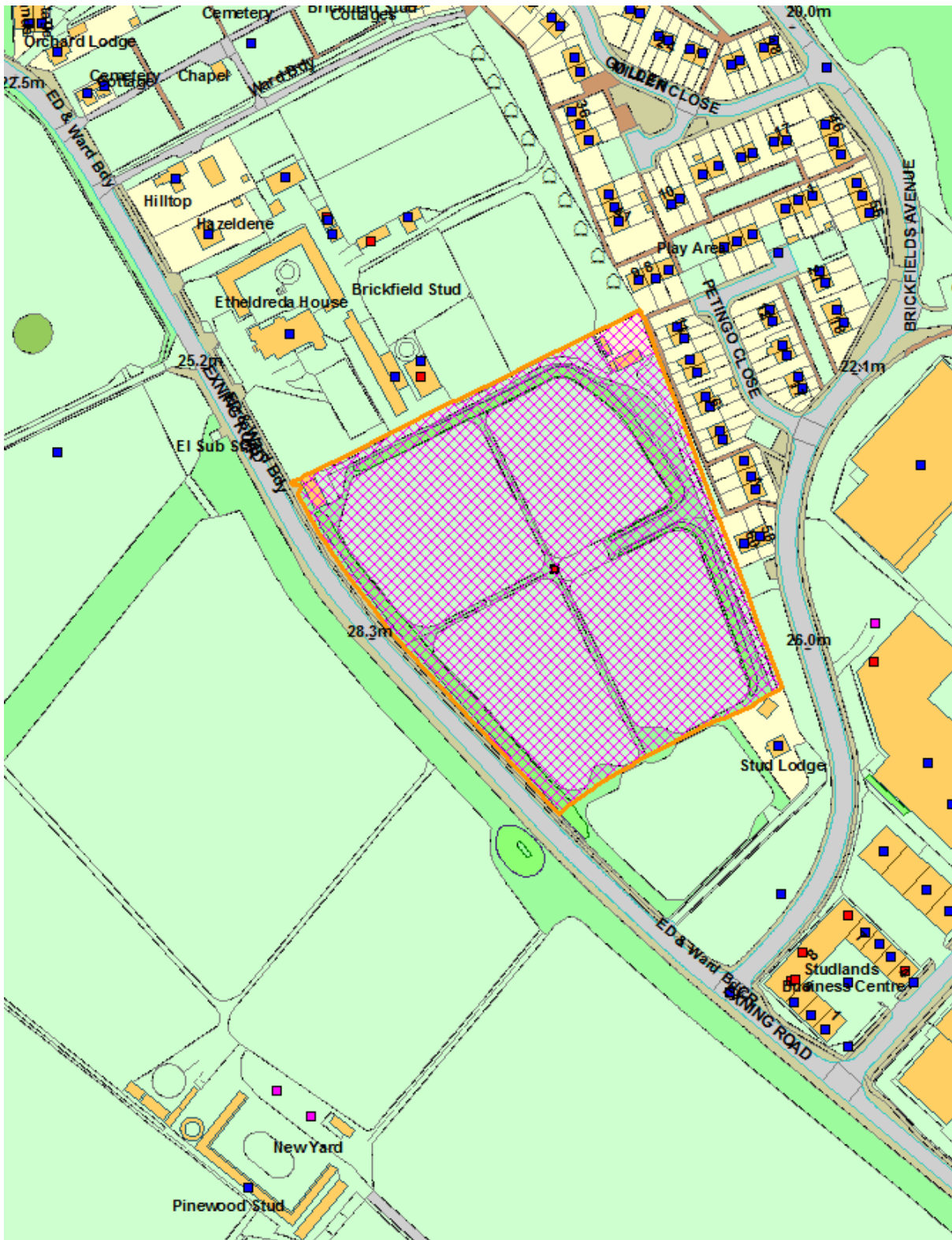
1. 3 year standard time limit for planning permission
2. Development to be carried out in accordance with approved plans
3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority.
4. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.
5. 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.
6. No construction for any dwelling shall commence until details in respect of each of the following has been submitted to and approved in writing by the Local Planning Authority:
 - i) Details of the development that demonstrate that for each unoccupied dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' (2014). The development shall adopt the proposed sound insulation measures as stated, and;
 - ii) Details of the development that demonstrate that noise levels within the private amenity space for each unoccupied dwelling, do not exceed 55 dB LAeq,T.
7. The hours of site clearance, preparation and construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.
8. A comprehensive Construction and Site Management Programme shall be submitted to and agreed by the LPA.

9. No development to commence until a contamination remediation strategy has been submitted to and agreed by the LPA.
10. No occupation of any dwelling until a verification report demonstrating that the approved remediation strategy has been completed has been submitted to and approved by LPA.
11. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
12. Prior to connection of any dwelling to the existing foul sewerage network an on-site foul water drainage strategy shall be submitted to and approved in writing by the LPA.
13. Development shall not commence until details of the proposed access onto Exning Road have been submitted to and agreed in writing by the LPA. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.
14. Before the development is commenced, details of the estate roads, footpaths, and off-site footpath link to Brickfields Avenue (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
15. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.
16. Prior to the occupation of the 36th dwelling on site, all footpath/cycle links shall be completed and made available for use.
17. 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 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.
18. The approved parking, manoeuvring and cycle storage as set out on drawing (TBA) shall be completed and available for use prior to any occupation of any dwelling to which it serves.
19. Before the access to Exning Road is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained.
20. A signing strategy for the entry treatment to the private housing estate (as the estate does not meet SCC adoptable standards) shall be submitted to and approved in writing by the Local Planning Authority.

21. Prior to occupation of any dwelling, a new bus shelter on the southbound carriageway of the Exning Road (in accordance with details that have been submitted to and approved in writing by the LPA) shall have been installed and made ready for use.
22. Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the Travel Plan dated November 2018. Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.
23. The ecological mitigation and biodiversity enhancements set out in the Ecological Assessment by Ethos Env. Planning (dated June 2019) shall be implemented in full.
24. Prior to the closure of the identified badger setts, a detailed badger mitigation strategy shall be submitted to and approved in writing by the LPA. The strategy shall include details of the artificial replacement sett, its location, planting and timing. The existing sett(s) to be closed between the months of July and November (as permitted under license).
25. Prior to the occupation of any dwelling details of the management and maintenance of all open space, landscaping, planting, estate roads and footpaths (including the off-site footpath link to Brickfields Avenue) shall have been submitted to and approved in writing by the LPA. The agreed management and maintenance shall be implemented in full for the lifetime of the development.
26. Details of tree protection measures to be submitted to and agreed in writing by the Local Planning Authority.
27. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2477/FUL](https://www.barnet.gov.uk/DC/18/2477/FUL)



DC/18/2477/FUL



Land At Brickfield Stud
Exning Road
Newmarket
Suffolk

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BRICKFIELDS PADDOCKS, NEWMARKET

RESIDENTIAL SCHEME: 79NO. DWELLINGS.



GENERAL NOTES
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 Prefer larger scale drawings.
 All dimensions are in millimeters (mm) unless otherwise noted.
 Check all relevant dimensions, lines and levels on site before proceeding with the work.
 This drawing is to be read in conjunction with all Architects drawings, schedules and specifications, and all relevant consultants' and/or specialists' information relating to the project. Refer all discrepancies to DAP Architecture Ltd.

Hazeldene



Existing mature vegetation to be retained to provide natural buffer from highway

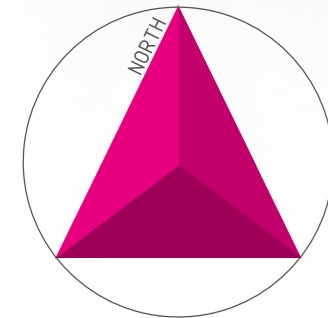
EXNING ROAD

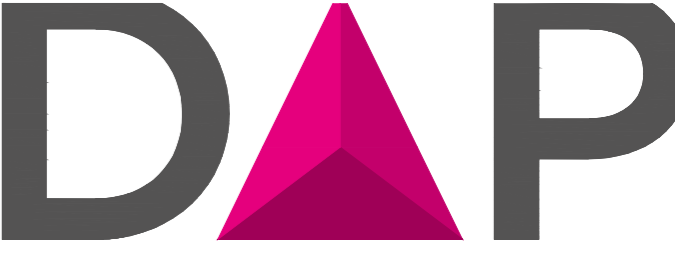
PETINGO CLOSE

Access Road

Shared Surface

Stud Lodge





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PROJECT
RESIDENTIAL DEVELOPMENT

DRAWING
**AS PROPOSED
 SITE LAYOUT + ROOF PLAN**

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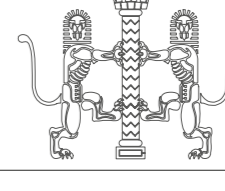
ADDRESS
**BRICKFIELDS PADDOCKS
 EXNING ROAD
 NEWMARKET
 SUFFOLK**

DATE: 05.08.19 SCALE: 1:500 @ A1 DRAWN BY: LD CHECKED BY: JB

PROJECT No. DWG No. REVISION

869. 200.14

ISSUE STATUS
RIBA STAGE 3: PLANNING



a. 3 + 5 Hospital Approach
 The Millers
 Chelmsford
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 w. www.daparchitecture.co.uk

CHELMSFORD LONDON BIRMINGHAM

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Development Control Committee 4 September 2019

Planning Application DC/19/0224/FUL – Land Ne Haverhill, Wilsey Road, Little Wratting

Date Registered: 07.02.2019

Expiry Date: 04.04.2019

Case Officer: Penny Mills

Recommendation: Approve Application

Parish: Haverhill Town Council

Ward: Haverhill East

Proposal: Planning Application - Planning Application - Provision of temporary holding area for storage of materials and machinery associated with the construction of Great Wilsey Park, including the siting of a portacabin to accommodate welfare facilities

Site: Land Ne Haverhill, Wilsey Road, Little Wratting

Applicant: Redrow Homes Limited

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Penny Mills

Email: penny.mills@westsuffolk.gov.uk

Telephone: 01284 757367

Background:

The north-east Haverhill Great Wilsey Park site was granted outline planning permission for a development of 2,500 homes and associated development under application DC/15/2151/OUT.

Redrow are to deliver the first phases of the development and the compound and access sought in this application are proposed to facilitate the construction work associated with those phases.

The application has been submitted now to ensure that construction infrastructure is in place ready to support the delivery of the development.

A separate application relating to a proposed construction access from Chalkstone Way (reference DC/19/0225/FUL) is also being considered by the local planning authority. The determination of the development proposed in the application before Committee would not prejudice the ongoing consideration of the separate application at Chalkstone Way referenced above.

This application has been referred to Development Control Committee as a result of a call-in by a Ward Member.

A site visit is proposed for Monday 2 September 2019.

Proposal:

1. The application seeks consent for a temporary holding area compound, accessed from the A143 Haverhill Road, associated with the future construction works for Great Wilsey Park.
2. The proposed development forms part of the wider construction vehicle access and routing strategy, full details of which are set out in a Construction Method Statement (CMS) and a Construction Traffic Management Plan (CTMP), which have been submitted, in parallel with this application. These documents have been submitted to meet the requirements of conditions 12 and 25 respectively, of the outline permission (reference DCON(D)/15/2151).
3. The temporary holding area compound comprises the following elements:
 - A new temporary construction vehicle access on A143 Haverhill Road;
 - Heavy Goods Vehicle (HGV) holding area and trip consolidation area;
 - Bulk material storage and waste compound;
 - Site welfare facilities;
 - Staff and visitor parking for circa 75 vehicles; and
 - A haul road connecting with the northern element of the Great Wilsey Park development.
4. The temporary holding area compound would be returned to its original condition following completion of the works and therefore the facilities are temporary in nature. However, it is recognised that the construction period of the northern element may extend up to 10 years in duration.

Application Supporting Material:

5. The following plans and documents (which include amended/additional plans submitted during the course of the application) are relevant to the proposed development:
 - Transport Statement
 - Drainage Statement
 - Landscape Statement
 - Ecology Report
 - Archaeological Evaluation,
 - Layout drawings and illustrative compound images
 - Access drawings

Site Details:

6. The application site is located on the southern side of the A143 Haverhill Road, immediately adjacent to the north eastern edge of the application site for the Great Wilsey Park development.
7. The application site covers 3.7 hectares of open agricultural land, with existing hedging along the northern boundary with the A143 Haverhill Road. The A143 is a single carriageway road with a footway on the northern side and a layby on the southern side adjacent to the site frontage. The road is subject to National Speed Limit, reducing to 30mph approximately 250m to the west of the site.
8. There are neighbouring dwellings to the north of the site and on the opposite side of Haverhill Road.

Planning History:

9. Historic applications

DC/15/2151/ OUT Outline Application (Means of Access to be considered) - Residential development of up to 2,500 units (within use classes C2/C3); two primary schools; two local centres including retail, community and employment uses (with use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure.
Application Granted

10. Relevant current related applications

DC/19/0224/FUL - Planning Application - Provision of temporary holding area for storage of materials and machinery associated with the construction of Great Wilsey Park, including the siting of a portacabin to accommodate welfare facilities. **Pending Consideration**

DC/19/0834/RM Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2151/OUT (Residential development of up to 2,500 units (within use classes C2/C3); two primary schools; two local centres including retail, community and employment uses

(with use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure).

Submission of details for the reserved matters access, landscaping, layout and scale for the Spine Road and associated strategic infrastructure to support the delivery of the first phase of development at Great Wilsey Park.

Pending Consideration

DCON(D)/15/2151 Application to Discharge Conditions 12 (construction and environment management plan) and 25 (HGV movements) of application DC/15/2151/OUT.

Pending Consideration

Consultations:

11. The consultation responses set out below are a summary of the comments received and reflect the most recent position. Full comments are available to view on the public planning file on the Council's website: <https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=PMIKZ2PDLTI00>
12. Suffolk County Council Highways: No objection subject to conditions
 - Response dated 11th March raised initial concerns regarding the access layout detail and requested further information in relation to HGV holding bays and sustainable travel modes.
 - Response dated 3rd July confirmed Highway Authority notes that the location of the temporary holding area is acceptable in principal. However, further details are required, to be secured by conditions.
 - Recommended conditions relate to:
 - provision of access in accordance with PB8301-RHD-CE-SW-DR-D-0102 Rev P03;
 - provision of visibility spays in accordance with PB8301-RHD-CE-SW-DR-D-0102 Rev P03
 - access onto the A143 shall be properly surfaced with a bound material for a minimum distance of 20 metres from the edge of the metalled carriageway
 - details showing the means to prevent the discharge of surface water, mud and other debris from the development onto the highway
 - ditch beneath the proposed access shall be piped or bridged
 - details of the internal layout accesses roads and footpaths,
 - means to remove the access and reinstate the highway
 - details of the areas for loading, unloading, manoeuvring and parking of vehicles and holding/waiting for construction delivery vehicles,
 - details of the areas to be provided for the secure, covered cycle storage
 - details of the areas to be provided for storage and presentation of Refuse/Recycling bins and associated waste collection strategy; and,
 - construction management plan.
13. Suffolk County Council Flood and Water Management – comments made summarised below:
 - Response dated 1st March confirmed that the overall design philosophy is acceptable but sought further information in relation to some elements.

Additional information is currently being reviewed by the Flood and Water Engineer and Committee will be updated on this point at the meeting. Discussions with the Flood and Water Engineer have indicated that the additional details could be secured by condition.

14. Suffolk County Council Archaeology – No objection subject to conditions
 - Any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
15. Anglian Water – confirmed no comments to make
16. West Suffolk Public Health and Housing – comments made, summarised below:
 - Access to the proposed temporary compound off Haverhill Road, Little Wratting is virtually opposite Jessamine Cottage. Vehicle movements to and from the site are therefore likely to impact significantly on the occupiers of Jessamine Cottage.
 - Recommended that consideration be given to the relocation of the access point.
 - The compound will need to be carefully managed to minimise dust emissions from the access driveway and noise from the operation of any mobile plant and equipment, including any generators on site.
17. Environment Agency – No objection subject to conditions
 - The site is sensitive in respect of ground waters. However, sufficient information has been provided to demonstrate that risks of pollution to controlled waters are understood and can be addressed through appropriate measures.
 - Three conditions are recommended to ensure contamination risks are managed appropriately.

Representations:

18. The representation set out below are a summary of the comments received. Full comments are available to view on the public planning file on the Council's website:
<https://planning.westsuffolk.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=PMIKZ2PDLTI00>
19. Haverhill East Ward Member, Cllr Burns – Comments made, summarised below:
 - Building an internal haul road would be preferable.
 - Construction vehicles approaching from the east and south must be conditioned NOT to use either Millfields Way or Chalkstone Way as a short cut to the main A143 site and instead use the A-class roads available. When the new NW Relief Road is built and open then construction vehicles from the west MUST be conditioned to use that route to avoid the congested and narrow Withersfield Road to avoid the congested and narrow Withersfield Road which already suffers from high N2O levels.
 - Large construction vehicles should be advised to avoid the B1061 routes as much as possible to avoid conflict with village residents along the route.

- Site should be connected to the mains to ensure clean drinking and potable water for use in kitchens, toilets, washing areas, etc. Supplies brought in by road tanker will not only add to the traffic generated but will need specialised testing to ensure hygiene standards are met.
- Strongly recommended that a temporary extension of the 30mph speed limit be made to at least 200 metres north of the site entrance with a view to making this permanent after the usual consultation period.
- The roundabout scheduled to service the development from the A143 should be built very early on to naturally slow traffic on the A143 as well as separating construction traffic from any potential residents.
- Not shown on the plan where the wheel washing system will be located. It is strongly recommended that these are as far from the entrance as possible to keep the road surface clean at all times but not to obstruct the haul road.
- The use of energy efficiency options such as solar panels and electric charging points use of water retention facilities such as recycling wheel washing systems should be considered.
- Suggested that an aerial/drone view of the entire Great Wilsey Park development be considered for the sake of history and for future generations.

20. Withersfield (former) Ward Member, Cllr Midwood – Supports Cllr Burns proposals

- Strongly endorses the comments put forward by Councillor John Burns on the two planning applications for site management works at the Great Wilsey Farm development.
- This site will be seriously detrimental to the local area while under construction unless it is managed meticulously with a view to minimum disruption.
- Large construction vehicles should be advised to avoid the B1061 routes as much as possible
- Site should be connected to the mains to ensure clean drinking and potable water for use in kitchens, toilets, washing areas, etc.
- This site entrance is currently within a 60mph (national speed limit area). Lorries trying to exit, particularly right to go north on A143, will have very little time to cross the road safely from a standing start. It is STRONGLY recommended that a temporary extension of the 30mph speed limit be made to at least 200 metres north of the site entrance with a view to making this permanent after the usual consultation period.
- The roundabout scheduled to service the development from the A143 should be built very early on to naturally slow traffic on the A143 as well as separating construction traffic from any potential residents.
- It is not shown on the plan where the wheel washing system will be located.

21. Haverhill East Ward Member, Cllr Tony Brown - Advised unacceptable for the reasons summarised below:

- The A143 at this location is very busy at certain times of the day.
- No filter lane on the A143 for vehicles accessing the site from the Haverhill direction.
- Already a significant amount of excess speeding on that stretch of road, this new entrance and extra vehicle traffic increases the probability of a serious accident.
- HGVs leaving the site onto a relatively fast busy road will also pose a potential danger.

- Mud on the road.
- Number of vehicles using temporary entrance
- This so-called temporary entrance could end up being in place for many years.
- Nuisance to the nearby neighbours especially the residents of Jessamine Cottage.
- Better for Haverhill residents in general, nearby neighbours and the users of the A143 if the proposed permanent roundabout entrance to the development was bought forward and the access to the site compound and development was from there

22. Haverhill Town Council – advised that they strongly object, on the following grounds, summarised below:

- Highway safety: Lack of justification of an access; lack of wheel washing provision a satisfactory distance from the access point; close to access to persimmon Site; no protected right turn; unnecessary vehicle movements on the highway; and, alternative safe access can be created.
- Disturbance to neighbours: Support concerns raised by neighbouring property owners.
- Damage to the public highway and disturbance to neighbours by use of second access rather than an internal haul road.
- The Town Council recommends refusal on the grounds that a safer access can be easily be achieved by the applicant via their own proposed roundabout and restricting as much HGV movement as possible to being entirely within the main site rather than via the public highway. The blight, disturbance and damage this proposal will cause are all avoidable. It is strongly recommended that these are as far from the entrance as possible.

23. Public Representations

Notification sent to 9 neighbouring properties and site notice posted. Three representations received, summarised below:

Address	Nature of comment	Points raised
Hills farm, Haverhill Road	Objection	<ul style="list-style-type: none"> • Highway safety impact on Haverhill Road. • Suggest use of approved roundabout. • Impact on enjoyment of property from noise, dust, dirt and smell. • Visual impact. • Length of time – likely to be at least 10 years. • Clarity over use of land between the boundary and proposed land form.
30 Bartlow Place	Objection	<ul style="list-style-type: none"> • Plant movement details are under estimated. • No restriction on access times A section 61 agreement should be included. • Wheel wash should be used at all times, and road cleaning 3 times a day.
Jessimine Cottage	Objection	<ul style="list-style-type: none"> • Concern that the planning application does not set a firm date at which the works will be completed. • Noise, nuisance and smell in close proximity • Loss of privacy

		<ul style="list-style-type: none"> • Risk of damage to private a public property • Impact on highway safety • Using roundabout would be a better alternative • Previously approved application for the Great Wilsey development included provision of an area of proposed green infrastructure “buffer zone” adjacent to our property.
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Development Plan Policy:

24. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.
25. The following policies of the St Edmundsbury Core Strategy 2010 (Core Strategy) the Haverhill Vision 2031 (Vision) and the Joint Development Management Policies Document (JDMPD) have been taken into account in the consideration of this application:
26. St Edmundsbury Core Strategy 2010
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
 - Core Strategy Policy CS2 - Sustainable Development
 - Core Strategy Policy CS3 - Design and Local Distinctiveness
 - Core Strategy Policy CS12 - Haverhill Strategic Growth
27. Haverhill Vision 2031
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
 - Vision Policy HV4 - Strategic Site - North-East Haverhill
28. Joint Development Management Policies Document 2015 (JDMPD)
- Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM5 Development in the Countryside
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
 - Policy DM11 Protected Species
 - Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - Policy DM13 Landscape Features
 - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
 - Policy DM20 Archaeology
 - Policy DM45: Transport Assessments and Travel Plans

Other Planning Policy:

29. National Planning Policy Framework (2019) (NPPF)
30. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication.
31. Paragraph 213 is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the NPPF; the greater weight that may be given.
32. The key development plan policies in this case are set out above. 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:

33. Class A, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for "the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on adjoining land." Therefore, the creation of a construction compound, such as the one proposed in this application, does not normally require the benefit of planning permission.
34. The relevant section of the GPDO cited above goes on to specify that in order to be permitted development, planning permission for those operations must be granted or deemed to be granted. In this case, the development has an outline consent and a reserved matters application for the main infrastructure within phase 1 is currently being considered by the local planning authority. The applicant has advised that the timing of the delivery of the construction compound is such, that it is needed to come forward in advance of the approval of the first reserved matters application.
35. In this case, a new access from the A143 Haverhill Road is also proposed, which would not be covered by Part 4 of the GDPO, or any other relevant part due to it being a classified road.
36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The detail of the proposal must therefore be assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.
37. The key considerations in determining this application are:
 - Highways impacts;

- Impacts on residential and visual amenity; and
- Permitted development fall-back position.

Highways Impacts

38. The NPPF advises in paragraph 108 that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the types of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and,
 - c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
39. Policy DM2 of the JDMPD requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 of the same document sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications.
40. The application is accompanied by a Transport Statement which provides an overview of the development proposals and considers the design of the proposed access arrangements and the likely traffic movements associated with construction activities.
41. The Transport Statement concludes that the proposed access arrangement would result in a negligible increase in traffic movements on the A143 Haverhill Road during the network peak periods and that the proposed temporary holding area compound would not have a significant impact on the local highway network.
42. The local highway authority has confirmed that they have no objection to the principle of a direct access from the A143 to the construction compound. However, some initial concerns were raised with the access detail.
43. The A143 at this location is a busy derestricted principal road and as such it is important to ensure that the access is designed to be commensurate with the traffic flows and speeds, taking into account the projected traffic for the life of the access.
44. In response to the concerns raised by the Highways Officer, the applicant carried out traffic modelling of the A143 at the site location using projected traffic figures for the next 10 years and as a result of this, they have revised the junction layout to include a right turn into the construction access. The applicant has also entered into discussions with Suffolk Highways Speed and Safety Management to reduce the speed limit past the proposed access. The proposed speed restriction is indicated on the submitted access drawing.
45. The applicant has advised that HGV Holding spaces and staff and visitor parking spaces can be increased depending on demand at any given construction phase. In light of this, the highways authority have not

recommended conditioning a specific layout drawing. Rather, a parking strategy would be approved as part of the discharge of any internal layout and/or parking condition.

46. The applicant has advised that they intend to encourage sustainable travel modes for site workers, which is welcomed by the Highways Officer and is in line with Development Plan Policy. However, due to the nature of large construction sites with multiple sub-contractors, the highway authority has advised that a Travel Plan would be difficult to enforce and not the best way to secure such measures in this instance. Instead, the proposed condition for the internal layout would ensure that there is sufficient infrastructure to encourage more sustainable travel options. This should include, footways, cycleways and cycle storage facilities, mini-bus parking and possibly connections to exiting public transport.
47. Following the submission of additional highways information and the amended junction design, the Highways Officer is satisfied that a suitable design for the access is now proposed, which includes the alterations necessary to the existing highway network to protect highway safety as much as is possible. In light of this, the Local Highway Authority has confirmed that the location of the temporary holding area is acceptable subject to the use of conditions.
48. Given the response of the local Highway Authority, who are the statutory consultee in this respect, it is considered that the proposal is acceptable in terms of the guidance contained within the NPPF in relation to highway safety and in accordance with the requirements of policies DM2 and DM45 of the Joint Development Management Policies Document 2015.

Residential amenity, Visual Amenity and Permitted Development Fall-back

49. It has been noted above that a development compound can normally be constructed under the permitted development rights given by Class 4 Part A of the GDPO without the need for a planning application. This is the case for compounds on land adjacent to an approved development as well as those contained within the development site itself.
50. The permitted development rights allow for buildings, moveable structures, works, plant and machinery and the only condition in terms of the length of time for which they can remain in situ, is that they must be removed when the operations have been carried out. The land must then be reinstated to its previous condition as soon as is reasonably practicable.
51. With the exception of the new access from Haverhill Road, the development proposed would be possible under permitted development rights and this permitted development fall-back position is a material consideration in the decision making process.
52. The weight to be given to such a material consideration varies according to whether what could be built using the GDPO would have a broadly similar or worse impact to what is proposed; and the reasonable likelihood or possibility that, if permission were refused, permitted development rights would in fact be resorted to.

53. The applicant has confirmed that given the scale and complexity of the development of Great Wilsey Park and the nature of the proposed build programme, the use of a separate compound adjacent to the northern side of the site will be the approach.
54. In light of the above, any visual or residential amenity impacts arising from the compound and the associated activities, buildings, works, plant and machinery, other than those associated with the new access, must be considered in the context that such activities would be likely to take place under permitted development.
55. Policies DM2 and DM22 of the Joint Development Management Policies Document seek to safeguard residential amenity from potentially adverse effects of new development. Policy DM13 also seeks to restrict development that would have an unacceptable adverse impact on the character of the landscape, landscape features and amenity value.
56. The outline permission for the Great Wilsey Park Development applied conditions to safeguard the amenities of adjacent properties from noise and disturbance, requiring the submission of a Construction Method Statement. This document has been submitted alongside this application in a discharge of condition application (reference DCON(D)/15/2151). This document has been reviewed by the local authority's Public Health and Housing Officer and they have raised no concerns with the provisions that have been put forward.
57. The document sets out, the expected standards of construction practice and the proposed mitigation measures in relation to dust and air quality, traffic and accessibility, wheel washing facilities and noise.
58. The construction compound has the potential to impact on the residential amenity of those neighbouring properties closest to the application site. However, these impacts would be mitigated and controlled by the measures contained within the submitted Construction Method Statement. A similar statement could also be secured by condition in relation to the setting out and operation of the compound itself and the construction of the associated temporary access.
59. The proposed access would be closer to the neighbouring properties on the northern side of Haverhill Road, particularly Jessimine Cottage than the approved access roundabout for the Great Wilsey Park Development. However, the possible locations for the access are limited given the location of the proposed compound and the position of the approved roundabout to serve the development and the applicant has advised that the use of the roundabout itself would not be practical in this case.
60. The Transport Statement concluded that the access itself would have a negligible impact on the amount of construction traffic on the Haverhill Road and the activities within the compound would be the same, regardless of the precise location of the access. In this context, whilst the impacts on neighbouring amenity associated with the construction traffic and activities within the compound are acknowledged, it is considered that, subject to the use of conditions to mitigate the impact, and noting the clear fall-back position in this case, the amount of weight to be attributed to the impact on amenity, weighing against the development, would be reduced.

61. In terms of the visual impact, the proposed compound is located on an area of undeveloped agricultural land and it would be visible from the adjacent Haverhill Road and in more distant views from public rights of way in the area.
62. The applicant has submitted a landscape strategy, setting out the approach it integrate the compound into the existing landscape in a manner that retains the predominant agrarian character of fields and hedgerows.
63. Along the north and eastern boundaries a 1 metre high bund is proposed with a 1:3 slope and a 1 metre wide flat top, planted with a pre-grown mixed species native hedge, which will be installed at a height of between 0.8 metres and 1 metre to provide an immediate visual buffer. It is proposed that the sides of the bunds would be planted with a calcareous meadow-mixture to provide the field like margins that currently exist on the arable fields. This additional hedgerow planting (approximately 326m) would also help to mitigate the loss of existing hedges which would be removed to facilitate the visibility splays for the roundabout and compound access.
64. The development would have a temporary impact on the landscape and visual amenity. However, the degree of landscape mitigation proposed with the compound is such that the visual impact of the scheme would be significantly less than a compound that could be brought forward under permitted development without the need for a planning application. In this context and subject to the use of conditions, including a condition relating to the reinstatement of the land, it is considered that the development would not have an unacceptable adverse impact on the character of the landscape. The development is therefore considered to be in accordance with policy DM13 of the JDMP.

Other matters

Impacts on the water environment

65. The Lead Local Flood Authority has reviewed the submitted drainage documents and has advised that the overall design philosophy for the Suds on this temporary site is acceptable. However, the Flood and Drainage Engineer has requested further elements to be included in the design and the updated drainage information is currently being reviewed.
66. Notwithstanding the above, the County's Flood and Drainage Engineer has advised that if necessary the required information could be secured by condition. The Environment Agency has also confirmed that adverse effects on water quality can be prevented by the use of conditions. As such, it is considered that the proposal is acceptable in terms of its impacts on the water environment both in terms of floodrisk and drainage and contamination. It is therefore considered that the development is in accordance with policies DM6 and DM14 of the JDMPD.

Impacts on the historic environment

67. The proposed development site lies in an area of archaeological potential recorded on the County Historic Environment Record. Therefore, there is potential for the discovery of below-ground heritage assets of archaeological

importance within the proposed development site, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

68. Suffolk County Council Archaeology Service has advised that any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
69. Subject to the use of the recommended conditions the application is considered to be acceptable in terms of its impact on the historic environment and in accordance with policy DM20 of the JDMPD.

Summary and Planning Balance

70. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
71. The NPPF indicates that subject to s.38(6) referred to above, where a proposal accords with an up-to-date development plan, taken as a whole, then, unless other material considerations indicate otherwise planning permission should be granted without delay (paragraph 11(c)).
72. The highway authority has advised that a suitable access, including the necessary alterations to protect highway safety is proposed, and it is considered that, subject to the use of conditions, the development is acceptable in terms of the guidance contained within the NPPF and with the requirements of policies DM2 and DM45 of the Joint Development Management Policies Document 2015.
73. The proposal is acceptable in terms of its impacts on the water environment (both in terms of flood risk and drainage and contamination) and the historic environment and is therefore in accordance with policies DM6 and DM14 and DM20 of the JDMPD.
74. The development would have a temporary impact on the landscape and visual amenity. However, it is considered that subject to the use of conditions to secure the proposed landscaping and the appropriate reinstatement of the land, the development would not have an unacceptable adverse impact on the character of the landscape and would be in accordance with policy DM13 of the JDMP.
75. It has been acknowledged that the development has the potential to have an impact on neighbouring amenity. However, given that these impacts could be managed and mitigated through the use of conditions, and noting the clear fall-back position in this case, this would carry only limited weight against the development.
76. On balance, and taking into account the permitted development fall back position, it is considered that the development accords with the provisions of the Development Plan and any impacts associated with the development can be adequately addressed through the imposition of conditions.

Recommendation:

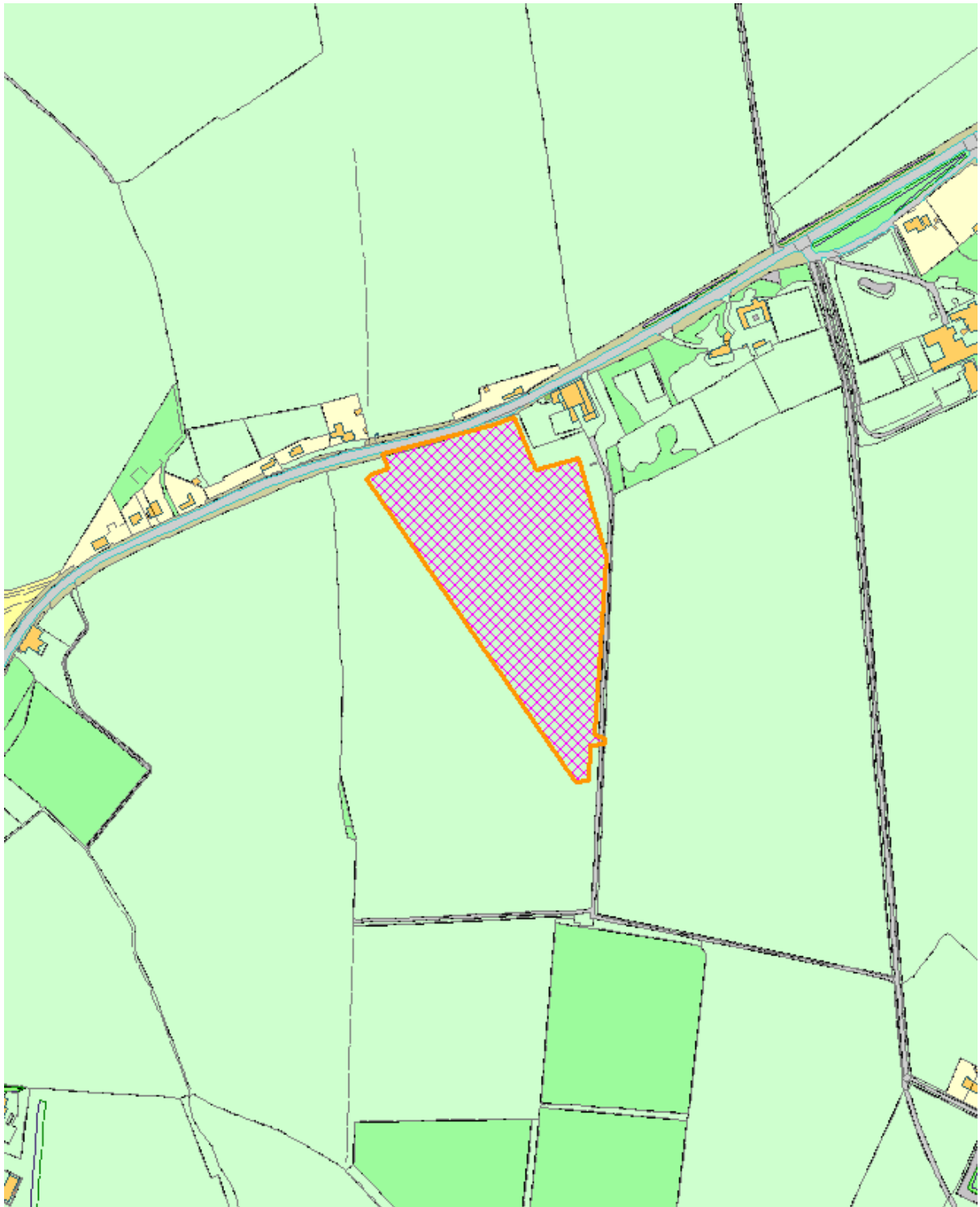
77. It is recommended that planning permission be **APPROVED** subject to the following conditions

1. Time
2. Temporary consent
3. Reinstatement of land details
4. Implementation of landscaping
5. SCC Highways - Provision of access in accordance with PB8301-RHD-CE-SW-DR-D-0102 Rev P03
6. SCC Highways - Provision of visibility spays in accordance with PB8301-RHD-CE-SW-DR-D-0102 Rev P03
7. SCC Highways - Access onto the A143 shall be properly surfaced with a bound material for a minimum distance of 20 metres from the edge of the metalled carriageway
8. SCC Highways - Details showing the means to prevent the discharge of surface water, mud and other debris from the development onto the highway
9. SCC Highways - Any ditch beneath the proposed access shall be piped or bridged
10. SCC Highways - Details of the internal layout accesses roads and footpaths,
11. SCC Highways - Means to remove the access and reinstate the highway
12. SCC Highways - Details of the areas for loading, unloading, manoeuvring and parking of vehicles and holding/waiting for construction delivery vehicles,
13. SCC Highways - Details of the areas to be provided for the secure, covered cycle storage
14. SCC Highways - Details of the areas to be provided for storage and presentation of Refuse/Recycling bins and associated waste collection strategy
15. SCC Highways - Construction method and compound management statement.
16. Hours of construction
17. SCC Foods and Water – Implementation of Suds Strategy - additional Suds scheme details (if required)
18. SCC Archaeology condition – written scheme of investigation and completion of site investigation
19. SCC Archaeology condition - site investigation and post investigation assessment

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/0225/FUL>

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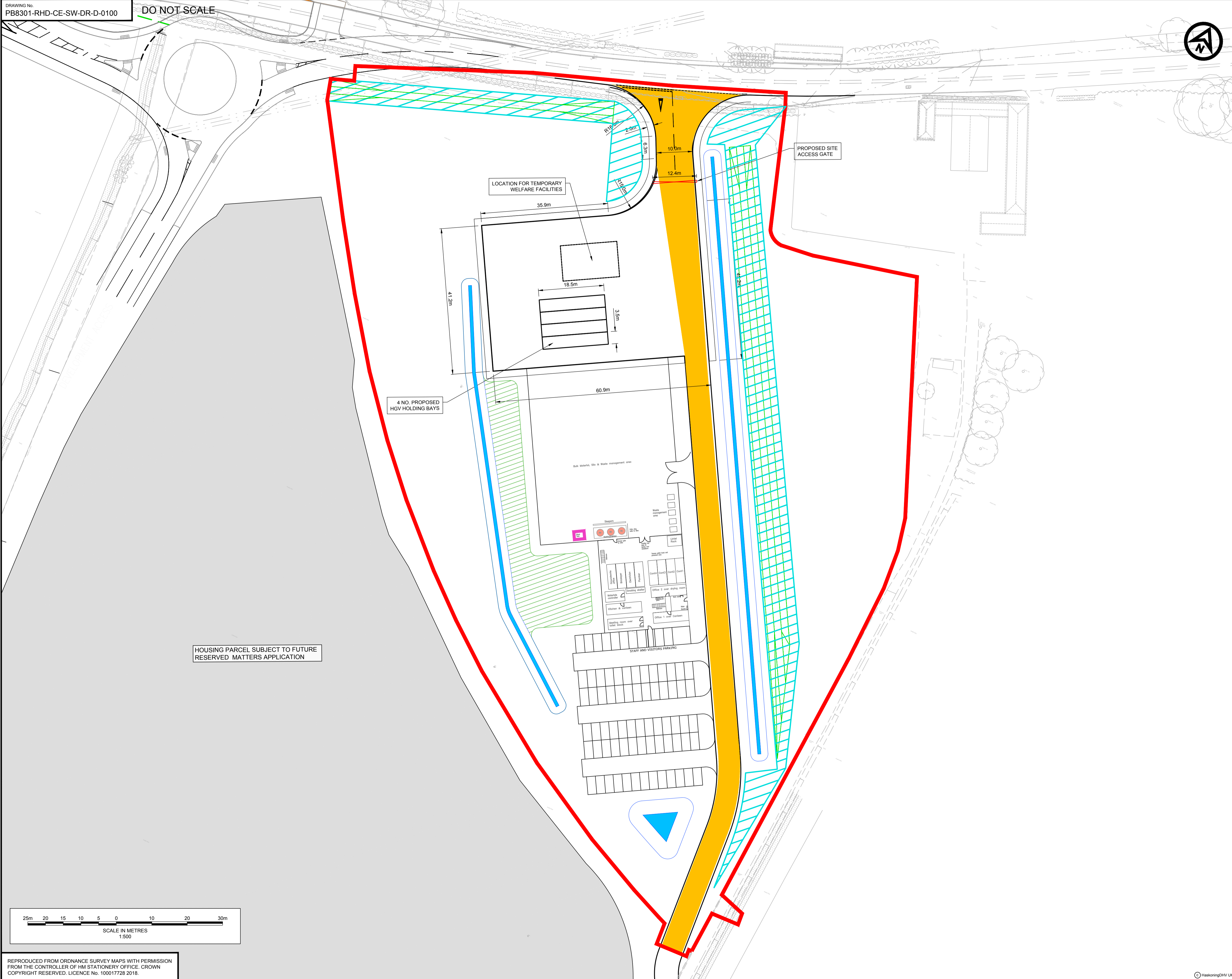


DC/19/0224/FUL



Land Ne Haverhill
Wilsey Road
Little Wratting
Suffolk

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NOTES

1. Do not scale from this drawing. All dimensions are in metres unless noted otherwise.
2. All levels are in metres relative to Ordnance Datum Newlyn unless noted otherwise.
3. This drawing has been based upon survey information supplied by REDROW HOMES, and Royal HaskoningDHV cannot guarantee the accuracy of data.

KEY

- PROPOSED SITE ACCESS GATE
- SITE ACCESS TO BE CONSTRUCTED
- TEMPORARY HAUL ROAD
- APPLICATION SITE
- SWALE
- POND
- LANDFORM
- MIXED SPECIES NATIVE HEDGE

FOR APPROVAL

REV	DATE	DESCRIPTION	BY	CHK	APP
P04	05.02.19	BACKGROUND UPDATED	JBW	DJ	DJ
P03	21.12.18	LAYOUT AMENDED	JBW	DJ	DJ
P02	20.12.18	LAYOUT AMENDED	JBW	JR	DJ
P01	17.09.18	FIRST ISSUE	NKS	KA	PJ

REVISIONS

CLIENT

REDROW
HOMES
Redrow Homes (Eastern) Limited
2 Aurora Court, Sylvan Way, Southfields Business Park,
Laindon, Basildon, Essex SS15 6TU
Tel: 01268 886400 Web: www.redrow.co.uk

PROJECT

GREAT WILLSEY PARK
HAVERHILL

TITLE

TEMPORARY HOLDING AREA
COMPOUND

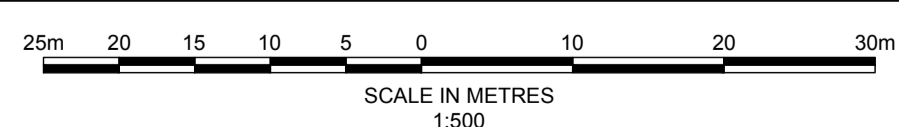
GENERAL ARRANGEMENT

Royal HaskoningDHV
Enhancing Society Together

Firebrand House
Delta Way, Egham,
Surrey, TW20 9EQ
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www.royalhaskoningdhv.com

DRAWN	NKS	CHECKED	KA	APPROVED	PJ
DATE	SEP '18	SCALE AT A1	1:500	AUTOCAD REF.	

DRAWING No.	PB8301-RHD-CE-SW-DR-D-0100	SUITABILITY	S3	REVISION	P04
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Development Control Committee 4 September 2019

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

Date Registered:	30.05.2019	Expiry Date:	06.09.2019 (EOT)
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 back to Development Control Committee following the decision taken to defer the determination of the application at August's Development Control Committee meeting for the reasons discussed further below.

A copy of the Committee Report presented in August is attached at Working Paper 1.

Officer Comment:

1. The application was deferred by the Development Control Committee in August 2019 for the following reasons:
 - Members requested an update on the progress of the masterplan for *Land west of A143 and south of A1088 (Policy RV12c)*
 - Further clarification of the reasons behind the road layout through the wider site
 - Further information was requested on the requirement of an emergency access and whether an alternative to collapsible bollards could be used
 - Further information to demonstrate that the tree belt on the eastern boundary of the wider site will not be compromised as a result of the development (including construction work)
 - Clarification on the purpose of Condition 21 as proposed by officers

Update on the masterplan for allocation RV12c

2. The Local Planning Authority has received a letter from Bidwells on behalf of the landowners and promoters of Rural Vision Allocation RV12c. The letter states that the masterplan required by policy RV12 is being progressed, and has been subject to engagement with planning policy officers. The masterplan process has however stalled until such time as the access road is granted consent and becomes a fixed matter that the masterplan can build upon.
3. Persimmon are committed to constructing the access road in order to deliver the first phase of development at *Land off Crown Lane (Policy RV12b)*. The masterplan for RV12c cannot dictate the access road alignment as it is not being delivered by the landowners and promoters.
4. The emerging masterplan document is based upon the approved and implemented right hand ghost island and with the approximate alignment of the road in accordance with the current planning application.
5. The landowners have stated that they remain keen and ready to progress the masterplan, but this can only be done with certainty to the access road alignment.

Clarification of the road layout

6. The road has been designed in such a way as to respect the contours of the land, which falls away from a central high point to the north and south. The road types change in the middle of the site from a Distributor Road accessed

from the A1088 to a Major Access Road in order to meet the requirements of future phases of development.

7. The sweeping nature is required to achieve the minimum gradients required for SCC Highways and the Lead Local Flood Authority. The applicant has also suggested that a straight road would raise issues of highway safety and speed.
8. A further reason for the curve of the road is to ensure that appropriate developable areas are maintained in order to secure the required area for the school site whilst safeguarding sufficient manageable parcels of land for future phases of development.

Emergency access

9. As detailed in the first committee report an application for the access road was made under reference DC/17/0339/FUL and refused by the Development Control Committee in January 2019. When that application was first submitted it proposed to open up Walsham Road for general access. This arrangement raised concern locally and consequently revised plans were submitted showing it as an emergency access only, with collapsible bollards.
10. At the August committee meeting members expressed a desire for a gate to be installed at the emergency access rather than bollards. The applicant has had further discussions with the County Council highway engineer who has confirmed that gated access would not be supported.
11. A gate could hold up an emergency vehicle while a bollard can be quickly removed when access is needed, or in a true emergency situation it would be easily flattened by an emergency vehicle needing to access the site. This route is seen as a sustainable link with the northern part of the village and a gate could hamper access by pedestrians and cyclists. Bollards make this sustainable route easier for cyclists and pedestrians to negotiate and avoids the need for cyclists to dismount.

Impact on the tree belt on the eastern boundary

12. The applicant has made further reference to the Arboricultural Method Statement submitted with the application, which states that all work associated with the access road would take place outside the Root Protection Area (RPA) of the Trees. The Statement sets out the tree protection methods, construction techniques and working practices that can be applied to ensure the trees are retained and effectively protected.
13. Paragraph P1.1 of the Arboricultural Method Statement states that an onsite meeting will be held, if required, with all relevant parties including the developer, appointed arboricultural supervisor and LPA representative to record site features including tree condition, agree any works, location of storage and location of tree barriers.
14. An underground root barrier will be inserted on the tree side of the proposed access road. The applicant has highlighted the distance between the edge of the footway and the canopy of the trees in a number of places. These distances range from 1.2m to 3.7m. Examples of the root protection barrier

have also been supplied, with further details able to be secured under conditions 6 and 7 as proposed by officers.

15. The Landscape and Ecology Officer has reviewed the additional information submitted by the applicant but remains concerned that the tree belt may be compromised by the development. As such her comments, as set out in the first committee report, remain valid.

Clarification on the purpose for Condition 21

16. The Committee raised a concern that in the event that the ghost right hand turn was not completed to an acceptable standard that this would lead to a sub-standard, and potential unsafe, connection to the access road that is the subject of this application. A query was also raised regarding the nature and purpose of condition 21. As drafted condition 21 states:

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.

17. The purpose of the condition is to ensure that the necessary visibility splays within the curvature of the access road are maintained. Future phases of development will not be accepted if they compromise these splays in any way. Reference to the 'public highway' is made in the reason for the condition as it is the intention of the applicant to offer up the access road for adoption by SCC Highways. In any event, the use of the road by traffic renders it a 'public highway' for planning purposes.

18. In order to avoid any confusion officers propose to amend the wording of the condition reason as follows:

Reason: To ensure vehicles using the access road have sufficient visibility to enter and exit the road and safely traverse the road in connection with all future phases of development, 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.

19. Officers are in discussions with SCC Highways in relation to whether it is possible to prevent the use of the access road until the ghost right turn has been completed to an acceptable standard. A further update on this point will be given to the Committee at the meeting.

Recommendation:

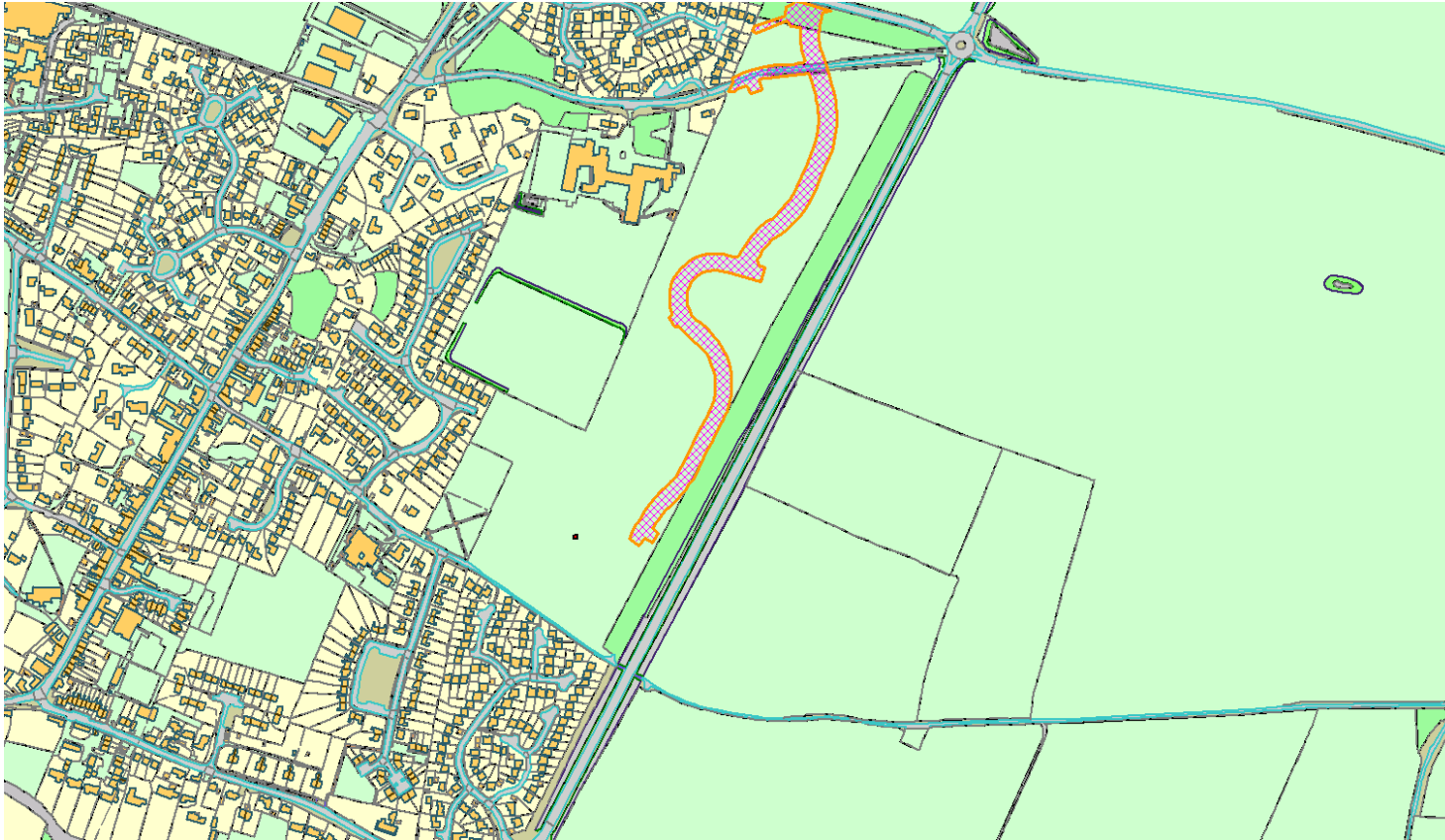
20.It is recommended that planning permission be **APPROVED** subject to the conditions set out in the Committee Report at Working Paper 1, with the reason attached to condition 21 amended as per paragraph 18 above.

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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DC/19/1146/FUL
Land off Crown Lane Ixworth



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G	Updated in line with road design	09.04.19
E	Updated in line with road design	02.11.18
D	Pond added in north west corner of the site and associated footpaths.	04.10.18
C	Road layout amended to contain School access and associated footpaths.	05.07.18
B	Collapsible bollards and emergency access added	24.4.18
A	Extent of widened foot/cycle way extended to residential application boundary.	12.02.18
REV		DATE

PERSIMMON
 Persimmon Homes (Anglia) Ltd.
 Persimmon House
 Colville Road Works
 Oulton Broad
 Lowestoft NR33 9QS
 Tel 01502 516784

**Crown Lane, Ixworth
 Suffolk**

Drawing:
**Planning Layout
 Access Road**

Scale@A1: 1:1000	Drawn By: CR	Date: Feb 17
Drawing No: IX-PL03		Rev: G

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WORKING PAPER 1

**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

4. 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

5. 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:
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - Provision to be made for archive deposition of the analysis and records of the site investigation.
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

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

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

- 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

Planning Policy Framework and all relevant Core Strategy Policies.

- 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](https://www.westsuffolk.gov.uk/DC/19/1146/FUL)

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Development Control Committee 4 September 2019

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

Date Registered:	18.04.2018	Expiry Date:	18.07.2018
Case Officer:	Charlotte Waugh	Recommendation:	Grant
Parish:	Bury St Edmunds Town Council (EMAIL)	Ward:	Eastgate
Proposal:	Planning Application - Demolition and redevelopment of the Cornhill Walk Shopping Centre to provide mixed use development comprising (i) 1,541sq.m (Use Class A1/D2) at the ground floor (ii) 48 no. residential units (Use Class C3) to three upper floors including parking, bin storage, access and other associated works as amended by plans received 13th December 2018, 27th March 2019 and 5th July 2019		
Site:	Cornhill Walk, Brentgoval Street, Bury St Edmunds		
Applicant:	Mr Peter Murphy - Knightspur Homes		
Synopsis:	Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.		

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

The application is a major development and was referred to Development Control Committee at the request of the previous Ward Member.

St Edmundsbury Borough Council's Development Control Committee considered the application on 28 March 2019 and deferred it to enable further consideration of the issues raised by Members surrounding the scale, design and mass of the building, its impact on amenity and the inclusion of retail units and a 24 hour gym. The recommendation is of APPROVAL.

A further site visit is proposed for Monday 2 September 2019.

Proposal:

1. The application seeks the almost entire demolition of the existing vacant shopping centre and its replacement on largely the same footprint with a four storey building. This will contain three ground floor commercial units, comprising two retail units (Class A1) and one gym to be open 24 hours a day (Class D2). 48 residential flats are to be constructed on the first, second and third floors surrounding an open green courtyard. The proposed residential mix is set out below:
9 x one-bed
25 x two-bed
14 x three- bed units.
2. The proposals include 48 parking spaces within the site boundary, including four disabled spaces and provision for electric charging points. Car parking is located to the rear of the proposed building comprising 24 spaces internally and an external car park area providing 24 spaces, 16 motorcycle parking spaces and bicycle storage. Access to the car park is from Well Street to the east with egress on Short Brackland to the west. Cycle parking for the residential units (168 cycle spaces) is proposed in storage units located at the first, second and third floor levels.
3. The scheme has been amended since first submission as follows:
 - Confirmation of inclusion of affordable units
 - Removal of public toilets
 - Window and balcony design amended
 - Elevational treatments amended – revised use of brick and render
 - Amendments to frontage detailing – windows/Cornhill sign/shopfronts
 - Removed shopfront from Well Street elevation
 - Introduction of loading bay
 - Enclosure of bin stores
 - Parking arrangements
 - Ramp to car park removed as well as barrier
 - Third floor units including balconies pulled back from edges
 - Reduction/removal of third floor balconies
 - Lowered roof parapet and replaced with opaque glass balustrade
 - Removal of western corner turret
 - Removal of parking space outside no. 8 Well Street and its replacement with cycle storage
 - Reduction in units from 49 to 48

Since the last committee meeting in March the following amendments have

been submitted:

- Removal of internal balconies and their replacement with sash windows to Well Street elevation
- Removal of balconies to rear elevation
- Set back of part of building frontage and consequential reduction in unit 1 floor space and change to size of apartments
- Staff cycle parking included within units
- Submission of delivery management plan
- Removal of overhanging canopies / change doorways to inward opening
- Submission of a massing plan and relative heights section drawing

Application Supporting Material:

4. Existing and proposed plans including demolition plans
Planning Statement
Design and Access Statement
Ecology report
Daylight/sunlight Assessment
Transport Assessment and travel plan
Heritage Statement
Energy Statement
Land Contamination Assessment
Noise impact assessment
Archaeological Assessment
Statement of Community Involvement
Viability Assessment
Visuals
Massing plan
Section drawing

Site Details:

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

within the site boundary.

8. The site is located in Flood Zone 1 which is defined as land with less than a 1 in 1,000 annual probability of river or sea flooding.

Planning History:

9.

Reference	Proposal	Status	Decision Date
E/88/2618/P	Alterations and conversion of existing retail unit into a shopping mall with 13 units on ground floor and restaurant on first floor as amended by plans received on 15th July, 3rd August and 5th August 1988	Approved	August 1988
E/90/1911/P	Change of use of second floor of building to uses B1, A2 and B8	Approved	June 1990
E/94/1058/P	Alterations to ground floor elevation on St. Andrews Street frontage as amended by (i) letter received 8th March 1994 deleting alterations to glazed aperture at first and second floor level'	Approved	April 1994
E/94/2296/P	Alterations to Cornhill and St. Andrews Street ground floor elevations including insertion of replacement shopfront as qualified by letter received 25th August 1994 relating to external finishes	Approved	September 1994
SE/09/1411	Temporary change of use from retail (Class A1) to art gallery with education/workshop space (Class D1)	Approved	October 2011

Consultations:

10. Conservation Officer (8/2/19) - Supports amended plans subject to the inclusion of conditions to agree details of materials, surface finishes, brickwork, windows, minor additions.

(24/7/19) – Welcomes changes to the windows on the elevation facing Well Street. Remains in support of the plans with the recommended conditions.

11. Historic England (4/1/19) – Supports the principle of redevelopment and

consider that overall it will represent an enhancement over the existing condition of the site. However, they have concerns regarding the Eastern elevation and the combination of perforated metal grills and traditional sash windows.

(25/7/19) - Pleased that the amended plans have taken account of previous consultation response regarding the rationalisation of the fenestration. Overall, consider that the proposed development would represent an enhancement to the conservation area.

12. Highways Authority (24/12/18) - Parking required for A1 and D2 use, Reduction in residential parking standards is acceptable in principle subject to travel plan, how will these be allocated?
Cycle storage is good, although part of 2nd floor is not served where will their provision be?
No ground floor cycle provision for staff
How will waste be stored/collected? Waste management plan needed
Are barriers intended? Ability to manoeuvre out of front spaces questioned
How will deliveries for residents happen?
Queries over land ownership/swap (*Officer note: This is outside of the scope of Planning and the applicant and Highway Authority are working to ensure both parties are satisfied in this regard*)

(12/3/19) - Satisfied with 1 car parking space per unit without inclusion of car club space as this meets other developments in the town centre.
Not satisfied with lack of parking to serve the gym, although mitigation in the form of car park permits, travel plan, incentives etc may assist in avoiding on street parking.

13. Planning Policy (20/7/18) - The proposed redevelopment of Cornhill Walk is welcomed. Given the site's location within the Primary Shopping Area, a mix of uses with a predominance of retail uses on the ground floor, with an active shop frontage and residential uses on upper floors would be supported. However, the proposals for a gym fails to fully comply with policy DM35. Overall, proposals as they stand will result in a net loss of retail floorspace which is seen as a missed opportunity given the prime location of the site and opportunity it presents in addressing the identified future needs. This should be balanced by the fact in qualitative terms it gives rise to opportunity to provide large ground retail floorspace units which are more appealing to occupiers.

(5/8/19 verbally) - Confirmed need for retail units on this site and the importance of the Primary shopping area designation.

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

conflicts with policy CS5.

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

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

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

With a commuted sum of £49,200.

18.County Archaeologist (30/5/18) - No objection subject to conditions to secure archaeological investigation and completion of the post investigation assessment.

19.Suffolk County Council Flood and Water Engineer (4/1/19) - No objections

20.Development Contributions manager (20/12/18) - Confirmed that original response on 20/12/18 still applies.

No objection subject to s106 to secure the following:

- a. Education - £73,086
- b. Pre-school - £41,665
- c. Libraries - £784

21.Anglian Water (14/5/18) - No objections subject to submission and approval of a surface water drainage strategy.

22.Environment Agency (9/5/18) - The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. However, subject to the inclusion of planning conditions planning permission could be granted.

23.Economic Development (5/8/19 verbally) – Support. Confirmed that the retail market in Bury Town Centre is buoyant and local landlords are keen for Cornhill Walk to be redeveloped.

Representations:

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

25.(10/1/19) - The Town Council objects to the proposal on grounds of:

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

(25/7/19) – Repeats objection on the grounds of poor design, over development, over shadowing, loss of outlook, highways issues, lack of

parking and suggests that, in accordance with paragraph 7.13 of the Joint Development Management Policies document (Feb 2015), the Council should examine the level and extent of A1 uses in order to balance the retail vitality and viability.

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

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

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

(15/7/19) – Welcome continued improvements to the East and North elevations but disappointed that the scheme has not materially changed. Reiterate original concerns regarding scale, bulk and style and its impact on heritage assets.

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

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

(14/7/19) - No dialogue has taken place with the community. Views remain as previously submitted.

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

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

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

29. Since receipt of amended plans in January 14 further representations, including from the Well Street Association, were received, the above issues remained with the following additional comments made:

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

30. Following the last committee meeting in March and receipt of further amended plans, 82 additional representations have been received, including from the Well Street Association and the Nelson Road Residents Association which repeat the above concerns as well as the following:

- Removal of balconies and replacement of those with sash windows on the elevation facing Well Street are welcomed
- Overall only minor changes and not the substantive changes requested at the last committee meeting
- Queries over massing plan

- Air pollution will worsen
- Roofline should be pitched
- Evolution of site shows huge increase in footprint when Cornhill Walk was built, this proposal represents a further increase
- Queries over transport assessment – incorrectly calculated

Policy:

31. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.
32. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)
- Policy CS9 (Employment and the Local Economy)
- Policy CS10 (Retail, Leisure, Cultural and Office Provision)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- Policy CS14 (Community Infrastructure and Tariffs)

Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards)
- Policy DM15 (Listed buildings)
- Policy DM17 (Conservation Areas)
- Policy DM20 (Archaeology)
- Policy DM22 (Residential design)
- Policy DM35 (Proposals for main town centre uses)
- Policy DM38 (Shop fronts and advertisements)
- Policy DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking Standards)

Bury Vision 2031:

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

Other Planning Policy:

33. National Planning Policy Framework (2019)
34. National Planning Practice Guidance
35. Bury St. Edmunds Town Centre Master plan
36. Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)
37. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given. The Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provisions of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

38. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Layout and Design
 - Heritage Impacts
 - Impact on Residential Amenity
 - Highway Matters
 - Ecology
 - Drainage
 - Section 106 Contributions and Affordable Housing

Principle of Development

39. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The St Edmundsbury Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National planning policies set out in the National Planning Policy Framework (NPPF) (2019) and the presumption in favour of sustainable development contained at its heart are also a key material consideration.
40. The application site is located within the housing settlement boundary of Bury St. Edmunds, the largest town within St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy BV2 of the Bury Vision 2031 (2014) allows for new residential development within the settlement boundary. The last use of the site was as a shopping centre which has an A1 retail use class, however, the site is not allocated for any specific land use and the principle of the redevelopment of the site for a mixed commercial and residential use is considered to be in accordance with

these policies.

41. Consideration has also been given to the Bury St Edmunds Town Centre Masterplan which was adopted in December 2017. The site is located within 'the northern gateway', albeit better relates to 'Cornhill, Buttermarket and Arc' which it abuts. The Northern Gateway has a mixed character contrasting with the residential character closer to the heart of the town centre. One of the identified priorities is to improve the image and character of this part of the town, making it a more attractive and welcoming gateway for Bury St Edmunds, as well as *'introducing new uses that will better front onto streets and spaces and create a more active, attractive and safer environment'*. Cornhill, Buttermarket and Arc seeks to ensure that the market retains its place as the key activity within this area of the town centre. It is considered that the redevelopment of this site would not otherwise conflict, and may in fact notably support these priorities, noting the utilitarian appearance of the site at present and the potential for the site's regeneration to significantly improve this gateway into the town as well as improving activity and footfall in this area of the town centre.
42. Planning policy officers have expressed concern at the reduction in retail floor space which has reduced from 2,233 sqm to 1,541sqm, a loss of approximately 30% and given the position of the site within the Primary Shopping Area this conflicts with its aims.
43. The Town Council refer to paragraph 7.13 of the Joint Development Management Policies Document in their objection and this states that 'town centres will be assessed as part of the monitoring process for the preparation of plans, which may result in the Town Centre and Primary Shopping Area designations being changed. Work undertaken as part of each councils latest retail study work will also examine what level and extent of A1 uses should be maintained within each Primary Shopping Area in order to maintain the balance of retail vitality and viability.'
44. The site is identified in the Retail and Leisure Study 2016 as an area of opportunity for redevelopment to replace the dated and enclosed layout which is now vacant. The study suggests that redevelopment could provide larger format units, such as 2-3 units, with street frontage at ground floor suitable for A1 or A3 uses. The proposal for 2 retail units therefore meets this aspiration for the site and accords with the paragraph quoted above.
45. Concerns are raised to the D2 gym use given that adjacent uses are non A1 and as such, may conflict with the provisions of policy DM35 which seeks to prevent three adjoining non A1 uses. However, given that a D2 use is an acceptable town centre use under this policy and will contribute to a range of uses within this area the impact this will have on the vitality and viability of the area is considered negligible.
46. The introduction of larger retail units, whilst welcomed from a policy perspective have caused objection from local residents concerned that there are already available units within the town centre and whether in the long term these are viable. Economic Development are in support of the scheme to provide commercial use on the ground floor, they remain confident that the market in Bury is buoyant and that there is demand for units within the town centre. Whilst residents refer to specific vacant buildings within the town there are generally reasons why they are empty e.g. Plans are underway for re-use,

rent is too high or leases are in place. Furthermore, many of the units within the town centre are listed which is often seen as a constraint to occupiers given the internal divisions and features which conflict with the practicalities of commercial use.

47. The applicant has tenants in place for the units ensuring they will be in filled and open after construction. Whilst it is not possible to guarantee these companies will remain on site indefinitely it does demonstrate the confidence these national brands have in Bury St. Edmunds. Reintroducing retail on this site will also encourage footfall in the area, which at present lacks a high number of visitors.
48. Balancing these opinions it seems reasonable for the building to accommodate some commercial space given its town centre and primary shopping area location and the mix of uses (which already have tenants agreed) is likely to result in a more viable development.
49. The principle of the proposed development therefore, is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

Layout and Design

50. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 requires all development to fully consider the context in which it sits, contribute to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. Chapter 12 (Achieving well-designed places) of the NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The NPPF goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place.
51. The Town Centre comprises a mix of commercial, retail, religious and residential uses which gives the area a varied character. The Town Centre is dominated by a large proportion of Listed Buildings which date from the late 12th to early 19th century. The townscape is largely characterised by continuous building frontages, with properties built up to the pavement edge. Plot sizes and roof profiles are variable depending on age, with historic buildings frequently occupying smaller plot sizes with slim frontages, interspersed between larger commercial town centre buildings occupying larger plot sizes. Building heights vary between two and four storeys.
52. The site holds a prominent position within the town centre with views available across the market square and focused down Cornhill as well as from the surrounding predominantly residential streets. The building has been vacant for some time and consequently the site represents an opportunity for re-development. Accordingly, the aspirations of the Town Centre Masterplan to provide mixed use developments within the town, utilising space above shops and including car parking, as well as supporting continued growth of the economy are relevant and the redevelopment of this site offers a significant

opportunity.

53. The application proposes a building that broadly follows the footprint of the existing building, although is taller in some areas, with the highest point of the existing building used as a benchmark. The proposed building height provides four storeys albeit the fourth floor is recessed and as such, will not be readily visible from adjacent dwellings given the traditional tight knit form of the streets. Notwithstanding this the building will appear taller in most views given the increase in vertical wall height where pitched and sloping roofs occur at present.
54. Whilst there are a number of timber framed buildings and Victorian terraces, the town is largely Georgian and as such, the appearance and detailing of the development is based on traditional Georgian dimension and design features. Elevations are articulated by projecting and recessing bays and windows with varied materials including brick and render which provide vertical emphasis and help to break up the massing of the building. All four facades have received different treatment, whilst keeping to the similar design language and horizontal guidelines. The front elevation (south) of the building which looks on to Butter Market has a traditional appearance incorporating the shopfronts and elaborate detailing such as stone window sills, flat gauged arches and the Cornhill Walk pediment. Whereas, the rear of the building (northern elevation) faces the service yard and the rear gardens of Well Street and Short Brackland and is designed in a more contemporary style with red brick and perforated metal screens. The side elevations represent a transition between the two and feature a mixture of render, brick and variations in fenestration.
55. The fenestration proposed has been amended since the original submission to better reflect its Georgian influences. Sash windows have been rationalised in size and layout and simple modern windows have been added to the more modern and less sensitive sections of elevations to provide contrast and clearly define the hierarchy. Sash windows are painted timber with those in the more contemporary sections to be double glazed aluminium with light grey frames. The use of oriel windows which project outwards utilising obscure glazing to the frontage element and clear glazing side and top panels, to the rear is considered appropriate and has assisted with overlooking issues as well as providing an attractive elevation. Internal balconies were shown on the Well Street elevation with perforated metal screens introduced to provide privacy whilst allowing a degree of sunlight through. These have now been removed and replaced with traditional sash windows, a change that has been welcomed by local residents and Historic England who are now fully in support of the scheme.
56. The materials chosen are considered to be sympathetic to the site's surroundings, replicating the more historic buildings in the centre as well as offering a balance between traditional materials and a more contemporary design approach.
57. The proposal involves the creation of active retail frontages onto Brentgovel and Short Brackland which reconnect the site to the town and provide an improvement to the stark blank facades previously experienced on the West. Debate over the introduction of an active frontage to Well Street with glazing to serve the gym has resulted in the removal of this aspect allowing the Eastern elevation to respect the residential nature of Well Street which is

considered more appropriate for this context.

58. The units themselves are designed around a central open air courtyard which allows residents an area of private communal amenity space. Units generally are allowed views both externally and internally with many of the second or third bedrooms overlooking the internal courtyard and gaining borrowed light from this aspect. Each unit meets the national space standards with the inclusion of balconies where possible to allow outdoor space in addition to that provided communally.
59. Whilst there is little space to accommodate landscaping within the site, and the occupants of no. 8 Well Street to the rear have requested that their boundary is not further obscured with trees, there is scope for some planting. Additionally, the Design Out Crime Officer has suggested the use of structural planters around external doors of the site and a condition is suggested in this regard.
60. The proposed building replaces a fairly benign building of limited architectural quality and its replacement with a more sensitively designed building is considered to contribute to the enhancement of the character and appearance of the area, respectful of its context.
61. The Police Design Out Crime Officer has commented on the proposals and raised several concerns. Whilst some of these have been addressed, such as the removal of the initially included public toilets and the enclosure of bin storage, some do remain. It is acknowledged however, that the redevelopment of Cornhill Walk and the introduction of both residential and commercial uses will provide continuous activity on and around the site, providing natural surveillance and minimising opportunities for anti-social behaviour.
62. In summary, the scale of the proposal is larger than that of the current building and introduces an increase in wall height where at present pitched roofs help to reduce its mass. Whilst this increase is acknowledged it is still considered to respect the townscape character and address the key features and constraints of the site by introducing well articulated elevations and good quality materials which successfully reduce the appearance of its scale. Style is subjective, nonetheless the proposal is designed to echo the Georgian history of the town centre which is considered appropriate in this case.

Heritage Impacts

63. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
64. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

65. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.
66. The building has been designed in response to its surroundings which comprise the Town Centre Conservation Area and several listed buildings, namely Moyses Hall Museum (Grade I), nos 5, 14 and 42 Brentgovel Street, nos 36, 38-45 Well Street and no. 90 St. Johns Street (all Grade II). A heritage statement has been produced which provides an assessment of the site and its significance, consequently, the development has been designed in response to this information utilising Georgian form and detailing.
67. Historic England have confirmed that the site contributes to the setting of a number of important listed buildings. They describe the high quality of the townscape and consider Bury St. Edmunds to be one of the finest historic town centres in our region. They welcomed the amended plans which removed the internal balconies and perforated metal screens on the East (Well Street) elevation and now offer their full support to the application considering that overall it will represent an enhancement to the Conservation Area.
68. At present the building represents a discordant feature in the street scape particularly given its vacant nature which has encouraged anti-social behaviour. It is considered that the proposed scheme is an improvement over the existing building and whilst altering views it will retain the pattern of development and form of surrounding streets which is key to the significance of the conservation area. By virtue of its design, form and materials it would enhance the character and appearance of the conservation area and the setting of the surrounding listed buildings, with Grade I Moyses Hall in particular benefitting from an improved backdrop which will enhance the visitor experience and positively contribute to its wider setting.
69. The application is accompanied by an archaeological heritage statement and desk based assessment which confirms that the site lies in an area of high archaeological potential within the historic core of Bury St. Edmunds. The County Archaeologist agrees with the findings of this report, that later development will have had an impact on deposits and that archaeological concerns can be effectively managed by a condition. Hence, conditions have been recommended to ensure an archaeological investigation takes place prior to development commencing.
70. Consequently, the scheme in its current amended form is considered to comply with the relevant locally and nationally adopted policies and the provisions of the Act.

Impact on Residential Amenity

71. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is a key aspect of good design, endorsed within the NPPF with

planning policies and decisions promoting health, well-being and a high standard of amenity for existing and future users.

72. A Statement of Community involvement has been submitted which details a public exhibition and local stakeholder session that was held in June 2017. The proposals have been revised in response to feedback from these sessions, most notably was the decrease in units by 16 and an increase in parking spaces.
73. The most sensitive areas of the site, when considering the potential impact on residential amenity of existing dwellings, is the East (Well Street) and North (Rear) elevations given that these are in close proximity to adjacent dwellings. Well Street comprises a terrace of Georgian dwellings with all those opposite the site grade II listed. The dwellings opposite are two storey in height with many benefiting from basements. Nos 31, 32, 33 and 34 are three storey.
74. Georgian terraces like those on Well Street would typically face onto another terrace of dwellings and as such, the relationship between these properties and that proposed is not an unusual pattern of development. This face to face relationship retains the privacy of the rear garden and those rooms located to the rear of the house whilst continuing the built form closely abutting the highway. The proposed shopfront on this elevation has been removed at the request of these residents and as such, the ground floor elevation is largely blank with the exception of access doors. It is considered that the development represents an acceptable relationship to those dwellings to the East of the site.
75. No. 8 Well Street (and to a slightly lesser extent no. 9 behind) to the rear holds a difficult position at a 90 degree angle to the site so the modern two storey dwelling fronts Well Street and the rear garden borders the Cornhill Walk car park. A plan showing overlooking distances has been submitted which demonstrates a distance of 16.3 metres from the proposed North elevation windows and the existing ground floor window of no. 8 which is a secondary window to their living room. The rear garden is modest in scale and separated from the development by a 1.8 metre high brick wall. A distance of 14.4 metres exists between this boundary and proposed windows. At present views of the shopping centre dominate the outlook from this garden and the ground floor side window. Its massing and bulk appear overbearing and whilst it doesn't block access to sunlight it does appear vast. The proposed scheme removes the tower element from the North East corner which is a benefit and has been amended to try and mitigate some concerns raised by these occupants on the grounds of overlooking and loss of privacy. Balconies have been removed and a proportion (14 of 32 openings) of windows on this northern elevation are now obscure glazed or screened. Roof terraces have also been amended so no access is proposed along the Northern side and the parapet has been reduced in height to assist in reducing the bulk of the elevation. Nonetheless, the building is still a considerable size and there are still 32 openings on this elevation which will create a perception of overlooking for these residents who will suffer some loss of residential amenity.
76. This relationship is a matter which weighs against the scheme but given the existing building and its current mass, this matter alone is not considered sufficient to warrant refusal of the scheme.
77. Short Brackland Street accommodates various business uses and private

parking areas which back onto the site and are as such, less sensitive to the development. Whilst there are dwellings fronting the highway these are further down the road and therefore not adjacent to the site.

78. A daylight and sunlight assessment has been prepared and submitted for consideration. This reaches a logical and considered position in relation to the likely amenity effects of the proposal. Noting the above and notwithstanding the scale of the building proposed, officers are satisfied that the amenity effects of the proposal are acceptable given the urban context of the site.
79. Consideration must also be given to the amenity effects associated with the proposed commercial units. The application documents state that these would be used for Class A1 (retail) and D2 (gym). The provision of a commercial element is considered to be a positive feature of the scheme, contributing to the mix of uses in the area and enhancing the sustainability credentials of the site.
80. The retail units are described in the application form as opening between 7:30 and 21:00 Monday to Saturday with limited Sunday opening. The site is located in the town centre and notwithstanding the residential use above it is not considered that this would be harmful to amenity during these times. The D2 use is proposed to comprise a 24 hour gym and concerns have been raised by local residents in this regard.
81. The application is supported by a noise impact assessment and Public Health and Housing Officers concur with their conclusions which recommend a condition regarding noise from mechanical plant as well as agreeing noise limits within the building. The gym will be constructed inside an acoustic box to prevent noise transfer and any vibration from weights. It will be served by mechanical ventilation and consequently there will be no need to have windows and doors open which would allow the escape of sound as raised as a potential issue by residents. Nevertheless, the assessment acknowledges that this use has the ability to create disturbance and indicates the need for control. Subject to the imposition of conditions Public Health and Housing have no objections to this element of the scheme. Conditions limiting the hours of use and delivery activity will also be necessary.
82. Subject to appropriate controls it is considered that the impact of the proposed commercial use upon amenity can be made acceptable.

Highway Matters

83. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.
84. Access to the site is proposed from the existing entrance on Well Street exiting as existing onto Short Brackland. These points will be upgraded but in terms of their positions are considered appropriate with regard to visibility and highway safety. No barriers are proposed and the applicant intends to use their own parking/access management system. Whilst this development will generate a high level of traffic on these roads and residents have queried the existing levels provided in the transport assessment, the Highway Authority is satisfied that the adjacent roads can withstand the vehicle movements

generated by the development.

85. A key concern of residents is the number of parking spaces provided within the site given that parking on adjacent roads is already at a premium, and whilst a parking permit scheme is in place this operates only between 10-4 and is over-subscribed. The Bury Town Centre masterplan acknowledges the difficulties with parking in the town and is seeking to improve provision, improve enforcement and improve highway infrastructure.
86. The development proposes 48 units with 1 vehicle parking space provided for each. In addition 16 motorcycle spaces are included and secure cycle storage is proposed on each level totalling 168 spaces. The Highway Authority is satisfied with this number. Whilst it is below adopted parking standards these are a maximum number and allow consideration of the town centre location and proximity to other sustainable modes of travel such as train and bus stations. The site sits outside of any parking permit zone and as a result future residents will not be eligible for a parking permit for zone A or any other parking zone.
87. The commercial units on the ground floor do not have any vehicle parking spaces proposed. The applicant states that visitors to these units will be undertaking linked trips to the town centre and as such, will make use of public car parking. In relation to the proposed D2 gym use, the applicant has submitted information from Anytime Fitness, the potential occupant, who claims that the ability for users to access the gym 24 hours a day lessens the peak usage times and other gyms in their portfolio with no parking provision (Twickenham, Sutton and Aylesbury) have not had any issues involving street parking in local areas. From their experience users will either be workers in the local area who already have transportation to and from work and this will not cause an incremental journey. Or they will be members from the nearby residential population who have a choice of walking, cycling, public transport and driving. They encourage the first two methods but will also provide information on public transport and local public car parks as well as offering incentives such as refunding the cost of car parking to customers.
88. Whilst the Highway Authority retain concerns over the lack of staff parking for these units the applicant has amended the scheme to provide staff cycle storage within the individual units which is welcomed by the Highway Authority. Planning Officers are of the view that previous retail units did not benefit from vehicle parking spaces and neither do many other commercial premises in the town centre. On that basis, it is not unusual for employees, customers or gym users to make use of public car parks which are located in close proximity. The NPPF advises that development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
89. Whilst all deliveries were initially intended to be carried out on the semi-pedestrianised Brentgovel Street at specific times, as happens at present for McDonalds, amended plans have included a loading bay off Short Brackland. Concerns were raised with regard to the ability for vehicles to access this bay but tracking plans demonstrate that this is achievable and a banksman will oversee the manoeuvre given that it crosses a pavement. It has been designed to accommodate a Bedford van as used by British Heart Foundation. Deliveries by larger vehicles will deliver to the front in accordance with the

delivery management plan. A condition has been recommended to ensure appropriate times for deliveries occur.

90. Development of this site will undoubtedly have an impact on traffic generation in the vicinity, particularly to the residential streets of Well Street and Short Brackland. Given that the site has been unused for several years this impact will feel more significant for residents. The Highway Authority is satisfied that the surrounding streets are able to accommodate this growth safely.

91. Residential parking will be provided to ensure one space per unit and this is generally considered acceptable in locations within the town centre where it must be assumed that some trips will be undertaken on foot, by bicycle or through the use of public transport. That is not to say that private car journeys will not take place but that households will be aware of the parking situation prior to purchase and determine accordingly if this provision is achievable for them.

Ecology

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

Flooding and Drainage

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

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

Contamination, Air Quality and Sustainability

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

96. The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
97. The NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission Vehicles'. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Furthermore, section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
98. It is welcomed that the applicant confirms within their Planning Statement that they will be providing vehicle electric charging points and a condition will ensure that these are provided and retained.
99. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
100. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
101. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Section 106 Contributions and Affordable Housing

102. The NPPF sets out in paragraphs 54-57 how conditions and planning obligations can be secured for a development to make an unacceptable impact to one which is acceptable. 'Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.'
103. Suffolk County Council as the education authority has identified a

shortfall in the number of available pre-school and primary school places and requests a financial contribution of £114,751 for the additional places generated by this development. A contribution of £784 towards library provision within the area is also requested giving a total of £115,535.

104. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.
105. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.
106. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
107. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply vacant building credit (VBC), Local Planning Authorities should consider '*whether the building has been made vacant for the sole purposes of re-development.*' In this case, the Local Authority is satisfied that the building became empty largely due to market forces and the opening of the Arc shopping Centre and on this basis, is satisfied that VBC applies. Therefore, taking into account this credit the affordable housing required is reduced to 6.3 units.
108. The applicant is willing to provide the requested Section 106 contributions (totalling £164,735) as well as affordable housing in accordance with policy CS5 and the affordable housing supplementary planning guidance. At present the section 106 agreement has not been completed and as such, the recommendation is subject to the completion and signing of this legal document by all parties. However, given the willingness of the applicant to provide that requested the application complies with the relevant policies in this regard.

Conclusion:

109. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
110. As a result of the amendments made to the scheme and the additional information submitted both before the committee meeting in March and after, it is considered that the proposed development creates a well-designed and visually attractive scheme which incorporates a range of good quality materials and detailing. Officers believe that the adverse amenity effects have been minimised through amended plans and residential parking is sufficient, noting the sustainable location. The scheme is thought to respect the setting of adjacent listed buildings and enhance the character of the Conservation Area. The scheme also ensures provision of affordable housing and education contributions within a section 106 agreement which weighs notably in its favour.
111. Lack of parking for commercial units and the Highway Authority concern in this regard weighs against the application, albeit the inclusion of staff cycle parking goes some way to address this concern. Furthermore, it is acknowledged that there will be an impact on residential amenity, particularly to no. 8 to the rear of the site as a result of the sites redevelopment. Taking all matters into account and noting the significant benefits of the proposal, these issues whilst weighing against the scheme are not considered to justify a refusal of planning permission in this case.
112. In conclusion, subject to the use of conditions and S106 agreement, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

It is recommended that planning permission be **APPROVED** subject to;

The completion and signing of a section 106 agreement which details County Council contributions of

- a. Education - £73,086
- b. Pre-school - £41,665
- c. Libraries - £784

the inclusion of 6 affordable units on site and a commuted sum of £49,200,

and 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.

3. No development above ground level shall take place until details in respect of

the following have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

4. No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) Detailed drawings of the perforated metal screens at a scale of not less than 1:20
 - ii) Samples of external materials and surface finishes
 - iii) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;

The approved sample panel(s) shall be retained on site until the work is completed and all brickwork and other details included shall be constructed in all respects in accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

5. No works involving new windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

6. No part of the building shall be demolished until:

- i) A binding contract for the full implementation of the scheme of redevelopment granted planning permission under application no. DC/18/0382/FUL has been entered into; and
- ii) All necessary permissions and consents have been obtained; and evidence thereof has been submitted to the Local Planning Authority and the acceptability of the evidence has been acknowledged in writing by the Local Planning Authority.

Reason: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the area, in accordance with policy DM15 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

7. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

8. Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste

- ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- xi) Mechanical road sweepers

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

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

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

10. A full noise impact assessment of any 24 hour commercial/leisure use shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall address, but is not limited to, practical controls to minimise music noise levels, the use of acoustic flooring and the isolation of machines, and management controls to be adopted to prevent disturbance or antisocial activities from persons entering and leaving late at night etc. The use shall be conducted in accordance with the approved plan thereafter.

Reason: To protect the amenities of occupiers of properties in the locality, 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 fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 40 dBA between 0700 and 2300 hours and 37 dB during 2300 and 0700 hours. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014.

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,

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

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

- 13.No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 12 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.

- 14.No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning

Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Reason: To prevent environmental and amenity problems arising from flooding.

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

- i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
- ii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

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

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

16. Prior to commencement of any works to construct the car park area, a scheme shall be submitted and agreed in writing by the local authority that

demonstrates how the following will be achieved. The scheme shall be implemented as agreed.

The scheme shall demonstrate how at least 10% of car parking spaces in private communal parking areas shall be provided, prior to first occupation, with an operational electric vehicle charge point. These points shall be reasonably and practicably accessible locations to any of the future residents. The Electric Vehicle Charge Points shall be retained thereafter and be capable of providing at least a 7kW charge. The scheme shall demonstrate how provision of electric vehicle charging can be increased to one space per dwelling should demand require this.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and enhance local air quality in line with the National Planning Policy Framework (NPPF) paragraph 35; Policy DM14 of the Joint Development Management Policies Document, Policy CS2 (E) of the Core Strategy and the Suffolk Parking Standards.

- 17.No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at:<https://www.gov.uk/government/collections/groundwaterprotection>).

It is necessary for this condition to be pre-commencement given the nature of the condition and the risks involved to groundwater.

- 18.If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval

from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwaterprotection>).

19. Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwaterprotection>).

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

Reason: To protect and prevent the pollution Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and the Environment Agency's approach to groundwater protection (available at: <https://www.gov.uk/government/collections/groundwaterprotection>).

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

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 23.Prior to occupation of the development hereby approved a waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how waste and recycling from the development, including both residential and commercial units, will be adequately stored and collected, including collection times and location of collection. Waste management shall be carried out in accordance with the approved plan thereafter.

Reason: To protect the amenity of occupiers of adjacent properties from noise, smell 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.

- 24.Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

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

- 25.Prior to occupation of the commercial units hereby approved, a Travel

Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

26. Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation. Thereafter the access shall be retained thereafter in its approved 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. 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.

27. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 5379 1150 Rev KK for the purpose of loading, unloading, manoeuvring and parking of vehicles and cycles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

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

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

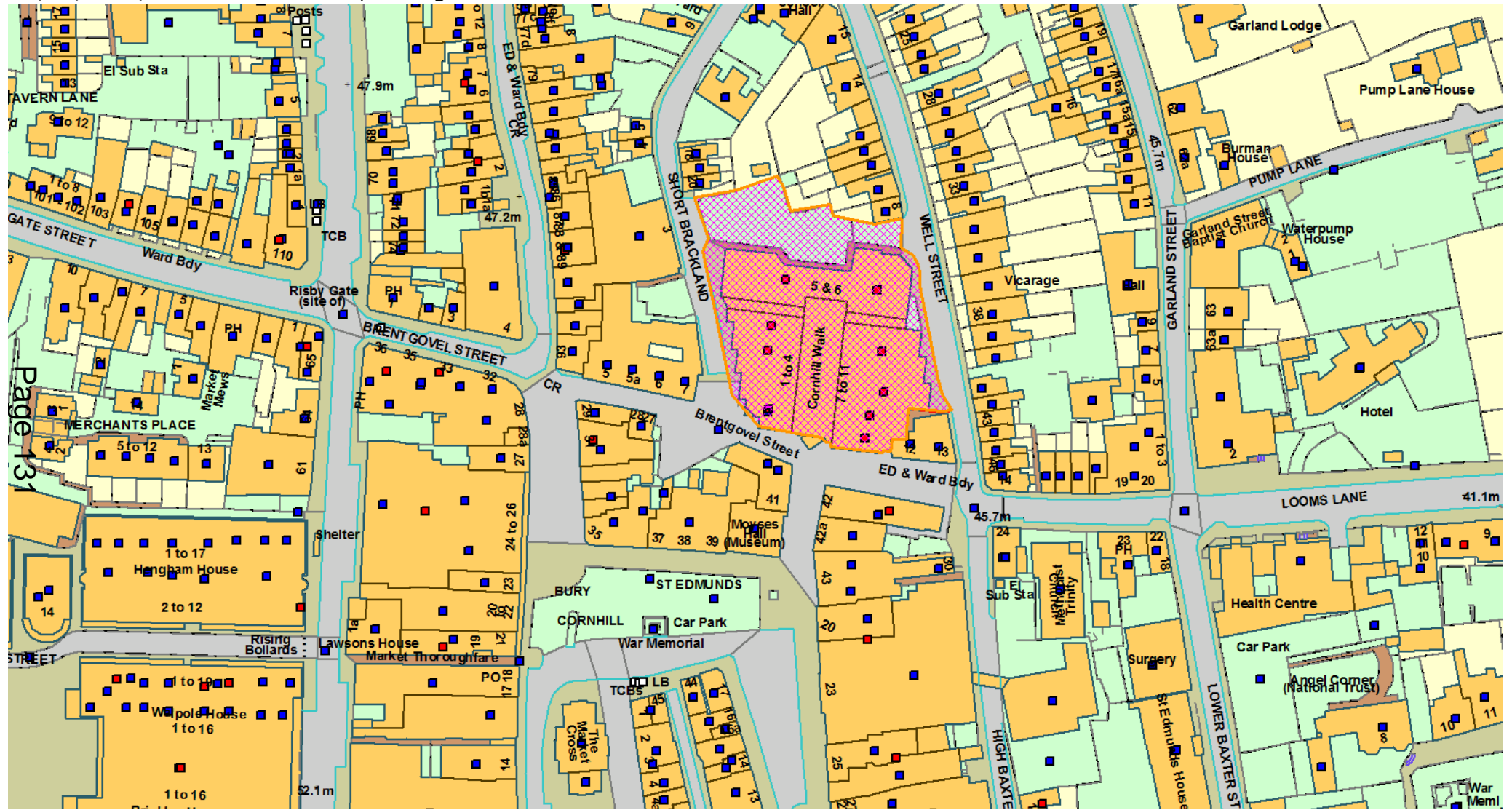
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P4UME7PDMH500>

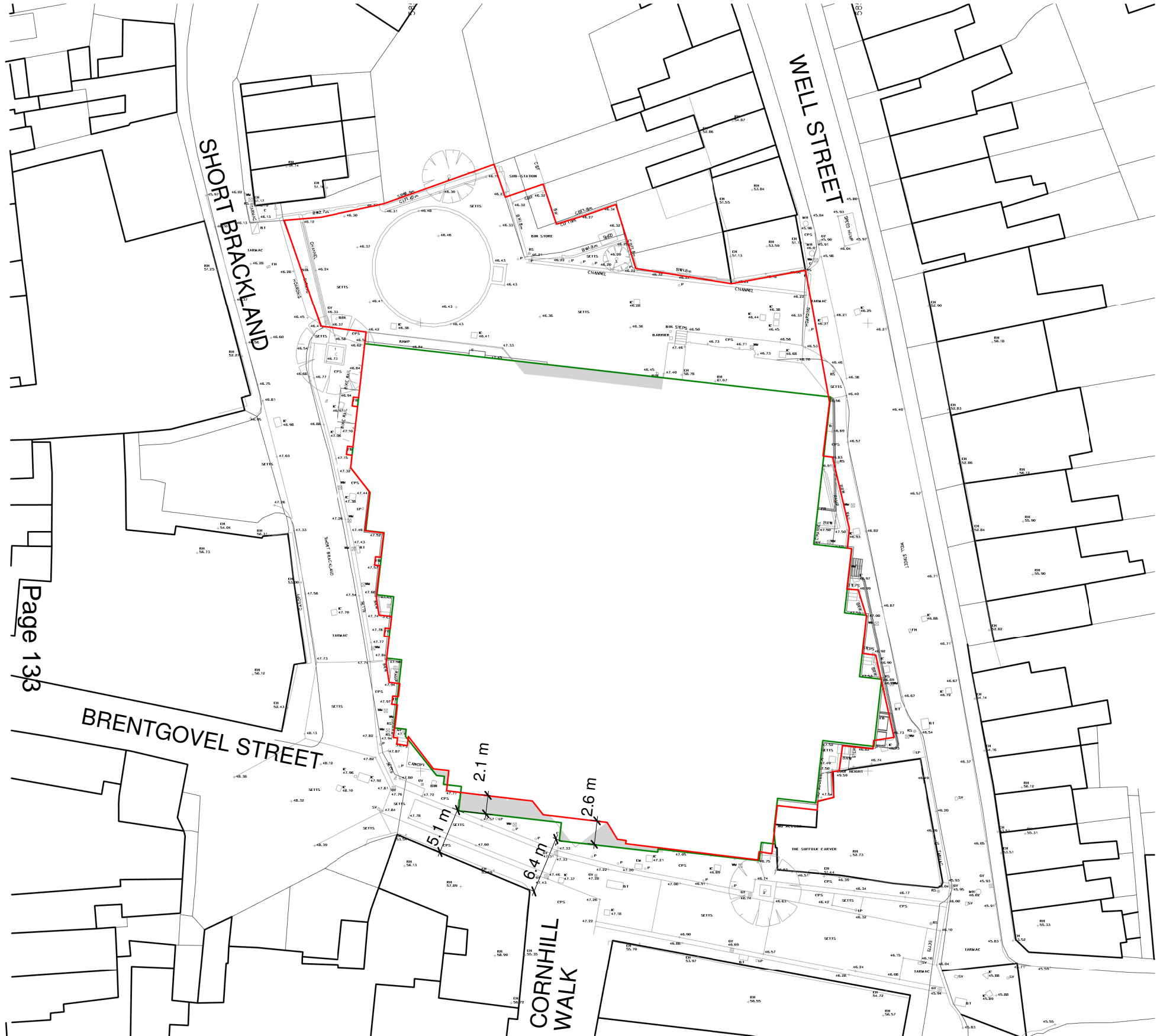
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DC/18/0382/FUL – Cornhill Walk, Brentgovel Street



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- Site boundary as per Land Registry title
- Proposed building outline
- Site survey by Datum Survey Services Ltd
- Proposed building footprint exceeding the existing building outline

SITE LOCATION PLAN

1 : 500

notes:



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

revisions:			
J	14/12/18	LP	Site boundary amended as per Land Registry title
H	13/12/18	LP	Planning
G	24/10/18	LP	Planning
F	24/10/18	LP	Site survey overlay added
E	21/03/18	LP	Planning
D	20/03/18	LP	Planning
C	27/02/18	LP	Planning
B	15/02/18	LP	Planning
A	25/01/18	SL	Site Plan and Site Location Plan revised

Knightspur Homes Limited
Cornhill Walk
 Bury St Edmunds



driving information
 status:
 date:
 scale:
 drawn:
 checked:

SITE LOCATION PLAN
 25/01/18
 1 : 500
 LP
 SL

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Development Control Committee 4 September 2019

Planning Application DC/19/1426/FUL – Unit 3, Haverhill Retail Park, Haverhill

Date Registered:	10.07.2019	Expiry Date:	04.09.2019
Case Officer:	Charlotte Waugh	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - (i) Change of use from Class A1 (retail) to Class D2 (gymnasium) (ii) minor external alterations to provide new entrance to front elevation		
Site:	Unit 3, Haverhill Retail Park, Haverhill		
Applicant:	Mr Duncan Costin		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

The application was considered by Delegation Panel given the objection received from Haverhill Town Council and subsequently referred to Development Control Committee for determination.

Proposal:

1. The application seeks the change of use from A1 (retail) to D2 (gym) to enable a gym to occupy the empty unit and operate 24 hours a day, 7 days a week. External works are proposed to the front elevation to provide new inward opening entrance doors in place of the sliding doors in place at present. A mezzanine floor was included on approved plans for the unit but has not been built, this 253.2sq.m area is shown on the submitted plans with the intention of installing it at a later date if required.

Application Supporting Material:

2. The following documents have been submitted with the application:
 - Application Form
 - Site and Block Plan
 - Existing and Proposed Floor Plans
 - Existing and Proposed Elevations
 - Planning Statement
 - Marketing information

Site Details:

3. The unit was completed in Spring 2017 as part of the Haverhill retail park development and has remained empty since. The wider scheme comprised a freestanding Lidl store and a terrace of 3 retail units, of which this site forms part. Units 1 and 2 are occupied by Home Bargains and Pets at Home. The wider site is served by 173 vehicle parking spaces, as well as motorcycle and bicycle parking.

Planning History:

4.

Reference	Proposal	Status	Received Date	Decision Date
SE/11/0242	Planning Application - Erection of (i) 11no. business start-up units (ii) 9no. warehouses (iii) 1no. builders merchants (iv) 3no. retail units (v) 1no. restaurant with drive-thru-takeaway(Class A3/A5) with ancillary	Application Granted	23.03.2011	25.05.2011

parking and landscaping (vi)
 1no. new vehicular access onto Ehringshausen Way and alterations to existing access off Stour Valley Lane (revised scheme) as amended by plans and details received 31 March 2011 providing details of the drainage strategy15.03.11

DC/15/2579/FUL	Planning Application construction of a foodstore and a 3 unit retail terrace with associated access, car parking, service yards and landscaping	Application Granted	23.12.2015	11.07.2016
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Consultations:

5. Haverhill Town Council - Object to this application for change of use. Although members welcome employment opportunities into the Town the Town Council supported the 2016 application for retail use only. The council requests evidence to ensure that effective and sufficient marketing has taken place for retail use.
6. Ward Councillor - No comments received.
7. Travel Plan Officer - Given that the wider retail park application required a travel plan it is appropriate to ensure this unit also has one. A condition has been recommended.
8. Environment & Transport – Highways - Acknowledges the need for a travel plan but is satisfied that the parking and cycle storage at this site are suitable for the proposed use and therefore, there will be no detrimental impact on the highway by the proposal.
9. Public Health and Housing - No objections to this application.
10. Economic Development - Support

Representations:

11. Three objections have been received which raise the following summarised concerns:

- Lack of parking - 173 car parking spaces include those allocated to Lidl- only 96 serve the retail units
- The wider retail park was granted with a below standard parking allocation and this will be worsened by the proposed change of use which will cause issues with traffic flows within the site and has the potential to create unacceptable impacts on the local highway network
- No obvious evidence of effective marketing or discussion with LPA about change of use
- Lack of employment opportunities compared to another use class
- Poor design statement with out of date data and no respect for Town Centre masterplan
- No respect for retail only planning condition
- Potential noise carrying to buildings 24/7
- Currently receiving anti-social behaviour reports from car park. There is a desire to close the car park via a barrier and how will this work with 24 hour gym access
- Health and Safety issues due to premises being monitored by CCTV
- Lack of disabled access to mezzanine
- Desire for something family oriented rather than another gym

12. One letter of support has been received making the following summarised comments:

- The proposal recognises that not everyone works 9-5 and provides a 24 hour, flexible, low cost, contract free alternative which can be used by late night NHS workers, care workers, early morning managers, students etc.
- With high obesity levels and low physical activity levels there is a desperate need for gym and leisure facilities that are accessible and affordable for all
- Proposal will widen the market and bring new customers to the already struggling small market town, which will be beneficial to other businesses in town

Policy:

13. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.

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

- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM35 Proposals for main town centre uses
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Vision Policy HV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

15.National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPD. 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:

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

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Parking/Highway impact

Principle of Development

17.Planning permission was granted in July 2016 for retail development on the site which comprised a food store, a terrace of 3 retail units and associated parking, service yards, landscaping etc. These units have been built and are occupied by Lidl (large detached unit), Pets at home and Home Bargains. The unit which is subject to this application has been empty since completion in Spring 2017.

18.Policy DM35 and the NPPF classify a D2 use, which includes gymnasiums, as a town centre use. As such, any application for such a use outside a town centre, as in this case, should be supported by a sequential test. Paragraph 86 of the NPPF requires proposals for main town centre uses not in an existing town centre to firstly consider the availability and suitability of

alternative sites within town centres, then in edge-of-centre locations. Only then should out-of-centre locations be considered.

19. Paragraph 87 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
20. The application is supported by a sequential test which identifies 5 available sites within the town centre and on its edge. The largest of these is 109 sq.m and therefore, falls significantly short of the 560sq.m minimum floor space required. Whilst it references the local plan allocations within the town centre these have already been discounted in previous applications and accepted by the Planning Inspectorate. Notwithstanding this, these sites are not currently available or suitable for the proposed use. Officers agree with the statement submitted which demonstrates that there are no suitable, viable or available sites in sequentially preferable locations. The site chosen is considered an edge of centre location and is well linked to the town centre, a route that's aided by the recent installation of a signalled pedestrian crossing directly outside the site.
21. Whilst the Town Council have requested evidence to ensure that effective marketing has taken place for the unit. This is not a requirement under the development plan, however, the agent has provided details of the marketing that has taken place since the commencement of development. The units at Haverhill Retail Park have been marketed as bulky goods retail by specialist retail agents Jones Lang LaSalle and Bidwells via brochures, websites, marketing boards and email campaigns which have also targeted national and regional retailers directly. During this campaign only two offers have been received for unit 3, both from gym occupants. Whilst the first withdrew, the current applicant Pure Gym is committed to opening a facility in Haverhill.
22. Haverhill Vision 2031 discusses the importance of culture and leisure facilities with aspiration 16 stating 'In 2031, Haverhill will be a place where...more people access cultural and leisure opportunities'. It acknowledges that the population of Haverhill is set to increase by over a third by 2031 and therefore it is desirable to increase the amount of leisure provision to match this increased population. The provision of leisure uses within the West Suffolk promotes good health (physical, emotional and mental), social interaction and economic development as well as assisting with the desire to improve the retail, leisure and cultural offer within Haverhill.
23. Whilst there are other gyms in Haverhill and there is a desire to see a wider range of retail offer, the applicant has demonstrated that there has been no other interest in the unit. The applicant suggests there will be up to 12 jobs created including management, cleaners and personal trainers. It is difficult to compare this to the employment generated by a retail use which fulfils the bulky goods definition without knowing an end user but it is unlikely to be significantly more and consequently the application still results in job creation.
24. On that basis, the application satisfies DM35 and is acceptable in principle.

Impact on Visual Amenity

25. At present the unit is accessed through sliding doors on the front elevation. This is proposed to be changed to inward opening double doors with an internal set of doors providing a secure entry pod. This results in a minimal change to the appearance of the building and no objections are raised in this regard.

Impact on residential Amenity

26. The gym is proposed to open 24 hours a day, 7 days a week. Supporting information provided by the applicant shows that comparable sites experience less than 10 visitors an hour between the hours of 10pm and 5am. No classes are run between these times with only background music playing. Given the location of the site which is a reasonable distance from residential properties this is not considered to cause a significant loss of residential amenity by reason of noise or disturbance in accordance with policies DM2 and CS3.

27. A local resident has expressed concern at anti-social behaviour which has occurred within the car park and I would suggest that the opening of a 24 hour use would help with this issue by introducing activity, lighting and traffic movements, however modest. Should the land owner wish to erect a barrier to the site they will be aware of the access requirements of their tenants and can seek to resolve accordingly.

Parking/Highway Impact

28. The overall retail park site is served by 173 vehicle parking spaces, with 96 dedicated to units 1, 2 and 3 as well as cycle and three wheeler parking. Fitness classes at the gym generally accommodate 20-25 participants and peak activity times (early morning and evening on weekdays) are unlikely to conflict with those for the retail units. As such, vehicle movements generated through the gym use are likely to be less than the approved retail unit. The site is served by a signalised crossing outside the units over Ehringshausen Way and subsequently is easily accessible from the town centre, surrounding residential areas and public transport. No changes are proposed to the parking allocation or access arrangements which are considered sufficient to serve this use. Suffolk Highways are satisfied in this regard.

29. The wider retail park development required the submission of a travel plan to mitigate the staff movements from the units. Whilst it is not possible to amend this it is appropriate to ensure this unit also considers its movements to and from the site. A condition is recommended which requests a travel plan to be submitted and approved prior to the gym opening.

Conclusion:

30. The NPPF stresses the importance of building a strong and competitive economy, stating at paragraph 80 that significant weight should be placed on supporting economic growth. National policy as well as local policy, particularly the Haverhill Vision also seek to ensure that the general public has good access to leisure opportunities to improve health, wellbeing and inclusive communities. The application demonstrates that no sequentially

preferable sites are available for the proposed use and as such, the edge of centre position, which is well connected to the town centre is considered appropriate. No adverse impacts by reason of noise, disturbance, appearance or parking have been identified and on that basis, the proposal complies with local and national policy.

Recommendation:

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

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

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

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

Location & Block Plan - 105 SLP REV A
Existing Floor Plans - 101 EFP REV A
Proposed Floor Plans - 102 PFP REV B
Existing Elevations - 103 EE REV A
Proposed Elevations - 104 PE REV A

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

3. Prior to first occupation of the development, details of the travel arrangements to and from the site for employees in the form of a Travel Plan in accordance with the live Travel Plan submitted as part of outline application DC/15/2579/FUL shall be submitted for the approval in writing by the Local Planning Authority in consultation with the Highway Authority. This Travel Plan must contain the following:
 - Baseline travel data based upon the information provided in the Travel Plan submitted on behalf of the outline application with suitable measures, objectives and targets identified to reduce the vehicular trips made by employees across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
 - Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan, with a commitment to engage and cooperate with the Travel Plan submitted on behalf of the outline application.
 - A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.

- A suitable marketing strategy to ensure that all employees, visitors and customers on the site are engaged in the Travel Plan process.
- A Travel Plan budget that covers the full implementation of the Travel Plan for a minimum period of five years.
- A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

The site shall not be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

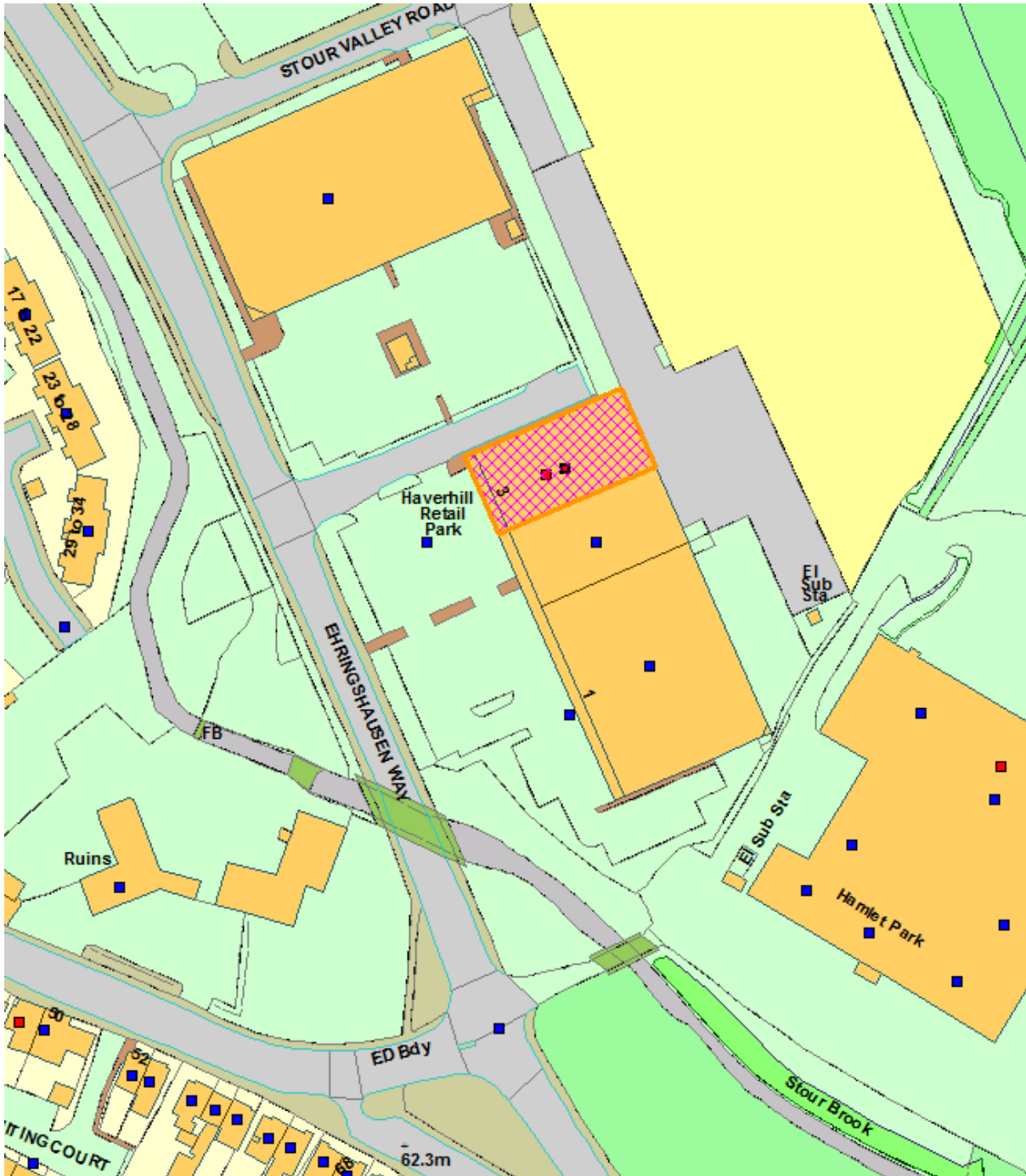
Reason: In the interest of sustainable development as set out in the NPPF, and policies CS7 and CS8 of the St Edmundsbury Core Strategy and policies DM45 and DM46 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document.

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=PUD5Q6PDGZQ00>

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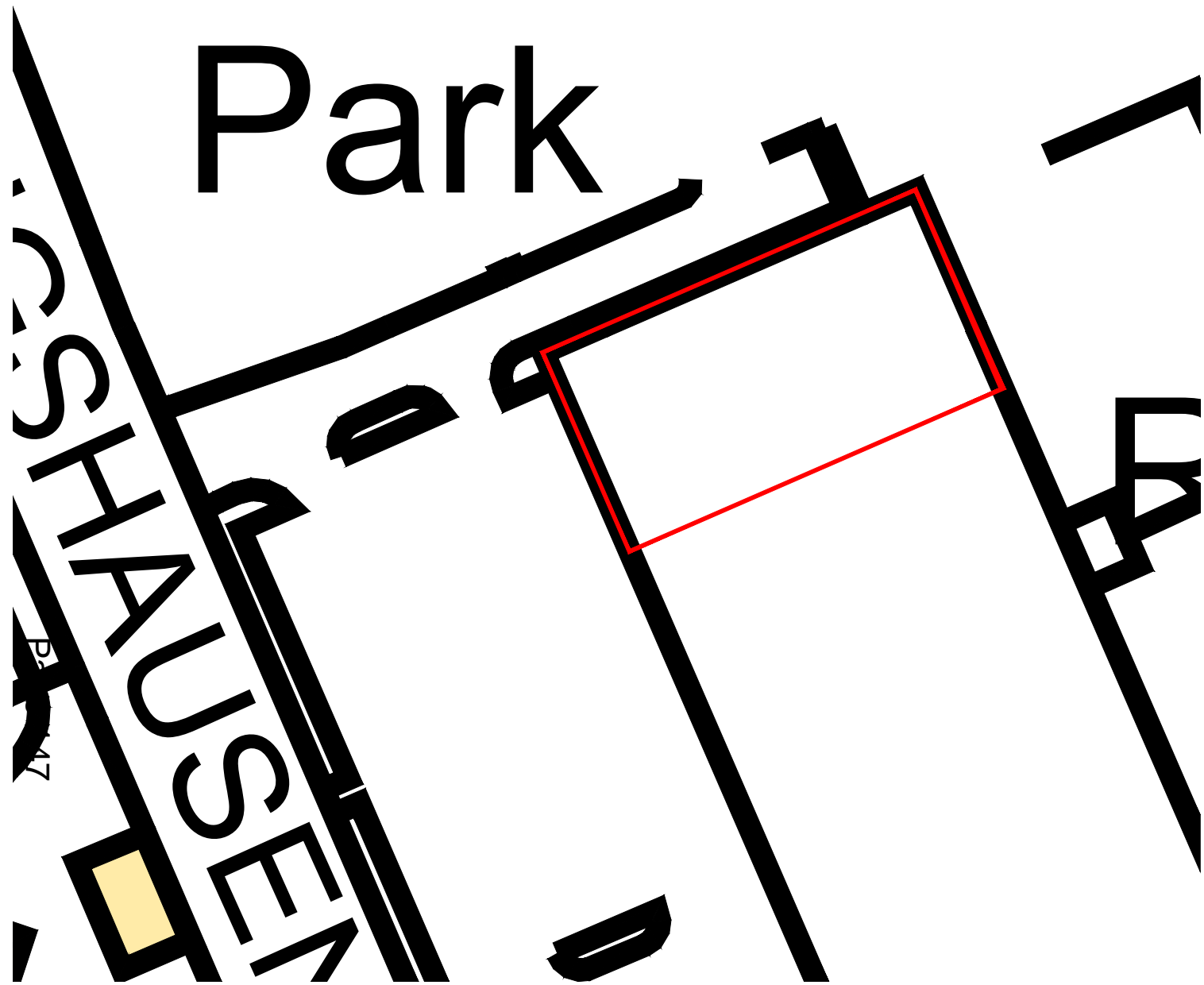
DC/19/1426/FUL



Unit 3
Haverhill Retail Park
Haverhill
Suffolk
CB9 0BU

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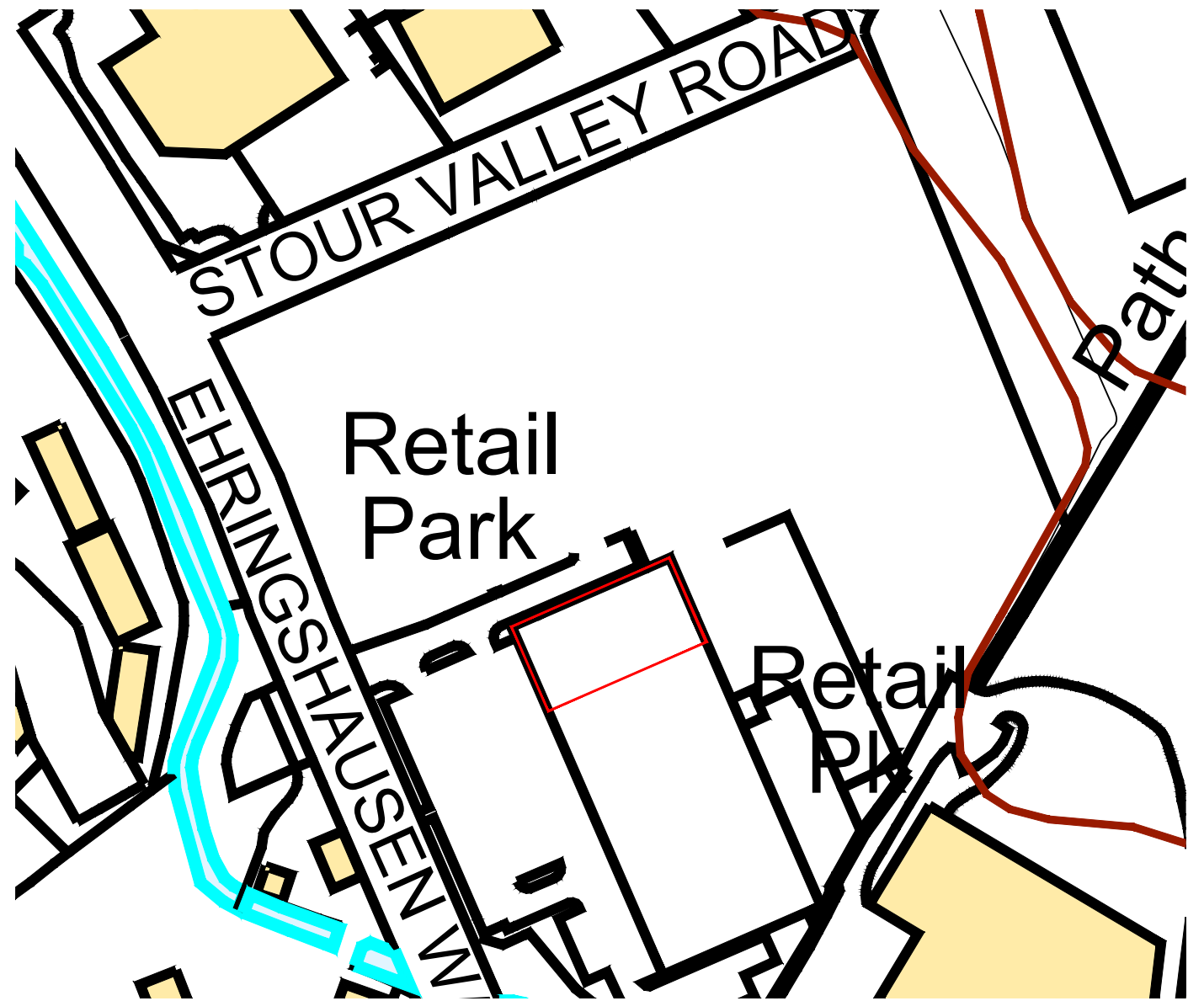
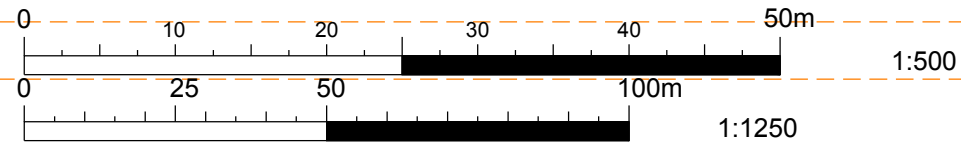
Retail Park



Existing Site Location Block Plan (Scale 1:500)

Key

 Application Demise



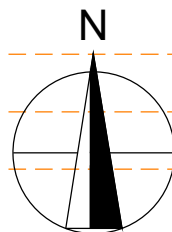
Existing Site Location Block Plan (Scale 1:1250)

Rev	Date	Description	Drawn/ Checked
A	12.06.18	planning layouts updated to reflect latest LL's drawings	RSP/PG

PROJECT TITLE		DRAWING TITLE	
Haverhil Retail Park Ehringshausen Way, CB9 8QL		Location Plan	

DRAWN / CHECKED	DATE	SCALE	JOB No	DRAWING No
SS/PG	06.06.19	1:500@A3/1:1250@A3	2033	105 SLP

DRAWING PURPOSE	Rev
TOWN PLANNING APPLICATION	A





Pure Gym Ltd
Town Centre House
The Merrion Centre
Leeds
LS2 8LY

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w: www.puregym.com

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Development Control Committee 4 September 2019

Planning Application DC/18/1712/FUL – Bridgelands Farm, Newmarket Road, Cowlinge

Date Registered:	29.08.2018	Expiry Date:	28.11.2018 (E.o.T:17.08.2019)
Case Officer:	Ed Fosker	Recommendation:	Approve Application
Parish:	Cowlinge	Ward:	Withersfield
Proposal:	Planning Application - (i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping.		
Site:	Bridgelands Farm, Newmarket Road, Cowlinge		
Applicant:	Mrs Gemma Bailey		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Ed Fosker

Email: ed.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application was called to the Development Control Committee by the previous (St Edmundsbury Borough Council) Ward Member, Councillor Jane Midwood, and is also presented in light of the objection received from Cowlinge Parish Council.

The matter has not been considered by the Delegation Panel as this is a 'major' application which falls outside of the Delegation Panel regime and instead is presented directly to the Development Control Committee.

A site visit is scheduled to take place on Monday 2 September 2019.

Proposal:

1. The proposals relate to the construction of a tree lodge building which will be a multi-use venue and ceremony buildings to create a sustainable wedding and event business at the farm along with wider enhancements to the parkland, woodland and wider biodiversity on the site.
2. The new multi-use venue and ceremony building will be located on the edge of the woodland, with visitor accommodation to be provided through the conversion of the barns to the north, within the farm complex. The existing ponds will be restored and the pump house will be converted to a guest reception building.
3. The buildings will be used primarily for weddings and other events which will largely be restricted to weekends, and the accommodation is indicated to be restricted to minimum two night stays as an operation criteria of the owners and will be used integrally with the uses that are undertaken in the venue building. It is intended that the venue will also be used for other events, including educational events, workshops and demonstrations, art and craft exhibitions, cookery and local produce events, corporate employee events, fundraising events, dinners and 'pop-up' food events. With a maximum of two per week (Sunday to Monday inclusive).

Application Supporting Material:

4. Application Form
Site Plan
Existing and Proposed Plans
Elevations
Sections
Site masterplan plan
Planning/Design and Access Statement
Landscaping Details
Land Contamination Assessment
Ecological Assessment
Biodiversity Survey and Report
Tree Survey/Arboricultural Impact Assessment
Transport Statement
Noise Impact Assessment
Flood Risk Assessment/Report

Site Details:

5. The site is an active farm that currently undertakes arable and game farming. The site is accessed from Newmarket Road to the north via a long driveway that leads to a farmyard with a number of buildings and large areas of hardstanding. The buildings to the north are in active agricultural use but the buildings to the south now stand empty following relocation of a scaffolding firm that occupied three of the buildings and an open storage yard to the south where the yard adjoins the wider farmland. The farmhouse lies to the east of the yard. To the south of this main yard is open agricultural land with areas of woodland further to the south which areas of more formal parkland lying to the south west, which extend southwards to the former Branches Park estate, a landscape which is understood to be a Capability Brown designed landscape. Within the woodland, lies a pond, a pumping station building and a well, features that survive from the former Branches Park estate. These areas are undermanaged and currently are in poor condition.

Planning History:

6.

Reference	Proposal	Status	Decision Date
DC/14/0282/AG1	Determination in Respect of Permitted Agricultural Development - Erection of agricultural building for storage of grain	Not Required	11.03.2014
DC/14/0727/HPA	Householder Prior Approval - Single storey rear extension which extends beyond the rear wall of the original house by 8 metres with a maximum height of 4 metres and a height of 2.24 metres at the eaves.	Not Required	09.06.2014
DC/17/0646/PA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - Change of use from storage building (Class B8) to create 2no. dwellings (Class C3)	Application Granted	02.06.2017
DC/17/0647/PA	Prior Approval Application under Part 3 of the Town and Country Planning	Application Granted	02.06.2017

	(General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - Change of use from storage building (Class B8) to create 2no. dwellings (Class C3)		
DC/18/1712/FUL	Planning Application -(i) Conversion of two existing barns into holiday accommodation, (ii) a new-build timber framed treehouse venue space (iii) associated low impact 'no-dig' vehicle access and car parking and (iv) associated landscaping	Pending Decision	
E/98/2978/P	Planning Application - Construction of concrete pad and provision of car parking for use in association with existing B1 (Business) Use and cattle handling facilities	Application Granted	11.12.1998
E/91/3063/P	Change of use of redundant farm building to Class B1 (Business) use and provision of car parking	Application Granted	31.01.1992
E/90/2878/P	Change of Use of two redundant farm buildings to Class B1 (Business Use)	Application Granted	31.10.1990
E/76/3116/P	GENERAL PURPOSE BUILDING FOR AGRICULTURAL USE	Application Granted	11.01.1977
E/75/2233/P	AGRICULTURAL STORAGE BARN	Application Granted	29.08.1975

Consultations:

- Highway Authority: satisfied that the proposed development would not have a severe cumulative impact on highway safety and that the level of use of the access from the C666 would be commensurate with existing and previous levels of use. The recorded accident data history for the five years between 2013 and 2017 does not indicate that there are existing highway safety issues which should be addressed or mitigated by this application.

8. Planning Policy: The principle of the proposals are broadly in accordance with both national and local planning policy in respect of farm diversification and economic growth and expansion in the countryside.
9. Public Health & Housing: *It is understood that the applicant intends to use the treehouse venue space to hold up to 30 weddings a year but it will be available periodically for other events. Its use will be largely restricted to weekends and the proposed accommodation, which will be used integrally with the uses that are undertaken in the venue building, will be restricted to minimum 2 night stays.*

With regard to site lighting, it is understood that flood lighting is currently installed within the farm yard and that local low level wall lighting is proposed to entrance doorways to the new and converted buildings in addition to low level PIR bollard lighting to pathways. Whilst the application site is in a rural location, there is an existing residential dwelling to the East of the farmyard at Bridgelands Farm. The proposed venue space is within approximately 600m of residential dwellings to the South West at Branches Farm with further residential dwellings to the North East and South of the application site.

It is likely that it will be available for use until late into the evening, as wedding venues are usually available until midnight. It is assumed that amplified live or recorded music and speech will be played within the venue and possibly on the open terraces, which is likely to give rise to noise disturbance to the residential occupiers in the vicinity of the site, particularly in the evening when the background noise levels will be low if unrestricted.

The design of the building will need to incorporate effective noise mitigation measures, including the effective attenuation of low frequency noise (bass), which can be audible over a considerable distance.

Details will need to be submitted of all external plant and equipment, including all air handling plant or extract ventilation systems and a noise assessment will need to be carried out to assess the impact of the proposed plant and equipment on the nearest noise sensitive premises and the need for any mitigation measures.

With regard to the proposed visitor accommodation, it is recommended that a condition is included in any consent granted so as to ensure that the two converted barns are only used for short term holiday accommodation or occupied in conjunction with the use of the venue building.

Public Health and Housing would not wish to object, in principle, to this application and raised no objection with regard to these findings subject to a condition which will require the submission and approval of full details of a scheme of sound attenuation prior to the commencement of the use.

10. Economic Development: Strongly support the proposal.
11. Environment Team: the report submitted under DC/17/0646/PA is acceptable in planning terms, then from a technical point of view I would be able to accept this report in relation to DC/18/1712/FUL.

12. Tree Officer: The details set out in the Arboricultural Method Statement (AIA) demonstrate the complexity of the proposed development in relation to the trees on site. I am satisfied that any granted consent would not result in a significant degree of harm from an arboricultural perspective, this is subject to the recommendations of the AIA being complied with in full. If planning permission is to be granted, this should be accompanied by a condition requiring the submission and written approval of a detailed Arboricultural Method Statement and Tree Protection Plan.
13. Ecology & Landscape Officer (verbal consultation): No objection subject to condition to require the proposed development to take place in strict accordance with the details, conclusions and recommendations contained within the Practical Ecology Preliminary Ecological Appraisal Report (V2, July 2018).

Representations:

15. Cowlinge Parish Council: *The Council heard from a number of other members of the public that were concerned over the likely substantial increase in traffic and highway safety on the C666 and through the village generated by this application. There were also concerns over possible noise from the venue site which might be difficult to mitigate given the nature/design of the construction together with issues regarding lighting over the dark evenings. Those living at Branches Park were particularly concerned about the site being too close to their properties which were in a quiet secluded location. After considerable discussion it was decided that the Parish Council would object to this application. The grounds being highway safety with substantial increased traffic, possible noise generation, lighting in the countryside at night and close siting to other residences.*

Neighbours:

16. Sixteen letters of support were received from:
 - The Duchess of Rutland, Belvoir Castle
 - Paula Radcliffe MBE
 - Crown Catering Ltd, 1 Stetchworth Road, Dullingham
 - Mrs Brown, 71 Starfield Road, London
 - Mrs Spilsbury, 49 King Street, Peterborough
 - Mr Brownlow, Deanburn, Hawick
 - Mrs Aston, 1 Waterhall Cottage, Newmarket Rd, Cowlinge
 - Mr Humphreys, 197 The Street, Kirtling
 - Mrs Rosie Gedge-Gibson, GG Bloodstock and Racing, Parsonage Farm, The Street, Kirtling
 - Mr Cardwell, 2 Waterhall Cottage, Cowlinge
 - Miss Lyssa Whitehead, 5 Spring Barns, Thurlow Rd, Great Bradley
 - Mr Sikon, Kingdom Forge, Manor Barns, Brundish
 - Richard Max & Co Solicitors, 87 Chancery Lane, London
17. Raising the following points:
 - Venue would provide an ideal location to host high profile guests for charitable organisations including Children with Cancer, The Willow Foundation and Born Free Foundation.
 - Extremely high quality design of 'tree house'

- It would be a huge asset to the local area providing economic benefit by way of local caterers, food/drinks suppliers, waiters/waitresses/bar staff and locally sourced produce.
- Interest in cooking, nature conservation classes.
- Interest from International and national arts programs with the venue seen as an ideal location for emerging practising artists to exhibit works, host events and workshops.
- The Art Director at Halcyon Gallery, Mayfair, London would like to work with the management of this unique new site to help bring compelling arts initiatives to Suffolk and work in collaboration with the local community to help local businesses and attract something educational and enriching to this unique location.
- Diversification will allow the farm to survive.
- Other venues are in the area but choice and competition is good.
- Advice taken on how to sympathetically protect and rejuvenate the existing landscape from the author of Capability Brown & Belvoir – Discovering a lost landscape (The Duchess of Rutland).
- Opportunities for the landscape institute to host events for local school children.
- Opportunity for local artists, sculptors, craftsmen and women to exhibit their works and teach skills.
- Opposition appears to be driven by those who seek to protect their own wedding venues and do not want any competition.
- Excellent platform to promote health, wellbeing and country life, sports education classes where children can learn to appreciate nature, wildlife and the countryside, a truly unique opportunity in today's climate and growing obesity crisis.
- The countryside should be enjoyed and used by more people, not just the privileged few who seek to keep it for themselves.
- Guest accommodation is traditional and in keeping with the countryside.
- New venue is highly unlikely to create the vehicular movements that the original farm and more recently scaffolding business did.
- Venue will bring much needed high-end business which will add to the local economy and create job, business opportunities across the region.
- Anderson Acoustics have confirmed that given the distances to the nearest noise sensitive property (480m) the level of sound insulation required to be achieved is not onerous and all necessary mitigation can be provided through acoustic double glazing, fully sealed doors and adequate mass and insulation incorporated into the external walls and roof.
- The courts have held that when considering whether to grant planning permission for a development, it is lawful and relevant to take into account the possibility of an alternative use or "fall back" position where there is a realistic possibility of the land being put to that alternative use.
- The conclusions of the transport assessment remain robust have been accepted by the Highways Authority.

18. Thirty six letters of objection were received from:

- Mrs Patton, Bloomfields Farm, Newmarket Road, Cowlinge
- Mr & Mrs Lewis, Erratts Farm, Newmarket Road, Cowlinge
- Mr Hanbury, Green Man House, Newmarket Road, Cowlinge
- Mr Fella, The Old School House, Main street, Westley Waterless

- Mr Rochford, Kinvarra, Bradley Rd, Kirtling
- Mr Moss, Parsonage Farm, Cowlinge
- Dr P J Hyde, Cater's Farm, Cowlinge
- Mrs Turner, Garden Cottage, Branches Park, Cowlinge
- Miss Crowther, Bonnetts, The Belt, Lidgate
- Mr & Mrs Smith, Coach House, Branches Park, Cowlinge
- Mr & Mrs Laing, Park House, Cowlinge
- Mr & Mrs Wilson, The Old Vicarage, Queen Street, Cowlinge
- Mr Osborn, Glendale, East Green, Great Bradley
- Mrs Lee, Kespar, The Belt Lidgate
- Mr Davison, High Elms Farm, Cowlinge
- Mr & Mrs Ramsden, Pear Tree House, Bradley Road, Kirtling
- Mr Frisby, Rosalie Farm, Bradley Road, Cowlinge
- Mr & Mrs Rees, Dowels Farm, Cowlinge
- Karrie and Emma Jerman, North Lodge, Branches Park
- Mr Clifton-Brown, Little Bradley Hall, Haverhill
- Mr Bredin, 133 Station Road, Dullingham
- Mr & Mrs Ascroft, Bridges Farm Barn, New England Lane, Cowlinge
- Branches Park Fisheries
- Mr Greenwood, Syde House, 37 The Street
- The Planning Law Practice, 8 Marquis Close, Bishops Stortford
- Mr & Mrs P Cole, Old College House, Queen Street, Cowlinge
- Mr & Mrs Walker, 2, Seven Elms Close, Queen Street, Cowlinge
- The Fairhaven Estate, Place Farm, Kirtling
- Ms. J Newton & Mr P Faircloth, 13 Tillbrook Hill, Cowlinge
- Mrs Woolf, 1 Saxon Street Road, Cheveley,
- Mrs Moyes, Brookside, Queen Street, Cowlinge
- Mr & Mrs Overman, Beaufort House, Queen Street, Cowlinge
- Mr Torpey & Miss Lovick, 12 Tillbrooks Hill, Cowlinge
- Mrs Hegarty, Top Cottage, Queen Street, Cowlinge
- Mr & Mrs Evans, Ivy Cottage
- Mrs Midwood, Butlers Hall, Wickhambrook

19. Between them, these raise concern, in summary, with regard to:

- Adverse impact on residential amenity
- Noise pollution
- Light pollution
- Traffic/Highway safety
- Increased traffic will impact horse riders using the road
- Access
- Impact on Wildlife
- Already enough wedding venues in the surrounding area
- Decrease in value of property
- 'Tree House' is too large and dominant in the landscape
- 'Tree House' is out of keeping with the surrounding area
- Unsuitable position
- Hours of operation
- Negative impact on local area
- Security of nearby trout lake/trespass
- Sustainability
- Water pollution
- Previous scaffolding business cannot be compared to this proposal
- Highways Authorities response cannot be relied on
- Events are often accompanied by fireworks

Full details of all representations received can be viewed on the Council's website.

Policy:

20. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.

21. The following policies of the Joint Development Management Policies Document and the [Forest Heath Core Strategy 2010] [St Edmundsbury Core Strategy 2010 & Vision 2031] 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 DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM31 Farm Diversification
- Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- Policy DM34 Tourism Development
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Rural Vision 2031
- RV1: Presumption in Favour of Sustainable Development

Other Planning Policy:

22. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply

because they were adopted or made prior to the publication of the revised NPPD. 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. The issues to be considered in the determination of the application are:

- Principle of Development
- Residential Amenity
- Visual Amenity and Landscaping
- Impact on Highway Safety
- Biodiversity
- Other Matters

Principle of Development

24. Paragraph 83 of the NPPF is supportive of '*a) the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside*'

25. Paragraph 84 goes on to state that '*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*'

26. Paragraph 118 states that planning decisions should '*encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*'

27. It is considered that the proposals broadly accord with these parts of the NPPF, given that they are for part brownfield development, are partly for the conversion of existing buildings, and that they also comprise of proposals for agricultural diversification.

28. Policy DM5 'Development in the Countryside' of the Joint Development Management Policies document (2015), states that proposals for all types of business and enterprise in the countryside should recognise 'the intrinsic character and beauty of the countryside,' as well as meet certain criteria in

relation to loss of best and most versatile agricultural land; historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and have no significant adverse impact on the local highway network.

29. The proposal is partly on grade two agricultural land, however the main areas of development involve conversion of the barn on brownfield land, the construction of the tree house on the edge of woodland and the area of car parking within an existing spruce plantation, neither of which could be considered to presently be useable agricultural land and, in any event, the extent of loss is small and therefore only weighs modestly against the scheme in the balance of considerations.
30. The proposals are considered to be broadly in accordance with Policy DM31: Farm Diversification, in that the proposal remains subsidiary to the main farm enterprise and will provide new full and part time employment opportunities.
31. Policy DM33 Re-Use or Replacement of Buildings in the Countryside provides that the re-use, conversion and alteration or extension of buildings in the countryside for the following uses will be permitted where proposals comply with other policies in this and other adopted Local Plans: employment (defined for the purposes of this policy as uses within Classes B1 and, where appropriate, B2 general industrial, and limited small scale or ancillary storage), where it can be demonstrated that such uses would not create significant levels of traffic, particularly lorries, on rural roads; tourist accommodation; recreational uses including riding stables, livery, and sports pavilions; community facilities.
32. In addition to other policies in the Plan, proposals such as this for the re-use, conversion and alteration or extension of buildings must be structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction; 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, 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; 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.
33. It should be noted that one barn currently has an extant consent to be converted to two residential dwellings and the other barn has an extant consent for the use as a scaffolding business. Noting this, and noting the considerations in the previous paragraph, it is considered that support for this proposal, insofar as it relates to the conversion of the existing agricultural building, can be drawn from Policy DM33.
34. The principle of the proposals are therefore broadly in accordance with both national and local planning policy in respect of farm diversification, re-use of buildings in the countryside and economic growth and expansion in the countryside, such that officers consider, as a matter of balance, that the principle can be supported.

Residential Amenity

35. With regard to residential amenity it is proposed to hold no more than one wedding per week (Sunday to Monday) but never on consecutive days, up to a maximum of thirty per year. The proposal is also to hold no more than two additional events per week, which could include workshops and demonstrations, educational events, arts and craft exhibitions, cookery and local produce events, corporate employee events, fundraising events, dinners and 'pop-up' food events. Hours of operation would be restricted to Monday to Friday – 9am until 12 midnight, Saturday – 10am until 12 midnight, Sunday and Bank Holidays – 10am until 8pm. This would be controlled by condition and will require the applicant to keep a record of events which could be made available for inspection by the Local Authority if required.
36. Working on a worst case scenario the proposed use of the site will arguably generate a lower level of vehicular movements than the previous use on part of the site as a scaffolding business, which it is noted could still be brought back into operation.
37. With regard to noise the closest neighbouring properties are Coach House Cottage and The Garden Cottage at 460m to the south west, Erratts Farm is 0.53 miles to the south east and Waterhall Cottages are 0.48 miles to the north. A baseline noise survey was undertaken in October 2018 by Anderson Acoustics Ltd and this has been used to establish plant noise emission limits at the nearest noise-sensitive receptors (16 dB LAeq). In addition, octave band measurements were used to establish noise limits for amplified music and speech from the multi event building. The assessment showed that the nearest residential property, The Hall at Branches Park, is not predicted to be adversely affected by noise from the fixed plant installation at Bridgelands Farm multi event building, providing the kitchen extract system is limited to 46 dB LAeq at 10 m distance from a louvre or a ducting termination point.
38. With regard to entertainment noise, The overall entertainment noise (EN) level from the multi event building is predicted to be 15 dB below the established background noise levels at the nearest residential property, The Hall at Branches Park, meeting the adopted criteria (LAeq EN should not exceed LA90 WEN). However, the assessment showed that Branches Park could be adversely affected by noise in the 63 Hz octave band from amplified music or speech at the Bridgelands Farm multi event building. It is proposed that either one of the following mitigation measures is put in place:
- A sound limiting system to be installed, limiting sound levels for the 63 Hz octave band to 80 dB after 23:00 hrs.
 - External building fabric design to be modified to provide higher RW sound reduction performance at low frequencies.
38. Acoustic commissioning testing of the venue's operations is recommended in order to confirm the above, as the actual in-situ sound reduction performance of the structure and/or the internal noise levels in the venue can differ slightly from the estimated.

39. Public Health and Housing have raised no objection with regard to these findings subject to a condition which will require the submission and approval of full details of a scheme of sound attenuation prior to the commencement of the use.
40. Subject to this and subject to the controlling of the hours of operation by condition given the site's context and the degree of separation between the tree house venue 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 guests of the events venue 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, unacceptable levels of harm to the area's amenity, and it is not considered that there would be such a level of adverse impact on any neighbouring properties by reason or noise of excessive vehicular movements to justify anything other than the approval in compliance with policy DM2 and the provisions of the NPPF 2019 .

Visual Amenity and Landscaping

41. Policy DM2: Creating Places - Development Principles and Local Distinctiveness provides that all development proposals should maintain or create a sense of place and/or character by employing designs that are specific to the scheme, and which respond intelligently, basing design on an analysis of existing buildings, landscape or topography, and fully exploiting the opportunities that these present, utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach that is appropriate for the location, creating or contributing to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming and creating and supporting continuity of built form.
42. The appearance of the barns has been carefully considered to ensure the local agricultural building vernacular is retained with the design maintaining the existing positions of door and window openings. Additional openings and timber clad extensions to the barns use the same proportions and materials as the rest of the barn to ensure architectural continuity. The proposal respects the existing material palette of the farm and the nearby agricultural outhouses in the surrounding area of Cowlinge. Materials including stained timber cladding, brick and corrugated metal are incorporated into the design. The holiday accommodation will support this venue and help provide the required guest facilities needed in a rural location.
43. The treehouse venue is made up of a number of interconnected circles and the plan form is very efficient while keeping a relatively small footprint. On a raised structure, the curved façades help reduce any visual impact while creating a natural form. Clad in natural timber, with timber shingles on the roof, and timber balustrade details, the treehouse will blend in with the woodland setting. It will provide space for 125-150 people and create a unique destination for special events. It is therefore considered that the barns and tree house venue accord with policy DM2 and the provisions of the NPPF 2019.

44. The proposal is designed to restore and enhance the 'lost' Capability Brown landscape through new parkland and landscaping which will include new individual oak planting and improvements to grassland. The other elements of the scheme offer the opportunity to enhance the wider landscape through new landscaping, sensitive treatment of parking and paths and other enhancements such as restoration of woodland habitat.
45. New landscaping will take place across the site, including new tree planting to the parkland and creation of a new parkland area to the north of the woodland, bordering the farmyard and new planting to the entrance avenue. The existing areas of woodland and copses will be subject to new management (which is required by condition 14) and the grassland to the parkland will be restored to its original design in order to maximise biodiversity and landscape benefits.
46. The details set out in the Arboricultural Method Statement (AIA) demonstrate the complexity of the proposed development in relation to the trees on site. However it is not considered that the proposal would result in a significant degree of harm from an arboricultural perspective with the local authority's tree officer raising no objection. , This is subject to the recommendations of the AIA being complied with in full, a condition will be attached requiring the submission and written approval of a detailed Arboricultural Method Statement and Tree Protection Plan in compliance with policy DM13 and the provisions of the NPPF 2019.

Impact of Highway Safety

47. Paragraph 109 of the NPPF provides 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".
48. The existing entrance from Newmarket Road will remain the primary access point for vehicles. Parking to the farm house will not change, along with the existing access to the agricultural barns. A new dedicated parking area for 12 cars and bicycles, adjacent to the holiday accommodation, will be provided for guests. A larger 'no-dig' foundation car park for 55 cars will be provided in the old spruce tree plantation for visitors of the treehouse venue. A 'no-dig' foundation service road will allow deliveries to and from the treehouse.
49. It is accepted that the scheme would replace a substantial scaffolding firm which has since vacated the site but which occupied three buildings and an open yard and generated a significant number of trips and represented a large scale enterprise. The courts have held that when considering whether to grant planning permission for a development, it is lawful and relevant to take into account the possibility of an alternative use or "fall back" position where there is a realistic possibility of the land being put to that alternative use.
50. The agent has provided an updated transport statement working on a worst case scenario of two secondary events occurring each week thereby potentially generating no more than 212 vehicle movements per seven days. When such a figure is combined with the potential wedding event trips a total of 392 vehicle movements per seven days is possible. As detailed

and accepted by SCCH Plan B scaffolding generated 240 trips per day and over the course of six days equating to 1,440 vehicle trips. Therefore it can be seen that the proposed use will generate significantly fewer trips than the site's most recent use, and, critically, these will be during off-peak periods. Therefore the traffic implications of the proposed development will represent a significant improvement when compared to the site's previous use, which could be reinstated. Whilst the Highways Authority have not specifically requested a travel plan in this instance they have welcomed the applicants willingness to provide one and this will be controlled by condition.

51. The proposed use will arguably generate a lower level of movements than the previous use on the site which will impact positively on the surrounding rural road network, however the times of the movements will vary to those by the former use on the site. It is considered however that the development would not have a severe cumulative impact on highway safety and that the level of use of the access from the C666 would be commensurate with existing and previous levels of use. The recorded accident data history for the five years between 2013 and 2017 does not indicate that there are existing highway safety issues which should be addressed or mitigated by this application with the Highways Authority raising no objection in compliance with policy DM46 and the provisions of the NPPF 2019.

Biodiversity

52. With regard to biodiversity the Preliminary Ecological Assessment dated July 2018 by Practical Ecology Ltd recommends measures required to achieve biodiversity gain should include:
 - Tree planting should take place throughout the semi-improved grassland field and the parkland habitats on the site to convert the semi-improved grassland into parkland and to improve the condition of the existing parkland. Oak trees should be planted in preference to any other species.
 - Tree planting should also occur within the conifer plantation on the site. It is recommended that in order to offset the impacts from tree felling and the construction of a new car park, broadleaved trees should be planted throughout this plantation woodland to convert it from conifer plantation to mixed woodland. Conifer plantation has low ecological value, whereas mixed woodland has a higher biodiversity value and is more beneficial for a number of species.
 - Management plan to be produced for the parkland BAP habitats to improve the conditions from 'poor' and 'moderate' to 'good'. This will include details of tree planting and management regimes such as twice annual hay cuts. Retention of standing deadwood.
 - Management plan to be produced for semi-natural woodland to improve the condition of the semi-natural woodland from 'moderate' to 'good'. This will include the removal of common snowberry and common rhododendron and the retention of standing deadwood.
 - Management plan to be produced for the mixed woodland. To include details of tree planting and retention of standing deadwood where possible.
 - Management plan to be produced for Ponds 1 and 2 to improve their condition from 'moderate' to 'good'. This will include removal of duckweed and pollution prevention measures.
53. These measures which require the relevant management plans to be submitted too and approved by the local planning authority along with other enhancement and mitigation measures will be required by condition, with

the local authority's Senior Ecology & Landscape Officer raising no objection in compliance with policies DM11, DM12 and the provisions of the NPPF 2019.

Economic Benefit

54. Economic Development colleagues have commented generally that tourism is worth approximately £510m to the local economy and generates around 10.6m trips. It is one of the key sectors that the Local Authority's Economic Development department choose to promote and focus on.
55. The aim is to increase the value of tourism to the economy and do this by increasing overnight stays and increasing the duration of trips (among other work). This proposal would add to the increasing number of bed spaces in West Suffolk and thereby assist in increasing overnight stays. In addition the proposal is for something different to that already on offer in Suffolk and this would attract people who otherwise would not be visiting.
56. As this proposal is different, it is likely to receive national interest which will help to put West Suffolk "on the map". Media coverage of one asset often leads to benefits to other tourism providers.
57. This proposal would be an important asset to the local area - providing economic benefit by way of local caterers, food/drinks suppliers, waiters/waitresses/bar staff and locally sourced produce.
58. The venue will result in the provision of a business which will create jobs, result in the safeguarding of existing jobs (seasonal workers to permanent staff) and open up higher paid opportunities for local people in marketing; events planning etc.
59. The proposal will provide opportunities for the landscape institute (an educational charity that promotes the art and science of landscape practice) to host events for local school children and opportunities for local artists, sculptors, craftsmen and women to exhibit their works and teach skills.
60. The diversification offered by this proposal will provide additional income to the estate which will assist with the viability of the farm operation. This is the kind of proposal that farmers are encouraged to undertake to enable the cross subsidy of traditional farming.
61. It will also generate additional spend in local community assets and facilities which will help sustain and enhance the vitality of the rural area and surrounding villages. The NPPF states that significant weight should be placed on the need for to support economic growth through the planning system and paragraphs 83-84 state that planning should support economic growth in rural areas including that of tourism and leisure uses and that there should be a positive approach to sustainable new development.

Other Matters

62. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF

states that 'applications for development should be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'

63. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
64. Therefore a condition requesting electric vehicle charge points is recommended, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
65. Other than the already addressed above concerns were raised with regard to decrease in value of property, security of nearby trout lake/trespass and the fact that some events are often accompanied by fireworks.
66. Decrease or increase of property value and risk of trespass are not material planning considerations, with regard to fireworks it should be noted that events can be held on land for up to 28 days a year without requiring planning permission.

Conclusion:

67. 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:

38. 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.
 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. The use of the site and venue space for events shall be limited to the following:
 - Weddings / wedding receptions (maximum 1 per week (Sunday to Monday inclusive, but never on consecutive days), and up to a maximum of 30 per year, Monday to Friday - 9am until 12 midnight, Saturday - 10am until 12 midnight, Sunday and Bank Holidays - 10am until 8pm;
 - Other Events (to be a maximum of two 'other events' per week in total - Sunday to Monday inclusive).
 - Educational events;
 - Workshops and demonstrations;
 - Art and craft exhibitions;
 - Cookery and local produce events
 - Corporate employee events (team building etc);
 - Fundraising events; and
 - Dinners and 'pop-up' food events.

On commencement of the use hereby permitted, the owners/operators of the venue shall keep at all times an up-to-date Register of all events which shall include the name and address of the person, organisation or party occupying the venue during each individual booking. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties, and in the interests of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the provisions of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring, parking of vehicles, including secure cycle storage and refuse storage, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Before the first operation of the development hereby approved, a Travel Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Prior to first operational use of the site, at least 5% of car parking spaces for the events venue and one car parking space associated with each barn for holiday let shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

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

8. Prior to commencement of development an arboricultural method statement and 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 with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

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

9. The use of the site as a wedding/events shall not commence until full details of a scheme of sound attenuation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall take into account noise from the playing of any amplified live or recorded music and speech and all external plant or equipment including all heating installations, air conditioning or handling plant and extract ventilation systems. Thereafter, the approved works shall be carried out in their entirety and retained and maintained to the satisfaction of the Local Planning Authority.

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

10. No live or amplified recorded music shall be played outside of the Tree house venue building, in the garden areas or in any externally sited marques after

8pm.

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

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

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. The holiday let units hereby permitted shall be occupied only as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning Use Classes Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). Pond Barn

and Long Barn shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of 3 weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding 4 weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let unit shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM34 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 6 of the National Planning Policy Framework and all relevant Core Strategy Policies.

14. The development shall take place in strict accordance with the details, conclusions and recommendations contained within the Practical Ecology Preliminary Ecological Appraisal Report (V2, July 2018), including, where set out below, submitting to and agreeing in writing with the Local Planning Authority, the following matters:
- A) A site clearance method statement as recommended shall be submitted to and approved by the Local Planning Authority.
 - B) An Edna newt test is to be carried out as soon as possible on Ponds 1, 2 and 4 to determine the presence/absence of this species on the site and to inform an appropriate mitigation strategy if required details of which shall be submitted to the Local Planning Authority.
 - C) 3 swallow nest cups to be installed on either the newly converted barns or the existing farm buildings. Installation be on the northern aspect of the building, at a height of at least 5m details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.8.4.4
 - D) For every 2 trees felled on the site, 1 small passerine bird box must be placed on a retained tree in the broadleaf woodland or in the parkland details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.7.4.
 - E) 1 x kestrel box to be installed on a retained mature tree in the parkland habitat; and 1 x barn owl box to be installed on the margin of the woodland details of which shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 3.7.4.
 - F) A Woodland management plan shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.
 - G) A pond enhancement plan for ponds one and two shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.
 - H) A mixed woodland management plan to include details of tree planting and retention of standing deadwood shall be submitted to and approved by the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319.
 - I) A semi-natural woodland to improve the condition of the semi-natural woodland from 'moderate' to 'good'. This will include the removal of common snowberry and common rhododendron and the retention of standing deadwood and plan no. PEL-TH-Q2-0319.
 - J) A parkland management plan shall be submitted to and approved by

the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 and plan no. PEL-TH-Q2-0319

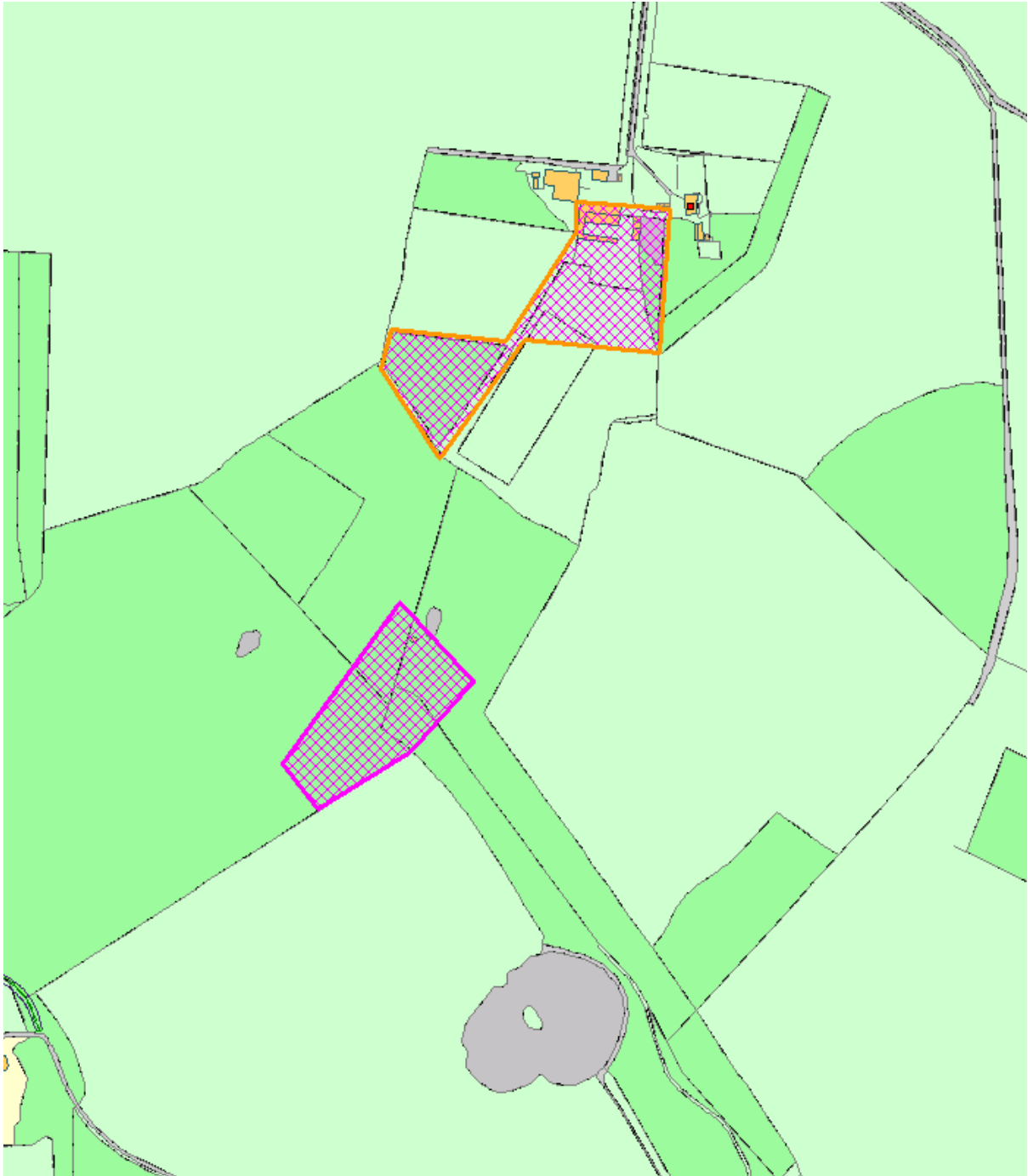
K) The recommendations with regard to the bat mitigation shall be complied with in full and any details as the result of surveys shall be submitted to the Local Planning Authority pursuant to the recommendations of section 4.1.1.1 3.44

Any matters as agreed and / or required pursuant to this condition shall be implemented during construction (as appropriate) or otherwise installed in accordance with timescales which shall also have been submitted to and agreed in writing by the Local Planning Authority, and shall thereafter be retained as so installed. There shall be no use of the building hereby permitted unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority and thereafter installed.

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1712/FUL](#)

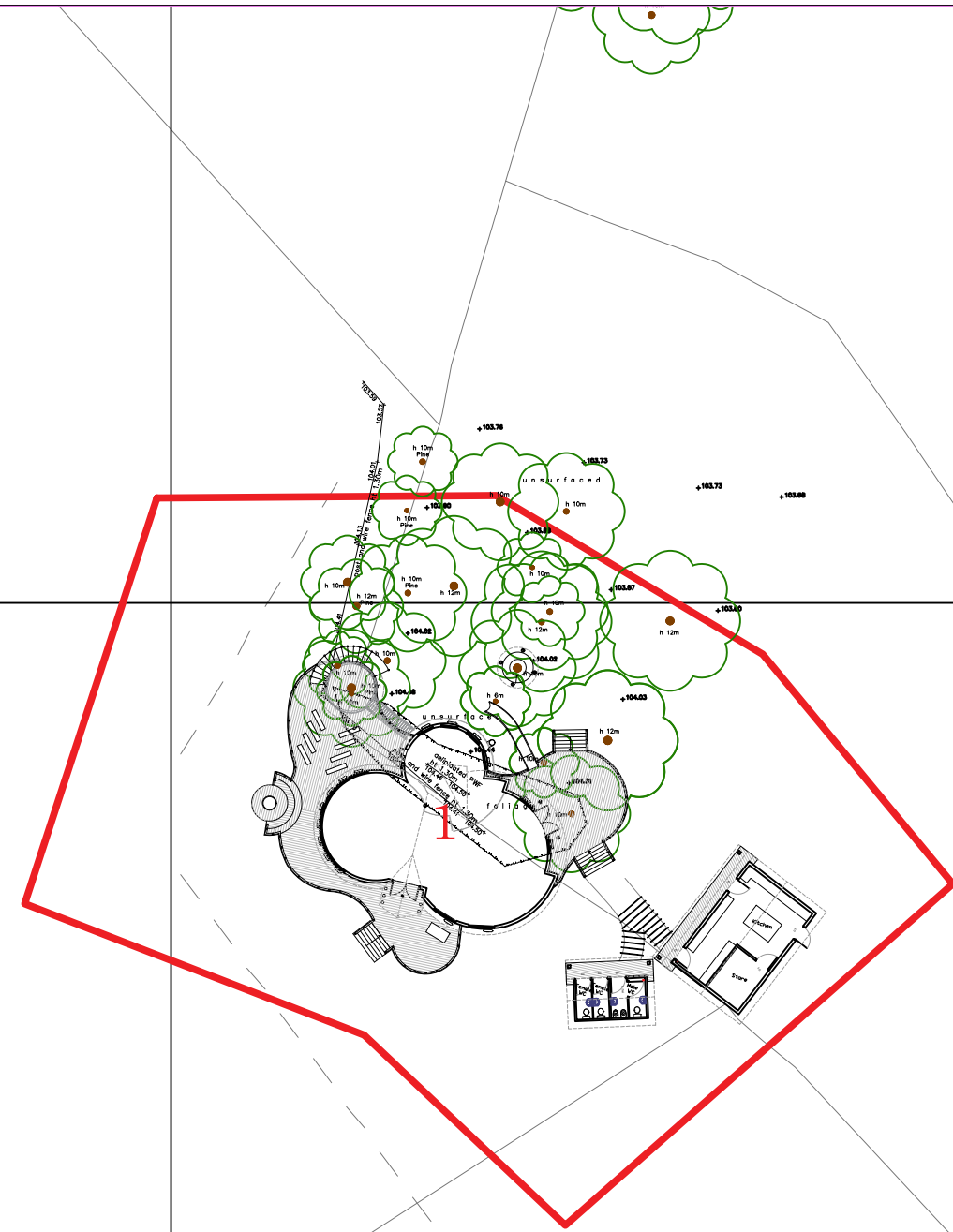
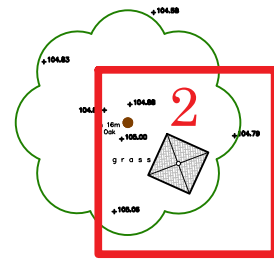
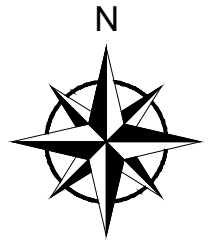


DC/18/1712/FUL



Bridgelands Farm
Newmarket Road
Cowlinge
CB8 9HN

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- 1. Commercial Treehouse
- 2. Ceremony Platform

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Note: All dimensions are in mm



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Rev	Date	Description	Client	Drawn by	Client Number	Drawing Number:
-	140818	First Issue	BRI	BM	421	PL002
			Project Title	Checked By:	Drawing status	Revision:
			Commercial Treehouse & Cermony Platform	AP	PL	-
			Drawing Title	Date:	Scale:	Format:
			Block Plan	24.04.18	1:500	A3

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Development Control Committee 4 September 2019

Planning Application DC/18/1822/FUL – Norish, Northern Way, Bury St Edmunds

Date Registered:	11.09.2018	Expiry Date:	06.11.2018 EoT: 13.09.2019
Case Officer:	Ed Fosker	Recommendation:	Refuse
Parish:	Bury St Edmunds Town Council	Ward:	St Olaves
Proposal:	Planning Application - Creation of access from the A1101 to Norish's premises (resubmission of DC/18/0616/FUL)		
Site:	Norish, Northern Way, Bury St Edmunds		
Applicant:	c/o Agent		

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 as the proposed site includes land which is in the ownership of West Suffolk Council.

The application is recommended for REFUSAL and the Town Council have raised no objection.

Proposal:

1. Planning permission is sought for the creation of access from the A1101 to Norish's premises which are located in Northern Way.

Application Supporting Material:

2. The following documents have been submitted with the application:
 - Site location plan
 - Landscape proposal
 - Highways Technical note
 - Transport statement
 - Site access and visibility
 - Planning statement
 - Access arrangement

Site Details:

3. The proposed vehicular access is located on the southern side of Northern Way (A1101) and cuts through the grassed and heavily tree covered amenity buffer located adjacent the road which is subject to two speed limits in this vicinity. The road directly fronting the location has a 40mph speed limit, but this reduces to a 30mph speed limit a short distance south east of the proposed access.

Planning History:

4.	Reference	Proposal	Status	Decision Date
	DC/16/0258/FUL	To create access to a parcel of land adjacent to the Fornham All Saints road (A1101 Mildenhall Road)	Application Returned	16.03.2016
	DC/18/0616/FUL	Planning Application - Creation of access from the A1101 to Norish's premises	Application Refused	30.05.2018
	DC/18/1822/FUL	Planning Application - Creation of access from the A1101 to Norish's premises (resubmission of DC/18/0616/FUL)	Pending Decision	
	SE/06/1093	Planning Application - Erection of new cold storage facilities and associated works adjacent	Application Refused	09.03.2006

to existing cold storage facility (Revised scheme) as amended by plan received 21st February 2006 indicating revised site area, supporting letter and photographs.

SE/04/1172/P	Planning Application - Enclosure of existing loading bay	Application Granted	17.03.2004
E/99/1133/P	Planning Application - Erection of cold store and food distribution centre and associated works following demolition of existing industrial building as amended by plans received 5th May 1999 indicating revision to design and positioning of building	Application Withdrawn	27.06.2002
E/83/2551/P	Installation of refrigeration plant on roof of existing plantroom and construction of an enclosure to conceal same	Application Granted	16.08.1983
E/82/3553/P	Erection of extension to existing cold store with new loading bank and canopy together with new road/vehicle hardstanding and new temporary road. Installation of new blast freezer within existing cold store	Application Granted	01.03.1983
E/82/1717/A	Provision of non-illuminated lettering	Application Granted	30.04.1982
E/80/3101/P	EXTENSION TO EXISTING COLD STORE BUILDINGS TO FORM A BLAST FREEZER	Application Granted	16.10.1980
E/76/3434/A	ADVERTISEMENT / INFORMATION SIGN	Application Granted	08.02.1977

E/74/2827/P	ERECTION OF A BLAST FREEZER UNIT ADJ. TO EXISTING COLD STORE	Application Granted	02.01.1975
E/74/2223/A	ADVERTISEMENT INFORMATION SIGN	/ Application Granted	03.10.1974

Consultations:

5. Highway Authority: The County Council as Highway Authority has reviewed the additional Technical Note ref: 1611-30/TN/01 and maintains an objection on the grounds of the residual cumulative impact on the movement dominated A1101 (Northern Way) created by HGVs using the proposed access would be severe and the development would result in conditions severely detrimental to highway.
6. Tree Officer: I have concerns about the application due to the arboricultural value of the trees proposed to be removed. The proposed new access subject to this planning application necessitates the removal of T18, T19 & T20, and is likely to adversely impact T17 & T21. The Category B2 mature trees have been assessed to have a remaining useful life expectancy of 40 + years. The amenity of these trees contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along this road soften public views and any loss of screening to the industrial estate is undesirable, tree preservation orders have been served to similar tree belts in the locality to prevent the erosion of screening.

Representations:

7. Ward member/s: No comments received.
8. Town Council: No objection based on information received.
9. Neighbours: No representations received.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.
11. The following policies of the Joint Development Management Policies Document and the [Forest Heath Core Strategy 2010] [St Edmundsbury Core Strategy 2010 & Vision 2031] 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 DM46 Parking Standards
 - Policy BV14(k) – General Employment Areas – Northern Way

Other Planning Policy:

12. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

13. The issues to be considered in the determination of the application are:
- Principle of Development
 - Impact on the character of the area
 - Impact on Highway safety

Principle of Development

12. Policy BV14(k): General Employment Areas provides that proposals for industrial and business development within B1, B2 and B8 will be permitted. Therefore the principle is acceptable subject to providing that parking, access, travel and general environmental considerations can be met.

Impact on the character of the area

14. Policy DM2 : Creating Places - Development Principles and Local Distinctiveness provides that proposals for all development should recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area, not involve the loss of important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement; important landscape characteristics and prominent topographical features; and produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

15. The proposed access which cuts through the grassed and heavily tree covered amenity buffer is not considered respectful to the character of the surrounding area and is likely to adversely and materially impact on the existing green buffer between the A1101 and the industrial estate off Northern Way in breach of policy DM2 and the provisions of the NPPF.
16. Policy DM13: Landscape Features provides that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
17. The Council's Tree Officer has raised concerns due to the arboricultural value of the trees proposed to be removed. The proposed new access subject to this planning application necessitates the removal of T18, T19 & T20, and is likely to adversely impact T17 & T21. The Category B2 mature trees have been assessed to have a remaining useful life expectancy of 40 + years. The amenity of these trees contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along this road soften public views and any loss of screening to the industrial estate will adversely impact on the existing character of the area. It is noted that tree preservation orders have been served to similar tree belts in the locality to prevent the erosion of screening.

Impact on Highway Safety

18. In the interests of working positively and proactively officers have discussed the concerns of the highways authority with the agent and given time to submit additional information.
19. The County Council as Highway Authority has reviewed the additional Technical Note ref: 1611-30/TN/01 received 7th January 2019 and make the following comments:

In the first recommendation of refusal letter it was indicated that the issue of the HGV operational difficulties encountered using the existing access from Northern Way had not been clearly demonstrated. The context of this application is that those HGV operational difficulties around the existing access points are such that a new access directly off the A1101 is merited. The Technical Note addresses this saying that the proposed access road would, "merely enable queuing HGVs associated with Norish to be removed from Northern Way" and explains that the HGV booking in arrangements for the site at the stock office prevents other vehicles from using the access and that the "other vehicles waiting to use the access would wait within Northern Way, causing an impediment to the operation of other businesses.

20. The Highway Authority accepts that congestion on Northern Way may present operational challenges for the Norish site but reasserts that the operational benefits the applicant may gain from this additional access may not be commensurate with the adverse impact otherwise on the highway.
21. It is suggested by the Highway Authority that there may be other operational modifications Norish could make that would improve matters and these should be considered in preference to the proposed access. The absence of any pedestrian or non-vehicular access through the proposed access indicates that future pedestrian access will continue using the current non-vehicular access arrangements, through an entrance on Northern Way.

22. The impact of the visibility splay southbound crossing the merge lane from Northern Way has not been addressed in sufficient detail for the hazard to otherwise be characterised as low risk as it is (S1.23 Transport Statement March 2018). Evidence of this benefit would need to be demonstrated by appropriate vehicle modelling to be accepted, however this has not been provided.
23. The Highway Authority acknowledges the modifications made to the proposal since the previous refusal including the narrowing of the proposed access and tree works in the visibility splays. After consideration of the other aspects of the Technical Note and the other planning documents it is felt that the residual cumulative impact on the movement dominated A1101 created by HGVs using the proposed access would be severe and that the gap optimisation benefit suggested an unlikely mitigation. Evidence of this benefit would need to be demonstrated by appropriate vehicle modelling to be accepted and has not been too date.
24. In maintaining this objection the Highway Authority is satisfied that their decision is in accordance with paragraphs 108 and 110 of the NPPF S109 and it is concluded that the proposed arrangements are inadequate and do not meet the requirements that a safe and suitable access to the site can be achieved for all users.

Conclusion:

25. In conclusion, the principle and detail of the development is considered to be unacceptable and not in compliance with relevant development plan policies and the provisions of the National Planning Policy Framework.

Recommendation:

26. It is recommended that planning permission be **REFUSED** for the following reasons:

- 1 Policy DM2 provides that proposals for all development should recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area, not involve the loss of important open, green or landscaped areas. Policy DM13 provides that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

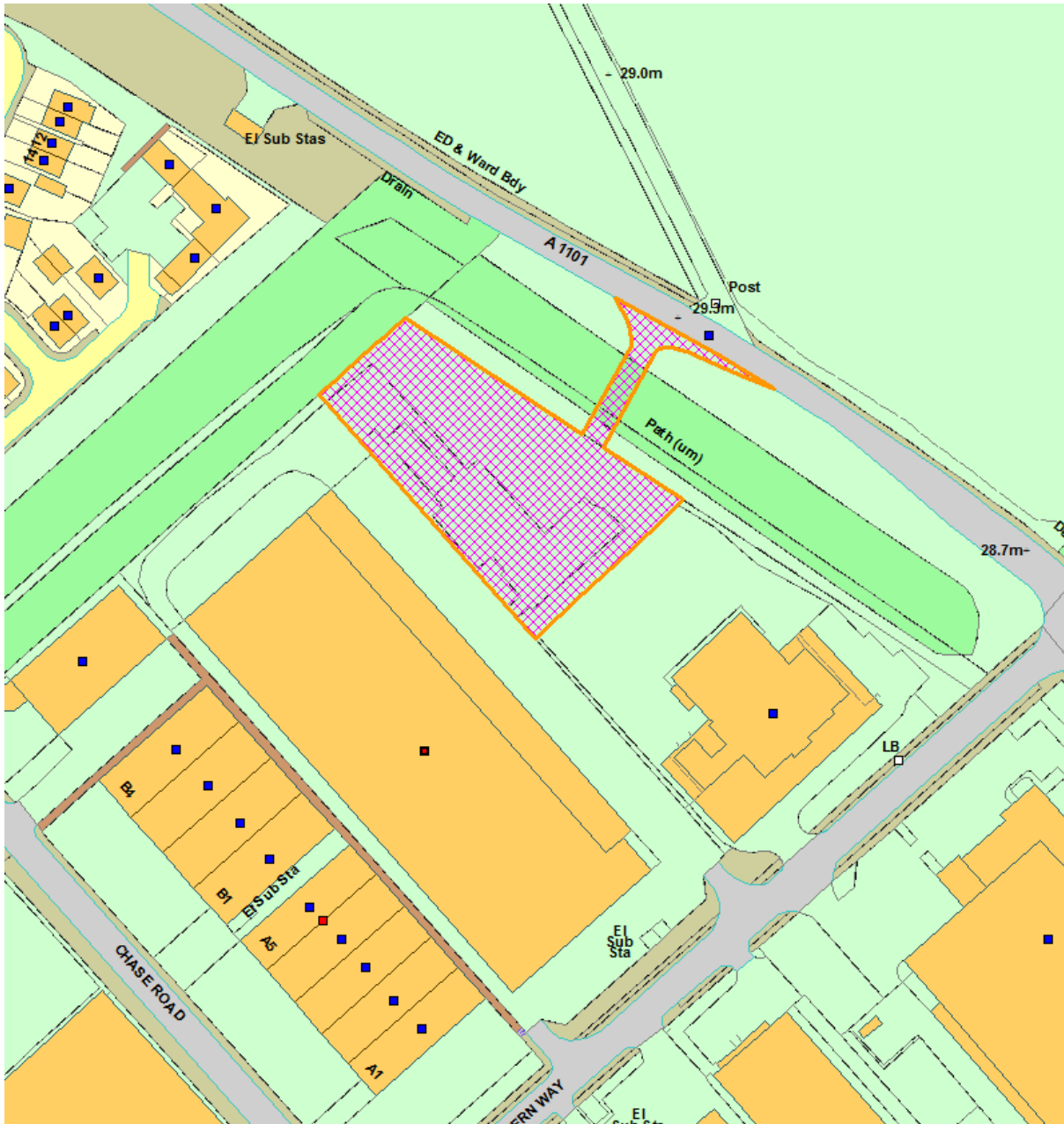
The proposed access would lead to the loss of mature trees which contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along the road soften public views and any loss of screening to the industrial estate will adversely impact on the existing character of the area in conflict with policies DM2 and DM13 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework.

- 2 Paragraph 108 of the National Planning Policy Framework (NPPF) seeks to ensure all developments should have safe and suitable access. The residual

cumulative impact on the movement dominated A1101 (Northern Way) created by HGVs using the proposed access would be severe and the development would result in conditions severely detrimental to highway safety in conflict with policy DM2 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1822/FUL](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/711111/DC/18/1822/FUL)



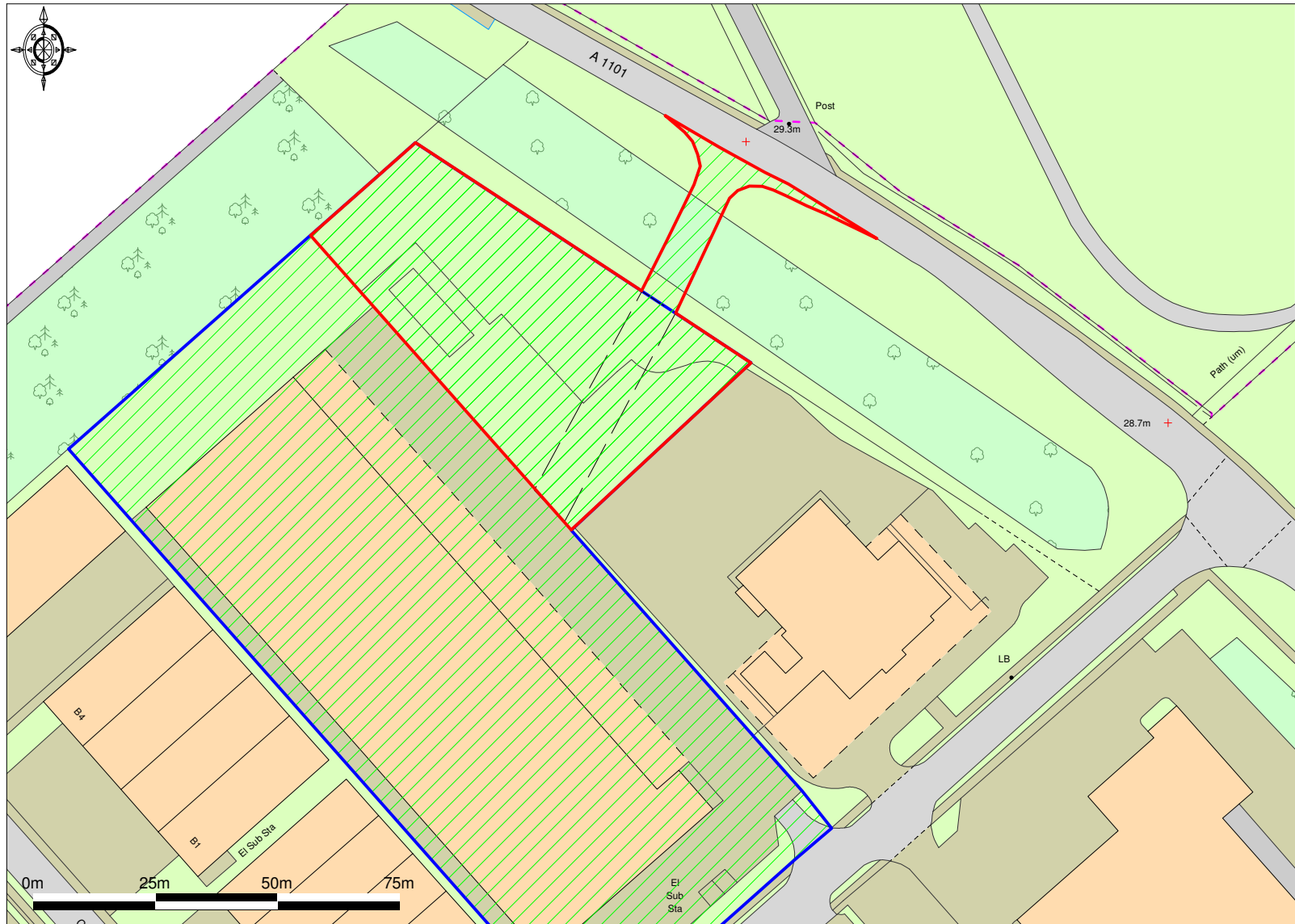
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Norish
 Northern Way
 Bury St Edmunds
 IP32 6NL

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Proposed access from A1101 to land adjacent to Norish Plc



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Development Control Committee 4 September 2019

Planning Application DC/18/2152/FUL – Thripskin Farm, High Street, Thelnetham

Date Registered: 26.11.2018 **Expiry Date:** 21.01.2019
 EoT 11.09.2019

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

Parish: Thelnetham **Ward:** Barningham

Proposal: 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.

Site: Thripskin Farm, High Street, Thelnetham

Applicant: Mr & Mrs Paul & Jo Nunn

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Marianna Hall

Email: marianna.hall@westsuffolk.gov.uk

Telephone: 01284 757351

Background:

This application was deferred at Development Control Committee on 7 August 2019 as Members resolved that they were 'Minded to Approve' contrary to the Officer recommendation of refusal. Members considered that there was sufficient justification for the proposal.

The Officer recommendation remains for REFUSAL for the reasons set out in this report.

Application Details:

1. See the Committee report in Working Paper 1.

Officer Comment:

2. The application was considered at Committee on 7th August where Members were minded to grant planning permission contrary to the officer recommendation of refusal. Members considered that there was sufficient justification for an agricultural worker's dwelling to be located on the site having regard to the agricultural business operating at Thripskin Farm, the current condition of the farm buildings and the amount of work required to improve the farm's viability.
3. For the reasons set out in this report it remains Officers' recommendation that permission be refused. If Members remain minded to approve the application, they must be satisfied that any risks associated with doing so have been properly considered.
4. The site is located outside of the defined Housing Settlement Boundary for Thelnetham 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.
5. The National Planning Policy Framework (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.
6. 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.

7. It is important to highlight that in order for agricultural workers' dwellings to be permitted under Policy DM26, all five criteria must be met. For the reasons set out within Working Paper 1, criteria 'a' and 'c' are not considered to have been met in this case.
8. The information that has been put forward in support of the proposed agricultural worker's dwelling has been independently appraised by Kernon Countryside Consultants and has been shown to be deficient. A copy of the appraisal is included as Background Paper 1.
9. Officers have had regard to the professional advice of Kernon Consultants concerning the need for the dwelling and consider that there is not a business-related functional need for a full time worker to live permanently on the site having regard to the number of livestock at the farm. The independent consultant agrees with the applicant that close supervision of the suckler cows is required 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 onsite. 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 applicant currently lives within a few miles of the site, making it relatively easy to commute. The process of animals giving birth is generally what gives greatest rise to the need to live onsite 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 onsite 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.

10. In addition to the above, the business that the dwelling is proposed to serve is not economically viable. This point is not contested by the applicant. In order to satisfy the financial test for a permanent agricultural worker's dwelling, the enterprise concerned must 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 onsite must be the enterprise that is financially sustainable.
11. The applicant has provided financial information for 2018/2019 and projections for 2020-2026. These demonstrate 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 onsite to serve that enterprise.
12. 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 temporary dwelling.

Whether there is a permitted development (PD) fall-back

13. It was queried at the 7th August meeting whether the applicant would be able to convert the application buildings to a dwelling without the need for planning permission under the provisions of Class Q of the General Permitted Development Order as 'permitted development'.
14. Development is not however permitted under Class Q if the building is a listed building. As such the single storey building proposed to be converted under this application could not be converted under Class Q as it is a curtilage listed building.
15. The other application buildings comprise a timber shed and a modern pole barn. Although no structural survey has been submitted with this application (as they are proposed to be removed), given their existing form and condition it is considered extremely unlikely that they would be capable of conversion without substantial rebuilding/replacement. Such works would foreseeably very clearly exceed the remit of Class Q which only allows for building operations 'to the extent reasonably necessary for the building to function as a dwellinghouse'. In addition, development under Class Q requires developers to go through the prior approval process with appropriate details and reports (including structural reports) formally submitted to enable the LPA to determine whether prior approval is required, and whether it should be granted or refused. There is no extant Prior Approval under Class Q in this case. As such there is not considered to be a 'fall-back' position under permitted development in this instance, nor there any realistic likelihood of there ever being one.

Risk Assessment

16. If Members remain of the opinion that this application should be approved, they must be aware of any potential risks that may arise. The most significant potential risk in this case is reputational, as officers consider the development proposed in this case to be contrary to policy.
17. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.
18. The application site lies outside of the defined Housing Settlement Boundary for Thelnetham and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.
19. Given the remote location of the site it follows that the occupiers of the proposed dwelling would have to travel by car to access shopping, education, recreation, and social facilities. The dwelling would also create demand for additional trips by visitors and service vehicles. The site is therefore considered to be within an unsustainable location.
20. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.
21. The NPPF represents up-to-date Government planning policy and is a material consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.
22. The NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. These special circumstances include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. In order to determine whether a need is both 'essential' and 'permanent' it is necessary to establish both whether there is a physical need for someone to live on site, and whether the operation itself has reasonable long term prospects such that it can be regarded as permanent.
23. Officers consider that given the scale of the agricultural business in this case, an essential need for a rural worker to live on the application site has not been demonstrated. This view is supported by Kernon Countryside Consultants within their agricultural appraisal. It is acknowledged by the applicants, and evidenced in the financial information submitted, that the enterprise at the farm is not currently economically viable. In addition, Kernon Consultants have considered the projected figures provided and advise that the enterprise does not have a clear prospect of becoming financially sustainable even after 8 years management.

24. For the above reasons the proposal in this case is considered contrary to Policies 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).
25. The preamble to Policy DM26 explains that the policy sets out the circumstances under which the provision of agricultural and essential workers dwellings will be permitted. These are cases where the demands of farming make it essential for one or more persons engaged in this work to live at or very close to the site of their work. The preamble also highlights that this is an exception that is made where it is proven to be necessary for such housing in the countryside in order to sustain the effective operation of a viable rural business. Such cases must be exceptional if the integrity of the policy and the character and appearance of the rural area are to be maintained. The NPPF also states that the need must be 'essential', i.e. absolutely necessary. Officers are unable to conclude that such a need exists in this case.
26. Officers consider that if the Local Planning Authority were to accept the argument that has been put forward by allowing a new dwelling, then it is an argument that could be repeated often, in similar circumstances, resulting in further unsustainable development in the countryside and undermining the principles behind Policies DM5 and DM26.

Conclusion:

27. It remains the opinion of officers that the proposed dwelling is contrary to local planning policy and national planning guidance. This is reflected in the recommendation of refusal made below.
28. If however Members remain minded to approve this application notwithstanding the advice given, Officers recommend that the following conditions be imposed:
- 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 occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry or a dependent of such person residing with him or her, or a widow or widower of such a person.
Reason: To reserve suitable residential accommodation for persons employed locally in agriculture, in accordance with policy DM26 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 5 of the National Planning Policy Framework and all relevant Core Strategy Policies.
 - 3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents (*to be listed*).
Reason: To define the scope and extent of this permission.

4) No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5) No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6) All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7) All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal as already

submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

8) The dwelling shall not be occupied until the areas within the site shown on drawing no. 5642 101A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in the interests of highway safety.

9) Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety and to prevent mud and debris from being carried onto the highway.

10) The mitigation measures outlined in the Flood Risk Assessment shall be implemented in full prior to the first occupation of the dwelling unless otherwise agreed by the local planning authority.

Reason: To provide mitigation for flooding 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.

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

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

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

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

Recommendation:

29. 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).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/2152/FUL](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/791212/DC182152_FUL.pdf)

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Electronic Version
Our Ref: KCC2720/se
10th April 2019

Ms Marianna Hall
St Edmundsbury Borough Council
West Suffolk House
Western Way
Bury Ts Edmunds
Suffolk
IP33 3YU

Dear Ms Hall

DC/18/2152/FUL – CONSTRUCTION OF PERMANENT AGRICULTURAL WORKER'S DWELLING

1. Thank you for your consultation instruction dated 2nd April 2019 to carry out an appraisal of the above application for a permanent agricultural worker's dwelling.
2. This is a desk-based assessment. It has been based on information provided with the planning application, in particular:
 - application form and plans;
 - Planning Statement prepared by Whitworth;
 - correspondence between the Agent and Planning Officer dating back to December 2018.
3. Google Earth imagery has also been studied as part of this appraisal.

The Development Proposed

4. Planning consent is sought for a permanent agricultural worker's dwelling at Thripskin Farm. An existing building will be converted to provide general storage, an office and utility area however the main bulk of the proposed dwelling will be new build. I will therefore assess the overall proposals in the same way as I would a completely new dwelling.
5. The proposed dwelling will replace an existing modern pole barn and will provide an open plan living/kitchen/dining area on the ground floor and four bedrooms on the first floor. An open fronted garage will also adjoin the dwelling and will be newly built. The Design and Access Statement sets out that the existing single storey wing to be converted extends to approximately 74 sqm of external floor space. It is also set out that the reinstatement of the historic barn to provide the new build worker's accommodation will have a footprint of 208 sqm. From measuring the plans it appears that the single storey

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*Directors - **Tony Kernon** BSc(Hons), MRAC, MRICS, FBIAC **Sarah Kernon**
Chartered Surveyors - **Verity Drewett** BSc(Hons), MRICS, MBIAC
Consultant - **Sam Eachus** BSc (Hons) **Rosie Meehan** BSc Econ (Hons)*

wing will extend to approximately 60 sqm internally and the new build accommodation will extend to approximately 150 sqm internally.

Planning Policy and Requirements

6. At a local level, relevant planning policy is contained within the Joint Development Management Policies Document February 2015. Policy DM26 governs Agricultural and Essential Worker's Dwellings and states the following of relevance:

“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;**
 - b. **there are no suitable alternative dwellings available, or which could be made available, in the locality to serve the identified functional need;**
 - 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;**
 - d. **the size and nature of the proposed dwelling is commensurate with the needs of the enterprise concerned;**
 - 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.”**
7. Planning policy relating to essential worker's dwellings is set out in the revised National Planning Policy Framework (NPPF) at paragraph 79. This states that new isolated homes in the countryside should be avoided unless certain circumstances apply. These include circumstances such as there being **“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”**.
8. Whilst this guidance is very brief, in the six years since the NPPF was first published (version 1, 2012) it has become generally well established that all applications need to be considered carefully against the following criteria:
- whether there is an essential need for a rural worker to live on site;
 - whether that need can be met by existing accommodation;
 - whether the enterprise is financially viable or sustainable;
 - whether other relevant considerations, such as siting and size, are acceptable.
9. I set out below an assessment of whether a temporary rural worker's dwelling is justified having regard to the above criteria.

Summary of the Enterprise

10. Thripskin Farm extends to approximately 31.5 hectares (78 acres) of arable land which is used primarily for the production of fodder that is used to feed a suckler herd. However, a proportion of the land extending to 11.3 hectares (28 acres) is rented out and not therefore available to the farm at this time. It is understood that this land will be taken back by the Applicant to support the growth of the farming business.

11. It is set out in the report by Whitworth that the farm has a suckler herd of 15-20 adult cattle with usually 1-2 years of youngstock on the farm. At any one-time there is approximately 40 head of cattle including youngstock.
12. Budgets and a business plan were provided on the 12th March and this information sets out that the Applicant hopes to expand the herd to 21 suckler cows by 2026. The Applicant operates a closed herd which means all replacement heifers will be homebred.
13. It is understood that the farmstead benefits from a Grade II listed farmhouse which is currently occupied by the Applicant's parents. They have now retired from farming [REDACTED]
[REDACTED] It is understood that the day to day management of the farm is now undertaken by the Applicant who lives several miles from the farm.

Dwelling Assessment

14. **Functional Need?** In assessing whether or not there is an essential functional need it is necessary to assess 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.
15. 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. Calves can get stuck due to being twisted in the womb. Cows can start to calve in corners or spaces where delivery is restricted. Calves may be born too slowly and suffocate in the process, or need assistance to clear the foetal sac and get airways emptied so that they can breathe. 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.
16. There is 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.
17. Older cattle too require supervision and attention as they can develop problems. These can include bloat (trapped food causing gas which can kill swiftly), picking up coughs or diseases, getting stuck in feeders, fighting and escape which all require swift attention.
18. Additional information submitted on the 26th March 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. I agree 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. More successful breeding will of course benefit the enterprise economically.
19. However, the timing of artificial insemination does not, of itself, require someone to live onsite. 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 onsite as this specifically concerns the welfare of the livestock. I understand the desire to live onsite, however the level of stocking at 15-20 suckler cows is not considered to be of a level that demonstrates an essential need to permanently live onsite 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.

20. **Existing Dwellings?** Thripskin Farm benefits from an existing Grade II listed farmhouse. This is currently occupied by the Applicant's parents who have retired [REDACTED]. [REDACTED] It is understood that the Applicant's parents are no longer involved in the day to day management of the farm.
21. Generally speaking, if an existing farmhouse is occupied by those who previously ran the farm but have now retired it is not considered to be available. Furthermore, it is not reasonable in my opinion to suggest that the Applicant's parents should move out of the farmhouse as that is their family home and they have every right to stay.
22. If the enterprise were of a level that demonstrated a functional need to permanently live onsite then I would usually discount an existing dwelling if it is occupied by a retired farmer and their spouse. However, in instances such as this where a functional need has not been demonstrated then the farmhouse could be considered as a temporary option. Whilst not convenient, it would appear a viable option when the functional need to live onsite has not been provided at this stage. It is understood that the Applicant lives only several miles from the farm making it relatively easy to commute and he could presumably stay at the farmhouse when livestock are likely to give birth, or at least make use of their washrooms.
23. **Financial Sustainability?** In order to satisfy the financial test for a permanent agricultural worker's dwelling, the enterprise concerned must 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. Minimum agricultural wage is set out on the Government's website. A Grade 6 worker which is someone taking a management role in the daily operation of the farm would be expected to be paid £336.60 a week or approximately £17,500 a year. It is also important to note that the enterprise that demonstrates the need to live onsite must be the enterprise that is financially sustainable.
24. The supporting report produced by Whitworth sets out that the "**farm does not generate sufficient income to sustain a family**". Furthermore, budgets indicating the existing financial performance from 2018 along with projected financial performance of the business up to 2026 were provided on the 12th March 2019. [REDACTED] Unfortunately, at present the farm does not make a profit sufficient to satisfy the financial test. Regardless of the Applicant's other sources of income, the suckler enterprise must be making a profit of at least agricultural minimum wage to justify a dwelling to serve that enterprise.

25. In instances where an enterprise is not currently financially sustainable but has a clear prospect of becoming sustainable into the near future a three year temporary permission may be applied for. The budgets do not include all costs so further deductions are likely to be required. [REDACTED] Unfortunately the budgets indicate that the business does not have a clear prospect of becoming financially sustainable even after 8 years management. If a temporary permission were to be sought by the Applicant they would need to rethink how they can make the enterprise more financially sustainable in the short to medium term to justify a temporary worker's dwelling.
26. **Siting and Size etc.** There is limited guidance on what is considered reasonable in terms of size. Research carried out by Reading Agricultural Consultants in 1999 sets out that local authorities have permitted rural worker's dwellings with a floor space of anywhere between 100 sqm and 280sqm. The most common dwelling sizes permitted were 150 sqm. However, this research does not comment on how to assess whether a certain size is reasonable or not.
27. As this guidance is relatively limited, we take the view that economic performance of the enterprise should be the main factor in determining what size can be considered reasonable. The main other consideration is whether the number of bedrooms is necessary for the proposed occupier.
28. In terms of size, the Design and Access Statement sets out that the total foot print of the dwelling will cover approximately 282 sqm. From measuring the plans the proposed dwelling will utilise approximately 60 sqm of existing internal floor space and an additional 150 sqm of internal floor space is proposed when including the garage. 210 sqm of internal floor space is considered quite large in a farming context and in order to justify this size of dwelling, the business would need to be making a good level of profit over and above agricultural minimum wage. At present the business is not financially sustainable and the proposed dwelling is not considered to be commensurate with the financial performance of the farm enterprise.
29. It is understood that the Applicant would occupy the dwelling with his family. In these circumstances it is generally considered that 4 bedrooms is acceptable to allow for up to two children to have separate rooms whilst also having a spare room for extended family.
30. The proposed dwelling is sited in close proximity to the agricultural buildings and therefore within sight and sound of the cattle housing. The dwelling is well sited to meet the needs of the enterprise.

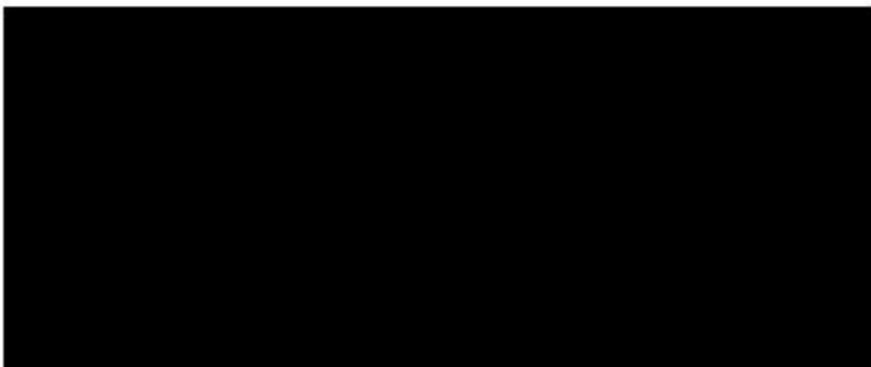
Conclusions

31. This application seeks consent for a permanent agricultural worker's dwelling to support an existing cattle breeding and rearing enterprise. In this case it is considered that the application for a permanent agricultural worker's dwelling cannot be supported as it fails to meet the relevant tests.
32. For a permanent agricultural dwelling to be acceptable in principle, there must be an existing functional need to live onsite, the farming enterprise must be financially sustainable and there must be no available dwellings that could meet the need. In this case it is not

considered that the enterprise is of a size that demonstrates a functional need. Whilst living on site is desirable to assist in identifying when suckler cows are coming into heat, it is not considered essential that someone live onsite as the cows can be carefully monitored during the day with occasional late night checks being possible when living only several miles from the site. Calving will create the greatest functional need however with only a maximum of 15-20 possible calvings at present, it is not considered that this is of a level that requires a permanent residential presence onsite.

33. It is clear from the application documents that the enterprise is not currently financially sustainable. Therefore, a permanent dwelling does not meet the sustainability test. A three year temporary permission could be applied for to assist the business in becoming financially sustainable however from the budgets provided this looks difficult to achieve without expanding the herd beyond the 21 breeding cows that the Applicant hopes to eventually farm by 2026.
34. Whilst there is an existing farmhouse at the site, this is occupied by the Applicant's parents who have retired from the farm. It is not therefore considered appropriate or available as a permanent agricultural worker's dwelling for the Applicant and his family. However, the farmhouse should not be totally discounted as it is likely that it could be used by the Applicant for occasional overnight accommodation when calving is taking place or, at the very least, provide washroom facilities.

Yours sincerely



Sam Eachus
BSc (Hons)

WORKING PAPER 1

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

Parish: Thelnetham **Ward:** Barningham

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 Theltenham 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](#)

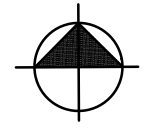
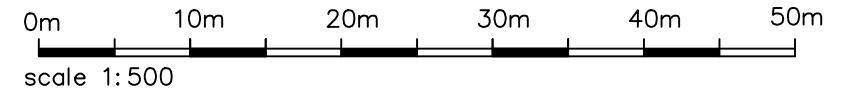
[DC/18/2153/LB](#)




Thripskin Farm, High Street, Theltenham

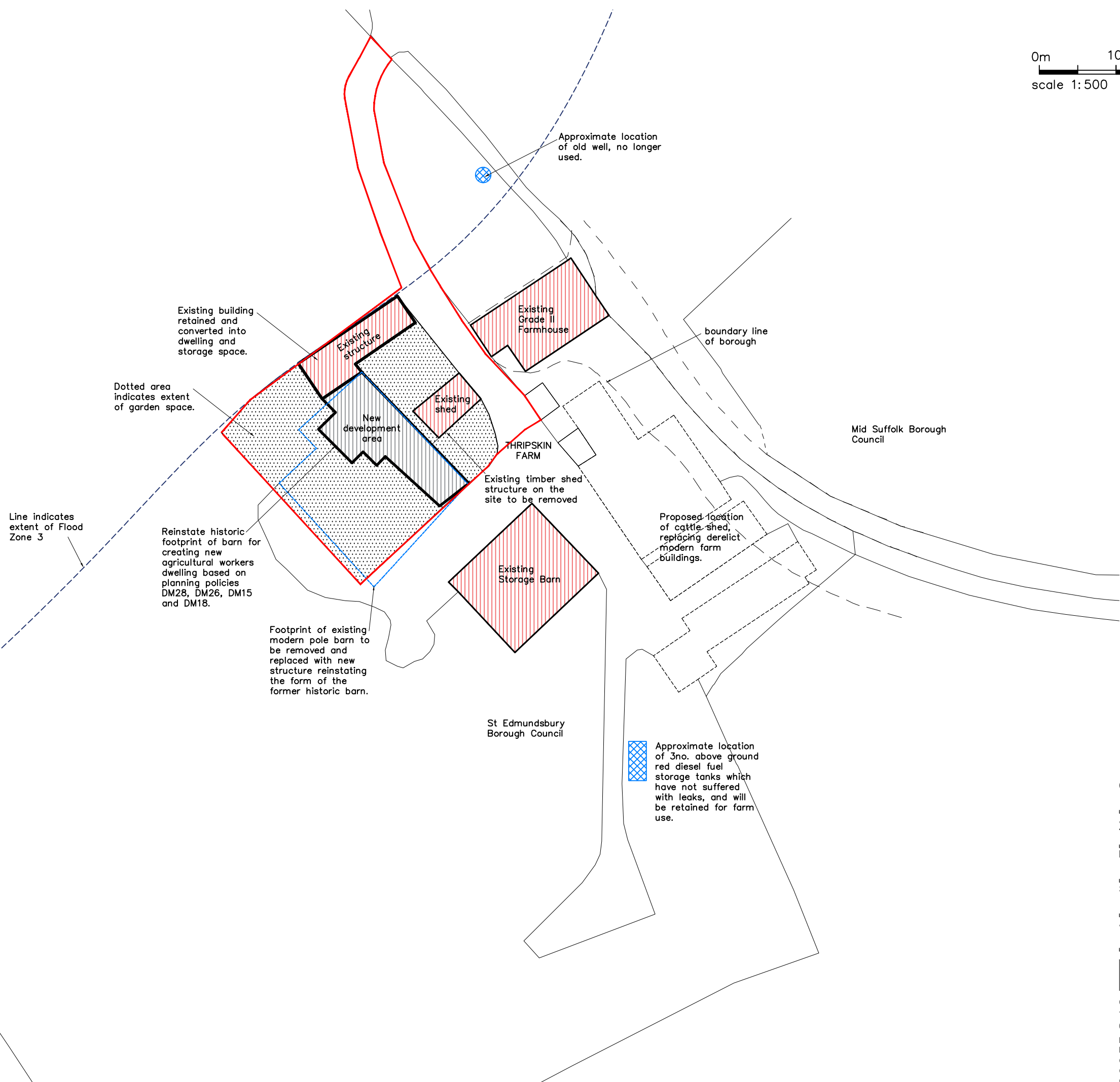


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Key
 Blue hatched areas relate to Land Contamination questionnaire

Page 219



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.

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Development Control Committee 4 September 2019

Planning Application DC/19/1243/FUL – Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford

Date Registered:	13.06.2019	Expiry Date:	12.09.2019
Case Officer:	Julie Barrow	Recommendation:	Approve Application
Parish:	Brandon	Ward:	Brandon West
Proposal:	Planning Application - To provide A11 mitigation land comprising of (i) Topsoil stripping to a depth of approx. 300mm to be taken from bare earth (126 hectares) (ii) Topsoil to be spread evenly across scrub area (99 hectares) resulting in approx. 400mm land raise (iii) Installation of predator-proof fencing		
Site:	Wangford Woods, Access Road from A1065 to Wangford Warren, Wangford		
Applicant:	Highways England		

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

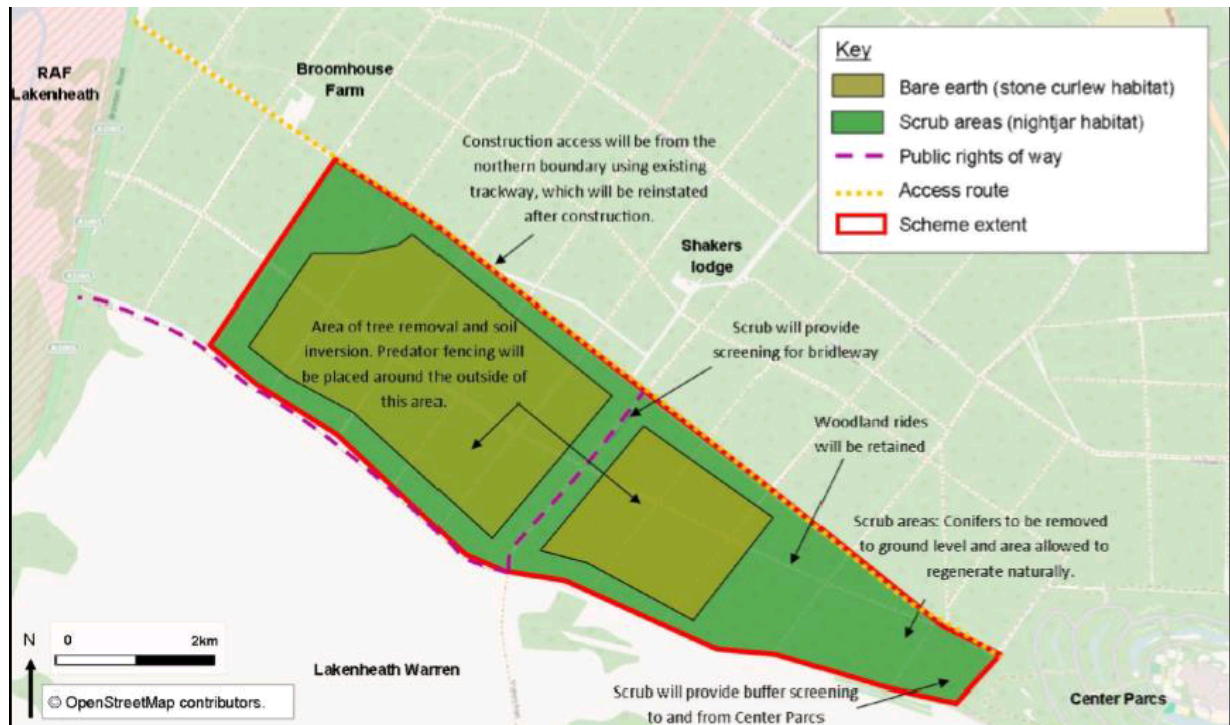
Telephone: 01284 757621

Background:

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

Proposal:

1. The application seeks consent for the stripping of topsoil to a depth of approximately 300mm across 126 hectares of the 225 hectare site. The topsoil will then be spread evenly across a scrub area of 99 hectares, resulting in land levels being raised in these areas by approximately 400mm



Application Supporting Material:

2. The following plans and documents are relevant to the proposed development:
 - Location Plan
 - Cross Section Location Plan
 - Cross Sections
 - Details of Predator Fencing
 - Planning Statement
 - Heritage Assessment
3. Additional documentation prepared to support a screening request made to the Forestry Commission has been submitted to assist the LPA in screening the proposal for the purposes of the Environmental Impact Assessment Regulations and preparing a Habitats Regulations Assessment.

Site Details:

4. The application site covers approximately 225 hectares and comprises an area of managed forest within Wangford Warren. The site is located in between the A1065 and the western boundary of the Center Parcs village. It lies within Breckland Forest Site of Special Scientific Interest (SSSI), a component part of the Breckland Special Protection Area (SPA), and its southern boundary adjoins Lakenheath Warren SSSI, a component part of Breckland Special Area of Conservation (SAC) and Breckland SPA. A bridleway runs along the site's southern boundary, and links with a second bridleway (Shakers Road), which transects the site in an approximate north-south orientation. Fire route 2 demarcates the site's northern boundary.

Planning History:

Reference	Proposal	Status	Decision Date
DC/15/1175/CLP	Application for Lawful Development Certificate for Proposed Use - 225ha of land currently used as forestry land would be surrendered by the Forestry Commission. Of this, 126ha would be felled, ploughed and managed (including by grazing) to form heathland for Stone Curlew habitat. The remaining 99ha of land would remain as woodland and be managed as mitigation for Nightjar (for the loss of their habitat as a result of tree felling on the adjoining land).	Not Required	03.10.2016

Consultations:

5. Natural England – has previously agreed that the development is sufficient to offset the loss of habitat within Breckland SPA and loss in nesting density of stone curlew, nightjar and woodlark, the three qualifying species of the SPA.
6. RSPB – Support the proposal. The Brecks landscape is of critical importance for stone curlews, supporting in excess of 60% of the UK population. Any efforts made to positively enhance this population and that of other features of the Breckland SPA will be given our favourable consideration.
7. SCC Highways (12 July 2019) – Require confirmation that staff arriving at the site will be able to park cars and cycles in the construction compound area.
8. SCC Highways (22 July 2019) – The information provided about the site compound location and staff parking facilities is acceptable.

9. Public Rights of Way Team – Accept the proposal. Advise that a number of informatives are taken into account.
10. SCC Floods – Advise that a Construction Surface Water Management Plan is submitted to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater during the construction phase.
11. SCC Archaeology – The proposal affects an area of known archaeological remains and archaeological potential. The proposal has been informed by archaeological considerations and an intention to preserve in situ as far as possible, and to minimise impacts on archaeological features and deposits. A programme of archaeological mitigation is therefore appropriate and can be secured by condition.
12. Ecology & Landscape Officer – The project is not anticipated to have any overall adverse effects on the integrity of the qualifying features of Breckland SPA or SAC either alone or in combination with any other plan or project. The creation of 126ha of suitable stone-curlew habitat would positively impact upon stone-curlew and woodlark. The creation of 99ha of birch scrub habitat would positively impact upon nightjar and could positively impact upon woodlark. The scheme is unlikely to have a significant effect on landscape in the long term.
13. Environment Team – The Council's records show a small area of potential infilled land close to the north edge of the application site. As the proposals only involve disturbing the uppermost topsoil in selected areas they are unlikely to impact on the infilled pit significantly. No objection but the developer should be mindful of the potential for contamination in a limited area of the site.

Representations:

14. Brandon Town Council – Object due to further encroachment of the habitat in the direction of Brandon.
15. Public representations – Letters sent to 5 nearby addresses, site notice posted and advertisement placed in the East Anglian Daily Times. Representations received from 2 addresses raising the following points:
 - Norman Cottage – On behalf of Brandon Community Union we wholeheartedly support this application to accommodate our unique wildlife.

Planning Policy:

16. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.

17. 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:

- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM20 Archaeology
- Policy DM44 Rights of Way

Other Planning Policy:

18. National Planning Policy Framework (2019)

19. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the 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
- Impact on landscape character
- Impact on ecology and biodiversity
- Archaeology

Principle of development

20. The requirement for the proposal stems from a legal requirement attached to the *A11 Fiveways to Thetford Improvement Scheme*. This planning application has been submitted due to the need to undertake groundworks to facilitate the creation of the grass-heath vegetation type which requires thin, stony, nutrient poor soils. The applicant has considered a number of options that could be employed to achieve this habitat creation, with the option put forward under this planning application seen as the most

appropriate way to provide the desired conditions for this habitat to establish without causing harm to on-site archaeology.

21. A Steering Group, termed the Ecological Advisory Group (EAG) and including representatives from Highways England, Natural England, RSPB, the Forestry Commission, Norfolk Wildlife Trust and Elveden Estates was set up to determine the size, location and management proposals for the A11 mitigation land. The Habitat Creation and Management Plan (HCMP) submitted to support the application was produced in consultation with the project Steering group.
22. Spatial Objective ENV1 of the Forest Heath Area Core Strategy contains a commitment to conserve and enhance the many habitats and landscapes of international, national and local importance within Forest Heath and improve the rich biodiversity of the whole District. Core Strategy Policy CS2 seeks to ensure that areas of landscape biodiversity and geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and supported through a variety of measures. The Policy requires a project level Habitats Regulations Assessment to be carried out and development that is likely to lead to an adverse effect on the integrity of the Breckland Special Protection Area (SPA) will not be allowed.
23. Policy DM10 of the Joint Development Management Policies Document seeks to control the impact of development on sites of biodiversity and geodiversity importance and is complemented by policies DM11 and DM12 in relation to protected species and the mitigation, enhancement, management and monitoring of biodiversity.
24. The proposal seeks to create habitat suitable for stone-curlew, woodlark and nightjar and therefore meets the objectives of the spatial and specific development management policies outlined above. The principle of development is therefore acceptable.

Impact on landscape character

25. Core Strategy Policy CS3 seeks to protect, conserve, and where possible enhance, the quality, character, diversity and local distinctiveness of the District's landscape and historic environment. Proposals for development are required to take into account the local distinctiveness and sensitivity to change of distinctive landscape character types.
26. Joint Development Management Policy DM13 seeks to ensure that development will not have an unacceptable impact on the character of the landscape, landscape features, wildlife or amenity value.
27. The proposal involves the removal of the humic and topsoil layers, including the mulching of stumps and root plates, from the proposed grass heath area. The excavated material will be spread on the areas set aside for birch scrub. The proposals also include a predator proof perimeter fence which would protect the new grass-heath habitat.
28. The forest trees have already been felled leaving an open, very slightly undulating landscape typical of the Brecks. There will be construction effects as a result of disturbance, however once the ground modelling has

been completed and the new habitats have established the changes in levels across the site are likely to be imperceptible given the existing ground form and the vast scale of the landscape.

29. The birch scrub will redefine the previous plantation edge although this will be softer and more dynamic than previously, responding to the proposed cyclical management. The proposed predator fencing may initially be visible from paths, however, this would be a short term effect until the birch scrub vegetation grows to provide a natural screen. This type of fencing would not be out of character in this landscape in any case, however the proposal is for willow hurdles to be used as a temporary screening measure if necessary.
30. The proposal is likely to result in short-term construction effects, however it is unlikely to have a significant effect on the character of the landscape in the long term. The proposal therefore accords with Policies CS3 and DM13 in this regard.

Impact on ecology & biodiversity

31. As stated above, Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.
32. Paragraph 175d of the National Planning Policy Framework states that *"development whose primary objective is to conserve or enhance biodiversity should be supported"*
33. The applicant has submitted biodiversity information to support the planning application, this provides an assessment of the ecological impacts associated with the habitat creation/conversion. The information, based on site assessments undertaken in 2015, was prepared prior to the clearance of trees however it addresses the issues associated with the subsequent ground disturbance which has already occurred and will occur as a result of the groundworks proposed. Whilst the information is dated it is considered sufficient for the purposes of this application subject to the implementation of the ecological mitigation methods put forward.
34. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). In accordance with the regulations the local planning authority must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives. There is also a requirement to consult the appropriate nature conservation body and have regard to any representations made by that body.
35. The applicant has submitted information to inform the habitat regulations assessment including an associated technical note. Whilst the HRA information covers the entire project including the felling of the conifer plantation the details relating to the soil stripping remain valid and have therefore been used to inform the assessment.

36. The RSPB support the proposals and Natural England has stated that it has no concerns to raise regarding either the location of the mitigation land or the mitigation land management and monitoring proposals.
37. The HRA concludes that the project is not anticipated to have any overall adverse effects on the integrity of the qualifying features of Breckland SPA or SAC whether alone or in combination with any other plan or project. The creation of 126ha of suitable stone-curlew habitat will positively impact upon stone-curlew and woodlark. The creation of 99ha of birch scrub habitat will positively impact upon nightjar and could positively impact upon woodlark. The proposals therefore meet the objectives of the NPPF, Core Strategy Policy CS2 and Development Management Policies DM10, DM11 and DM12.

Brandon Town Council Comments

38. Brandon Town Council has objected to the proposal on the basis that the proposals will advance habitat in the direction of Brandon.
39. The development - topsoil stripping/spreading and fencing - is required to complete habitat conversion from conifer plantation to grassland heath suitable for stone-curlew and woodlark and birch scrub suitable for nightjar and woodlark. As stated above, the conifer plantation has already been cleared under a Forestry Commission consent. The site is located 3km south of Brandon within the area already designated as SPA.
40. Brandon is already significantly constrained by the SPA. Research into the distribution of stone-curlew nests in the Brecks in relation to buildings and roads has shown a clear avoidance of buildings. Analysis of the pattern of avoidance of housing by stone-curlew on arable land suggests that the impact of housing on nest densities is negligible at a distance of 2.5km from housing and that housing at 1km has half the impact of housing immediately adjacent to potential nesting habitat. The existing Forest Heath Area Local Plan buffer of 1.5km reflects this.
41. There is also evidence of avoidance of housing for woodlark and nightjar (particularly in relation to cat predation), and a 400m 'buffer' has been used to mitigate the effects of housing.
42. Currently the closest components of Breckland SPA to the settlement boundary of Brandon are located at:
- Wangford Warrant and Carr SSSI - 1.5km to the southwest
Breckland Farmland SSSI - 1.9km to the west, 1.08km to the north,
Weeting Heath SSSI - 1.29km to the southwest
Lakenheath Warren SSSI - 3.69km to the south.
Breckland Forest SSSI - adjacent to, or within very close proximity to the north eastern, eastern and southern settlement boundaries of Brandon.
43. The choice of location was informed by a list of criteria that any potential mitigation land should meet in order to give confidence that the ultimate goal of creating sustainable habitat (in particular for stone-curlew) would be achieved. The criteria include that the land should be outside disturbance boundaries, which for settlements is 1500m, and which is consistent with other research.

44. Based on the evidence it is clear that the proposed habitat conversion, which is located within the area already designated as SPA would not intensify or increase the constraints on Brandon as summarised below:

- The site is located in land already designated as SPA
- At a distance of 3km, it is outside of the 400m and 1500m buffers around Brandon
- There are component parts of Breckland SPA closer to Brandon settlement boundary which already constrain future development.

Other matters

45. The applicant has responded to comments made by SCC Highways in relation to the parking of vehicles during construction by indicating that a site compound will be located well inside the boundaries of the site. Given the size of the site it is not expected that any construction vehicles will need to be parked on the various tracks and rights of way surrounding and transecting the site.

46. SCC Highways has advised that the proposal would not have any severe impact on the highway network in terms of vehicle volume or highway safety and offers no objection to the proposal.

47. Archaeological considerations have been key to the design of the scheme and the applicant intends to preserve remains in situ as far as possible and minimise impacts on archaeological features and deposits. Aspects of the project still have potential to have an impact on archaeological remains. These include inadvertent damage to underlying deposits where soils are thin, impacts on earthworks, and impacts on 'top soil' archaeology, which includes the presence of artefacts from underlying features for which the distributions can still be meaningfully interpreted.

48. SCC Archaeology has worked closely with the applicant in developing the proposal and is content for development to proceed subject to a programme of archaeological mitigation being secured by condition.

Conclusion:

49. 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:

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

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

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

- 2 The development hereby permitted shall not be carried out except in

complete accordance with the details shown on the following approved plans and documents:

Reference No:	Plan Type	Date Received
Mitigation land boundary	Other	13.06.2019
J1101000/PLN/001	Landscape Plan	13.06.2019
J1101000/PLN/002	Landscape Plan	13.06.2019
(-)	Location Plan	13.06.2019
Habitat Creation and Management Plan	Other	13.06.2019
Predator proof fencing specification	Other	13.06.2019

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

- 3 No groundworks shall take place 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. Confirmation of the means by which ecological mitigation methodologies will minimise impacts on archaeological remains
 - b. The programme and methodology of site investigation and recording
 - c. The programme for post investigation assessment
 - d. Provision to be made for analysis of the site investigation and recording
 - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - f. Provision to be made for archive deposition of the analysis and records of the site investigation
 - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - h. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

- 4 Within six months of the site investigation, post investigation assessment should be completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks

associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

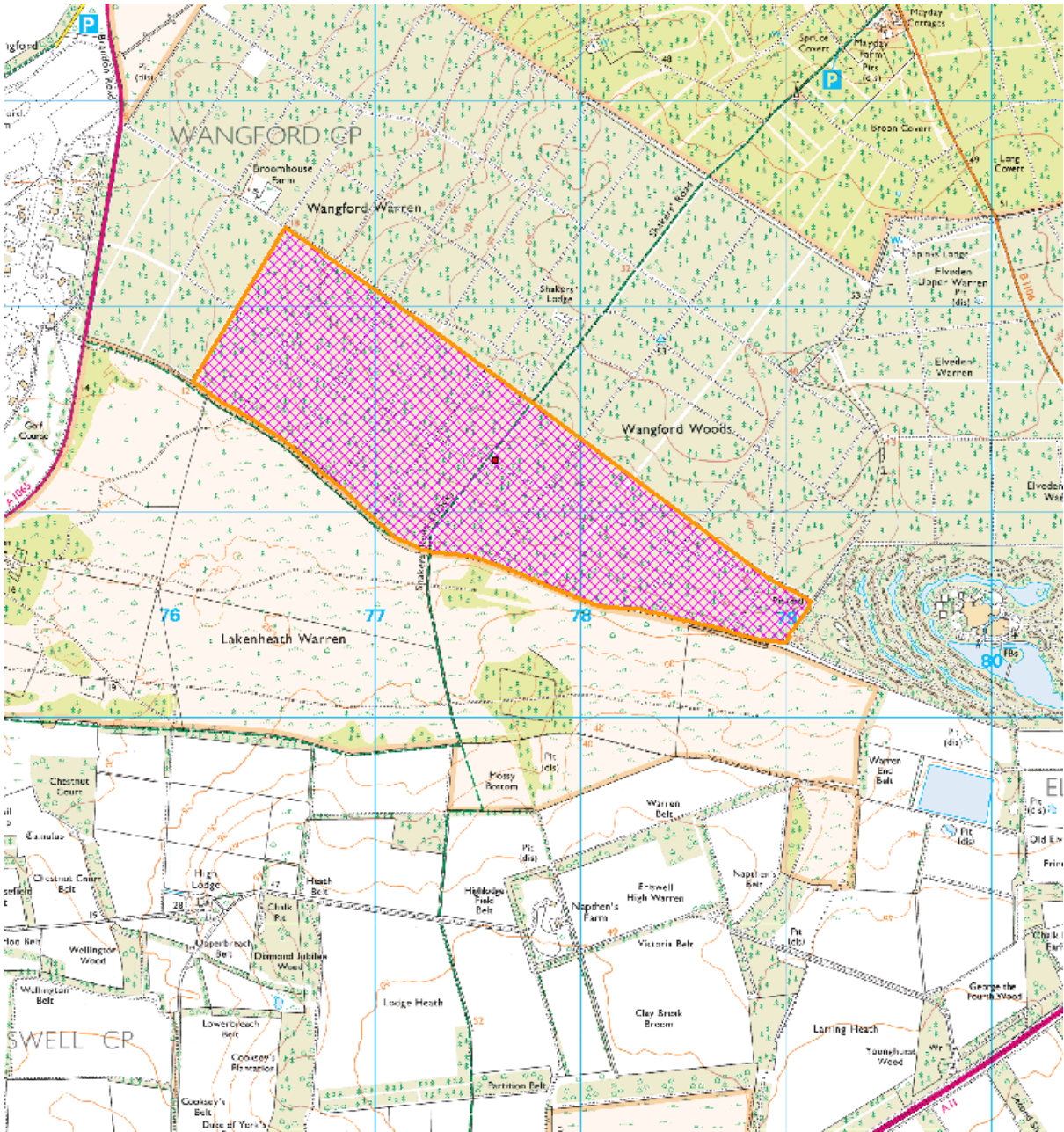
5. Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
 - a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction.

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1243/FUL](#)

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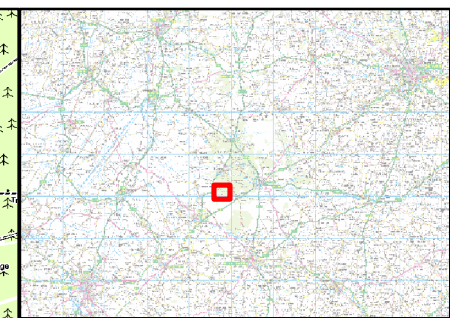
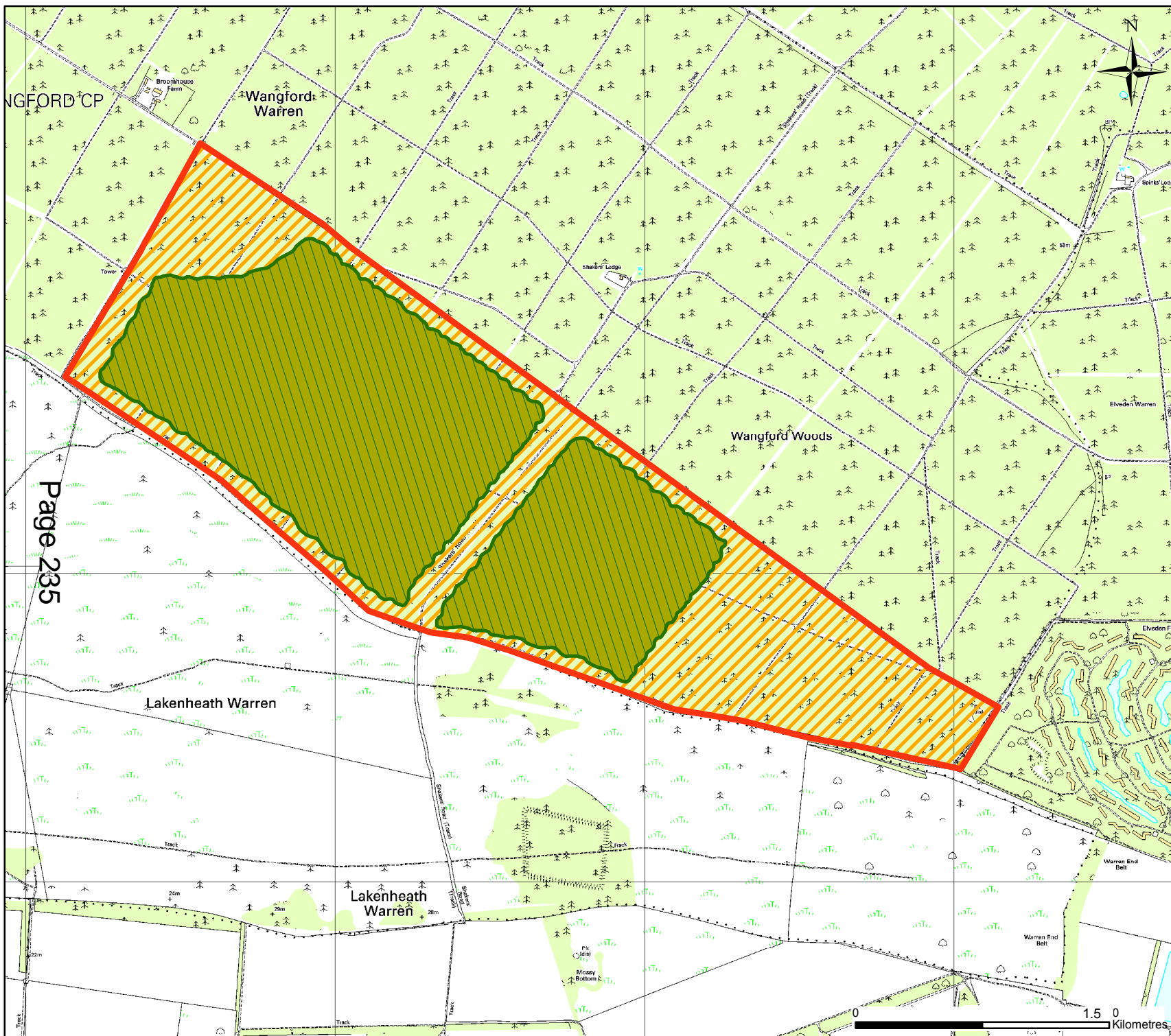


DC/19/1243/FUL



Wangford Woods
Access Road From A1065 To Wangford Warren
Wangford
Suffolk

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Key

- Mitigation Area Boundary
- Stone-Curlew Habitat
- Nightjar Habitat

Page 235

Rev.	Purpose	Date	Orig	Chk'd	Rev'd	App'd
0	1st ISSUE	17/07/15	NS	NC	NC	SG

JACOBS
 Jacobs House, 1180 Eskdale Road, Winnersh, Wokingham.

Client

Project Title **A11 Fiveways to Thetford**

Drawing Title **Figure 1: Wangford Warren Mitigation Land Boundary**

Drawing Status **FINAL**

Scale 1:35,000 @ A3 DO NOT SCALE

Jacobs No. B1101000

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Development Control Committee

4 September 2019

Planning Application DC/19/1117/FUL – Land Adjacent to High Trees, The Park, Great Barton

Date Registered:	27.05.2019	Expiry Date:	22.07.2019 (EOT agreed)
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
Parish:	Great Barton	Ward:	The Fornhams and Great Barton
Proposal:	Planning Application - (i) 1no. dwelling (ii) detached double garage and (iii) creation of a shared access		
Site:	Land Adjacent To High Trees, The Park, Great Barton		
Applicant:	Mr & Mrs D Doran		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

The application has been considered and referred to the Development Control Committee by the Delegation Panel following call in by Ward Councillor Beccy Hopfensperger.

The Parish Council support the application and it is recommended for APPROVAL.

Proposal:

1. The application proposes a two-storey dwelling with detached double garage utilising an existing access. The dwelling would provide 4 bedrooms, of which three bedrooms, a bath room and office and utility room are at ground floor, with the master bedroom, an open plan kitchen/dining/family room and living room at first floor.
2. The dwelling is of contemporary design and would consist of two linked gable wings, the higher eastern wing would have a footprint of 16m by 6m, with an eaves height of 4.7m and 7.5m to the ridge. The smaller wing would have a footprint of 5m by 7.5m, linked by a 2.5m glazed link, and with the same eaves height of 4.7m but with a slightly lower ridge of 7.1m. The dwelling would be constructed with timber cladding to the external walls of the larger wing, corrugated metal sheet cladding to the smaller wing, natural slate tiles to the roof and incorporates large glazed elements.
3. The garage would have a footprint of 6m by 6.5m and 2.6m to the eaves, with a ridge height of 5.7m. The garage is proposed to be constructed with weatherboard cladding to the walls and slate tiles to the roof.

Application Supporting Material:

4.
 - Application Form
 - Existing and Proposed Plans
 - Topographical Survey
 - Existing and Proposed Tree Survey
 - Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan
 - Biodiversity Report
 - Design and Access Statement
 - Land Contamination Assessment

Site Details:

5. The application site forms part of a larger woodland expanding east of the application site, within the settlement of Great Barton. Large parts of the woodland including the application site are protected by a tree preservation order known as The Park. The site is accessed off The Coppice and includes an existing small clearing. The bungalow High Trees, north of the application site also sits within this woodland. Residential properties including two storey dwellings lie to the west, south and north east. The properties in the vicinity sit in spacious plots and are of varying scale and design.
6. The application site benefits from right of access over the existing access lane, which is owned by White Lodge. The access would be shared with High Trees, which also benefit from right of access. It is understood that White

Lodge benefits from right of way over parts of the application site from their property to the access lane off The Coppice. The Coppice is a residential cul-de-sac.

Planning History:

7.

Reference	Proposal	Status	Decision Date
SE/12/1623/TPO	TPO370(1974)32 - Tree Preservation Order Application Fell one Ash tree overhanging into garden of 11 Maple Green	Application Granted	18.01.2013
SE/13/0256/TPO	TPO370(1974)33 - Tree Preservation Order Application 1 and 1a - Sycamore - Remove branch from neighbouring tree which is growing through the Sycamore and pollard below wound (5 metres); 2 and 3 - Fell two leaning Sycamore trees; 4 - Fell one Elm and 5 - Sycamore including growth sucker with lean - remove sucker. All trees within area A2 on Order.	Application Withdrawn	19.04.2013
DC/16/2811/TPO	TPO 370(1974) Tree Preservation Order (i) T1 - Sycamore - fell (ii) T2 - Multi stem Sycamore - fell (iii) T3 - Sycamore - crown raise to 6 metres (iv) T4 - Yew - lateral reduction of up to 2 metres (v) T5 - Ash - lateral crown reduction of up to 2 metres, towards the applicant's property, to appropriate pruning points.	Application Granted	13.02.2017
DC/19/1129/TPO	TPO 370 (1974) - 4no. Sycamore (T1, T2, T3, and T4) - Fell	Application Granted	31.07.2019
TPO370(1974)16	TPO370(1974)16 30% Reduction to one Ash (1) and removal of one overhanging limb to one Ash (2) protected by a Preservation Order	Application Granted	13.01.2004
TPO370(1974)14	TPO370(1974)14	Application Granted	02.01.2003

SE/08/0812	Removal of three lowest limbs on west side of Sycamore tree as protected by a Preservation Order TPO370(1974)23 - Tree Preservation Order Application Cut back branches, overhanging No. 26 The Coppice, to boundary to one Sycamore tree (within area A2 on Order).	Application Granted	08.07.2008
SE/07/0231	TPO370(1974)19 - Tree Preservation Order Application Fell one Poplar tree (2 on plan) within Area A2 on Order.	Application Granted	12.03.2007
E/79/1950/P	EXTENSION TO LOUNGE	Application Granted	06.06.1979
E/76/3207/P	ERECTION OF EXTENSION WITH INTERNAL ALTERATIONS	Application Granted	15.12.1976
E/74/1582/P	ERECTION OF THREE DETACHED DWELLINGS WITH GARAGES AND ALL ANCILLARY WORKS	Application Refused	06.10.1975

Consultations:

8. Environment & Transport – Highways:

No objection subject to conditions. See Officer Comments Section below.

9. Tree Officer:

The application site is benefitted by a great number of trees that forms a woodland setting which is typical for the character of the surrounding area. The group of trees denoted A003 surrounds the proposed area of built development on the western, southern and eastern aspect. This is comprised of a higher density of trees than the central, more open section of the site and is likely to be relatively unaffected by the proposals. The designs appear to have been planned in a manner that minimises the number of trees that will need to be removed, utilising the small clearing in the centre of the site. It is worth noting that several of these trees are likely to be removed irrespective of the proposed development, owing to their condition.

I assessed the row of five Tilia (marked T005, T011, G006 and T012) to be of particular arboricultural and landscape value. These are large mature trees that are clearly visible from public vantage points, conferring and

considerable degree of amenity value to the locality. The relationship between these trees and the proposed development is not considered to be entirely harmonious, and I do have concerns regarding future pressure for tree works that would not exist without the proposed change of land use. Given the woodland setting of the proposed dwelling, many of the commonly associated nuisances would be expected to have been accepted by any future occupiers and future TPO applications for such reasons would be heavily resisted. However, the suitability of the photovoltaic panels on the western aspect should be given due consideration, noting that a significant degree of afternoon sunlight is likely to be blocked out by the adjacent trees.'

In conclusion, several protected trees are shown to be removed and a substantial replanting scheme should be conditioned as part of any planning permission. The landscaping scheme should seek enhance the landscape value of the site, promoting the future viability of the site as a woodland setting, as well as incorporating biodiversity through species selection. There is also a recommendation within the arboricultural impact assessment that a detailed arboricultural method statement and tree protection plan should be conditioned as part of any granted consent.'

10. Public Health And Housing

'Public Health and Housing would not wish to raise any objections to the above Planning Application for the construction of a dwelling with a detached double garage on land adjacent to High Trees, The Park, Great Barton, which will include the creation of a shared access.

It is however recommended that the following conditions are included in any consent granted to minimise the impact of the development, during construction, on the existing residential occupiers in the vicinity of the application site and to ensure that the internal ambient noise levels of the proposed dwelling comply with current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.'

11. Environment Team:

Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.

12. Rights Of Way Support Officer SCC

No comments received.

13. Ramblers Association:

No comments received.

14. Ward Councillor:

Cllr Beccy Hopfensperger called the application to Delegation Panel because of the number of neighbour representations and the concerns raised.

Representations:

15. Parish Council: 'Councillors supported this application and would recommend that the biodiversity report recommendations are implemented.'

16. Representations from seven properties have been received, six in objection. The following summarised concerns have been raised:

- Impact on wildlife
- Impact on woodland character
- Tree removal/ impact on trees
- Works to the access/ hedge along access would compromise privacy
- Damage to the trees and shrubs from construction traffic
- Would set precedence
- Construction noise
- Light pollution/ adverse impact on nocturnal character
- Unattractive design
- Adverse impact on residential amenity of several properties/ overlooking/ loss of privacy
- Flooding concern because of increase of built up area
- Impact on local road network/ increase in potholes from construction traffic
- Concerns about historic flint wall along access track (during construction and after)

Policy:

17. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.

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

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV18 - Great Barton
- 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 CS13 - Rural Areas

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

Other Planning Policy:

19.National Planning Policy Framework (2019)

20.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:

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

- Principle of Development Principle
- Scale, Layout and Design
- Impact on trees and character of the area
- Residential Amenity
- Highways safety
- Biodiversity

Principle

22. Policy RV3 states that within the Settlement Boundaries of the villages, planning permission new residential development will be permitted where it is not contrary to other planning policies. Great Barton has been identified as a Local Service Centre in policy CS4, where some small scale housing will be encouraged.
23. The site is located within the Housing Settlement Boundary of Great Barton and as such the principle of a single infill dwelling is acceptable subject to compliance with other relevant policies and material considerations.

Scale, Layout and Design

24. Policy DM2 requires that development recognises and addresses the key features and characteristics of an area. This is reiterated in policy DM22 which seeks to secure appropriate residential design that accords with the local area, through its built form.
25. The wider area is characterised by residential development in more linear forms fronting on to the road and cul-de-sacs around a central woodland. Dwellings are individually designed of different scale and architectural styles. A small number of individual dwellings within very generous plots are scattered within the central woodland, notably 'High Trees', a bungalow north of the site, to the east 'Rawlings' (off School Lane) and 'Folland' (off The Park) and albeit not within the TPO area, south of the site also 'Tanglewood', 'White Lodge' and 'Kairos' (all off The Park). The properties sit in very generous plots within the woodland setting and are characteristic of the area.
26. The proposed dwelling has been sited utilising an existing clearing on the application site to reduce the need for tree removal and to ensure the proposal is not visible to surrounding properties and in public views because of the natural boundary of trees. The proposal would utilise the existing access off The Coppice. A woodland tree buffer would remain to all site boundaries similar to other properties within the woodland area.
27. The Design and Access statement submitted with the application explains 'The design of the proposed dwelling has been carefully considered to be sympathetic to the woodland setting. The daytime living areas have been located on the first floor to maximise natural light whilst enjoying the unique views of the surrounding mature woodland. The outside spaces have been orientated to benefit from light and privacy whilst avoiding pressure on the existing landscape features. The glazed link feature will provide a transparent element allowing clear views through the building to the woodland beyond.'
28. The site layout and dwelling design are considered to be innovative and respond well to the constraints of the site and the overall form and layout of the surroundings. As such the proposal is considered to comply with policy DM2 and DM22 with regards to design and layout and with NPPF which at para 131 specifically states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Impact on Landscape character and Trees

29. Strong concerns have been raised by local residents about the loss of trees, impact on trees to be retained and adverse effects on the character of the area. Officers do not dispute that the proposal will have impacts upon the undeveloped woodland character of the immediate site. The currently undeveloped clearing would be mostly developed with only a small part retained as amenity space. The access drive will be extended into this part of the woodland and there will be some form of hardstanding for parking and manoeuvring to the front of the dwelling and garage. The application proposes a permeable shingle drive.
30. The tree report at para 4.2.1 with regards to the access confirms 'In this case the RPA is safeguarded by existing hard surfaces and therefore, and from a purely arboricultural perspective, it will not be necessary to install a proprietary temporary load bearing road to protect tree roots.'
31. Three trees south of the existing drive have been assessed as category 'U' trees and will require felling regardless of the proposed development due to their structural decline. A TPO application in this respect has already been granted (DC/19/1129/TPO). The clearing will also serve to continue the access to the development site. Two trees identified as Category C trees, a Sycamore central to the development site and a multi-stem Hazel in the area of the proposed garage require removal to enable the development. Two further trees have been identified as requiring felling due to their poor health outside of the area to be developed and regardless of the proposal, one along the access drive and one on the western site boundary (this also gained permission to be felled under DC/19/1129/TPO). Given the removal of these trees would not likely be resisted if submitted as a TPO application regardless of the proposal, the 'loss' of trees can only be attributed very limited weight.
32. Whilst the trees of particular amenity value to the locality are to be retained, the Tree Officer does not consider the relationship between these trees and the proposed development to be entirely harmonious and has concerns regarding future pressure for tree works that would not exist without the proposed change of land use. This will weigh against the proposal in the planning balance. However, given the woodland setting of the proposed dwelling, many of the commonly associated nuisances would be expected to have been accepted by any future occupiers and future TPO applications for such reasons would be heavily resisted. So this should only be attached moderate weight.
33. Moreover, a substantial replanting scheme as suggested by the Tree Officer could be secured by condition. The landscaping scheme should seek to enhance the landscape value of the site, promoting the future viability of the site as a woodland setting, as well as incorporating biodiversity through species selection. There is also a recommendation within the arboricultural impact assessment that a detailed arboricultural method statement and tree protection plan should be conditioned as part of any granted consent.
34. Officers acknowledge that the proposal will change the character of the immediate site and as such will adversely affect the level of enjoyment of the private right of way (that runs through the application site) by the occupiers of White Lodge. A *private* right of way however is not safeguarded by policy in the same way as a *public* right of way. As such the impacts on

the private right of way are not considered to justify refusal. The proposed dwelling and associated works will not be visible from public vantage points and as such and subject to the mitigation and enhancement measures set out above, the proposals are not considered to have an adverse impact on the character and appearance of the wider area to justify refusal on these grounds.

35. The Rural Vision at Para 30.5 h) recognises that there is an important area called The Park which should be protected due to its distinctive historical character. The local distinctiveness of this area will be protected through policies in the Development Management Policies document.
36. Policy DM2 (d) states that developments should not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.
37. Taking into account that a) the removal of the majority of the trees proposed to be felled could not be resisted regardless of the proposal due to their condition, that b) the development will not be visible in public views and that c) a landscaping scheme could be secured by condition to ensure that the landscape value of the site is enhanced and future viability of the site as a woodland setting is promoted, the proposal is not considered to be contrary to policy DM2 with regards to impact on character and appearance of the area.

Residential Amenity

38. Due to the separation between the dwelling and any of the surrounding dwellings, in excess of 50m, the proposal is not considered to have unacceptable impacts in terms of residential amenity by reason of overlooking, overshadowing or being overbearing.
39. Disturbance during the construction period is temporary and can further be controlled through a Construction and Deliveries Management Plan, which can be secured by condition. Moreover construction times can be restricted to acceptable hours. The proposal as such is not considered to result in unacceptable impact on residential amenity in accordance with policy DM2 and the NPPF.

Highways matters

40. The application would take access off The Coppice via a private gravel drive. The access is not in the ownership of the applicant; it is owned by White Lodge. The access serves one existing dwelling, High Trees, and the proposal is for one additional dwelling.
41. The access is approx. 4.1m wide where it comes off the highway and will be approx. 90m long to where it would turn off to the new dwelling. Along the lengths of the access it reduces in width to between 3.6m and 3m at the narrowest point. Along the access is a flint wall to one side and hedging to the other.
42. Policy DM2 (l) requires developments to produce designs, in accordance with standards, that maintain or enhance the safety of the highway network. The NPPF para 109 states 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.'

43. The Highway Authority has assessed the proposal and has raised no objection. Initially, Highways suggested conditions to secure some improvements to the existing access including widening of the access to 4.5m for the first 10m and bound material for a minimum distance of 10 metres and reduction in height of the hedge north of the access. It must be noted that the hedge within the visibility splays has already been removed and is not an issue. Given the access is not in the applicants ownership conditions requiring works to be carried out to the access could not be enforced. Planning practice guidance is clear that conditions which cannot be enforced should not be attached to a planning permission. The proposal therefore needs to be considered in the light of this.
44. Whilst officers acknowledge that the access is substandard and the conditions suggested would deliver a modest improvement, the Highways Authority has confirmed that they do not consider the cumulative impact of this level of intensification is a highway safety concern. The substandard access can therefore only be attributed very limited weight due to the limited scale of the proposal.
45. On the basis of the above it is not considered that the proposal, without any works to the access, would justify refusal on highways safety grounds.

Biodiversity

46. Concerns have been raised by local residents about the loss of habitat and impact on biodiversity. A biodiversity survey has been submitted in support of the application, which sets out appropriate mitigation and enhancement measures in order to comply with the requirements of policy DM10, DM11 and DM12.
47. Two trees were assessed as having high potential to support roosting bats with the presence of suitable roosting features and further emergence surveys were recommended if these were proposed to be removed. However, these trees will not be affected by the development.
48. The report includes suitable mitigation and enhancement measures which can be secured by condition. The proposal therefore is not considered to have unacceptable impacts on protected species.

Other matters (flooding/ contamination, electric vehicle charge points)

49. Concerns have been raised by local residents with regards to flooding. The application site is not within a flood zone; an area known for flooding. Given the scale of the proposal, flooding from the development will be dealt with by building regulations. However, the application form states that flooding will be dealt with by way of SUDS; for a single dwelling this would usually be in a form of soakaway. This information is considered sufficient in accordance with policy DM6, which requires schemes to be submitted appropriate to the scale of the proposal.

50. Based on the submitted information for the site, Officers are satisfied that the risk from contaminated land is low.
51. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.' Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Accordingly, a condition is recommended to ensure that an electric vehicle charge point is provided, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
52. Concerns have been raised with regards to the private right of way by White Lodge and alleged impingement on land potentially registered to White Lodge. These are civil matters. Claims have been rebutted by the applicants who believe to own the necessary land and have the appropriate rights for access. However, access and landownership disagreements are not a material planning consideration and therefore will not weigh in the planning balance.

Conclusion:

53. The proposal is for a single, carefully designed dwelling within the settlement boundary of Great Barton, where infill development is acceptable in principle. The proposal will change the character of the immediate site and does not entirely harmonise with some of the trees to be retained on site. However, subject to a substantial landscaping scheme the impacts can be mitigated and the proposal is not considered to adversely affect the character of the area, to justify refusal. The existing substandard access weighs against the proposal in the planning balance, however, given the limited scale of the proposal it is not considered, on its own or cumulatively, to result in unacceptable impacts on highways safety. The proposal would provide a dwelling which will contribute to the housing supply in the district; a social benefit of the scheme. The proposal would also provide economic benefits during the construction phase and by way of likely additional local spend to support local business. Given the proposal is for a single dwelling these benefits will however be marginal. Overall, given the sustainable location where residential infill development is acceptable in principle, it is considered that the limited harm identified is outweighed by the benefits of the scheme.
54. 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:

55. 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 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.

- 3 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015,

Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 All ecological measures and/or works shall be carried out in accordance with the details contained in 'Extended Phase 1 Survey of Land at High Trees, Great Barton, Suffolk' (dated September 2018); as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. A minimum of 2 bat boxes and 3 bird boxes shall be fitted in accordance with the details set out in the survey above.

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

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

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

- 6 The acoustic insulation of the dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
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 and construction traffic in sensitive areas, in the interest 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.

- 8 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. HTDD1312 01C for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

- 9 The development hereby permitted shall not be brought into use/first occupied until the refuse storage and recycling facilities indicated on Drawing no. HTDD1312 01C have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To ensure the incorporation of waste storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 No development above slab level shall take place until details of the areas provided for the presentation of Refuse/Recycling bins for collection have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users. To ensure the incorporation of waste storage and recycling arrangements, in the interest of highway safety and accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

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

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

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

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

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

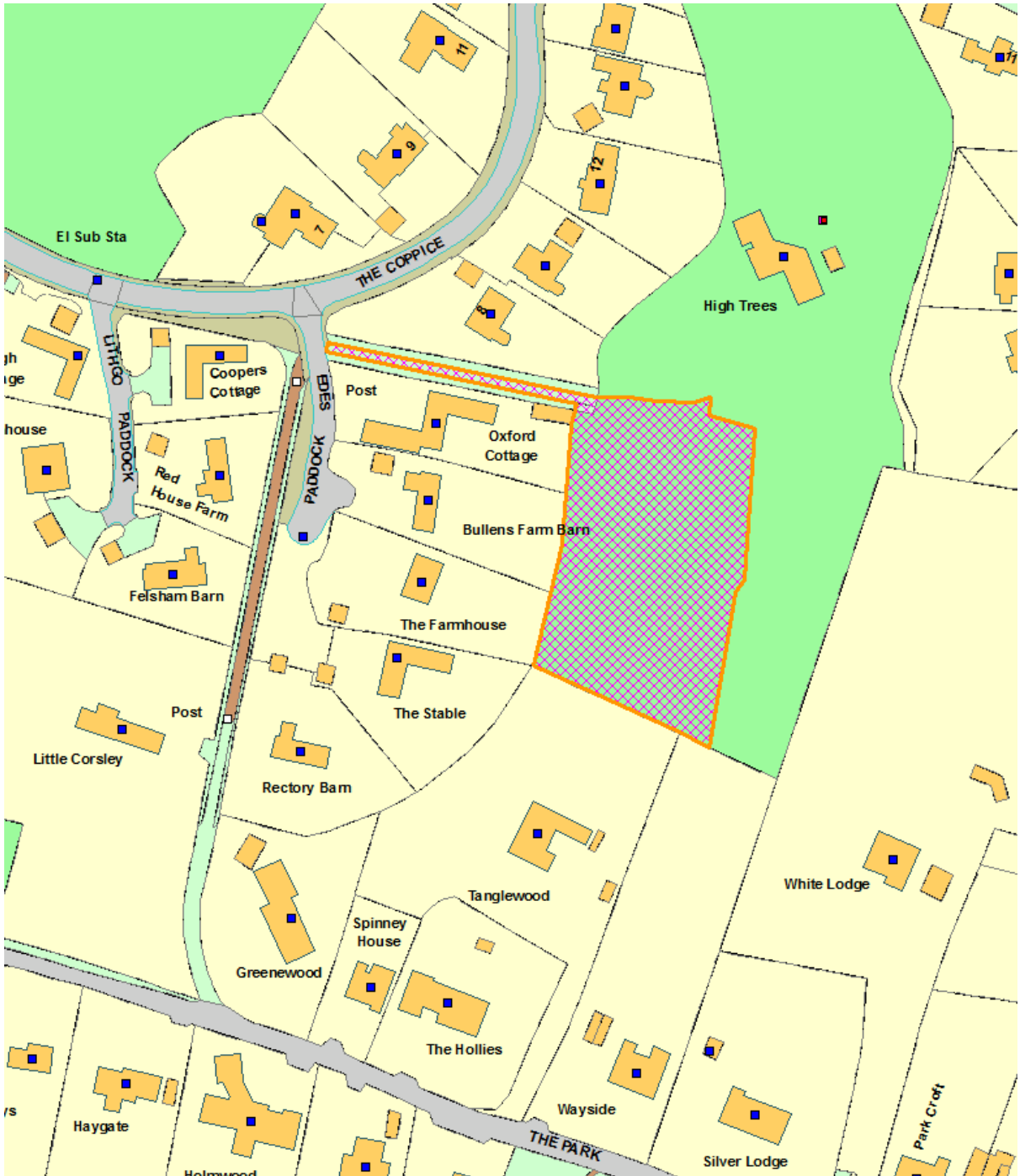
Reference No:	Plan Type	Date Received
(-)	Site Location Plan	27.05.2019
01 REV C	Proposed Block Plan	27.05.2019
05	Proposed Floor Plans	27.05.2019
07	Garage Plans & Elevations	27.05.2019
06A	Proposed Elevations	11.07.2019

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=PS5J2EPDGBD00>

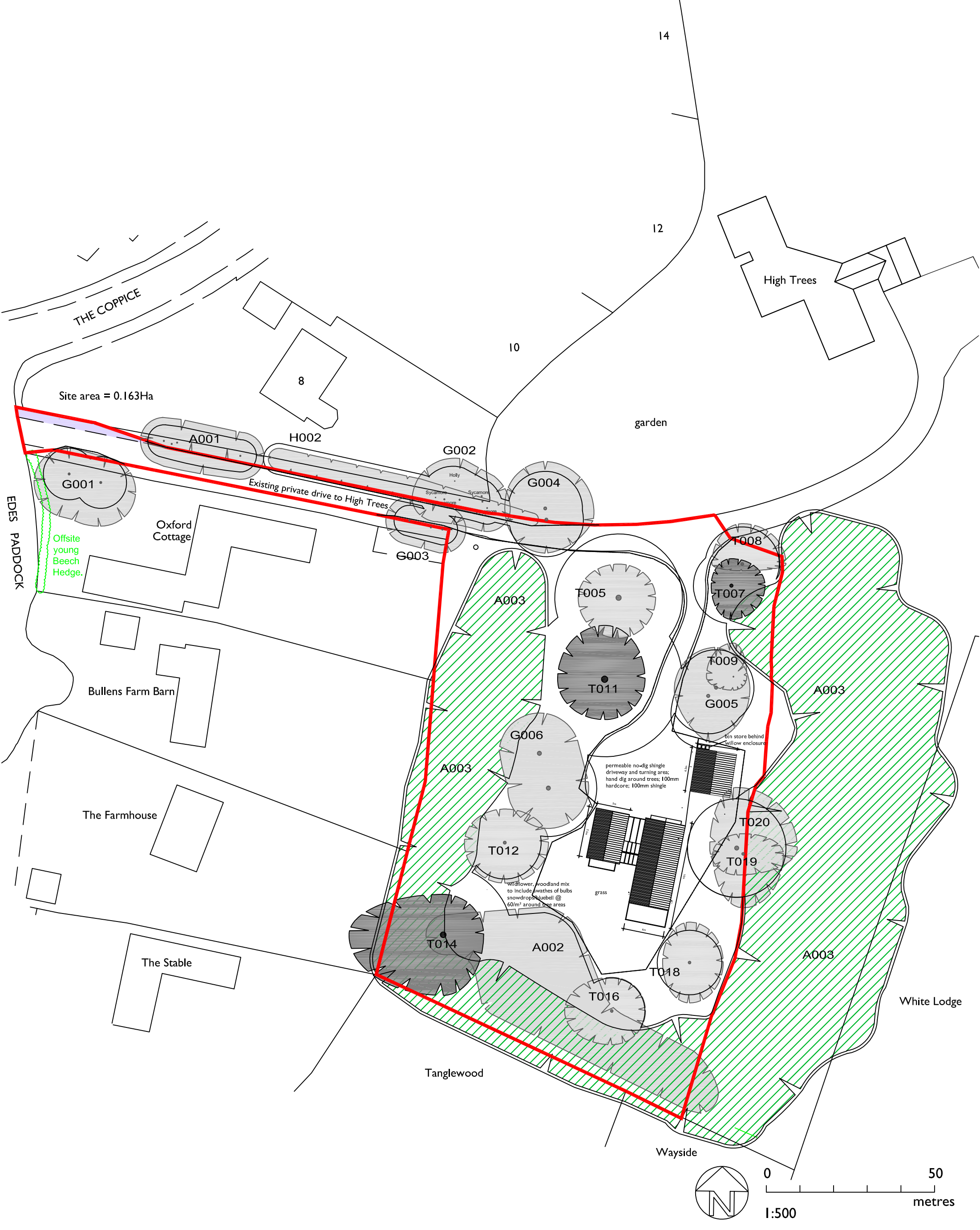


DC/19/1117/FUL



Land Adjacent To High Trees
The Park
Great Barton
Suffolk

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Do not scale from this drawing. All measurements to be checked on site. Any discrepancies, contact the issuer.			
		Rose Cottage High Street Rattlesden Bury St Edmunds Suffolk IP30 0RA	Lara Turner Architectural Services © tel: 01449 737428 e-mail: enquiries@ltaarchitectural.co.uk
DETAIL: PROPOSED BLOCK PLAN Page 255		PROJECT: NEW DWELLING - HIGH TREES, THE PARK, GT BARTON	
Ref.	Date	Revision	Scale: 1:500@A3
Date: May 2019		JOB No. HTDDI312	DRG No. 01C

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Development Control Committee 4 September 2019

Planning Application DC/19/1046/FUL – Kentford Lodge, Herringswell Road, Kentford

Date Registered:	16.05.2019	Expiry Date:	11.07.2019
Case Officer:	Savannah Cobbold	Recommendation:	Refuse Application
Parish:	Kentford	Ward:	Kentford And Moulton
Proposal:	Planning Application - Installation of 6 x 2 Tonne Underground LPG Tanks including pipework network serving 60 properties (Retrospective)		
Site:	Kentford Lodge, Herringswell Road, Kentford		
Applicant:	Matthew Homes Ltd		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Savannah Cobbold

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 01284 757614

Background:

The application is referred to Development Control Committee following consideration by the Delegation Panel on 13 August 2019.

The application was originally called into Delegation by Ward Member Councillor Roger Dicker whose view differs with the Case Officer's recommendation of REFUSAL.

Proposal:

1. The application seeks planning permission for the installation of 6 x 2 tonne underground LPG tanks, which includes a pipework network to serve 60 properties. The application is retrospective and the network was installed in 2016.

Application Supporting Material:

2.
 - Application form
 - Anchor slab details
 - Excavation details
 - Tank area layout details
 - Location plan
 - LP gas system layout
 - Installation details
 - Method statement and specifications

Site Details:

3. The application site is located outside of any settlement boundary within Kentford. The site comprises a recently completed housing development which was approved in 2015.

Planning History:

4.

Reference	Proposal	Status	Decision Date
NMA(1)/13/0061	Non-material amendment to F/2013/0061/HYB - (i) Amendments to garden boundaries on Plots 4 - 9 (ii) Repositioning of double garage and driveway for Plot 5 (iii) Areas shaded grey on Plan 015-011-002 to be retained within Kentford Lodge	Application Granted	08.10.2015
DCON(1)/13/0061	Discharge of Conditions for Condition 19 (Archaeological Investigation), 28 (Ecological enhancement) and 29 (Recommendation from ecological survey) of F/2013/0061/HYB	Application Granted	16.03.2017

DCON(2)/13/0061	Discharge of condition 7 (Materials) of planning permission F/2013/0061/HYB	Application Granted	03.03.2016
DC/15/2108/CLP	Application for Lawful Development Certificate for Proposed Use or Development - Construction of a electricity substation building (being the revised siting of a similar substation building formerly approved under F/2013/0061/HYB)	Pending Consideration	
DCON(3)/13/0061	Discharge of condition 10 (Contamination) of planning permission F/2013/0061/HYB	Condition(s) of Part Discharged	08.02.2016
DCON(4)/13/0061	Discharge of conditions 15 (hard landscaping), 16 (soft landscaping), 17 (landscape management plan), 26 (fire hydrants), 31 (play area proposals) & 33 (construction and site management programme) of planning permission F/2013/0061/HYB	Application Granted	15.03.2017
DC/15/2577/FUL	Planning Application - (i) Proposed Development of 21 no. dwellings (including 9 no. affordable dwellings) and garages/carports (ii) Creation of a new access onto Herringswell Road and the upgrading of an existing access onto Herringswell Road (iii) Provision of amenity space and associated infrastructure	Application Granted	10.07.2017
DCON(5)/13/0061	Discharge of conditions 12 (details of estate roads) 13 (discharge of surface water) and 27 (surface water drainage) of F/2013/0061/HYB	Application Granted	13.10.2016
DCON(6)/13/0061	Application to discharge conditions 14 (Boundary treatment) and 18 (Refuse bins provision) of F/2013/0061/HYB	Application Granted	13.12.2016
DCON(7)/13/0061	Application to Discharge condition 25 (cycle access	Application Granted	05.04.2017

	route) of F/2013/0061/HYB		
DCON(8)/13/0061	Discharge of conditions for application F/2013/0061/HYB - Condition 20 - Archaeological assessment and Condition 24 - Bus stop improvements	Application Granted	26.06.2017
NMA(2)/13/0061	Non-material amendment to F/2013/0061/HYB - Amendment to wording of condition 24 to enable the occupation of the Affordable housing units and some market units	Application Granted	14.07.2017
DC/17/1689/COMP LI	Compliance of planning conditions of F/2013/0061/HYB	Application Granted	30.10.2017
DCON(9)/13/0061	Application to Discharge Condition 10 (Contamination) of application F/2013/0061/HYB	Pending Consideration	
F/2013/0061/HYB	Hybrid application: Full application - erection of 98 dwellings and garages (including 30 affordable dwellings), creation of a new access onto Herringswell Road and upgrading of existing accesses onto Herringswell Road and Bury Road, the provision of amenity space and associated infrastructure. Outline application - erection of up to 579 square metres of B1 office employment space. (Major Development, Departure from the Development Plan and Development Affecting the Setting of a Listed Building) as amended by plans received on 05.09.2013 reducing the number of dwellings to 60 (inc. 18 affordable).	Application Granted	04.06.2015
F/88/1082	Residential development comprising up to thirty dwellings with associated	Refuse	06.03.1989

	landscaping open space access and drainage works.		
F/89/307	O/A: Erection of five detached dwellings and garages with associated access	Refuse	20.06.1989
F/81/002	Proposed entrance hall	Approve with Conditions	05.02.1981

Consultations:

5. Environment Team: No comments to make on the application.
6. Environment Agency: No comments received.
7. Ward Member: It is understood that the policies may be "harmful", but on balance what is there now does not do any sensible harm to the open space idea or amenity value to residents.
 - If we insist on moving these tanks and the disruption caused and physical damage to the open space, I do not believe that this is in the public interest.
 - There would be more complaints if we decided they must be dug up and moved.
 - The developer is providing a service that the residents want, so on balance there is not sufficient harm to the policies if the tanks stayed where they are.

Representations:

8. Parish Council: The Parish Council thinks that it seems unnecessary to remove the tanks. The developer should spend money on hiding the tanks with hedges and trees etc. We do not see the area as an informal play area, being too close to the road.
9. Neighbours: A total of one representation was received in respect to this application. The following comments were received from the owner/occupier of 16 St Marys Road:
 - This is an essential amenity that has been in situ for over two years. It is positioned underground and has been implemented in-keeping with the landscaping of the estate.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous 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.

11.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
- FCS5 Design Quality

Other Planning Policy:

12.National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Impact on residential amenity
- Impact on street scene/character of the area
- Other Matters

Principle of development

14.Policy DM2 states that proposals for all development should, as appropriate, recognise and address key features, characteristics, local distinctiveness and special qualities of the area. It must also maintain or create a sense of place and local character, nor involve the loss of open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.

15.In this case, this housing development was granted planning permission in 2015 and the layout was carefully designed specifically with an area of open space at the entrance, acting as a focal point, along with the SUDS basin, with the dwellings set orientated towards and around this. The effect was the creation of an area with a distinctiveness and sense of place, and of an otherwise attractive open area, providing a feeling of an arrival point upon entering the estate. Whilst this area at the entrance of the development might not otherwise have been used for amenity, in terms of formal play, there would have been some limited opportunity of informal play. It clearly also sought to provide a very strong visual amenity for the development. The caps and fencing, along with the other utilitarian associated infrastructure apparatus, located in such a visually prominent location, intrude into this area in a way that is considered harmful, otherwise materially and detrimentally eroding this strong sense of place, contrary to

the requirements of policy DM2 and to those of the NPPF, revised in 2019, seeking to ensure good design.

Impact on residential amenity

16. In terms of material planning considerations, the majority of the development is set underground, and therefore would not impact upon the residential amenity of nearby occupants. Above ground, six caps are visible set on ground level along with an LPG tank. Again, given the small scale of this, no harm is considered upon the residential amenity of nearby occupants.

Impact on street scene/character of the area

17. Paragraph 124 of the revised NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure development establishes or maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcome and distinctive places to live, work and visit.

18. As discussed above, the estate was designed carefully, with an area of open space towards the front of the space, which provides a focal point when entering the estate. The provision of gas tanks and their associated above ground infrastructure in such a prominent location materially and harmfully erode the character and appearance of this area, proving harmful to the otherwise strong visual amenities of the area. Therefore, the proposal conflicts with policy DM2 as well as with the provisions of the NPPF in relation to good design

Other Matters

19. The aim of the development was to provide a centralised mains gas supply to residents. The benefit of this in planning terms is limited, and was a decision taken, in advance of formal planning approval, it would appear largely for commercial benefit in selling the houses. As a carbon based fossil fuel there is little in the wider planning balance that would offset this manifest harm, and the clear failure of the scheme to meet the provisions of DM2 and the requirements of the NPPF in relation to good design weighs very heavily against the proposal therefore.

20. It is now government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy stated that it applied to all new planning applications and appeals received since 31 August 2015. Officers consider that the development was carried out in the knowledge that planning permission was required. It was intentional unauthorised development which must therefore weigh against the grant of planning permission.

21. No details, even indicatively, were offered of this facility at the time the housing estate was approved, and the site was indicated as being public open space, set in a very attractive fashion at the entrance to the site. By any objective measure the works undertaken without the benefit of

permission are clearly not de minimus. This was an error made by the developer and the LPA asserts that this indicates intentional unauthorised development. The nature of the works undertaken do not fall within the parameters, in the opinion of the LPA, of development which might otherwise have been undertaken by mistake, or in ignorance, noting the extent of the facility installed. The only conclusion that can be drawn in this position therefore is that the development that this application is now seeking to retain is 'intentional unauthorised development'.

22. The decision to install this facility was taken unilaterally by the developer, in advance of planning permission being granted. Any difficulties associated with the subsequent removal of such are not material planning considerations and no weight should be attached to such.

23. In presenting this matter the ministerial statement (reference HCWS423) advises that *'the government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.'*

24. The materiality of this statement in the balance of considerations is a matter for the decision maker. In the opinion of the LPA the development undertaken on this site can be considered as nothing other than intentional unauthorised development, noting the circumstances. It follows consequentially that weight against this proposal must therefore be attached to this fact in the balance of considerations. Noting the conclusions reached above with regards to the unacceptability otherwise of the proposal, this matters adds further weight in favour of refusal.

Conclusion:

25. In conclusion, the principle and detail of the development is not therefore considered to be acceptable and not in compliance with relevant development plan policies nor with the provisions of the 2019 National Planning Policy Framework

Recommendation:

26. It is recommended that planning permission be **REFUSED** for the following reason:

1. Policy DM2 states that proposals for all development should, as appropriate, recognise and address key features, characteristics, local distinctiveness and special qualities of the area. It must also maintain or create a sense of place and local character, nor involve the loss of open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.

The housing development was granted planning permission in 2015 and the layout was carefully designed specifically with an area of open space at the entrance, acting as a focal point, along with the SUDS basin, with the dwellings set orientated towards and around this. The effect was the creation of an area with a distinctiveness and sense of place, and of an

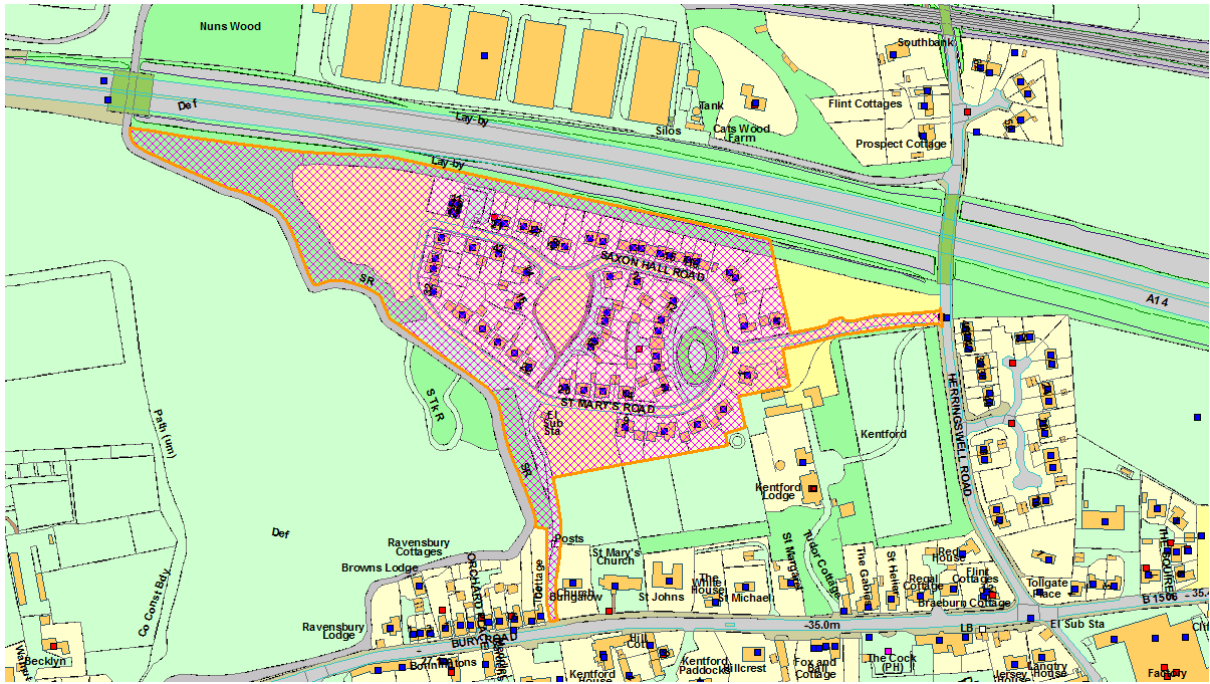
otherwise attractive open area, providing a feeling of an arrival point upon entering the estate. Whilst this area at the entrance of the development might not otherwise have been used for amenity, in terms of formal play, there would have been some limited opportunity of informal play. Regardless, it also clearly sought to provide a very strong visual amenity for the development. The caps and fencing, along with the other utilitarian associated infrastructure apparatus, located in such a visually prominent location, intrude into this area in a way that is considered materially harmful, otherwise materially and detrimentally eroding this strong sense of place, contrary to the requirements of policy DM2 and to those of the NPPF, revised in 2019, seeking to ensure good design.

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=PRJM8NPDG4Y00>

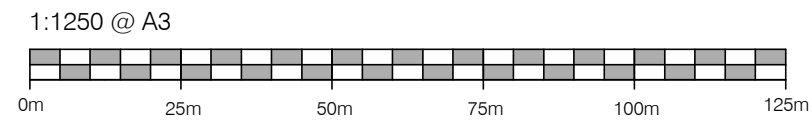
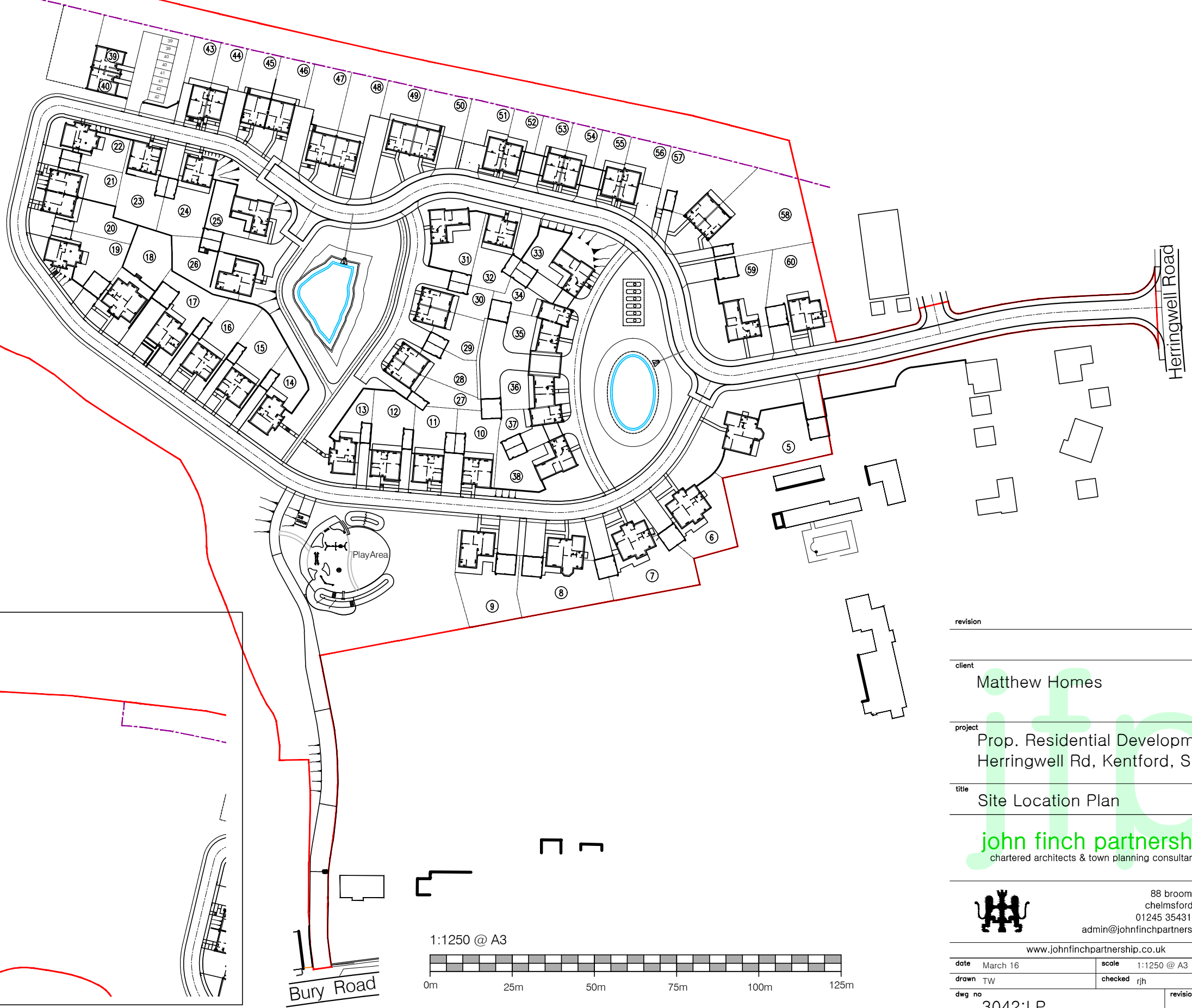
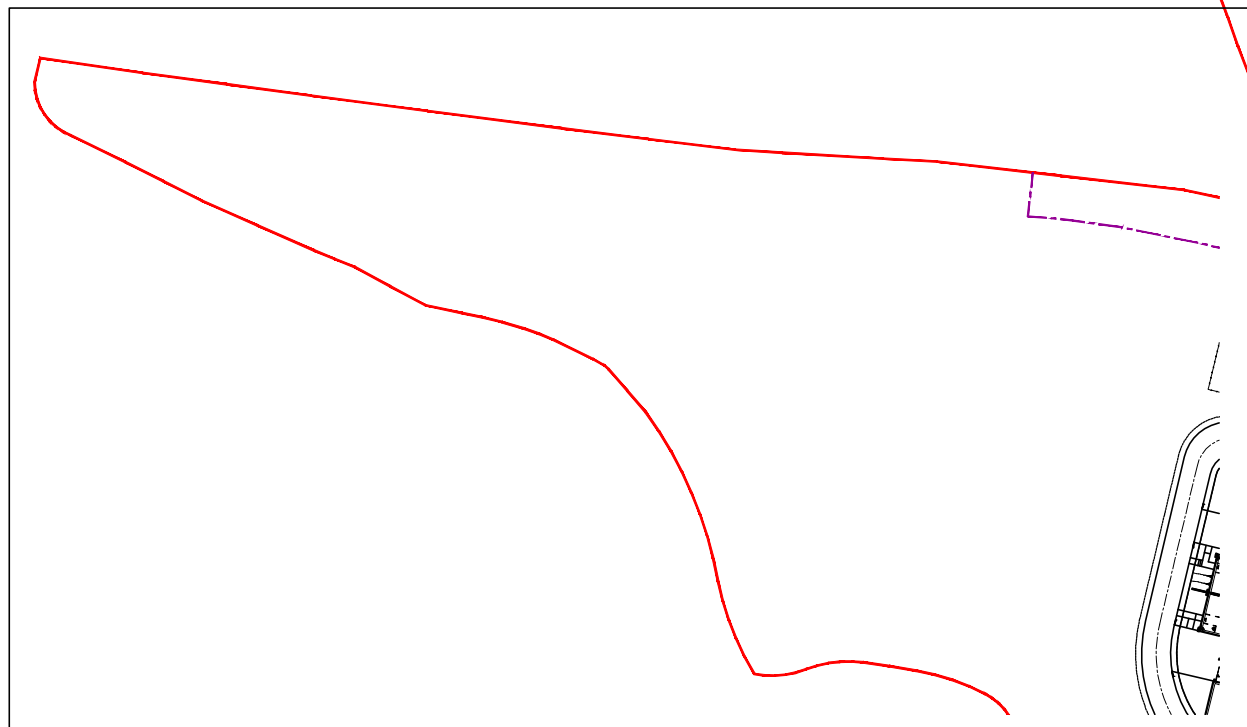
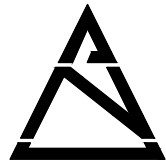
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DC/19/1046/FUL

Kentford Lodge
Herringswell Road
Kentford
CB8 7QS

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revision	
client	Matthew Homes
project	Prop. Residential Development Herringwell Rd, Kentford, Suffolk
title	Site Location Plan
 chartered architects & town planning consultants	
88 broomfield road chelmsford cm1 1ss 01245 354319/250780 admin@johnfinchpartnership.co.uk	
www.johnfinchpartnership.co.uk	
date	March 16
drawn	TW
dwg no	3042:LP
scale	1:1250 @ A3
checked	rjh
revision	

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