

Development Control Committee

Title:	Agenda											
Date:	Wednesday 5 February 2020											
Time:	PART A Commences at 10.00am PART B Commences not before 1.00pm (see list of agenda items for further details)											
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
Full Members:	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <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>The Independent Group</u> (6)</td> <td>John Burns Jason Crooks Roger Dicker</td> <td>David Gathercole David Palmer 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>The Independent Group</u> (6)	John Burns Jason Crooks Roger Dicker	David Gathercole David Palmer 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 3 FEBRUARY 2020 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 9.30 am sharp and will travel to the following sites:

- 1. Planning Application DC/19/1609/RM - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds, IP32 6SA**
Reserved Matters Application - Submission of details under DC/17/1047/OUT appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure
Site visit to be held at 9.35am
- 2. Planning Application DC/19/1700/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints, IP28 6JP**
Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan lodge holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (as amended by email on 14.01.2019 to omit 2 caravans)
Site visit to be held at 10.00am
- 3. Planning Application DC/19/0947/FUL - Dwelling 1, Herringswell Manor, Herringswell Road, Herringswell, IP28 6WJ**
Planning Application - Conversion of garages and stores to 2no Dwellings
Site visit to be held at 10.40am
- 4. Planning Application DC/19/2326/FUL - 18 Victoria Close, West Row, IP28 8QY**
Planning Application - (i) two storey side extension (ii) single storey rear extension to dwelling approved under DC/15/1450/RM
Site visit to be held at 11.15am

The coach will then travel to the Council's offices at College Heath Road, Mildenhall in order to allow for a short comfort break and refreshments (approximately 11.40-11.55am) before re-embarking and travelling to the following site:

- 5. Planning Application DC/19/0225/FUL - Land NE Haverhill, Wilsey Road, Little Wratting, CB9 7TB**
Planning Application - Temporary construction access off Chalkstone way associated with wider work at Great Wilsey Park
Site visit to be held at 12.40am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 1.30pm.

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 Document 2015	
Forest Heath Area Local Plan	St Edmundsbury Area Local Plan
Forest Heath Core Strategy 2010 as amended by the High Court Order (2011)	St Edmundsbury Core Strategy 2010
Core Strategy Single Issue Review of Policy CS7 (2019)	Vision 2031 adopted 2014 - Bury St Edmunds - Haverhill - Rural
Site Allocations Local Plan (2019)	
Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (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/changed, 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/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or Officers attending Committee on their behalf);

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend Development Control training.

Notes

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

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

Agenda

Procedural Matters Part 1 – Public

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 8 January 2020 (copy attached).

4. Planning Application DC/19/1609/RM - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds

15 - 30

Report No: **DEV/WS/20/005**

Reserved Matters Application - Submission of details under DC/17/1047/OUT appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure

5. Planning Application DC/19/1711/OUT - Land West of Three Counties Way, Three Counties Way, Withersfield

31 - 64

Report No: **DEV/WS/20/006**

Outline Planning Application (Means of Access to be considered) – up to 155no. dwellings, associated infrastructure and open space

6. Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds

65 - 110

Report No: **DEV/WS/20/007**

Planning Application - Construction of (i) 48no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)

Continued overleaf...

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

Part B

(commences not before 1pm)

	<i>Page No</i>
7. Planning Application DC/19/1714/FUL - Marlows Home and Garden, Hepworth Road, Stanton	111 - 140
Report No: DEV/WS/20/008	
Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)	
8. Planning Application DC/19/1700/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints	141 - 184
Report No: DEV/WS/20/009	
Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan lodge holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (as amended by email on 14.01.2019 to omit 2 caravans)	
9. Planning Application DC/19/0225/FUL - Land NE Haverhill, Wilsey Road, Little Wratting	185 - 204
Report No: DEV/WS/20/010	
Planning Application - Temporary construction access off Chalkstone way associated with wider work at Great Wilsey Park	
10. Planning Application DC/19/0947/FUL - Dwelling 1, Herringswell Manor, Herringswell Road, Herringswell	205 - 226
Report No: DEV/WS/20/011	
Planning Application - Conversion of garages and stores to 2no Dwellings	
11. Planning Application DC/19/1918/FUL - Land at Chardale, Dale Road, Stanton	227 - 250
Report No: DEV/WS/20/012	
Planning Application - 1no dwelling and cart lodge	

Continued overleaf...

12. Planning Application DC/19/2326/FUL - 18 Victoria Close, West Row

251 - 262

Report No: **DEV/WS/20/013**

Planning Application - (i) two storey side extension (ii) single storey rear extension to dwelling approved under DC/15/1450/RM

(On conclusion of the agenda Members of the Development Control Committee will receive a short training seminar where Officers will deliver an update on the Local Plan timescale and NPPF)

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 8 January 2020** at **10.00 am** in the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

John Burns

David Palmer

Jason Crooks

David Roach

Roger Dicker

David Smith

Andy Drummond

Peter Stevens

Susan Glossop

Don Waldron

Ian Houlder

Ann Williamson

Andy Neal

In attendance:

David Gathercole (Ward Member: Lakenheath)

73. Apologies for Absence

Apologies for absence were received from Councillor David Gathercole.

74. Substitutes

The following substitution was declared:

Councillor Andy Neal substituting for Councillor David Gathercole

75. Minutes

The minutes of the meeting held on 4 December 2019 were confirmed as a correct record and signed by the Chair.

76. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/WS/20/001)

(Councillor David Roach declared a local non-pecuniary interest in this item as a Member of Suffolk County Council's Development and Regulation Committee who had previously determined the application in respect of the new primary school which also formed part of the scheme. He would remain in the meeting but would not take part in the debate and would abstain from voting on the item.)

Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and construction of a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended)

This application was referred to the Development Control Committee as it was a proposal for 'major' development and Lakenheath Parish Council objected to the scheme.

Members were advised that the application had been considered previously by (the now dissolved) Forest Heath District Council's Development Control Committee who resolved to grant planning permission at their meeting in September 2018.

The application was returned to Committee in light of material changes in circumstances which had occurred since the previous determination. These included the adoption into the Development Plan of two new documents, namely; the Single Issue Review of Core Strategy CS7 and the Site Allocations Local Plan.

Furthermore, recent European case law and the Local Plan policy relevant to housing allocations at Lakenheath had compelled the Council to carry out a new 'Appropriate Assessment' under the provisions of the Habitats Regulations.

The Committee were informed that the paper before them was a comprehensive and stand-alone Committee report and that no regard should be given to previous reports presented to the (now dissolved) Forest Heath District Council's Development Control Committee.

Members were asked to consider the planning application afresh and to reach a new resolution, with no weight to be given to the resolution to grant planning permission made in September 2018.

In addition, Members were reminded that the application had been deferred from the November 2019 meeting of the Committee to enable a site visit to be undertaken.

It was then withdrawn from the subsequent meeting in December 2019 to enable a short consultation to take place following a minor change to the description of the development. The need to slightly change the description arose from amendments made to the planning application in 2015.

The Principal Planning Officer – Major Projects informed the meeting that errors had been identified in the S106 Agreement associated with the development (in that it mistakenly referred to Mildenhall and Red Lodge instead of Lakenheath) and this was in the process of being corrected.

The Officer recommendation for approval, subject to conditions as set out in Paragraph 418 of Report No DEV/WS/20/001, was therefore subject to the

completion of a satisfactory Deed of Variation to correct the errors in the S106.

Attention was drawn to the supplementary 'late papers' which were issued following publication of the agenda and which set out advisory comments from the Suffolk County Council Flood and Water Management Team, together with confirmation from the Environment Agency that they did not wish to amend their previous comments made in respect of the application.

Lastly, the Officer made reference to the further correspondence received from Lakenheath Parish Council earlier that week which he had circulated directly to Members for their reference.

Speakers: Councillor Gerald Kelly (Lakenheath Parish Council) spoke against the application
Councillor David Gathercole (Ward Member: Lakenheath) spoke against the application (*following which Councillor Gathercole left the meeting*)

Prior to opening the debate on the item, the Chair permitted the Service Manager (Planning – Development) to address the meeting; she advised the Committee that the High Court action referred to by the Parish Council and the Ward Member related to the planning application determined by Suffolk County Council in respect of the scheme. This formed an entirely separate application to that which was before West Suffolk Members seeking determination.

Councillor Andy Neal spoke at length against the application, following which, and in light of Councillor Neal having read from a detailed prepared statement, the Lawyer advising the meeting drew the Councillor's attention to the West Suffolk Planning Code of Conduct and in particular the section on predetermination which she read out to the meeting. In response to which, Councillor Neal stated that he was considering the application with an open mind.

A lengthy debate then ensued, with a number of Members making comment/posing questions on the application which the Principal Planning Officer – Major Projects responded to as follows:

Location – Members were advised that the Local Plan had allocated the site in question for residential housing and a primary school, the location of the scheme was therefore not for debate by the Committee;

Flightpath/Noise Contours – as part of his presentation to the meeting the Officer made reference in detail to the flightpaths/noise contour zones that applied to Lakenheath and the surrounding area. This included reminding the Committee that those who attended the site visit (at the nearby site at Briscoe Way) had witnessed jets passing directly overhead and deviated from the alleged flightpath over the application site;

Transport Assessment – Suffolk County Council had been consulted on this matter and had consistently advised that they held no objections to the proposals, including in response to the most recent consultation carried out in December 2019. The Officer confirmed his planning judgement that the Transport Assessment (and indeed, all other evidence documents) was still considered to be a robust and valid document with no changes in

circumstances identified and no evidence having been submitted to the contrary;

Need for Primary School – Members were reminded that the need for a second primary school in Lakenheath was not to be considered in isolation with this one application. The Local Plan had allocated 663 new dwellings for Lakenheath, meaning a second primary school was needed for the village;

Speed Limit – The Officer confirmed that the 30mph speed limit was already in place on the highway across the frontage of the site. He also made reference to the other related highways/junction improvements that would be required and secured.

Following reference made by the Committee to the Appeal Court action the Principal Planning Officer – Major Projects provided further explanation on this matter. He outlined the content of the appeal which was on two grounds; the Equality Act 2010 and the Environmental Impact Assessment that accompanied that particular planning application, and drew attention to the paragraphs within his report that addressed these elements.

The Chair permitted Members a few moments in which to reread the sections in question.

Following which, Councillor David Smith made reference to the report published by the Civil Aviation Authority in 2016 which Lakenheath Community Primary School had cited in their representation.

The Principal Planning Officer – Major Projects reminded Members that the existing primary school in Lakenheath fell within a higher noise contour than the application site. Furthermore, it was a Victorian building with limited noise mitigation measures. However, no evidence had been submitted to demonstrate that the pupils within the school were adversely affected by aircraft noise. The Officer also referred to the summary of the CAA report on aviation noise set out in the report.

It was moved by Councillor Andy Drummond that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens.

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

Decision

Planning permission be **GRANTED** following completion of a satisfactory Deed of Variation under S106A of the Town and Country Planning Act to correct errors identified in the completed S106 Agreement and subject to the following conditions:

- Time limit for submission of reserved matters (3 years) and 2 years for commencement of development following final approval of the reserved matters.
- Details of the reserved matters to be submitted for approval via formal application (appearance, landscaping, layout and scale).
- Listing of the approved plans (access is included for consideration

at outline stage)

- Materials (details to be submitted with the Reserved Matters)
- Submission of a design statement to accompany reserved matters submission/s.
- Sustainable construction and operation methods, (further details to be submitted with reserved matters and thereafter implemented)
- Water efficiency measures (requiring stricter optional standards of the Building Regulations)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Landscaping details (including precise details of new hard and soft landscaping, its implementation on site and its management and maintenance thereafter)
- Details of tree planting to replace specimens required to be felled for site access.
- Woodland management scheme (for retained/new/replacement trees)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required, particularly to the existing tree belts (bats) and for reptiles)
- Construction management plan (to maintain environmental and amenity controls, including , contractors parking, provisions for loading and unloading, storage of plant and materials, wheel washing facilities, controls over dust emissions, construction and demolition waste recycling scheme, construction hours, construction lighting, surface water management during construction)
- As recommended by the Local Highway Authority, including precise details of the proposed access (including visibility splays), timing of surfacing of the access, details of bin storage, prevention of surface water discharging from the site onto the highway, precise details of estate roads and footpaths, timing of provision of estate roads and footpaths, timing of provision of the access visibility splays, travel plan details, deliveries management plan for HGV deliveries, details of areas for manoeuvring and parking of vehicles (including turning space), removal of permitted development rights within the access visibility splays and off site highway works (Eriswell Road junction).
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure to plot and overall site boundaries (details to be submitted with relevant Reserved Matters submissions)
- Noise condition to ensure WHO standards are met within the dwellings (daytime and night standards).
- Noise condition to ensure internal standards are met within the school building (compliance with Design Bulletin 93 standards).
- Acoustic design statement detailing i) how the approach to the layout of the site has mitigated against noise and ii) how the lowest practicable noise levels in the external areas of the site (gardens, open spaces and school grounds) can be achieved.
- Provision and position of fire hydrants to be agreed.

- Waste minimisation and re-cycling strategy
- Details of the foul and a 'SUDS' surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology – Implementation of a programme of archaeological work in accordance with a written scheme of investigation (to be approved) and submission of a site investigation and post investigation assessment prior to first occupation.
- Reserved Matters submissions to generally accord with the concept/illustrative plans (land uses and SANG arrangements).
- Landscape and ecology management plan
- Open space to accord with SPD requirements and all open spaces to be submitted with the first submission of reserved matters. Details of management and maintenance of the public open spaces to be agreed. This excludes the 'SANG' provision which is addressed in the S106 Agreement.
- Provision of public access to the public open spaces in perpetuity.
- Details of internal pedestrian and cyclist links to be provided with Reserved Matters submissions (including permanent and any temporary pedestrian links to the SANG land and to the school).
- Details of secure cycle storage
- Further/updated arboricultural assessments to be provided with Reserved Matters submission/s.-
- Phasing plan to be submitted with first RM's submission to detail how the housing will be delivered and provision of public open spaces, footpath links and strategic landscaping to support the delivery of the housing.
- Affordable housing scheme (type, tenure and location on the site (clustering) of the affordable housing
- Visitor information boards to the SANG (details to be agreed and thereafter a scheme to be implemented)
- Landscape strategy which shall include full details of the layout and landscaping of the SANG land (including its internal and external boundaries footpath provision and access) and how the strategic landscaping and public open spaces will link to the Rabbit Hill Covert development to the south west.
- Ecology information pack for residents of the scheme.
- Electric vehicle charge points (1 per dwelling with on-plot parking space)
- Protection of nesting birds during any tree felling – felling to take place outside the bird nesting season unless overseen by an ecology expert.
- Lighting design strategy for ecology – to ensure bats using the tree corridors are not disturbed by street lighting.
- Submission of an odour assessment which must be approved by the LPA prior to submission of any reserved matters for housing. The assessment will need to establish if the application site is affected by odour emissions from the sewage treatment works located to the east, the extent of any impact identified and, if required, proposals for mitigation. Any reserved matters considered subsequently would need to adhere to the recommendations of the odour assessment.

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

77. **Planning Application DC/19/0514/FUL - Offices, James Reinman Marine Ltd, The Broadway, Pakenham (Report No: DEV/WS/20/002)**

Planning Application - 2 no. dwellings (following demolition of existing work sheds) and associated works (as amended by email received 31.07.2019 to reduce the scheme from 3 dwellings to 2)

This application was originally referred to the Development Control Committee in December 2019 following consideration by the Delegation Panel.

Both Pakenham Parish Council and the Ward Member (Pakenham and Troston) Councillor Simon Brown supported the application, which was contrary to the Officer recommendation of refusal.

A Member site visit was held prior to the meeting in December.

At the Committee meeting Members resolved that they were 'minded to approve' the application contrary to the Officer recommendation of refusal.

Accordingly, the Decision Making Protocol was invoked in order for a Risk Assessment to be produced for Members' further consideration and as set out in the report before the Committee.

Officers were continuing to recommend that the application be refused, for the reason set out in Paragraph 16 of Report No DEV/WS/20/002.

Speaker: James Platt (agent) spoke in support of the application

Whilst some of the Committee voiced support for the application, other Members spoke on the importance of rural employment sites and considered the application to be premature in light of the site currently being used by an existing business.

In response to a question posed, the Service Manager (Planning – Development) explained that the West Suffolk Local Plan was currently in infancy stage, therefore, no weight could be attributed towards it in respect of the site in question.

Councillor Ian Houlder proposed that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Susan Glossop.

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 **REFUSED** for the following reason:

1. The site is in the open countryside in a location remote from services and facilities. Policy RV3 of the Rural Vision 2031 states that residential

development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. There are exceptions to allow for housing development in the countryside as set out under DM5 (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings), but this proposal does not satisfy any of these exceptions. The site is also not allocated for residential development in the Local Plan. West Suffolk can demonstrate a deliverable five year housing land supply and therefore the development plan can be considered up to date. The proposal therefore fails to comply with policy RV3 of the Rural Vision 2031, Core Strategy policy CS1 and CS4 and Policy DM5 of the Joint Development Management Policies Local Plan and the NPPF, particularly paragraphs 11, 77 and 79 and is considered unacceptable as a matter of principle. Moreover the proposal would result in the loss of an existing employment site. Without sufficient justification the proposal is contrary to policy DM30. The limited social benefits from a financial contribution to affordable housing and marginal social and economic benefits from the provision of two market houses is not considered to outweigh the substantial harm by the proposal undermining the adopted spatial strategy for rural housing and employment in the development plan.

The Local Planning Authority does not consider that there are material factors that justify any other decision. The claims of a 'fall back' builder's yard use by the applicant do not bear scrutiny. Firstly, the Authority is of the opinion that subsequent changes in the use of the site, including the change of use using permitted development rights of two buildings to dwellings started a new chapter in the planning history of the site. This would mean that any former builder's yard use would have been extinguished at this point. If, and without prejudice, this argument is not accepted, then the facts of the situation, including the period of time and the extent of intervening uses, indicate very firmly that any builder's yard use that might have existed, and may still have existed beyond the implementation of the prior notification approvals, has otherwise been abandoned. Even if this argument is not accepted, then the Authority would argue that the likelihood of any builder's yard use recommencing is unlikely, significantly limiting the weight to be attached to such. Furthermore, even if such a use was shown to be extant, and however unlikely, it did recommence, the Authority is of the view that any such use would be preferable to the provision of two dwellings on the site, noting the clear harm arising from such. On this basis, the Authority is of the opinion that no weight can be attached to any claimed 'fall-back' arguments relating to the planning history of the site and that determination should be made in accordance with the provisions of the NPPF and the Development Plan, both of which very clearly indicate refusal.

78. Planning Application DC/19/1817/FUL - The Old Pumping Station, Lower Road, Hundon (Report No: DEV/WS/20/003)

Planning Application - (i) 3no. dwellings and associated garages (ii) pedestrian link to public footpath (iv) alterations to existing access

This application was referred to the Development Control Committee as the application was contrary to the Development Plan and was recommended for approval, subject to conditions, as set out in Paragraph 92 of Report No DEV/WS/20/003.

A Member site visit was held prior to the meeting.

As part of her presentation to the Committee the Senior Planning Officer spoke in detail on the planning history of the site and referenced site comparisons within West Suffolk.

Speaker: Michael Hendry (agent) spoke in support of the application

Considerable discussion took place, with some Members raising concern at the recommendation being contrary to the Development Plan.

The Service Manager (Planning – Development) explained to Members that previous applications had been in outline form, unlike the scheme before the Committee which was a full application; meaning that full details of the scheme were available and so relevant material considerations emanating from the detailed scheme could be applied in the planning balance when coming to a recommendation that was contrary to the Development Plan.

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

Upon being put to the vote and with 12 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
- 4 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as

- set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 5 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.
- 6 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.
- 7 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 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.
- 9 The strategy for the disposal of surface water (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) and the Flood Risk Assessment (FRA) (dated 28 August 2019, ref: 2020/2019 Rev C by EAS) shall be implemented as approved in writing by the Local Planning Authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 10 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 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.

- 11 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
- 12 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 13 No development above slab level shall take place until samples/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.
- 14 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 15 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No 18033-05 Rev F and made available for use prior to occupation. It shall be retained thereafter in its approved form.
- 16 Prior to first use of the development hereby permitted, the existing access onto the site shall be properly surfaced with a bound impervious material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 17 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 18 Before the access is first used clear visibility at a height of 0.6 metres

above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120metres to the northwest and 43metres to the southeast metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

- 19 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 18033-05 Rev F 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.

79. Planning Application DC/19/1918/FUL - Land at Chardale, Dale Road, Stanton (Report No: DEV/WS/20/004)

Planning Application - 1no dwelling and cart lodge

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the Parish Council supporting the scheme which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 47 of Report No DEV/WS/20/004.

A Member site visit was held prior to the meeting.

As part of his presentation to the Committee the Planning Officer outlined the planning history of the site and explained how the scheme was contrary to the Development Plan.

Councillor Peter Stevens praised the use of a table within the PowerPoint presentation which highlighted the planning balance and requested that this visual form be included in future Committee reports.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application
Graham Bettany (applicant) spoke in support of the application

Debate ensued, with some Members voicing support for the application.

Councillor Jim Thorndyke made reference to errors within the report before the Committee and highlighted that, contrary to Paragraph 31, there was a pedestrian footpath that reached the application site.

In response to a question, the Service Manager (Planning – Development) explained that settlement boundaries would be looked at as part of the development of the West Suffolk Local Plan.

Councillors David Roach and Andy Drummond spoke in support of the application. They considered it to be a sustainable development, highlighted that a 'cluster of dwellings' was subjective and remarked upon the marginal increase the scheme would contribute to the District's housing supply and economy.

Councillor Roach proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Drummond.

The Service Manager (Planning - Development) explained that if Members were minded to approve the application, contrary to the Officer recommendation, then the Decision Making Protocol would need to be invoked and a Risk Assessment would be produced for consideration by the Committee at a subsequent meeting.

Upon being put to the vote and with 13 voting for the motion and 3 against, it was resolved that

Decision

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

The meeting concluded at 12.42pm

Signed by:

Chair

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Development Control Committee

5 February 2020

Planning Application DC/19/1609/RM – Former Howard Community Primary School, St Olaves Road, Bury St Edmunds

Date Registered:	11.10.2019	Expiry Date:	10.01.2020 (EOT to 10.02.2020)
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	St Olaves
Proposal:	Reserved Matters Application - Submission of details under DC/17/1047/OUT appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure		
Site:	Former Howard Community Primary School, St Olaves Road, Bury St Edmunds		
Applicant:	Mr J Whelan - Keepmoat Homes		

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:

The application is referred to the Development Control Committee at the request of Members of the former St Edmundsbury Borough Council (SEBC) when the original outline application for up to 79 dwellings was considered in December 2017.

The outline application for this site was previously referred to St Edmundsbury Development Control Committee as one of the applicants was St Edmundsbury Borough Council (SEBC) who was the owner of part of the site. West Suffolk Council now owns part of the site, which is sold subject to contract.

A site visit is scheduled to take place on Monday 3 February 2020.

Proposal:

1. Reserved Matters Application - Submission of details of appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure.

Application Supporting Material:

2. The application is supported by the following plans and documents:
 - Site layout plan
 - Plans and elevation drawings
 - Street scenes
 - Materials plan
 - Enclosures plans
 - Parking strategy
 - Landscape masterplan
 - Levels plans
 - Drainage details

Site Details:

3. The application site extends to some 2.8 hectares and includes buildings relating to the Howard Community Primary School, Carousel Children's Centre and Newbury Community Centre. The site is situated in a predominantly residential area to the south of St. Olaves Road and east of the former school playing field on Beetons Way (Eagle Walk) and St Olaves Road, and south of the adjoining public park. A small shopping precinct is located to the north west of the site. The site is located outside the Bury St Edmunds Conservation Area and within the defined settlement boundary.
4. Following approval at committee in December 2017, outline planning permission was granted on the 11 October 2019 for the redevelopment of site to provide up to a maximum 79 no. residential units (Class C3) and a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking, open space, landscaping and infrastructure.

Planning History:

Reference	Proposal	Status	Decision Date
DC/17/1047/OUT	Outline planning application - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure	Approved	11.10.2019

Consultations:

5. WSC Arboriculture Officer - The retention of some of the trees shown to be removed in the earlier plans are welcomed. The removal of Category A trees that are visually prominent within the public realm should always be given significant weight in the planning process, due consideration should be given to the necessity of their removal and if changes in layout may accommodate their retention. If consent is to be granted, it is recommended that a detailed arboricultural method statement and tree protection plan be requested by condition.
6. Environment Team - no objection.
7. Sport England - no objection.
8. Natural England - no objection.
9. Suffolk Wildlife Trust - request evidence of ecological enhancements.
10. WSC Public Health and Housing - Agree with the conclusions reached for potential noise impacts on the new properties within the development, from existing transport sources. I also agree with the conclusions reached and recommendations for additional conditions to control noise from the external plant or equipment that is likely to be serving the community centre.

However with respect to the potential for elevated music noise being emitted from the community centre at night I do not consider sufficient information has been provided at this stage for me to determine appropriate conditions to control this. The noise consultant has been advised that music is unlikely to continue after 2300 hours and so therefore noise limits for internal music levels have only been proposed up to 2300 hours, having considered likely structural design of the building, the keeping of all windows and doors closed when music is played, and controls over low frequency components in the sound. My

opinion is that it is likely that the site will want to be available for events involving music after 2300 hours. If the use of music within the building is conditioned to only up to 2300 hours then I can accept the proposals from the noise report and would want to see an appropriately worded condition to secure protections for surrounding properties. If this is not to be the case then further details clarifying that use of the site for music after 2300 hours will be acceptable on noise grounds must be submitted and approved by the LPA.

Suggested conditions or amendments:

- The glazing and ventilation of the dwellings shall be constructed as recommended by SRL Noise Report, Ref C14898A/TO1A/TRMD, dated 11th January 2019, so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB (A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided.

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, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- The rated day time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to 42dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.

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.

- The rated night time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to 38 dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.

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.

- The site preparation and construction works, including road works, shall be carried out between the hours of:
08:00 to 18:00 Mondays to Fridays
08:00 - 13.30 Saturdays
And at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

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.

- Standard condition 04D – A Construction Method Statement is required.

Reason: To protect the amenity of occupiers of adjacent properties from noise and dust, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

- No external lighting to the Community Centre to be erected until a scheme to demonstrate adequate protection for exiting residents has been submitted to and approved in writing by the LPA.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- No playing of amplified music within the Community Centre until a scheme for the prevention of music noise breakout has been submitted to and approved by the LPA, that includes, but is not limited to details of the structure of the building, the timing of events, the methods to be adopted to control the low frequency component of the sound, the management systems to be put in place to monitor and control noise breakout etc. A noise management plan should also consider the control of noise impacts from the use of external areas and car parking facilities.

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.

11. WSC Landscape and Ecology Officer - There are a large number of trees on this site located on the periphery that should be retained. The trees around this site are of high public amenity value. They contribute to the character of the urban area and contribute to ecosystem services.

The trees around the periphery of this site are particularly important because:

- To the north and west they form an avenue either side of a public right of way that gives access to the playing fields
- To the east they mark the route of Eagle Walk; and
- To the southwest the street trees are an amenity feature along St Olaves Road

The trees should be retained. And the design of the development amended so that they are afforded sufficient room to ensure that they do not come under pressure in the future that would threaten their amenity (for example by requiring inappropriate pruning and management) or their retention. The green corridor to the south east of the PRow as it crosses the development site is welcomed.

There are no details of enhancement measures which are outlined in the reports submitted with the outline as follows. Ideally these should be

integrated into the design and opportunities should be identified at this stage on the plans including the landscape masterplan:

- Enhancement measures for bat species which occur locally, should be incorporated into the design of the new scheme. This could take the form of bat boxes, such as Schwegler bat boxes, and /or and / or bat bricks. New buildings should aim to support sustainability initiatives, e.g. through the provision of green roofs, green walls etc. which would provide bats with increased on site foraging opportunities.
- Retain trees with potential for bat roosts unless a bat ecologist has carried out an inspection and recommended that felling can proceed without harm to bats.
- Any future development of the site must include native tree and shrub planting to compensate for the areas lost.
- Replace any bird boxes lost

12. Designing Out Crime Officer DOCO (Police) – has made various comments and suggested improvements regarding design out crime and in particular improving overlooking and natural surveillance in certain areas. Regard was also had to the context of the existing site and areas of existing anti-social behaviour. (The DOCO was involved in recent discussions with the applicants and amended plans have been produced addressing as much as possible the concerns raised.)

13. SCC Highways – Initial concerns regarding the design of the junctions with St Olaves Road have been addressed. There are outstanding matters that need clarification (as street lighting, highway drainage, treatment of the right of way, location and species of trees close to the highway, signing for the Private Roads, location of bollards), however these are capable of being dealt with by condition.

14. SCC Flood & Water Management – Final comments to be reported.

Representations:

15. Bury St Edmunds Town Council - no objection in planning terms but asks that more attention be paid to improvement of the street scene and traffic generation and that a vehicle charging point be installed.

16. Local Residents – Five letters of objection received from local residents, mainly objecting to the principle of development. Concerns raised also included noise, parking and increase in crime.

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:

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM46 Parking Standards

Bury St Edmunds Vision 2031

- Vision Policy BV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

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:

20. 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 Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the St Edmundsbury Core Strategy

Development Plan Document (adopted Dec 2010) and the Bury Vision 2031 Document (adopted Sep 2014). National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

21. 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. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.
22. As the principle of the development of up to 79 dwellings and its access from St Olaves Road has already been established with the granting outline planning permission the issues to be considered in the determination of the application are:
 - Site layout (including amenity impacts)
 - Appearance
 - Scale
 - Landscaping

Site Layout

23. The site layout broadly follows the indicative layout plan submitted with the outline planning application. Three access points are located at newly created junctions with St Olaves Road, the principle of these access locations having already been approved with the granting of outline planning permission. The main entrance to the development is located to the SE of the site close to Eagle Walk, and this leads onto the new community centre building located towards the north corner of the site.
24. Following comments from key consultees including SCC Highways, the Designing Out Crime Officer (Police) and the Council's Senior Urban Design Officer, the proposed plans have been amended to ensure that the site layout is easier to navigate, permeable where appropriate, and safe while maintaining a sense of place. An example of this is the provision of natural surveillance of the neighbouring play area to the north, with additional windows in the gable elevations of plots 7 and 8. The north-eastern boundary to these plots will be 1.5m fence with 0.3m trellis, enabling further natural surveillance. Maisonettes at plots 35 and 39 will also ensure direct overlooking of the play area adjacent the community centre and wider open space. As is often the case, the permeability of a site is an issue of balancing out designing out crime and the requirements for pedestrian friendly design.
25. The residential element of the scheme proposes a variety of house types with a mix of 2, 3 and 4 bed houses. House types are predominantly terrace and semi-detached and two-storey in scale. The proposal includes 30% affordable housing (23 units) and these are a mix of two and three bed properties with a mix of rent and shared ownership. The houses are located across two separate clusters. The housing tenure mix has been agreed in consultation with the Local Planning Authority and the preferred Housing Association.

26. The houses have been positioned where possible to take advantage of the site's position adjacent to existing open space and the tree lined Eagle Walk to the east and footpath to the north of the site. Where possible houses either front-on to or are side-on to Eagle Walk to ensure some overlooking and interaction with this public space. The scheme provides for additional overlooking and activity adjacent the existing play area to the NW of the site. This is hoped will reduce the current level of anti-social behaviour in this area. The scheme also retains as many as possible of the existing trees on the site.
27. In terms of amenity, the layout has ensured that there will be no direct overlooking of neighbouring properties on Eagle Walk, and the boundary to the parking area at the north east of the site will have a mixture of existing and new landscaping to help minimise the general disturbance to amenity from cars manoeuvring in this area. Noise impact from the Community Centre has also been considered, and appropriate hours of use limits and noise restrictions will be secured by condition (as requested by Public Health and Housing). Should the Community Centre wish to amend the hours of use of the building in the future, for example for specific events, then this can be considered by the Council through the submission of a further planning application.
28. In terms of the amenity of new residents, generally satisfactory separation distances between dwellings have been achieved. Where side gables face the rear gardens of neighbouring properties, a condition will restrict further openings being created without permission, thus avoiding overlooking issues being created.
29. Details of the new community centre (incorporating the Carousel Children's Centre) have also been submitted. This is to be located towards the NE corner of the site and accessed from the main spine road into the site. The building is single storey although elements of the building will be two-storey in scale to accommodate its various future uses. The centre will accommodate a Social Club, two halls (one small and one large hall capable of being divided into two smaller halls), a community hub café, committee room, offices and associated uses. The proposals also allow for the future provision of changing facilities. The Community Centre is located adjacent to the recreation space and is bounded to the north by the footpath. The corner of the building is located on the vista of the site's eastern access. Adjacent to the Community Centre is a parking provision for 62 vehicles including four disabled spaces.
30. Facilities associated with the community centre include covered cycle storage for up to 16 bicycles, covered secure buggy storage for up to 12 buggies, a covered smoking shelter, external seating and an external enclosure for bins/storage. There is an external play area for the Children's Centre as well as a mix of hard and soft landscaping around the building.
31. The final amended scheme has, where possible, taken into account comments from SCC Highways and now incorporates a highway layout and parking that accords with Parking Standards and is considered safe in terms of overall highway safety. Only the junctions and the first section of the entrance road will be adopted, with the remaining estate roads being managed by a private management company. SCC Highways have accepted the final amended plans and raise no objection subject to final details of the lighting and drainage elements being submitted and approved by condition.

32. The amended design and layout is considered to accord with Core Strategy Policy CS3 and Joint Development Management Policies DM2, DM22 and DM46.

Appearance & Scale

33. The height and massing of the proposed development is reflective of the local context. All dwellings are two storey, including a mixture of detached, semi-detached and short terraced properties. Variety is achieved through the use of a range of house types and sizes ranging from smaller units to 3-4 bedroom detached houses.

34. Certain landmark buildings are treated with contrasting materials at key vistas within the site and the new Community Centre will act as at the main landmark building. The corner of the building visible from the site entrance will be picked out in a bold colour, to create a feature corner visible from the site entrance. The dynamic, undulating roof profile will further enhance the importance of the building in the street scene. The overall design of the Community Centre building has evolved through extensive consultation with the community representatives, Newbury Community Association and the Carousel Children's Centre. The most recent design changes include:

- Feature entrance to the building facing the car park and the main site entrance;
- Picking out the Children's Centre in a bold colour, to create a feature corner visible from the site entrance;
- Areas of external brickwork provided for possible signage/art works;
- Robust materials including cladding chosen for long term maintenance reasons;
- Security – roof, drain pipes etc. addressed through design;
- Avoiding a flat roof through the provision of a dynamic, undulating roof profile provides opportunities for PV and/or other renewable sources.

35. In terms of appearance the proposed houses will utilise materials and details that are reflective of the local area. The following materials are proposed for the dwellings:

- Red brick;
- Buff brick;
- White Render;
- Grey roof tiles;
- Brown roof tiles;
- Park grey front door;
- White barge boards / fascias / canopies;
- White UPVC windows; and
- Black rainwater goods.

36. Example street scenes have been submitted with the application and these show that the general appearance of the dwellings will create a sense of place whilst fitting in with the local established character of the area. Overall the submitted details indicate a development that is acceptable taking into account the context of the site and is in accordance with Policies DM2 and DM22.

Landscaping

37. The proposal includes a strong landscaping scheme that is based around providing public open space and green infrastructure. As required by the SPD for Open Space, Sport and Recreation Facilities (December 2012) a total of 24 Sqm of open space per person is required. For 79 dwellings this would require about 4,550 Sqm (0.455 Ha) of open space based on an assumed 2.4 persons per dwelling. The total open space provided by the site is approximately 0.677 Ha, in excess of the required provision.
38. The applicants have had to consider trees in the wider context of the site's constraints and the outline consent for 79 houses and a community centre. A combination of the site's topography, approved points of access, and requirement for on-site SuDs means that the retention of three Category A trees to the south east of the site is not possible. Overall, there are 81 trees on site, of which 30 are proposed to be removed and 51 retained. The removal of Category A trees that are visually prominent within the public realm should always be given significant weight in the planning process, and this has to be balanced against the benefits of the scheme and whether or not alternative proposals could avoid their removal. It is noted however that additional trees would be planted to integrate the scheme into its context, soften the approach to the development and also provide additional privacy for existing residents as well as new residents. This would take many years to establish however and this fact weighs against the scheme.
39. The POS areas also include new tree and hedge planting, and three new attenuation semi dry ponds with knee rail fencing provide additional biodiversity enhancements and landscape features within the scheme. Further enhancement measures incorporated within the scheme and secured by condition will include:
- Planting of habitats which will be of value to wildlife, such as native seed and fruit bearing species and nectar rich species
 - Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub or native thicket such as song thrush, and bat boxes for species such as common pipistrelle.
 - Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and the wider area. 130 x 130 mm holes in fence panels at ground level, gaps beneath gates, brick spaces at base of brick walls, hedgehog houses.
 - Creation of deadwood habitat for hedgehog and invertebrate species.
40. Overall, whilst the loss of some trees on site is regrettable, regard has to be had to the constraints of the site and the minimum quantum of development required to provide for the policy required affordable housing and the delivery of a new Community Centre. These are significant benefits to the local area and these are considered to outweigh the harm caused through the loss of some of the existing trees on site. Replacement tree planting goes some way to help mitigate this impact. It is considered that the overall landscaping scheme, replacement tree planting, and biodiversity enhancements are acceptable and in general accordance with Joint Development Management Policy DM13 in this regard.

Conclusion:

41. The detail of the development is considered to be acceptable and in compliance with the relevant development plan policies and the National Planning Policy

Framework. Relevant conditions attached to the outline planning permission deal with the implementation of the access, visibility splays, estate roads, refuse/recycling, drainage landscaping, ecology, archaeology, materials, and the submission of a construction and deliveries management plan. Additional conditions attached to any RM approval will cover internal estate road details and the requirement for arboricultural management and tree protection plans to be submitted and approved. Finally, the use of the Community Centre can be made acceptable through the imposition of limited hours and noise limit conditions.

Recommendation:

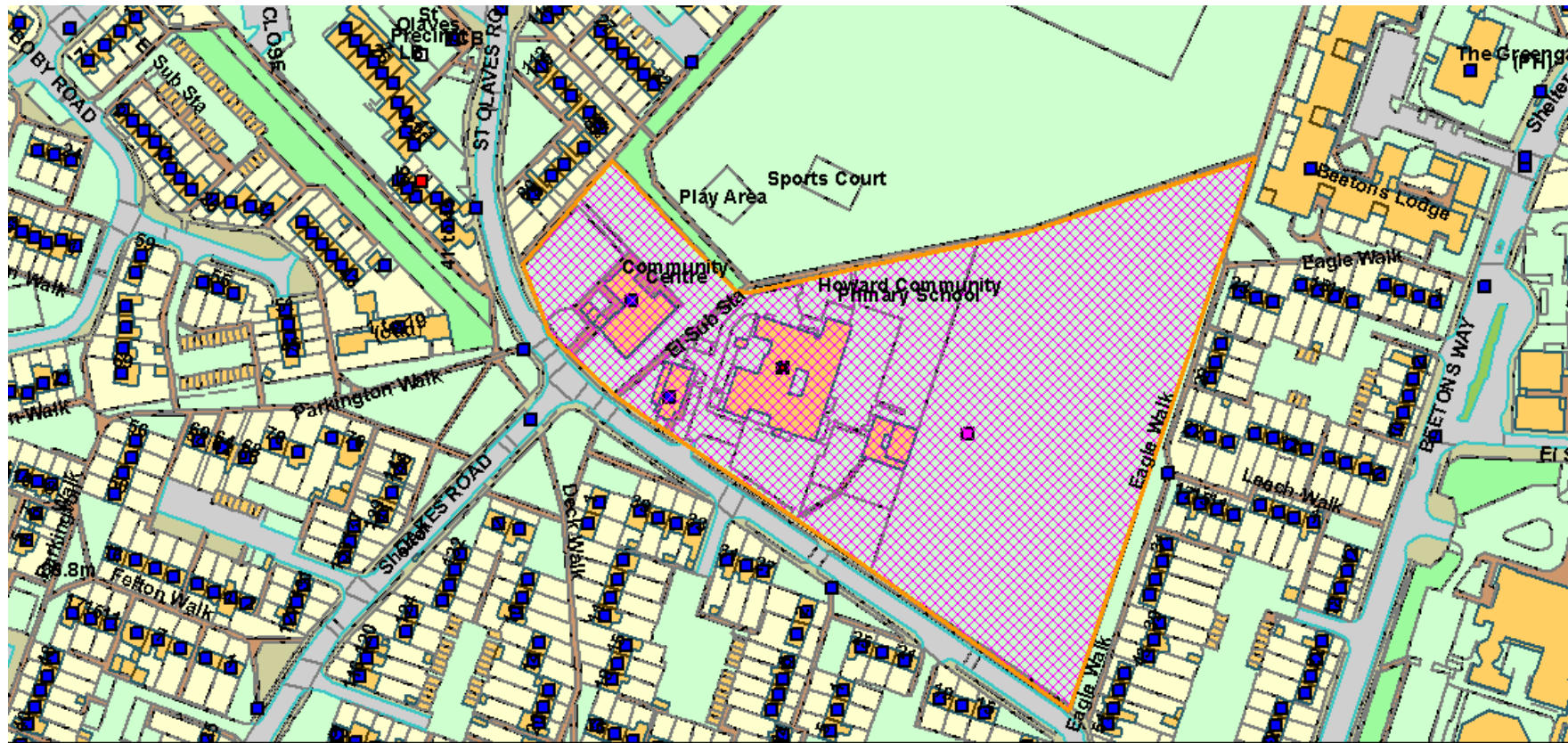
42. It is recommended that the reserved matters be **APPROVED** subject to the following conditions:

1. In accordance with approved drawings
2. Arboricultural method statement to be agreed
3. PD removed for new openings in side elevations, plots 5, 10, 23, 33, 34, 38, 55, 68 and 71
4. Bathroom windows in side elevations of dwellings to be obscure glazed
5. Noise sound attenuation to be submitted and agreed (dwellings)
6. Plant noise levels (Community Centre)
7. Site preparation and construction works – restricted hours
8. Construction Method Statement - to be submitted and agreed
9. No external lighting to Community centre unless first agreed in writing
10. No playing of amplified music within the Community Centre until a scheme for the prevention of noise breakout has been agreed
11. Hours of use of community centre restricted to 8am to 11:30pm Sunday to Thursday, 8am to 12am (midnight) Fridays and Saturdays, with the exception of up to 12 times per calendar year, when the opening hours shall be restricted to 1am. A written record shall be kept of the extended opening hours and this shall be made available to the LPA by request.
12. Implementation of Ecological mitigation
13. Highways conditions (TBC)

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1609/RM](https://www.dorsetcouncil.gov.uk/DC/19/1609/RM)












DC/19/1609/RM
Former Howard Primary School



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- KEY:**
-  APPLICATION SITE BOUNDARY
2.82 HA
 -  NET DEVELOPABLE AREA
1.44 HA
 -  OPEN MARKET DWELLING
 -  AFFORDABLE DWELLING
 -  NCA DWELLING
 -  PLAY AREA ENCLOSED WITH ROLL TOP FENCING
 -  EXISTING PUBLIC RIGHT OF WAY RETAINED
 -  POTENTIAL FOOTWAY LINKS TO NEIGHBOURING PEDESTRIAN ROUTES AND SPORTS PITCHES
 -  EXISTING VEGETATION SUBJECT TO SURVEY
 -  INDICATIVE PLANTING
 -  FOOTPRINT OF EXISTING BUILDINGS

OPEN MARKET

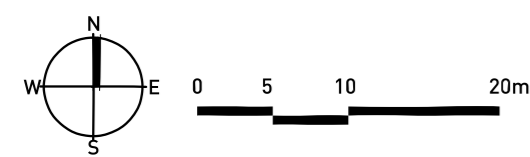
Fairfield (NCA)	2B	1	
Pixton (NCA)	2B	1	
Abbey	2B	8	
Fairfield	2B	7	30% 2Bed
Kendal	3B	15	
Caddington	3B	10	55% 3Bed
Windsor	3B	4	
Warwick	3B	2	
Rothway	4B	8	14% 2Bed
		56	

AFFORDABLE

2BM	2B	6	
Pixton	2B	13	
Ragley	3B	4	
		23	

NET AREA 1.58HA

NET DENSITY 50 DPH



LAND AT FORMER HOWARD PRIMARY SCHOOL, BURY ST EDMUNDS - SITE LAYOUT



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Development Control Committee 5 February 2020

Planning Application DC/19/1711/OUT – Land West of Three Counties Way, Three Counties Way, Withersfield

Date Registered:	20.08.2019	Expiry Date:	19.11.2019 (EOT to 07.02.2020)
Case Officer:	Gary Hancox	Recommendation:	Refuse Application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Outline Planning Application (Means of Access to be considered) – up to 155no. dwellings, associated infrastructure and open space		
Site:	Land West of Three Counties Way, Three Counties Way, Withersfield		
Applicant:	Jaynic Investments LLP		

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:

The application, being a major, has been referred to the Development Control Committee because Withersfield Parish Council have given support to the proposal contrary to the Officer recommendation of REFUSAL.

Proposal:

1. Outline Planning Application (Means of Access to be considered) – for up to 155 dwellings, associated infrastructure and open space.

Application Supporting Material:

2. The application is accompanied by the following documents:

- Site Location Plan;
- Opportunities and Influences Plan;
- Development Framework Plan;
- Natural Play Ideas Plan;
- Landscape Framework Plan;
- Design and Access Statement;
- Topographical Survey;
- Transport Assessment;
- Interim Residential Travel Plan;
- Flood Risk Assessment and Drainage Strategy;
- Open Space Assessment;
- Tree Constraints Plan;
- Preliminary Ecological Appraisal & Ecological Desk Study;
- Landscape and Visual Impact Assessment;
- Phase 1 Desk Study;
- Ground Investigation Report;
- Acoustic Assessment;
- Statement of Community Engagement; and,
- Employment Land Report (including full marketing report).

Site Details:

3. The site extends to approximately 5.5 hectares and forms the majority of an allocated site for employment use having the benefit of outline planning permission for a research and development business park and a hotel. It is located at the western edge of Haverhill but within the parish of Withersfield and beyond the residential development at Hanchet village. It is adjoined by the Haverhill by-pass (A1017) to the south west and Cambridge Road to the north (A1307). Adjoining the site to the east is the residential development known as the 'Arboretum'. This development shares the main spine road serving the site with access to the A1017 and is serviced with infrastructure having already been provided, including sustainable drainage attenuation features and a landscaped pond.
4. The site is split up into two parcels, plots 300 and 400, these being 2 of 4 development parcels within the Haverhill Research Park allocation (HRP). A development of 155 dwellings would represent a gross development density of 28 dph, and when taking into account the existing landscaping and infrastructure, a net development density of 45 dph.

Planning History:

Reference	Proposal	Status	Decision Date
SE/11/1062 - 1064	Outline Planning Application - for the business units, public house/restaurant, hotel and children's crèche and residential elements respectively.	Applications Granted	18.01.2012
DC/14/0180/FUL	Planning Application - Erection of four storey building comprising Innovation Centre for Haverhill Research Park, including car parking areas and new vehicular access as amended by agents email dated 30th April 2014 requesting that the Innovation Centre be allowed to operate on a 24 hour basis	Application Granted	10.06.2014
DC/14/2087/OUT	Outline Planning Application (Means of Access to be considered) - Construction of research/business park (Class B1) and hotel (Class C1) (previously approved under applications SE/11/1062 and SE/11/1063)	Application Granted	22.12.2014
DC/15/0327/VAR	Planning Application - Erection of four storey building comprising Innovation Centre for Haverhill Research Park, including parking areas and new vehicular access without compliance with condition 11 of DC/14/0180/FUL to allow 24 hour opening of café within the building and to allow opening hours of the external terrace area to the café to Monday to Friday 07.00 - 23.00, Saturday	Application Granted	26.03.2015

08.00 - 23.00, Sunday and
Bank Holiday 08.00 -
22.30.

DC/16/0967/VAR	Planning Application - Variation of conditions 2,3,6 and 8 of DC/15/0327/VAR to allow use of revised drawings - 100D, 101B, 102B, 103B, 105B,106B,107B,108A,110 and 484-01B - for - four storey building comprising Innovation Centre for Haverhill Research Park, including parking areas and new vehicular access	Application Granted	11.08.2016
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Consultations:

5. SCC Highways – No objection subject to appropriate conditions.
6. SCC Flood and Water –No objection, subject to appropriate conditions.
7. SCC PROW – No objection.
8. WSC Economic Development & Business Growth – Object. There would be significant harm as a result of the loss of employment land. (Further comments are included within the report.)
9. WSC Environment Team – No objection subject to appropriate condition dealing with gas protection measures, contamination and air quality.
10. SCC Archaeology – No objection. Archaeological fieldwork was carried out for the previous applications on the site, and Post-Excavation Assessment submitted towards discharge of planning conditions on SE/11/1061-1064. There would not be a need for conditions on the new application.
11. WSC Strategic Housing - The Strategic Housing Team recognise that this site is allocated for employment land and therefore any housing development would be contrary to existing planning policy. The Councils policy position in accordance with Policy CS5 is 30% affordable housing on site, with a tenure requirement of 80% affordable/social rent and 20% intermediate housing. Subject to approval of an Outline application by the local Planning Authority, a condition will be set that the affordable housing mix will need to be agreed in writing by the council explicitly.

As part of the S106 agreement which refers to the affordable housing obligations we would need to secure the following:

- 30% affordable housing secured on site
- Tenure requirement of 80% rented and 20% intermediate in accordance with the SHMA

- The affordable housing products should meet the definition of Affordable Housing as defined in the NPPF and that the affordable rented product does not exceed the LHA for Haverhill.
- The Registered Provider must enter into a nominations agreement with the council.

The following Conditions placed within the S106;

- Full details of the market and affordable housing mix to be provided to the council for agreement and approval at every Reserved Matters Stage;
- The affordable housing is not clustered in parcels of more than 15 dwellings to ensure we create a balanced and sustainable community.

12. Highways England – No objection.

13. West Suffolk CCG (NHS) - The development would give rise to a need for improvements to capacity, in line with emerging STP estates strategy; by way of extension, refurbishment, reconfiguration or potential relocation for the benefit of the patients of Haverhill Family Practice (and its branch Stourview Medical Centre); a proportion of the cost of which would need to be met by the developer. A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £91,800.00 Payment should be made before the development commences. NHS England therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

14. SCC Fire & Rescue - Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

15. WSC Planning Policy - The key policy and material considerations in relation to the principle of the development on the site are summarised below:

Core Strategy (2010)

Policy CS1 – St Edmundsbury Spatial Strategy

16. *"The spatial strategy provides a framework for environmentally sustainable economic growth within the overall guidelines of the East of England Plan and the context of the Western Suffolk Sustainable Community Strategy. The Key Diagram illustrates the Council's vision for the management of growth in the borough for the period to 2031. The protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of future development....."*

17. *All growth around Bury St Edmunds and Haverhill will protect the identity of those villages that surround the towns and strategic landscaped buffers will be identified and where necessary provided to ensure that the settlements do not become part of the larger urban area. Precise boundaries to determine the*

extent of the built up area of the towns will be defined in preparing the Area Action Plans for Bury St Edmunds and Haverhill."

18. Policy response: The Core Strategy clearly identifies that one of the key considerations in the distribution of growth around Haverhill is the protection of the identity of those villages which surround the town. Although technically sited within the village of Withersfield, the site is regarded for policy purposes as an urban extension of Haverhill.

Policy CS2 – Sustainable Development

19. *"A high quality, sustainable environment will be achieved by designing and incorporating measures appropriate to the nature and scale of development..."*
20. Policy response: Paragraphs 5.13 – 5.15 of the Planning Statement seek to address sustainability. However, apart from reference to the location of the development in Haverhill as a sustainable location it has nothing positive to state. Elsewhere in the document (paragraph 3.19), it references energy and sustainable construction, but it does not appear to propose any measures or commitments over and above the minimum standards required to meet existing legislation such as the Building Regulations which will have to be met in any case. No opportunity has been taken to identify how the development may contribute positively to the local environment through improved services, environmental and ecological enhancement or accessibility to services including schools and the town centre.

Policy CS3 – Design and Local Distinctiveness

21. *"Proposals for new development must create and contribute to a high quality, safe and sustainable environment."*
22. Policy response: Although a masterplan was adopted for the development of the site in 2011, its purpose was to inform the development of the site as a high quality business/research park within an attractive, well-landscaped environment, incorporating landmark buildings of high architectural quality. The masterplan did make provision for an element of higher value uses to help offset the infrastructure costs. These high value uses in the form of the housing to the east of Three Counties Way and the Public House have been provided and the necessary infrastructure is in place.

Policy CS5 – Affordable Housing

23. "Developers will be expected 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, with targets as follows:

Where sites are 0.3 hectares and above or 10 dwellings or more are proposed, 30% shall be affordable."

24. Policy response: The Planning Statement at paragraph 3.2 confirms that a policy compliant amount of affordable homes will be provided. A draft Heads of Terms at Appendix A suggests that this would be provided with a tenure split of 80% affordable rent and 20% intermediate (shared ownership). The acceptability of this tenure split must be confirmed with the Council's Strategic Housing team.

Policy CS9 Employment and the Local Economy

25. Policy response: With the development of the higher value uses to facilitate the infrastructure to serve the site, the original 12ha referred to in the policy has already been significantly reduced. The loss of a further 5.53ha to housing would reduce this strategic provision such that the remaining land available for employment use would amount to 1.56ha (Plots 100 and 200). The impact of this loss is discussed below in response to Policy DM30.

Policy CS12 – Haverhill Strategic Growth

26. *"An Area Action Plan DPD will be prepared for Haverhill that will provide a co-ordinated spatial planning framework for the whole town including the release of larger, strategic, greenfield, sites. Land north-west of Haverhill allocated in Policies HAV2 and HAV8 of the Replacement St Edmundsbury Borough Local Plan 2016 is confirmed by this Core Strategy, with the potential to deliver 1,150 new homes and other services and facilities and the north-west relief road. The development will be undertaken in accordance with the masterplan that was approved by the Council in June 2009. In addition, it will be necessary to release a larger, strategic greenfield site at Haverhill to deliver the development strategy of the Local Development Framework. Subject to other relevant policies, in particular CS2, the site will be released in a phased manner, having regard to the spatial strategy in Policy CS1, and the need to ensure that all essential infrastructure is in place before any development is occupied and that agreements are in place to deliver the desirable infrastructure required as a result of the development."*
27. Policy response: This policy both identifies the key directions for strategic growth and sets out the key requirements for each of the sites. These provide for 1,150 homes to the north west of Haverhill including the delivery of a north-west relief road and 2,500 homes to the north-east of Haverhill. Delivery of the north-west site is well underway and first delivery on the north-east site is expected later in 2020 or early 2021.

Haverhill Vision 2031

Policy HV2: Housing Development within Haverhill

28. *"Within the housing settlement boundary for Haverhill (defined on the Policies Map) planning permission for new residential development, residential conversion schemes, residential redevelopment and replacement of existing dwellings with a new dwelling will be granted where it is not contrary to other planning policies."*
29. Policy response: Policy HV2 introduces housing settlement boundaries and creates a presumption in favour of development within such boundaries where not contrary to other planning policies. Conversely, such a presumption does not exist outside of such settlement boundaries. The application lies outside of the housing settlement boundary for Haverhill.

Policy HV3: Strategic Site – North-West Haverhill

30. *"42 Ha of land at north-west Haverhill is identified on the Policies Map to meet the provisions of Policy CS12 of the Core Strategy."*

31. Policy response: The area identified by Policy HV3 benefits from planning permission for 1,150 homes which are currently being delivered on site.

Policy HV4: Strategic Site – North-East Haverhill

32. Policy response: The area identified by Policy HV4 benefits from outline planning permission for the delivery of 2,500 homes. A Reserved Matters application for the delivery of the first 503 dwellings is currently being determined. Preparatory works on-site and compliance with pre-commencement conditions suggests that commencement is imminent upon determination of the reserved matters.

Policy HV5: Housing on Greenfield Sites

33. *"Three smaller sites have been identified which, in the opinion of the borough council, can be delivered during the Plan period. These are put forward as allocations and identified on the Policies Map. The development of each site will be expected to accord with a design brief."*

a. Land south of Chapelwent Road: Indicative Capacity 85 Site Area (Ha) 2.8

b. Land on the corner of Millfields Way and Kestrel Road: Indicative Capacity 12 Site Area (Ha) 0.4*

c. Former Castle Hill Middle School field, Chivers Road: Indicative Capacity 25 Site Area (Ha) 0.75

34. Policy response: Of the sites identified by HV5, a) is currently being delivered; b) has been completed; and c) is subject to a current planning application which is awaiting the signing of a S106 Obligation.

Policy HV9: General Employment Areas – Haverhill

35. Policy response: This policy identifies the general employment areas in Haverhill which are considered suitable for a wide range of B class industrial and commercial activities.

Policy HV10: Strategic Employment Site – Hanchet End, Haverhill

36. Policy response: Policy HV10 defines the allocation for the application site. As its title suggests, it is strategic both in the quantum of development it has the potential to deliver, but also due to its gateway location at the western approach of the town adjacent to the Spirit of Enterprise roundabout. This gateway status has been long established, supported and carried through in successive local plans. The original allocation of 12ha has already been significantly reduced by the need to provide a proportion of higher value uses to fund the provision of the infrastructure to serve the commercial development. Losing the application site to housing would reduce this further such that only plots 100 and 200 would remain with a combined area of 1.56ha. This equates to a loss of 87% of the original allocation.

Policy DM2 – Creating Places – Development Principles and Local Distinctiveness

37. Policy response: Much of the requirement of Policy DM2 would emerge from the work undertaken collaboratively with the local community and stakeholders during the preparation of the masterplan for the development of an area. However, as discussed in response to Policy CS3 above, the masterplan related to the development of the site as a Research Park, not a residential development. However, the application is supported by a detailed Design and Access Statement. Analysis of this Statement has been provided in the Urban Design response.

Policy DM3: Masterplans

38. Policy response: As discussed above, a masterplan was adopted for the development of this site in 2011. Its purpose was to inform the development of the site as a high quality business/research park within an attractive, well-landscaped environment, incorporating landmark buildings of high architectural quality. The masterplan did make provision for an element of higher value uses to help offset the infrastructure costs. These high value uses in the form of the housing to the east of Three Counties Way and the Public House have been provided and the necessary infrastructure is in place.
39. Given the aims of the existing masterplan, it cannot be regarded as relevant for the determination of this planning application. Accordingly, a decision needs to be made as to whether a new masterplan is required to inform residential development of this site, or whether the submitted Design and Access Statement is sufficient to address the changes.

Policy DM6: Flooding and Sustainable Drainage

40. *"Proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Examples include: rainwater harvesting and greywater recycling, and run-off and water management such as Sustainable Urban Drainage Systems (SUDS) or other natural drainage systems."*
41. Policy response: The application includes details of SUDS drainage across the site. Subject to the approval of the Suffolk County Council Surface Water Engineer's approval, this would satisfy the requirements of Policy DM6.

Policy DM13: Landscape Features

42. Policy response: The Design and Access Statement includes a Landscape and Visual Impact Assessment. Although not referencing the Suffolk Landscape Character Assessment, it does adequately recognise and address existing landscape features.

Policy DM22: Residential Design

43. Policy response: Much of what has been stated in response to Policy DM2 is equally applicable in respect of Policy DM22 and is addressed in the Urban Design response.

Policy DM30: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

"Any non-employment use proposed on sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):

- a. there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;*
- b. evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future;*
- c. the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;*
- d. an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs;*
- e. it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café;*
- f. an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site."*

44. Policy response: This is the key policy which must be addressed in the determination of this application. As discussed above, the proposal will effectively result in the loss of 87% of the strategic employment site allocated in both the Core Strategy and the Haverhill Vision 2031, with the original 12ha reduced to 1.56ha. A detailed and informed response to this specific policy issue has been given by the Economic Development and Business Growth team in their objection to the planning application. In summary, there would be significant harm as a result of the loss of this employment land and the application is, therefore, contrary to Policy DM30.

Policy DM42: Open Space, Sport and recreation Facilities

"Proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other Policies in this and other adopted Local Plans.....

Where necessary to the acceptability of the development, the local planning authority will require developers of new housing, office, retail and other commercial and mixed development to provide open space including play areas, formal sport/recreation areas, amenity areas and where appropriate, indoor sports facilities or to provide land and a financial contribution towards the cost and maintenance of existing or new facilities, as appropriate. These facilities will be secured through the use of conditions and/or planning obligations.

Clubhouses, pavilions, car parking and ancillary facilities must be of a high standard of design and internal layout, and be in accordance with other policies in this Plan. The location of such facilities must be well related and sensitive to the topography, character and uses of the surrounding area, particularly when located in or close to residential areas. Proposals which give rise to intrusive floodlighting will not be permitted."

45. Policy response: For the purposes of calculating the open space, sport and recreation facilities the council uses an adopted open space SPD to identify an overall requirement of open space. The SPD is a useful guide in calculating the quantum of open space required to serve new developments, but each site must be considered on merit having regard to existing facilities and amenities in the vicinity. The total is derived from a number of contributory factors and typologies of open space. The SPD also identifies any contribution required towards the provision of built facilities required to serve the additional demand generated.
46. The site already benefits from a landscaped central amenity space based around the pond created as part of the sustainable drainage. This, together with a small open space to the north of the pond would be retained and supplemented by a Local Equipped Area of Play (LEAP). The previous re-grading of the site has also led to the creation of a number of landscaped embankments, which are establishing as landscape features. However, their contribution to open public open space provision is limited. It is noted from the draft S106 Heads of Terms that there is no contribution being proposed towards the provision of built facilities.
47. Considering all the above, in accordance with paragraph 12 of the NPPF, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. 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.
48. The key consideration here relates to Policy DM30 which would provide for that material consideration that the development plan should not be followed. Advice has been sought from the Economic Development and Business Growth team and they have given the proposal detailed and informed consideration based upon the submitted information and concluded that there would be significant harm as a result of the loss of this employment land. Accordingly, it is recommended that the application be refused.

Representations:

49. Withersfield Parish Council – Regrets that the original plan for a research park and employment appears to have been abandoned. The alternative of light industrial development would have been unwelcome. Housing is preferable provided that there is a suitable mix of housing including affordable housing, a high standard environmental aspects, overlooking of existing properties is considered and that the developers contribute towards education, health and leisure facilities and traffic management.
50. Haverhill Town Council - Whilst we are disappointed that the research park proposals have been reduced, we have no objection to the layout and whilst the nature of the traffic will be different to employment land, there is unlikely to be the same level of traffic movement. The Council asks that SCC Highways be asked to consider:
 - Requiring a reduction in speed limit past the junction from 40mph to 30mph, to improve road safety, particularly for the increased residential traffic turning right out of the development. Traffic approaching from the Spirit of Enterprise roundabout are leaving a main road and bypass with

a 60mph speed limit but the A1307 passing the site is a broad open road that does not provide sufficient visual clues that such a speed is inappropriate.

- That shared cycle/footways are properly integrated into the wider network to encourage sustainable travel.

51. Cllr Tony Brown (Haverhill South East) - I am totally against this proposal for the following reasons;

- The area that is proposed for housing is on an area in the vision 2031 plans identified for high quality jobs
- Building houses on this area will catastrophically undermine the sustainability of the Vision 2031 plans, which this Research park/work area was meant to underpin
- Instead of new comers to the town having high quality jobs in our area the proposal dramatically increases the likelihood that they will have to commute, increasing the burden on the A1307 and other local roads
- The site has not in my view been previously marketed at a realistic price
- It will move the centre of the balance and change the nature of the parish of Withersfield away from the original village, becoming a de-facto large housing estate on the edge of Haverhill with a smaller off-shoot village

52. Cllr Margaret Marks (Haverhill West) - This is immensely disappointing given the enormous amount of residential building that is planned in Haverhill but without the accompanying infrastructure. Many people purchased houses on the basis of promised employment. As mentioned by Cllr. Hanlon, this important gateway to Haverhill is a prime location for businesses with easy access to the A1307. Once we accept this application, the opportunity is lost forever.

53. Cllr Hanlon (Haverhill East) - This Outline Planning Permission has been seen by the Town Council, although there were no objection to the outline planning permission, there was great objection to housing being put on employment land especially at the gateway area of Haverhill that has been objected to for many years Jaynic has said that he has had problems selling the industrial units, I believe these were changed recently from Science/research based units, I believe Jaynic hasn't given enough time to advertise, plus I believe they are charging the same rents as Cambridge. I would like this this to be rejected because this is a very important employment area on an ever decreasing and very little industrial area in Haverhill, also it has been the policy over many years this is the gateway of Haverhill showing we are open for all businesses to invest in our town and not a housing dormitory town.

54. Local residents – three letters have been received from local residents raising the following concerns;

- Disturbance during construction
- Detailed design concerns
- Loss of open space associated with the Arboretum development
- Recreational pressure on existing open space will increase. This would not happen with the planned business use of the site.
- Public Rights of Way should be enhanced.
- Road infrastructure not appropriate for a development of 155 dwellings.
- Houses were bought on the Arboretum estate on the basis that the adjoining site would be for research/development, not more houses.

All representation can be read in full on the Council's website.

Policy:

55. 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.
56. 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:

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 CS7 - Sustainable Transport
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS12 - Haverhill Strategic Growth
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM22 Residential Design
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Haverhill Vision 2031

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV10 - Strategic Employment Site - Hanchet End, Haverhill

Other Planning Policy:

National Planning Policy Framework (2019)

57. 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:

Planning Policy Background

58. As the site forms part of an allocated employment site it is important to establish the planning history and background. Haverhill Vision Policy HV10 allocates a strategic employment site in a gateway location at the western approach to the town at Hanchett End adjacent to the Spirit of Enterprise roundabout. This site is known as the Haverhill Research Park, and its aim is to deliver a high quality research and business park to attract high technology firms and related activities. A masterplan for the development of the site was adopted in 2011 for a period of three years. Recognising the likely high infrastructure costs, the masterplan therefore allowed, as an exception to policy, the construction of new homes on part of the site to assist in the delivery of the wider employment site.

59. In January 2012 Planning Permission was granted for 4 no. applications for the redevelopment of the site with a business park. The scheme comprised four planning applications. A Full Application SE/11/1061 for the landscaping and infrastructure works and SE/11/1062, SE/11/1063 and SE/11/1064 for the business units, public house/restaurant, hotel and children's crèche and residential elements respectively.

60. In accordance with the approved masterplan, planning permission for 150 dwellings was approved in January 2013, and the 'Arboretum' development has now been completed. The public house and children's crèche have also been completed and have been operational for several years.

61. Policy HV10 states that development at the Haverhill Research Park will comprise the following:

- light industrial, research and office use;

- units for new and small firms involved in high technology and related activities; or
- low density development with extensive landscaping.

62. This policy does not seek to restrict or limit B1 use to office and research and development only, but merely gives in principle support for all forms of light industry, but especially to high end technology businesses both new and established.

63. In 2014 outline planning permission DC/14/2087/OUT (granted December 2014), renewed the January 2012 outline permission allowing for a 10 year time limit for the submission of reserved matters. The permission set out the parameters for the development of the site and included the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), the site and all buildings erected thereon shall be used for Class B1 (Business) purposes and Class C1 (hotel) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, or in any legislation revoking or re-enacting that class, save that any uses falling within Class B1C (light industry) shall be limited to ancillary areas of any individual buildings where the predominant use of any building shall remain B1A (offices) or B1B (research and development).

Reason: To ensure the appropriate use of the site in accordance with Policy HV10 of the Haverhill Vision 2031.

64. In March 2018, the owners of the HRP site applied for and were granted permission to vary the above condition to allow for unrestricted B1 business use to include (a) offices, (b) research and development and (c) industrial process (which can be carried out in a residential area without causing detriment to the amenity of the area).

65. The variation of the condition was approved as it still resulted in development that accorded with Policy HV10 and the development plan as a whole, and allowed for a wider range of uses within the Haverhill Research Park thus increasing the likelihood of the site being used for employment purposes in the future.

66. In May 2019 approval of reserved matters was granted for a four-storey Innovation/Business Centre building on an adjoining site (plot 100 of the Haverhill Research Park). At the time of writing this report, the majority of pre-commencement conditions have been discharged and building works commenced in December 2019.

67. The current planning application proposes a residential development of up to 155 dwellings on the majority of the remainder of the site contrary to Policy HV10 and its allocation as a Research Park. All matters are reserved save for access. The issues to be considered in the determination of the application are:

- Principle of Development (including 5 –year housing supply)
- Means of access
- Ecology and landscape
- Impact on amenity

Principle of development

68. 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 Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the St Edmundsbury Core Strategy Development Plan Document (adopted Dec 2010) and the Haverhill Vision 2031 Document (adopted Sep 2014). National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration. The Courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
69. 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. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.
70. Where there are no relevant development plan policies, or relevant housing policies are out-of-date (footnote 7 of the NPPF 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.
71. Referring back to paragraph 69 above, the Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.2 year land supply of housing can be demonstrated and that as a result footnote 7 of NPPF paragraph 11 is not engaged and the development falls to be considered having regard to development plan policies and material considerations.

Five-year housing land supply

72. Within their planning statement, the applicants argue that the Council cannot demonstrate a 5-year land supply. They have based their assessment on a five year housing land supply (5YHLS) report dated April 2019. This has in fact been superseded by the West Suffolk Council Assessment of a 5YHLS published in September 2019, which sets out the availability of housing land supply for the period 2019-2024.
73. On 1 April 2019 St Edmundsbury and Forest Heath joined to become West Suffolk Council. In the absence of a combined local housing need (LHN) figure the council has taken what it considers to be a reasonable and appropriate

approach in combining the former St Edmundsbury area (454 dpa) and the former Forest Heath area (362 dpa) current assessment housing requirement. This approach aggregates the LHN figure for the two areas producing a combined requirement of 816 dwellings per annum (dpa). This gives West Suffolk district an overall 5 year requirement of 4080 homes. *(Full details of the justification of this approach are set out in the 5YHLS report September 2019.)*

74. The latest Housing Delivery Test was published on 19 February 2019. It showed both the former Forest Heath area and former St Edmundsbury area had delivered more than 95% of the homes required over the previous three years. As a consequence, it is appropriate to apply a 5% buffer. After applying the 5% buffer, the five year requirement is for 4285 homes.
75. As per guidance, a 5% lapse rate has been applied to small sites with planning permission. *(Again, full justification for this is set out in the 5YHLS report Sept 2019.)*
76. All sites included within the 5YHLS are considered to be deliverable in accordance with the NPPF definition July 2019. Clear evidence is provided in the appendices to the 5YHLS report which support this. This includes evidence to support assumptions and benchmarks used to inform build out rates, lead in times and lapse rates. The report identifies a supply of 5354 dwellings across West Suffolk.
77. The applicant states there are fundamental issues with the delivery of homes in Haverhill, in terms of not meeting the definition of deliverable and concerns over the lead in times and delivery rates. *(An updated position on each of the Haverhill sites included within the 5YHLS.)*
78. It should also be noted that delivery of strategic sites at Fornham, NW Bury St Edmunds is coming forward at a faster rate than anticipated by both the 5YHLS and previous rates across West Suffolk as reported in the Turley's Housing Delivery Plan. Since April 2019 the site has completed 159 units, with a further 208 commenced. With 138 units completed on this site in the year 2018/19. This rate far exceeds previously recorded maximum delivery rate on a single site of 112 dwellings in the former Forest Heath area, as reported in Turley's Housing Delivery Plan. This shows the delivery rates of 100 and 120 anticipated across a range of strategic sites including those in Haverhill are realistic and achievable.
79. Adequate allowance has been given to lead in times of sites shown in the trajectory. The strategic sites in Haverhill were first identified through the Core Strategy 2010. The NW Haverhill site is under construction and the NE Haverhill is at an advanced stage in consideration of the reserved matters application. A start on site is expected on the NW site this summer.
80. The 5YHLS provides a position on sites across the whole of West Suffolk district, which contribute towards meeting the housing requirement. Whilst evidence is gathered to inform the delivery rates, actual delivery rates can vary, with some sites coming forward sooner (such as strategic site NW Bury St Edmunds) and others slower than anticipated (NE Haverhill may deliver slightly lower completions in the first year 2020/21). These two examples illustrate that gains from increased delivery rate can compensate for a site coming forward slightly slower than expected. New sites will obtain planning

permission (such as 5 High Street Haverhill) and some permissions may lapse, although lapse rates are already accounted for. The figures are reviewed at least once a year and updated accordingly. Overall so far in the monitoring year (2019/20) delivery rates across West Suffolk area, as a whole, suggests houses are being built at a rate sufficient to meet the housing requirement. Some 621 net dwellings were completed in the 9 month period (1st April to end December 2019), which averages at 69 completions per month. If this rate continues, the Local Planning Authority is expected to meet the housing requirement of 816 dwelling per annum. The number of commencements to date supports this.

81. Overall it is concluded that the Council has provided an up to date assessment demonstrating a 6.2 year deliverable supply of housing land, calculated using the Sedgefield approach and including a 5% buffer.

Employment Land Policy DM30

82. Ordinarily there is a general presumption against development outside a settlement boundary, unless it accords with one of the criteria set out in Joint Development Management Policy DM5 (e.g. related to agriculture or forestry, or local needs affordable housing). However, in this case, as the site is allocated as an employment site, Policy DM30 is directly applicable, where alternative uses can be considered provided specific criteria have been met.

83. Policy DM30 states that

Any non-employment use proposed on sites and premises used and / or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation, will only be permitted where the local planning authority is satisfied that the proposal can demonstrate that it complies with other policies in this and other adopted local plans (particularly Policies DM1 and DM2 in this Plan), and one or more of the following criteria has been met (as appropriate to the site/premises and location):

- a) there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;*
- b) evidence can be provided that genuine attempts have been made to sell /let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future;*
- c) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;*
- d) an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs;*
- e) it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café;*
- f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.*

84. Importantly the pre-amble to this policy explains that 'applications for alternative uses of designated land or buildings should be treated on their

merits having regard to market signals and the relative need for different land uses. Nonetheless, the loss of employment land, whether in existing employment use or proposed in the Site Allocations DPDs, could affect the respective Local Authority's ability to achieve its employment objectives, and to meet the job creation targets contained within the Core Strategy DPD's.'

85. In this case criteria (a), (b) and (f) of policy DM30 should be applied to the proposed development. In respect of criteria (a) the applicant's have argued that there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements. This is backed up by an employment report that concludes there is a considerable oversupply of employment land in the borough. Specifically with regard to Haverhill Research Park, the applicants quote the Council's own Employment Land Report (ELR) stating that there is low demand for research and science park development in this location in the current market.
86. However, in response to this, the Council's Economic Development & Business Growth team comment that the allocation at HRP has always been considered as a medium to longer term commercial development that would offer space for companies operating within the policy definition. The only other employment allocation in the town is Haverhill Business Park and the majority of this is soon to be developed with speculative units, leaving precious little employment land available. Therefore the employment allocation at HRP is required more than ever for the continued commercial growth of Haverhill.
87. The applicant has quoted from the 2017 Employment Land Review document prepared for the Council by the consultants Lichfield's. The applicant suggests that there is an oversupply of employment land in Haverhill. If there is an oversupply of employment land in the area formerly known as St Edmundsbury Borough, this is ostensibly due to the 68 hectare allocation at Suffolk Business Park in Bury St Edmunds. The size of this allocation was due to the need to help fund the Eastern Relief Road and improvements at Junction 45 of the A14 Trunk Road. However, it is important to ensure that employment land is available in the right locations. Haverhill is one of the fastest growing towns in Suffolk and it is essential that this residential growth is matched by employment opportunities. There is not considered to be an oversupply of employment land in Haverhill.
88. Furthermore, a development of five commercial units on Haverhill Business Park is about to start this month (planning ref DC/19/1010/RM). It is really encouraging to note that this development of Haverhill Business Park illustrates a change in market conditions as the developer of HBP is able to bring forward speculative development on this site.
89. It is also interesting to note that the same applicant applied for 200 dwellings on Haverhill Business Park (Bumpstead Road) in 2013. This application was eventually withdrawn by the applicant because the matter had been considered by the Inspector for the local plan inquiry. Paragraph 166 of the Inspectors Report on 14th July 2014 states:

"Drawing all these points together, therefore, I find that the supply of employment development land in Haverhill is not excessive relative to the expected demand up to 2031. Any small over-supply that exists is likely to be helpful in providing a degree of flexibility for intending occupiers. Moreover, the Bumpstead Road site is one of only a few in Haverhill that

can provide for large-scale industrial or warehousing uses. It is therefore sensible to retain its current allocation so as to ensure that a range of different types of sites are available to the market, as well as to avoid the risk of compromising employment development on other nearby sites. Its reallocation to residential development would not make the Haverhill Vision document sound."

90. With respect to criterion (b) of Policy DM30, the employment report submitted with the application sets out the marketing activity associated with the site. The report focusses much upon Office and Research and Development uses and sets out the problems it considers there are for HRP in attempting to attract these uses. The issues raised are very real constraints however they don't necessarily apply to the wider employment uses that could be attracted to the site. It is really important to note that the uses that could be considered policy compliant on this site are much wider than just Office and R&D. The report also set out the difficulties in attracting companies out of Cambridge. Again, those difficulties are acknowledged, however it is also important to note that focussing just on Cambridge as a source of potential companies is too restrictive.
91. It is important to note the wider context for HRP. The site is one of five key Enterprise Zone sites that the Cambridge & Peterborough Combined Authority (CPCA) has designated around Cambridge. The developer signed a Memorandum of Understanding to enable HRP to benefit from Employment Zone status until the year 2041. This is also an exciting time for the employment growth of HRP with the CPCA also looking to develop the Cambridge Autonomous Metro to the town. HRP could play a key role in this development. This opportunity would be lost if the proposal is accepted. Also, HRP is a key employment site within the Cambridge Norwich Tech Corridor and as this brand becomes established, more opportunities are likely to come forward for HRP.
92. The applicants have not specifically attempted to address criterion (f) of Policy DM30, (*alternative use or mix of uses providing other sustainability benefits that would outweigh the loss of an employment site*), however, they have provided a list of benefits that a residential development of up to 155 dwellings could bring. This includes;
 - 30% affordable housing (up to 46 dwellings, assuming a total of 155 dwellings);
 - A wide range and choice of market houses and apartments to meet local demand;
 - New areas of public open space and a children's play area (LEAP);
 - Local benefits through substantial investment in the local area;
 - Promotion of local economic prosperity through job creation and training opportunities during the three-year construction period;
 - Improvements to biodiversity through on-site strategies and enhancements, including additional planting of native species and new hedges, and bird and bat boxes;
 - In comparison to the extant commercial planning permission, housing development on the application site will create 66% less traffic along Three Counties Way and the A1307;
 - There will be less of a visual impact on a wider countryside scale than the previously approved commercial scheme, which included buildings up to 4 storeys in height on plots 300 and 400.

- District-wide benefits in terms of making a strategically important contribution to housing supply and economic objectives; and,
 - Contribution to the supply of houses and delivering sustainable development.
93. The above benefits of residential development are acknowledged and weight is attached to them accordingly, acknowledging of course that significant investment in the local area could also occur with commercial development. Balanced against these benefits is the loss of future employment and investment that would support the planned housing growth of some 4000 homes for the town. The loss of such a strategic employment site would be significantly harmful. It is accepted that the applicants have allowed for some 'grow on' space adjacent this centre (plot 200), however the Innovation Centre would also be a form of anchor development that would likely attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.
94. Taking into account the above, and having due regard to the benefits of the development, Officers are of the opinion that the proposed benefits of up to 155 dwellings would not outweigh the loss of such an important and strategic employment site. The development is therefore not considered to comply with Criterion (f) of Policy DM30.
95. Recently the Council has allowed the relaxation of the permitted use on the site (to allow for use classes B1 (a, b & c) including general light industry). More recently, the Council has allowed the new innovation centre building (permission now implemented). Furthermore, West Suffolk Council has contributed financially towards the innovation centre building to allow it to be developed. These factors are indicative of a flexible approach to supporting the delivery of the HRP and this important employment allocation in accordance with paragraph 81 of the NPPF.
96. The new Innovation Centre has been partly grant funded by the Cambridge & Peterborough Combined Authority (CPCA) who see HRP as a key development site to cater for the growth of Cambridge. The CPCA has provided £2.7m of grant funding towards the development and West Suffolk Council has agreed to loan the balance of the capital sum required to develop the centre. Officers consider that the land surrounding the innovation centre (including the application site) will be needed as companies start, expand and out-grow the innovation centre. The applicant has provided evidence from Oxford Innovation (OI) who are innovation centre operators. Notwithstanding the relationship between OI and Jaynic (OI are about to be awarded the contract to manage the centre on behalf of Jaynic), the evidence from OI suggests that there is no link between the innovation centre and the land surrounding it. However, this view is in direct conflict with advice received by the Council from its consultants (and innovation centre operators) Nautilus, where they assert that the innovation centre will act as a catalyst for the development of the whole park. The land is needed to extract the maximum benefits of having the innovation centre on the site. The innovation centre was to be a catalyst for the remainder of the site; it was to be the anchor that would attract other investment onto the park.
97. In conclusion, for the above reasons Officers are of the view that the proposed residential development of the majority of a strategic allocated employment

site does not accord with Joint Development Management Policy DM30 as the relevant criteria have not been met. The Innovation Centre under construction on the site is likely to have a positive impact on the remainder of HRP, and it is too soon to completely remove future opportunities to provide employment opportunities allied to the planned growth in Haverhill and to create a balanced sustainable community.

Means of Access

98. Access to the site would be via the existing Three Counties Way and its junction with the A1307. This road currently serves the adjoining Arboretum residential development and is also ready to serve new development at HRP. Two accesses are then proposed off Three Counties Way to serve the two development parcels (plots 300 and 400). Pedestrian and cycle access will also be from Three Counties Way, with additional links proposed between the two development parcels. The road is considered more than adequate to accommodate the proposed development. The application was also accompanied by a Transport Statement, which concluded that up to 155 dwellings on the site is likely to bring a significant reduction in transport movements when compared with a fully developed HRP.

99. The site already benefits from good public transport links with there being bus stops located on the A1307 to the east of its junction with Three Counties Way.

100. Subject to appropriate conditions, the submission of a travel plan, and contributions towards improved public transport facilities (in this real time information boards at the existing bus stops) to encourage sustainable transport modes, SCC Highways raise no objection to the proposal, which is considered to accord with Joint Development Management Policy DM45 and NPPF paragraph 108 in this regard.

Landscape

101. An extensive Landscape and Visual Impact Assessment was undertaken in February 2019. A summary of the key findings are:

Landscape / townscape effects;

- The Site's existing relationship to the settlement edge and its separation from the countryside beyond the two highways, will limit the impact on the wider landscape character.
- The proposed mitigation planting and the continued establishment of the existing structural planting on the site will help to assimilate the new housing into the adjacent urban area.
- The construction of housing on the site is anticipated to give rise to lower landscape and visual effects than what the effects would be if large scale commercial/business buildings were constructed on the Site.

Visual effects;

- In terms of long distance views, the new houses will be seen largely in context with the existing built form on the edge of Haverhill, and as the

existing structural vegetation on the embankments establishes further these views will be softened.

- In terms of close proximity views from surrounding residential areas, the new houses in the southern extents of the site will be visible in glimpsed views from Hanchet End although they will not be incongruous in the view due to the existing urban character of views from this road.
- The new houses will enclose the amenity space and the footways on the site. The new houses will screen views of the nearby countryside from the amenity area. These proposals will result in the loss of some views from the amenity space to the wider countryside.

102. Overall it is considered that new housing development will not have a negative impact on long distance and close proximity views and will enclose the amenity space which has matured over the past 10 years. It will be particularly important for the structure, layout and design of new development to reflect the character of the neighbouring townscape and further consideration also needs to be given to wider sustainable linkages and connections to reduce car dependency. This would be subject to further detailed submissions, should outline permission be forthcoming, however based on the indicative layout submitted, a residential development that accords with Joint Development Management Policy DM13 is capable of being achieved.

Ecology

103. The site has benefitted from extension ground/enabling works undertaken during the implementation of the infrastructure works following the issuing of permission for a research and development park. These works were undertaken in 2013 and are now well established. Plots 300 and 400 are separated by woodland tree planting and hedgerows forming part of framework landscaping for the wider HRP site. A large pond (part of drainage scheme for the site) is sited close to Three Counties Way and this provides a significant ecological and visual benefit to the area. A preliminary ecological survey has been submitted with the application and this recommends the retention of the existing framework landscaping along with precautionary measures for newts, badger, bat, birds and hedgehogs.

104. In line with the requirements of Joint Development Management Policy DM12, there is also the opportunity for ecological enhancements across the proposed development, and these are set out in the ecological survey. They include, enhanced planting in and around the pond, bat and bird boxes, native shrub planting, hedgehog links (within fences), and woodpiles within open space areas to provide hibernacula for hedgehogs. Provided this mitigation is followed then the development would accord with Policy DM12 in this regard.

Impact on amenity

105. An important consideration for any development on the HRP site is the interface with the existing dwellings to the south east of Three Counties Way (The Arboretum) and to the north adjacent the A1307. The application's design and access statement states that *'The proposals for the Site provide a 3m deep reinforcement of the existing structural planting on the western and south eastern boundaries of the Site. Along the western boundary, this new landscaping will create a soft edge to the 1.8m high close-boarded timber fencing to be erected along the rear gardens in this location to comply with*

BS8233 noise level requirements for external amenity areas. Alongside the south eastern boundary, the new landscaping will combine with the proposed setting back of the new dwellings in this location to respect the amenity of the existing residential properties on Hanchet End.'

106. It is clear that the existing development to the south-east was designed to be front facing onto Three Counties Way and the HRP site beyond. Provided that detailed layout designs provided for dwellings of an appropriate scale sympathetic to the existing development, then an appropriate relationship that respects the existing amenity can be created. In terms of traffic impact and general disturbance, it is likely that impact will be reduced or at least no more than that of a commercial development on the remainder of HRP. The site is therefore more than capable of complying with the requirements of Joint Development Management Policies DM2 and DM22 in this regard.

Other matters

107. West Suffolk Council Growth Investment Strategy – Within their Employment Report (paragraph 3.41) the applicants refer to the fact that in 2018 the Council was offered the chance of purchasing HRP, but turned down the offer on the grounds of viability. However, the reasons for this decision are more nuanced than this. By way of background, West Suffolk Council has a Growth Investment Strategy supported by a £40m investment fund. The aim of the Investment Strategy is to create a portfolio of acquisitions that support and invest in our West Suffolk communities and businesses to encourage and manage ambitious growth in prosperity and the quality of life for all. The strategy refers to a “blended return” which enables the fund to support investments with lower returns and/or enables the Council to invest over longer time periods. The Council therefore makes decisions based on wider factors that a commercial developer may not consider.

108. Following the offer to purchase Haverhill Research Park (HRP), the Council commissioned Savills to help inform the decision on whether to invest and this advice was taken alongside wider considerations regarding the Council’s strategic aims, existing portfolio spread, timescales etc. The Council’s preferred approach for this acquisition was to set up a wider partnership to share expertise to bring the site forward and it looked to the Cambridge and Peterborough Combined Authority (CPCA) as the site is one of their Enterprise Zones. At the same time as the CPCA was considering this investment opportunity, the applicant made a grant application to the CPCA for funding to support the development of the Epicentre (Innovation Centre) on the site. The CPCA chose to directly invest in the Epicentre rather than the wider site in partnership with the Council, recognising that the Epicentre would be a catalyst for bringing forward development of the rest of the Park. The Council also endorsed this by providing a loan to match-fund the grant. This approach reflects the Local Plan policy which recognises that the allocation could be delivered over the lifetime of the plan.

109. Therefore, in response to paragraph 3.41 of the applicant’s employment report, the Council’s decision not to proceed with acquiring HRP at that point in time was not based upon any viability considerations, but the preferred delivery method.

110. In any event, a historical decision by the Council not to purchase the site falls outside any planning considerations and does not change the status of the

site as a strategically important employment allocation. Nor is it a material consideration to be attached any weight in the determination of this planning application.

111. Local Residents, Parish and Town Council comments – In considering these comments it is noted that Withersfield Parish Council support the loss of an employment site and its replacement with housing. This appears to be based on the fact a light industrial use (B1) for the site is not preferable (this being a reference to the Council's relaxation of the permitted uses for the site allowed in 2018). However, the definition of a B1 light industrial use is that it can be carried out within a residential area without harm to amenity. Furthermore, future commercial use of the site is not limited to the use and could still include research and development and offices.
112. Planning Obligations (S106) - A development of up to 155 dwellings triggers the policy requirement for developer obligations, including the requirement for affordable housing (Policy CS5) and on-site open space (Policies DM42 and CS14). This policy sets a target of 30% of the new dwellings being affordable. A development of this size also requires an assessment to be made of the impact on local schools and library facilities. The County Council have requested contributions towards enhanced education facilities based on a development of up to 155 dwellings based on £1,391.92 per dwelling for pre-school, £3,747.48 per dwelling for primary school and £4,254.21 per dwelling for secondary and 6th form provision.
113. The applicants have agreed to cover these requirements and these would be secured by way of a signed S106 legal agreement prior to any permission being issued. Further agreed contributions include:
- Healthcare (NHS England) - £91, 800 to mitigate for the healthcare impacts of the development.
 - Provision of open space and children's play area prior to the occupation of the 75th dwelling.
 - Libraries - £16 per dwelling.
 - Traffic Calming project within the Parish of Withersfield - £5, 000 (**NOTE** – This is not CIL compliant as it does not directly relate to the site and is not necessary to make the development acceptable in planning terms. This contribution is therefore NOT a material consideration in the determination of this planning application.)
 - Provision of Realtime Information Screens at 2 bus stops on the A1307 - £22,000.
 - Provision of satisfactory footpath links to the wider PROW network, a contribution of £18, 500 to be made to provide a link from Hanchett End along the maintainable highway. The contribution will also fund surface improvements to Footpath 43 between Hanchett End and Notley Drive.
 - Travel Plan – implementation of Travel Plan measures and £1000 per annum Travel Plan Evaluation and Support Contribution (for a minimum of 5 years).

114. The above planning obligations, unless stated otherwise, meet the test of the Regulation 122 of the Community Infrastructure regulations in that the obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
115. Whilst the agreed S106 heads of terms are noted, without a completed S106 legal agreement to secure the necessary obligations, the application remains contrary to St Edmundsbury Core Strategy CS14. Should the applicants complete a S106 legal agreement then this refusal would fall away.
116. Indicative framework layout – These plans submitted as part of the Design & Access Statement set out various design parameters for the development of the 3.46 hectare developable area. The housing mix, design and appearance are proposed to be determined at the reserved matters stage. However, as there is no indicative layout setting out a development of 155 dwellings, it is not clear if the level of development proposed can be accommodated satisfactorily taking into account the context of the site. The application proposes up to 155 dwellings and therefore if members are minded to approve the application, then the Officers would want to make it clear that the level of development proposed may not be acceptable.
117. 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.”
118. The applicant has stated that sustainability measures including energy efficiency will be dealt with at the reserved matters stage and that the homes will be designed to building regs standards. However, no further details have been submitted to substantiate this, and in order to demonstrate compliance with Policy DM7 then the applicant’s sustainability strategy should be suitably specified, perhaps in an accompanying Energy Statement, which may then be secured by appropriate conditions. Likewise, there are currently insufficient details in order to ascertain whether or not the approach proposed meets the energy standards set out in national Building Regulations, (in accordance with Policy DM7 requirements).
119. Although the above lack of evidence of energy efficiency is not in itself a reason to refuse the development, the Council has an ambition to encourage the aspirations for energy efficiency levels in buildings as well as the uptake of renewable energy technologies, especially renewable heat and district heating. It is taking an active approach to encourage rather than regulate and may be able to provide technical and financial support, and is available to discuss

options with the applicant to see how/if the Council may be able to support a wider aspiration for renewable energy in these buildings or in the local area.

120. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition can be applied to any planning permission to ensure that the above water consumption level is achieved.
121. Air quality – It is noted that the Environment Team has requested electric vehicle charging points (EVCP's) in line with the NPPF where paragraph 105 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 also 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.'
122. 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.
123. A condition is therefore recommended requiring all dwellings with off-street parking to be provided with an operational electric vehicle charge point be attached to any planning permission to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

Conclusion:

124. The Council considers that the relevant planning policies are up-to-date, and furthermore, that a 6.2 year land supply of housing can be demonstrated and that as a result footnote 7 of NPPF paragraph 11 is not engaged and the development falls to be considered having regard to development plan policies and material considerations.
125. The proposed residential development of the majority of a strategic allocated employment site does not accord with Joint Development Management Policy DM30 as the relevant criteria have not been met. In respect of criterion (a), HRP has always been considered as a medium to longer term commercial development that would offer space for companies operating within the policy definition. The only other employment allocation in the town is Haverhill Business Park and the majority of this is soon to be developed with speculative units, leaving precious little employment land available. Therefore, the employment allocation at HRP is required more than ever for the continued commercial growth of Haverhill.
126. With respect to criterion (b), for the reasons set out in paragraphs 90 and 91, Officers are of the view that suitable and viable alternative employment uses could be found in the foreseeable future. With the construction of the recently permitted Innovation centre acting as a catalyst for the development

of the whole park, viable employment uses on the remainder of HRP is considered likely.

127. With respect to criterion (f), the benefits of the residential development set out in paragraph 50 are acknowledged. However, the loss of future employment and investment that would support the planned housing growth of some 4000 homes for the town and the loss of such a strategic employment site is significantly harmful. It is accepted that the applicants have allowed for some 'grow on' space adjacent this centre (plot 200), however the Innovation Centre would also likely be a form of anchor development that would likely attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.
128. Officers are of the opinion that the proposed benefits of up to 155 dwellings would not outweigh the loss of such an important and strategic employment site. The development is therefore not considered to comply with Criterion (f) of Policy DM30.
129. The proposed development is therefore in direct conflict with Joint Development Management Policy DM30, Haverhill Vision 2031 Policy HV10, and paragraphs 80 and 82 of the NPPF. The principle of residential development on this important employment allocation is not acceptable.
130. In respect of access, landscape and ecology, amenity, and sustainability, the development is either acceptable as submitted or can be made acceptable through the imposition of appropriate conditions or details submitted as reserved matters.

Recommendation:

131. It is recommended that planning permission be **REFUSED** for the following reason:

1. It is important to ensure that employment land is available in the right locations. Haverhill is one of the fastest growing towns in Suffolk and it is essential that this residential growth is matched by employment opportunities. There is not considered to be an oversupply of employment land in Haverhill. The site is one of five key Enterprise Zone sites that the Cambridge & Peterborough Combined Authority (CPCA) has designated around Cambridge. The site also benefits from Employment Zone status until the year 2041. Haverhill Research Park (HRP) is a key employment site within the Cambridge Norwich Tech Corridor and as this brand becomes established, more opportunities are likely to come forward for HRP.

The benefits of a residential development of up to 155 dwellings are acknowledged (these include affordable housing, public open space, contribution towards housing supply, potential reduction in traffic and job creation and promotion of local economic prosperity). The weight to be attached to these last two benefits is tempered by the fact that significant investment in the local area and job creation could also occur with the planned commercial development. Balanced against these benefits is the loss of future employment and investment that would support the planned housing growth of some 4000 homes for the town. The loss of such a strategic employment site is significantly harmful. It is accepted that the applicants have allowed for some 'grow on' space adjacent this centre (plot 200), however the Innovation Centre now under construction would also likely be a form of anchor development that would likely attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.

Recently the Council has allowed the relaxation of the permitted use on the site (to allow for use classes B1 (a, b & c) including general light industry, and, more recently, the new innovation centre building (permission now implemented). Furthermore, West Suffolk Council has contributed financially towards the innovation centre building to allow it to be developed. These factors are indicative of a flexible approach to supporting the delivery of the HRP and this important employment allocation in accordance with paragraph 81 of the NPPF.

The proposed residential development of the majority of a strategic allocated employment site does not accord with Joint Development Management Policy DM30 as the relevant criteria have not been met. The Innovation Centre under construction on the site is likely to have a positive impact on the remainder of HRP, and it is too soon to completely remove future opportunities to provide employment opportunities allied to the planned growth in Haverhill and to create a balanced sustainable community.

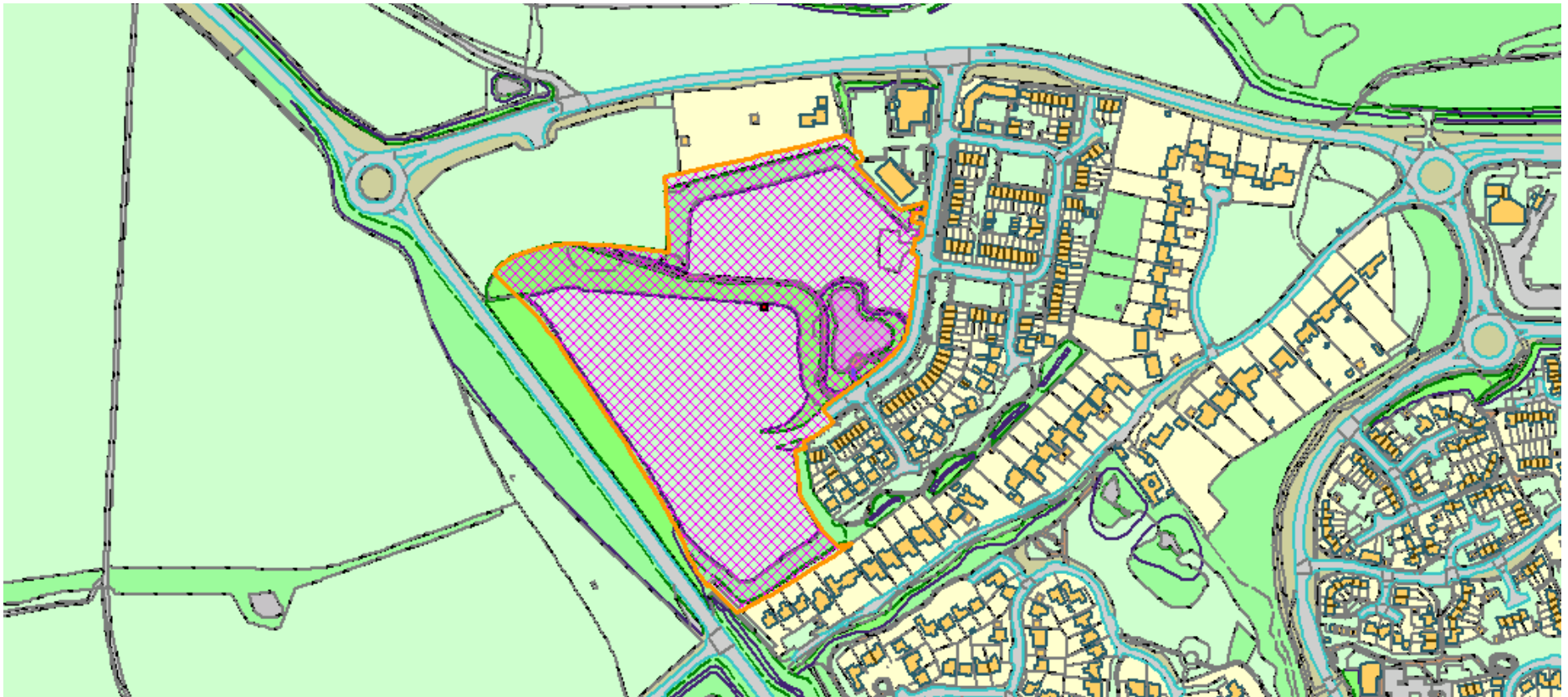
The application does not accord with St Edmundsbury Core Strategy Policy CS9, Joint Development Management Policy DM30, Haverhill Vision 2031 Policies HV2 and HV10, and paragraphs 80 and 82 of the NPPF.

2. Without a Section 106 legal agreement or unilateral undertaking from the applicant to secure the following additional provisions (set out in full in the officer's report) the proposal is not considered to be sustainable development and conflicts with the aims of the NPPF and St Edmundsbury Core Strategy CS14:
- Healthcare (NHS England) - £91, 800 to mitigate for the healthcare impacts of the development.
 - Provision of open space and children's play area prior to the occupation of the 75th dwelling.
 - Libraries - £16 per dwelling.
 - Provision of Realtime Information Screens at 2 bus stops on the A1307 - £22,000.
 - Provision of satisfactory footpath links to the wider PROW network, a contribution of £18, 500 to be made to provide a link from Hanchett End along the maintainable highway. The contribution will also fund surface improvements to Footpath 43 between Hanchett End and Notley Drive.
 - Travel Plan – implementation of Travel Plan measures and £1000 per annum Travel Plan Evaluation and Support Contribution (for a minimum of 5 years).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1711/OUT](https://www.stedmundsbury.gov.uk/DC/19/1711/OUT)

DC/19/1711/OUT
Land West of Three Counties Way



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0 20 40 60 80 100 metres

N

- Site Boundary: 5.53ha (13.66 acres)
- Proposed developable area 3.46ha (up to 155 dwellings @ 45 dph)
- Potential building frontages (Indicative only)
- ↗ Potential vehicular access point
- Proposed spine road through development
- Secondary streets to provide permeability
- Existing Public Open Space
- Proposed Public Open Space
- Proposed reinforcement to existing landscape buffer
- Proposed location for children's play area (20m offset required)
- Proposed amenity glade with views to countryside beyond
- Existing vegetation and framework landscaping
- Existing bus route and bus stops
- Existing pedestrian routes
- Proposed new pedestrian connections and routes
- Public rights of way
- Proposed pedestrian priority area
- Existing water bodies
- Proposed swale
- Retained Employment Land

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w csaenvironmental.co.uk

Project	Land West of Three Counties Way, Haverhill, Suffolk		
Title	Development Framework Plan		
Client	Jaynic Investments LLP		
Scale	1:2000 @ A3	Drawn	PM
Date	March 2019	Checked	RR
Drawing No.	CSA/4052/106	Rev	F

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Development Control Committee 5 February 2020

Planning Application DC/19/1712/FUL – 28 - 34 Risbygate Street, Bury St Edmunds

Date Registered:	21.08.2019	Expiry Date:	07.02.2020 (EOT)
Case Officer:	Julie Barrow	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - Construction of (i) 48no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 04 November 2019 (increasing number of apartments by 1no.)		
Site:	28 - 34 Risbygate Street, Bury St Edmunds		
Applicant:	Churchill Retirement Living		

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 was presented to the Development Control Committee on 4 December 2019. The Committee resolved to defer the application in order to allow additional time for Officers to consult with the applicant to establish whether it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents.

The applicant has amended the scheme by removing the two units on the fourth floor that faced the rear of properties on Nelson Road.

A further period of consultation has been carried out on the amended plans and the application is now being brought back to the Development Control Committee for determination.

Proposal:

1. The application seeks consent for the construction of 48 retirement living apartments, comprising 32 one bedroom apartments and 16 two bedroom apartments, following the demolition of the existing building on the site. The proposals also include a communal lounge and patio area, guest accommodation, access, parking and landscaping. The apartments will be constructed as one building with three and a half storeys where it faces Risbygate Street, reducing to three storeys towards the centre of the site before rising to four storeys at the southern end of the site.
2. During the course of the application, and prior to it being considered by the Development Control Committee in December 2019, the scheme was amended with the number of units increasing from 49 to 50.
3. Following consideration of the application at the Development Control Committee meeting in December 2019 the number of units proposed has been reduced from 50 to 48 and further amended plans submitted by the applicant.

Application Supporting Material:

4. The application is accompanied by the following documentation:
 - Location Plan
 - Tree protection Plan
 - Elevation drawings and floor plans
 - Section drawing
 - Distance drawing
 - CGI plans
 - Affordable Housing Statement
 - Air Quality Assessments
 - Arboricultural Assessment & Method Statement
 - Archaeology Desk-Based Assessment
 - Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment
 - Flood Risk Assessment (as amended)
 - Heritage Statement
 - Ground Investigation Report
 - Noise Impact Assessment

- Planning Statement
- Statement of Community Involvement
- Transport Assessment and Transport Technical Note
- Design and Access Statement
- Daylight and Sunlight Studies
- Phase I Land Contamination Assessment
- Bat Survey
- Shadowing drawings
- Overheating Risk Assessment
- Sustainability Statement

Site Details:

5. The site is located centrally within Bury St Edmunds with the main retail centre to the east of the site. The site lies to the western end of Risbygate Street and borders Parkway to the west. To the north of the site are residential dwellings including grade 2 listed properties Nos. 81, 82 and 83 Risbygate Street. To the east of the existing access is the grade 2 listed Demeter House with grade 2 listed Nos. 23 -26 Risbygate Street beyond Demeter House. The site adjoins the rear gardens of the terraced residential properties in Nelson Road to the East and the Cattle Market car park lies to the south. The site adjoins the Bury St Edmunds Town Centre to the east with the Victoria Street Conservation area to the west beyond Parkway. Site levels rise from the lowest point adjacent to Risbygate Street to the highest point at the rear of the site by approximately 6m.
6. A late Twentieth Century former bank building currently occupies the site together with an area of hardstanding used for parking with mature trees and shrubs on the southern and western boundaries.

Planning History:

Reference	Proposal	Status	Decision Date
SE/13/0283/ADV	Advertisement Application - Provision of (i) 2 no. non-illuminated fascia signs (ii) 1 no. internally illuminated fascia sign and (iii) 2 no. internally illuminated hanging signs	Application Withdrawn	14.08.2013
DC/18/0562/FUL	Planning Application- 55no apartments with 1 no. ground floor retail unit and parking (following demolition of existing bank and offices)	Application Withdrawn	17.07.2018
SE/06/2870	Advertisement Application - Provision of 3 no. fascia signs on the front and each end of existing entrance canopy, and non illuminated hanging sign as amended by plans received	Application Withdrawn	03.01.2007

	2 Jan 2007 removing illumination.		
SE/02/2473/P	Planning Application - Provision of two automated teller machines on front elevation	Application Granted	09.08.2002
E/98/2830/A	Advertisement Application - Provision of (i) new halo illuminated name sign on front face of entrance canopy; (ii) non-illuminated lettering on each end of entrance canopy; and (iii) two internally illuminated projecting signs	Application Refused	17.11.1998
E/96/1490/P	Planning Application - Installation of satellite antenna	Application Granted	04.06.1996
E/95/1766/A	Advertisement Application - Provision of (i) Internally illuminated projecting sign; and (ii) internally illuminated shield fascia sign	Application Refused	26.07.1995
E/84/2748/A	Provision of illuminated letters to canopy and 2 hanging projecting signs as amended by letter dated 16th January 1985 and attached plans (see Schedule of Approved Plans)	Application Granted	05.03.1985
E/84/2747/P	Alterations to existing building to provide banking office facilities including provision of canopy as amended by letter dated 16th January 1985 and attached plans (see Schedule of Approved Plans)	Application Granted	05.03.1985
E/83/2642/P	Change of use from retail to bank XOT agreed 28/9/83	Application Granted	11.10.1983
E/80/2856/A	INFORMATION AND LOGOS AND CAR PARK DIRECTION SIGN	Application Granted	13.11.1980
E/79/2617/P	ERECTION OF RETAIL UNIT TOGETHER WITH LANDSCAPING SERVICE YARD AND CAR PARKING	Application Granted	23.10.1979

E/78/1512/P	ERECTION OF SHOWROOM UNIT WITH LANDSCAPING SERVICE YARD AND PARKING	Application Granted	08.11.1978
E/77/3500/P	ERECTION OF 3 SHOWROOM UNITS (CLASS 1) WITH LANDSCAPE AND SERVICE YARD	Application Withdrawn	07.03.1978

Consultations:

7. Historic England – The proposal does raise concerns in terms of effect on the historic significance of the conservation area because of the scale and massing, however, there is no objection on heritage grounds. Recommend conditions requiring that a high quality of materials and detailing are achieved.

On receipt of the amended plans (November and December 2019) Historic England confirmed that there is no objection to the granting of consent.

8. Bury St Edmunds Society – Support application in sustainable location. Design demonstrates local context and improved approach to Conservation Area. Caters for the older home ownership market. A thorough evaluation of air pollution and noise should be undertaken.

On receipt of the amended plans (November 2019) confirmation received that The Society remains generally supportive but suggests that the omission of high-level flats 42 and 43 would minimise impacts on residents of Nelson Road.

9. Anglian Water – Surface water strategy is unacceptable. Where a brownfield site is being demolished it should be treated as if it was greenfield. Recommend a condition requiring details of a surface water management strategy to be secured by condition.
10. SCC Highways – Holding objection pending receipt of further information in respect of parking and cycle and mobility scooter storage/parking and provision of a travel plan. Some improvements to the local pedestrian and cycle network may be necessary to support sustainable modes of transport.

Following a review of additional information supplied by the applicant SCC Highways has confirmed that it maintains its holding objection. The objection may be removed if the applicant meets the costs of installing a pedestrian crossing on Risbygate Street.

Following confirmation from the applicant that it agrees to construct a crossing on Risbygate Street SCC Highways removed its objection.

SCC Highways have considered the changes made to the scheme in December 2019 and have advised that their comments and recommended conditions of 20th November 2019 still stand.

11. SCC Archaeology – The site lies in an area where there is potential for medieval and post-medieval archaeological remains. No objection to

development proceeding subject a programme of archaeological work being secured by condition.

12. SCC Growth – Capital contribution towards the development of library services of £784. Figure revised to £768 following reduction in number of units to 48.
13. Suffolk Fire & Rescue – Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations. Recommends that fire hydrants be signalled and that consideration be given to the provision of an automatic fire sprinkler system.
14. NHS CCG – Likely to have an impact on primary healthcare provision. Financial contribution of £28,300 required to mitigate the impacts of the proposal.

Following receipt of evidence from the applicant to support likely occupancy rates the contribution has been revised accordingly.

The NHS CCG has confirmed that the revised figure of £14,504.95 in respect of 48 units is agreed.

15. Conservation Officer – Site lies within the setting of two Conservation Areas and the views between them and is a prominent corner leading into Risbygate Street. The existing building is of no architectural or historic interest. Elevations broken down into scales appropriate to the area and disparity in scales between Parkway and Risbygate Street addressed by introducing a building that turns the corner. Traditional elevational treatments have been used and these should be executed with authenticity. With the use of good quality materials and correct detailing, the proposal could make a positive contribution to the setting of the two conservation areas, enhancing the views between them, without adversely affecting the setting of any listed buildings. No objection subject to conditions relating to materials and detailing.

On receipt of the amended plans removing two of the units the Conservation Officer confirmed that she has no objection to the amended scheme.

16. Public Health & Housing – Application considered from a noise impact perspective. A detailed overheating study is required. A whole dwelling mechanical ventilation system should be considered along with higher specified glazing. The noise report states that external amenity noise criteria will not be achieved in some areas of the development. Planning condition required for a construction management plan.

The Public Health & Housing and Environment Teams have advised that the Overheating Risk Assessment is acceptable and it has been agreed that a period of air quality monitoring will be carried out, the results of which will determine the final glazing and ventilation schemes.

17. Environment Team – Require a Phase 1 Land Contamination assessment to be submitted and sight of the supplementary air quality assessment being prepared. Recommend that 25% of spaces are equipped with electric vehicle charging points.

On receipt of a land contamination assessment it has been confirmed that the carrying out of the recommended intrusive investigations can be secured by condition.

Following receipt of an Air Quality Assessment the Team has advised that there is a possibility of residents being exposed to levels of nitrogen dioxide above air quality objectives. Recommend that 'real world' monitoring is undertaken or mechanical ventilation could be fitted. The applicant has confirmed that it will carry out the 'real world' monitoring requested.

18. Energy Advisor – Application supported by a sustainability statement. Welcome the use of a ground source heat pump. Concern in relation to sites proximity to a busy junction often used late at night. Application is also supported by an Overheating Risk Assessment. Experience of other developments in and around the town centre is that external windows, especially adjacent to a busy road, are not openable due to noise issues.

Concerned that given the increasing likelihood of hotter, drier summers, the overheating risk analysis is based upon openable windows plus mechanical ventilation. Further information is required on the acoustic issues for the site and the investigations carried out and further modelling on overheating taking into account future climate change. A condition is recommended requiring details to be submitted to demonstrate how the development will meet the energy standards set out within Building Regulations.

19. Landscape & Ecology Officer – Highlights erosion of vegetation to west and south of site that contributes to amenity of area. Loss of vegetation and bat foraging opportunities are not properly mitigated.

20. Tree Officer – Trees on western and southern boundaries contribute to locality. Risk to trees to be retained is low if protection measures are implemented. Loss of a number of trees can be mitigated through new planting. Two Sycamore trees on southern boundary are prominent landscape features which possess a notable amenity value. The necessity to remove these trees is unclear and it is recommended that these are retained.

Following receipt of confirmation that one of the Sycamore trees can be retained the Tree Officer is satisfied that that there would be no significant adverse effect on visual amenity in the long term

Representations:

21. Site notice posted, advertisement placed in the East Anglian Daily Times and 28 nearby addresses notified. Two responses received to the original plans submitted, with the response received from the occupier of 16 Nelson Road signed by 29 local residents. The responses received are summarised as follows:

17 Nelson Road -

- Four or more storeys will invade privacy and reduce quality of life

16 Nelson Road and residents -

- Welcome redevelopment of Lloyds building and agree that commercial use no longer required
- Concerns about scale and height along Parkway. Comparisons with the multi storey car park are not appropriate
- Flats 42, 43 and 44 will look directly in to residents' homes and gardens on Nelson Road
- Loss of amenity and privacy to Nelson Road residents
- Overdevelopment of site causing overlooking, overshadowing, loss of amenity and some loss of light
- Concerned that construction may damage nearby homes
- Insufficient parking
- References to well served bus routes are misleading. Car travel is the only practical alternative for many shopping trips and out-of-town journeys
- Concerned that development will have a detrimental effect on existing internet connection
- Would like to comment on hours of construction. Previous development in the area has caused duct, air pollution and noise for local residents
- Development rising to four storeys would have a dominating impact on Nelson Road residents and right to private enjoyment of property

Comments received on the amended plans (November 2019):

16 Nelson Road and residents -

- Revised design has resulted in one less flat along Parkway and the addition of an extra two large flats on Risbygate Street making a total of 50 plus a family flat making 51
- Instead of the development have a 'small element' it has half the proposed flats rising with Parkway and the upper two storeys of flat overlooking Nelson Road
- Due to the raised level of Nelson Road homes above the car park the top flats in particular will have views into residents' gardens and living areas
- If the fourth floor and equivalent height in three storey flats were removed this would result in a loss of only 7 flats and make the development far more acceptable to the residents of Nelson Road. Alternatively if the developer were to lower the land at the car park level and drop the building down along the higher element of Parkway this would again reduce the development to an acceptable height.
- Proposed building is only 2.5m lower than the withdrawn application and is now higher on Risbygate Street than the withdrawn application.
- Increased height can hardly be described as an enhancement to the character of Risbygate Street and an 'urban anchor'
- The removal of the return at the southern end may enhance the view through the site but it does not significantly reduce the impact on Nelson Road, especially for No. 12, where living rooms windows have been added that will overlook
- Cannot see where the four storey element has been significantly reduced. Reference to 'one small section' is misleading
- Cannot see where there is a reduce height to improve privacy
- No assurances received regarding structural compensation in the works will damage properties in Nelson Road
- A reduction in 7 flats would result in an increased parking ratio

- Widespread illegal parking, lack of choice over long/short stay options, insufficient parking provision, cost of parking and road layout are all identified on the Town Masterplan as being a problem
- Continued references to sustainability of transport systems is incorrect. The Masterplan proposal to remove the bus station will mean a longer distance to walk to the bus stops and increased traffic on Risbygate and Parkway, making the proposed pedestrian crossing essential
- Trains are limited and none of the transport options proposed would remove the need for a vehicle to visit local attractions, e.g. National Trust Houses

Comments received on the latest amended plans following the December Committee meeting (December 2019):

16 Nelson Road and residents -

- No further objections. Appreciate the developer considering the residents and lowering the 4 storey section (flats 42 & 43) facing Nelson Road
- Still feel that the CGIs are inaccurate as the retaining wall rises instead of following the downward slope
- Residents were always aware that the flats would look into upper floor windows on Nelson Road and they were prepared to accept that. It was the lower and living areas that caused concerns which have now been accommodated by eliminating the 8 overlooking windows
- Appreciate the removal of the windows overlooking no. 12 Nelson Road and the addition of dummy windows.

22. Bury St Edmunds Town Council – Object on the grounds of overlooking, parking, scale of building and poor design of windows. There should be more charging points, sprinklers and provision for affordable housing in the town centre.

Following receipt of amended plans in November 2019 and December 2019 the Town Council confirmed that it maintains its objection on the grounds of poor design and height.

23. Ward Councillor, Councillor Jo Rayner – Request that the application be referred to the Development Control Committee. The Town Council objected on many points and the main concern for residents is the height of the development, which will result in a loss of privacy in their gardens. Residents ask that the development is reduced by removing the top floor.

Number of parking spaces proposed will add pressure to an already challenged area. The development of the Havebury flats is already causing parking difficulties as these flats have no parking provision and the cumulative impact of development should be considered.

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 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:

St Edmundsbury Core Strategy

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Bury St Edmunds Vision 2031

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV25 - Conserving the Setting and Views from the Historic Core
- Policy BV27 Bury St Edmunds Town Centre Masterplan

Joint Development Management Policies Document

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features
- 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 DM23 Special Housing Needs
- Policy DM35 Proposals for main town centre uses
- Policy DM37 Public Realm Improvements
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Other Planning Policy:

26. 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:

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

- Principle of Development
- Cultural heritage
- Residential amenity
- Access and car parking
- Drainage and flood risk
- Landscaping and ecology
- Other planning matters

Principle of development

27.The site is located within the established settlement boundary for Bury St Edmunds and as such the principle of development is acceptable subject to all other material planning considerations being satisfied.

28.The most recent use of the site is as a bank and associated offices (call centre). For the purposes of the Use Classes Order this includes a mixture of Class A2 financial and professional services and Class B1 offices. The proposed use is wholly residential and, unlike previous proposals (submitted by a different applicant) the scheme does not include any element of commercial space. Although not a Primary Shopping Frontage, the site does fall within the Primary Shopping Area and Policy DM35 applies. Policy DM35 recognises that the use of upper floors of buildings within such areas can be used for accommodation but the focus of the Policy is protecting the vitality and viability of town centres.

29.It is accepted that the location of the site is such that the main footfall is on the opposite side of Risbygate Street due to the light controlled pedestrian crossing on Parkway, such that retail use may not be viable.

30.Policy DM30 seeks to protect existing employment land and sets out the circumstances in which a non-employment use may be acceptable. The policy sets out a number of circumstances in which a non-employment use may be considered acceptable. These include where there is sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements and where an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

31.The applicant has undertaken a review of employment sites on offer within the town and has presented a list of over 32 different employment sites offering a range of sizes and locations available for use within the town. In addition, the growing Suffolk Business Park has a number of units available. The St Edmundsbury Employment Land Review (May 2017) concludes that

there is sufficient supply of B class floorspace to meet demands and that whilst the best performing employment sites should be retained, beyond these a selective approach could be undertaken to 'condensing' other office and industrial sites drawing upon market feedback.

32. The Bury St Edmunds Town Centre Masterplan is an adopted Supplementary Planning Document. For the purposes of the Masterplan, the site lies within both Area 3 (St Andrews Quarter) and Area 6 (Parkway). However, for the purposes of the Masterplan the site is specifically mentioned in the context of the Risbygate Junction in Area 6. A key aspiration of the Masterplan is to redefine the character of Risbygate as a key historic gateway and to introduce mixed use development to the frontage of Risbygate, Parkway and the corner of the junction. Taken in isolation the proposed scheme conflicts with this aspiration, however the masterplan areas are much wider than this site and it is considered that the redevelopment of this site in the manner proposed does not rule out mixed use development elsewhere.
33. It is noted that the proposal involves the provision of older persons' accommodation and the need for such accommodation will be a factor in the determination of this application. Policy DM23 supports the provision of new accommodation for elderly and/or vulnerable people on sites deemed appropriate for residential development. Such proposals are required to meet the following criteria:
- The proposed development should be designed to meet the specific needs of residents including requirements for disabled persons where appropriate;
 - Inclusion of appropriate amenity space for residents of an acceptable quantity and quality;
 - The location of the development should be well served by public transport, community and retail facilities; and
 - The proposed development does not create an over concentration of similar accommodation in any one street area.
34. The applicant is an experienced provider of older persons' accommodation and the development is designed as such with areas of internal and external amenity space. As is discussed in detail below the site is considered to be located in a highly sustainable location and whilst it is acknowledged that there is a similar type of development to the north-west of the site at Lacy Court, the addition of older persons' accommodation on this site is not considered to result in an over concentration of similar accommodation in any one street area.
35. It is considered that the applicant has addressed the requirements of Policies DM35 and DM30 in relation to town centre uses and the loss of an employment site. Whilst there is some conflict with the adopted Bury St Edmunds Masterplan, its status as planning guidance means any conflict attracts limited weight against the proposal. The proposed development meets the requirements of Policy DM23 in relation to special housing needs and it is considered that the principle of development is acceptable subject to all other material planning considerations being satisfied, which are discussed further below.

Cultural and built heritage

36. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;
In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
37. Section 72(1) of the same Act states;
...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
38. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting the setting of a listed building. Applicants are required to demonstrate a clear understanding of the significance of the building and/or its setting, alongside the potential impact of the proposal on that significance.
39. Policy DM17 sets out the criteria attached to development within, adjacent to or visible from a conservation area. Such development should preserve or enhance the character or appearance of the conservation area or its setting, and views into, through, and out of the area. Proposals should be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting. In addition proposals should demonstrate a clear understanding of the significance of the conservation area and/or its setting, and assess the potential impact of the proposal on that significance.
40. Policy BV25 states that the council will seek to preserve or enhance the townscape and landscape setting of the Bury St Edmunds Town Centre Conservation Area.
41. Policy DM2 seeks to ensure that development proposals recognise and address the key features, characteristics, townscape character, local distinctiveness and special qualities of an area. Proposals should not adversely affect the distinctive historic character and architectural value of the area. The Policy also requires proposals to produce designs that respect the character, scale, density and massing of the locality. Policy DM22 seeks to ensure that similar design principles are incorporated into residential schemes.
42. The site's eastern boundary adjoins the Bury St Edmunds Town Centre Conservation Area and views of the site are afforded from the Victoria Street Conservation Area that lies to the west of the site, beyond Parkway. The site lies within the setting of the two conservation areas and the views between them. A number of grade II listed buildings are located in close proximity to the site, with the proposed development due to share a streetscape with these buildings.
43. The applicant has submitted a Heritage Statement with the application that assesses the character of the Conservation Areas and the effect of the development on these designated heritage assets.

44. The Heritage Statement states that the setting of the Town Centre Conservation Area by Risbygate Street is characterised by the roundabout on the modern bypass (Parkway) and surrounding modern coarse grain development. The proposed development would be of a large mass set within its own plot. This mass would not be perceived from within the public realm of the Conservation Area as the largest part of the building faces onto Parkway, which itself is characterised by modern development of a large mass. However the design of the building has incorporated elements that allows it to fit into the character and appearance of the streetscape when viewed from Risbygate Street. This is achieved through its scale, mix of materials and the appearance of individual buildings which respect the refined elevations that characterise Risbygate Street.
45. The Heritage Statement goes on to state that the proposed building will enhance the current views between the two Conservation Areas and removes a building which currently stands out in contrast due to its design and materials. The assessment goes on to state that the proposal will better reveal the historic fabric of the Grade II Listed Demeter House to the east of the application site and will not detract from the historic and architectural interests of the listed buildings situated on Risbygate Street.
46. The assessment reaches a conclusion that the scheme will enhance the contribution the application site currently makes to the setting of the identified listed buildings and the Conservations Areas. Further, it considers that no designated heritage assets or their settings will receive harm to their heritage significance as a result of the proposal.
47. Historic England describes Risbygate Street as comprising buildings mainly of commercial use and two to three storeys in height with dormers being prevalent. There is a mixture of historic and modern buildings along the street with varied building styles and features which adds interest to the character of the area. It is acknowledged that the site presently contains a modern building of little architectural or historic interest.
48. Historic England makes comparisons between the current scheme and a previous scheme submitted in 2018 and notes that as this proposal is for a large single block of building issues of massing arise. The approach taken in his case to break up the mass of the building by lending something of the appearance of a series of town houses and terraces to the main elevations. The more traditional architectural treatment employed makes the new building more sympathetic to the historic context especially on the corner of Risbygate.
49. Despite the treatment of the principal elevation it remains the case that the building would read as a single block as the floor levels align across the whole elevation and the fenestration pattern is highly regimented. This is as a result of the internal layout and the way the apartments are linked. Historic England takes the view that due to the rising ground at the Cattle Market end of the site the building would appear as a very sizeable block in views from the Parkway roundabout. However, it considers that good quality materials and treatment in the detailing could improve the resulting building.

50. Historic England advised that as originally submitted, the proposal raises concerns in terms of effect on the historic significance of the conservation area due to the scale and massing of the building. However it raises no objection to the application in principle.
51. Following receipt of Historic England's comments and subsequent discussions between the applicant and officers amended plans were submitted in November 2019 to address the issues of bulk and mass that had been raised. The revised design went some way to address the bulk and mass of the Parkway elevation. The extent of the fourth storey was reduced and there is now one element remaining in order for the lift core to reach the top floor. The return at the end of the building was removed and the south-west corner was filled in, straightening the elevation and making it more simplistic and less dominant. Chimneys were also added and the roof form streamlined.
52. Officers considered that the Risbygate Street element of the building could be strengthened to provide a key focal point on this important gateway site that lies in between the two conservation areas. The height of the corner element has therefore been raised to redefine and enhance the character of Risbygate Street and the applicant refers to the changes as creating an 'urban anchor'.
53. Historic England has confirmed that it has no objection to the granting of consent based upon the amended plans submitted in November 2019 and those submitted in December 2019.
54. The Conservation Officer acknowledges that the site is large and agrees with the approach taken to avoid a monolithic structure by breaking the elevations down into scales more appropriate to the area. The stepped rooflines also help assimilate the building into its surroundings. The Conservation Officer further comments that the disparity in scales between Parkway and Risbygate Street has been overcome by reducing the heights towards Risbygate Street and introducing a building that turns the corner with a curved elevation, which is a very traditional detail.
55. In order to be fully successful, it is important that the traditional elevational treatments proposed are executed with authenticity to reflect the character and appearance of the two conservation areas. Large-scale details are therefore required by condition, including window details, render colour and the positioning of chimneys. With the use of good quality materials and the correct detailing the Conservation Officer believes that the proposed development could make a positive contribution to the setting of the two conservation areas, enhancing the views between them. It will also provide an attractive gateway building into Risbygate Street and reflect its traditional architecture without adversely affecting the setting of any listed buildings.
56. As stated above, Historic England suggests that the proposal raises concerns in terms of effect on the historic significance of the Conservation Areas because of the scale and massing of the building. It is considered that any adverse effects would result in very minor harm to the Conservation Areas. Any harm would be partially offset by the quality of the proposed replacement building and localised in extent and therefore 'less than substantial' within the meaning of the National Planning Policy Framework

(NPPF). Paragraph 196 of the NPPF requires such harm to be weighed against the public benefits of the proposal.

57. The proposal would provide 48 homes for older persons in a location very close to the town centre. This represents a significant contribution towards specialist housing of this type in a highly sustainable location as such would be considered a public benefit. The proposed building would be built to better environmental standards than the existing building and, as discussed further below, the applicant has gone some way to quantifying these benefits. The proposal would result in modest benefits to the construction industry and future residents are likely to spend locally. Such benefits also attract moderate weight.
58. When giving considerable importance and great weight to the special regard to the desirability of preserving or enhancing the character and appearance of the conservation areas and the preservation of the nearby listed buildings and their settings, it is considered that any modest harm would be outweighed by the cumulative public benefits. As such there would be no conflict with Paragraph 194 of the Framework and the harm to the designated heritage assets has a clear and convincing justification.
59. As previously stated, the existing building on the site is of no architectural or historic interest and its removal will not adversely affect the settings of the Conservation Areas or and listed buildings. It is considered that the proposal responds to the unique characteristics of the area and respects the settings of the designated heritage assets. The scale and bulk of the building will be broken down through the use of the elevational details and as such is not considered to result in significant harm to the setting of the Conservation Areas and listed buildings. The proposal also responds well to the townscape character of the area, using traditional detailing and materials. It is therefore considered that the proposal complies with the requirements of Policies DM2, DM15, DM17, DM22 and BV25.
60. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.
61. The Suffolk County Council Archaeological Service has advised that the site lies in an area where there is potential for medieval and post-medieval archaeological remains. It does not object to the development proceeding subject a programme of archaeological work being secured by condition.

Residential amenity

62. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.

Impacts on future residents of the development

63. Policy DM22 requires new dwellings to be of high architectural quality, meaning that they are fit for purpose and function well, providing adequate space, light and privacy. In addition, Policy DM23 requires specialist housing accommodation to include appropriate amenity space for residents of an acceptable quantity and quality.
64. Policy DM14 states that development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from, inter alia, air quality and compliance with statutory environmental quality standards.
65. The site is located in a prominent position alongside Parkway, one of the key routes in and out of the town centre. The applicants have therefore considered the effects of noise and air quality on future residents of the development.
66. A Noise Assessment submitted with the application identifies the north and west boundaries of the development area as low to medium risk in terms of the significance of noise impact. Notably lower noise levels were measured towards the east and south boundaries due to building mass screening, where a negligible to low risk was determined.
67. Good acoustic design has been prioritised to limit noise levels in rooms on the more affected facades of the development, however, given the proximity of the units to Parkway, there is limited opportunity to mitigate noise levels here. Nevertheless, the appropriate specification of glazed façade elements and provision of attenuated background ventilation enables windows to remain closed and normal ventilation requirements to be achieved. Windows on these elevations will still be openable and could be opened as a matter of personal preference or for purge ventilation.
68. The external communal courtyard areas on the eastern side of the development will be afforded some screening from the building itself and the Noise Assessment indicates that noise levels are expected to remain below guidance levels in these areas. Noise levels on some private patios will be above guidance levels where they are exposed to traffic on Parkway.
69. The maintenance of acceptable noise levels in certain units is dependent upon windows remaining closed and the use of passive background ventilation. As the development will be occupied by vulnerable persons the Public Health and Housing Team requested a detailed overheating study for the development to be submitted.
70. An Overheating Risk Assessment was subsequently submitted, which accounts for the elderly nature of the potential occupants and it considers the possibility of windows being opened at a higher internal temperature than is considered typical, accounting for external noise and more elderly occupants. The Public Health and Housing Team, in conjunction with the Environment Team is reviewing the document, with comments made regarding the fact that the assessment is based upon openable windows. Further information relating to how the building internal temperatures will be maintained and the potential impacts on energy consumption has been

requested. An update in relation to these matters will be provided prior to or at the Development Control Committee Meeting.

71. The applicant has submitted an Air Quality Assessment, which has been reviewed by the Environment Team. The assessment details modelling undertaken to predict levels of nitrogen dioxide, with results indicating that levels at the façade of the building are just below acceptable levels. The Environment Team has noted that the results are a model and real world results may be influenced by factors outside the control of the model. Given the possibility of residents being exposed to levels of nitrogen dioxide above the air quality objectives, the Environment Team has recommended that real world monitoring is undertaken to validate the model and ensure robust results. If required mechanical ventilation could be fitted to ensure residents on the Parkway elevation have access to clean air.
72. The applicant has agreed to a period of 6 months real world monitoring and the Environment Team is satisfied that this can be secured by condition, along with any mitigation measures that are deemed necessary as a result of the monitoring.
73. The applicant has submitted detailed studies in relation to noise, overheating and air quality. The Environment Team is satisfied that subject to appropriate mitigation measures being put in place future residents will not be subjected to unacceptable levels of noise or exposed to unacceptable levels of Nitrogen Dioxide. Further discussions are taking place in respect of overheating, however, similar mitigation measures can be employed to address this issue if considered necessary. On balance, and subject to the conditions recommended by the Public Health and Housing and Environment Teams it is considered that the proposed development will provide acceptable levels of amenity and comfort to future residents.

Impact on existing residents

74. A number of local residents have raised concerns over the scale and mass of the proposed building and its impact upon the properties adjoining the eastern boundary on Nelson Road. In particular the residents feel that the proposal will cause overlooking, overshadowing, loss of amenity and some loss of light.
75. During the course of the application amendments have been made to the scheme to reduce the height of the central section of the building, however, it remains a four storey building in places. A balcony proposed on the original plans has been removed and the return at the southern end of the building has been removed, which significantly improves the relationship with No. 12 Nelson Road. The southern end of the proposed building is now located approximately 20m from the rear of No. 12, which itself sits much closer to the boundary with the site than the other dwellings on Nelson Road. A separation distance of 20m is generally considered acceptable to maintain a satisfactory relationship between residential dwellings.
76. Following the December 2019 Development Control Committee the applicant has made further changes to the scheme in order to address the overlooking concerns raised by local residents. The revised proposals remove the two flats facing Nelson Road and also remove the side window

of the corner unit. There is now only one window at this top floor level remaining, which is a corridor window and this will be obscure glazed.

77. The dwellings in Nelson Road are closely knit, with small rear courtyard gardens. The boundary wall that runs the length of the eastern boundary encloses the rear gardens and due to the level difference between the application site and Nelson Road the majority of the proposed building will be obscured from view from within the courtyard gardens. There will be views of the building from the rear facing first floor windows on Nelson Road, however, there will be a separation distance in the region of 30m between windows, a distance that is considered to be acceptable to prevent any significant loss of privacy. Whilst it is accepted that there will be some perception of being overlooked, the separation distance proposed is such that this is not considered to result in an unacceptable impact on residential amenity and given that this is a town centre location, it is not uncommon for a close knit grain of development to be prevalent. Indeed, there is a separation distance of approximately 15m between the front facing elevations of the dwellings on Nelson Road.

78. The removal of the two units facing Nelson Road has resulted in no habitable windows at the four storey height facing towards Nelson Road. It is therefore considered that the perceived sense of overlooking has been removed. The removal of the corner window in what is now Unit 42 also improves the relationship with No. 20 Nelson Road. Local residents have stated that the changes made to the scheme since it was presented to the Development Control Committee in December 2019 have addressed their concerns in relation to overlooking.

79. The proposed building continues to maintain a similar relationship with No. 27 Risbygate Street to the existing, with a two storey element alongside the access and a separation distance of 7.4m between the two buildings. The proposed building steps up to three-and-a-half storeys at its moves towards the junction with Parkway, where there is a separation distance of approximately 10m. There is one west facing window on No. 27, however, given that this is at a similar height as the top of the two story element of the proposed building it is considered that there will be a satisfactory relationship between the two buildings.

80. A separation distance of 15-16m is maintained between the north facing elevation of the proposed building and the dwellings on the northern side of Risbygate Street. Again, given the urban setting of the site it is considered that a satisfactory relationship is proposed.

81. A daylight and sunlight assessment has been submitted in respect of the effect of the development on neighbouring properties. The assessment analysed the light that will be received on the windows of neighbouring properties and concludes that all neighbouring windows pass the relevant Building Research Establishment (BRE) diffuse daylight and direct sunlight tests. In addition it concludes that the development also passes the BRE overshadowing to gardens and open spaces test.

82. Officers were concerned that the assessment did not fully demonstrate the extent of overshadowing that may be caused by the development and further information was requested from the applicant. This was received in

the form of a series of shadow images for the existing and proposed scenarios. The images are taken at 8am, 12 noon, 4pm and 8pm on 21st March, 21st June, 21st September and 21st December. The images demonstrate that the orientation and location of the existing and proposed buildings is such that there will be no greater impact on overshadowing on the dwellings in Nelson Road than the current situation.

83. Local residents have asked that they have the opportunity to comment on hours of construction and have cited the fact that they have experienced disruption from recent developments in the vicinity of Nelson Road. As recommended by the Public Health and Housing Team the submission of a Construction Method Statement can be secured by condition. The Method Statement will set out the hours of construction and address matters such as the control of construction noise and dust.
84. The redevelopment of the application site is likely to result in some short-term disruption to local residents, however, such matters can be controlled to a certain extent by planning conditions. The concerns raised by residents in relation to overlooking and overshadowing have been considered by officers and a number of changes have been made to the proposal as a result. On balance it is considered that a satisfactory relationship between the proposed building and existing dwellings can be created such that the proposal will not result in a significant adverse effect on the residential amenity of existing residents.
85. As detailed above it is also considered that future residents will enjoy a satisfactory level of amenity and the proposal therefore complies with the relevant development management policies in this regard.

Access and car parking

86. Policy DM2 requires all development proposals to 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. In addition, developments should, in accordance with standards, maintain or enhance the safety of the highway network. Policy DM45 requires the submission of a Transport Assessment appropriate to the scale of development and the likely extent of transport implications.
87. Policy DM46 states that the Council will seek to reduce over-reliance on the car and promote more sustainable forms of transport. All proposals are required to provide appropriately designed and sited car and cycle parking in accordance with adopted standards current at the time of the application. The Policy goes on to say that in town centres and other locations with good accessibility to facilities and services, and/or that are well served by public transport, a reduced level of car parking may be sought.
88. The Transport Assessment submitted with the application highlights the proximity of the site to key services and facilities. The town centre is located approximately 400m to the east of the site with access on foot via Risbygate Street and through the Cattle Market car park. There is also access to a variety of healthcare services within close proximity, many of which are within an acceptable walking distance, as are a number of bus stops. The bus services stopping close to the site are considered to be reasonable and

likely to serve the needs of future residents. Bury St Edmunds Rail Station is also located approximately 900m north of the site should residents wish to make use of rail services.

89. The existing vehicular access off Risbygate Street will be utilised for the development with 23 parking spaces proposed within the development. This equates to 0.48 parking spaces per unit, an increase from 0.46 spaces per units for the 50 unit scheme. A cycle and mobility scooter store and charging point is also proposed to serve future residents and visitors to the site.
90. The current Suffolk Guidance for Parking states that retirement developments are expected to deliver 1 parking space per dwelling together with 2 cycle spaces for 8 units, 2 powered two wheel vehicle spaces and 1 space per two dwellings for mobility scooters. In addition, 0.25 spaces per dwelling for visitors are required. To comply with the County Council's parking standards a total of 63 parking spaces are required.
91. The Guidance goes on to state that the advisory residential parking guidance is the minimum required, however a range of factors will be taken into account. For main urban areas a reduction to the parking guidance may be considered where a proposal has been designed to be exceptionally sustainable in transport terms and which effectively promotes an overall reduction in the use of high emission vehicles. The Guidance defines main urban areas as those having frequent and extensive opportunities for public transport and cycling and walking links, close proximity to local services and on street parking controls at all times.
92. The applicant's Transport Assessment identifies the fact that sections of Risbygate Street have parking restrictions, and due to the proximity of the junction, no parking is permitted on the south side of the carriageway. There are double yellow lines that run from the roundabout between Risbygate Street and Parkway for the whole of Risbygate Street and then onto St Andrew's Street North, Brentgoval Street and St Andrew's Street South. On the north side of the carriageway there is a parking bay outside Wilko, which can accommodate two vehicles and operates 1-hour maximum parking with no return within 3 hours. There is a further parking bay located to the east of the application site on the north side of the carriageway that operates with similar restrictions. Nelson Road to the east of the site is Permit Holders parking only.
93. The Transport Assessment also details the nearby off-street parking opportunities with 862 short stay spaces at the Cattle Market Car Park, 592 long stay (weekday only) spaces in the Parkway multi-storey and 363 flexi-stay spaces in the St Andrews Car Park.
94. A local resident has pointed out that permit parking in the area is limited to 8am to 6pm and that outside of these times anyone can park here. Residents also report that Red Badge care workers and Blue Badge Holders frequently park in the area with very limited enforcement taking place in respect of badge holders that may exceed their time and those that park on the double yellow lines.
95. Suffolk County Council, as Highway Authority, recommended refusal of the application in its original form due to what it considers to be a severe under

provision of all forms of parking. In making reference to its own guidance document the Highway Authority considers that the applicant has not demonstrated that the proposal has been designed to be 'exceptionally sustainable'.

96. The Highway Authority has suggested that if the following measures were implemented that it may be able to support the proposal:

- Installation of a formal pedestrian crossing on Risbygate Street;
- Safe accessible pedestrian access from the dwellings to the town centre;
- Mobility scooter storage and charging, cycle storage and powered-two-wheeler parking to the level required; and
- Electric vehicle charging points to the level recommended in the guidance.

97. The Highway Authority also points out that it is aware of some issues of obstructive parking on Risbygate Street and that Blue Badge holders are exempt from some parking restrictions. The installation of a formal crossing will reduce the ability for Blue Badge holders to park on Risbygate Street. Local residents have also raised concerns that the streets around Risbygate are under considerable pressure for residents within permit parking areas.

98. The applicant has submitted information in respect of a number of its developments across the country and highlights the fact that the average number of parking spaces per development is 0.42, below that being offered in Bury St Edmunds. It also highlights the fact that a recent approval for a similar retirement complex in Haverhill was on the basis of 18 parking spaces for 50 units. The Highway Authority did not object to this provision and the applicant suggests that the Haverhill site is not in such a sustainable location.

99. Comparisons can also be made with the Cross Penny Court extra care housing scheme on Cotton Lane, which provides 19 spaces for 56 units, a ratio of 0.33. As with the current proposal, this site is located close to a public car park and given that it offers extra care it can be expected that there will be a higher number of staff travelling to the site. Lacy Court is located close to the application site and is a similar retirement complex that offers 14 spaces for 40 units, a ratio of 0.35. Whilst it is acknowledged that these schemes were permitted prior to the current guidance and development management policies being in place the LPA is unaware that any difficulties are experienced in the vicinity of these developments due to parking provision.

100. The LPA has considered the Highway Authority's request for a formal crossing on Risbygate Street and has some concerns that it is not CIL compliant, i.e. it is not necessary, justified and directly related to the development. It has been pointed out to the Highway Authority that future residents are unlikely to be as dependent on reaching routes to work given the retired nature of the occupants and that bus services and the facilities and services on offer in the town centre can be reached without crossing Risbygate Street. The Highway Authority points to an existing issue in relation to Blue Badge holders parking on the double yellow lines and the LPA does not consider that it is reasonable to address an existing problem by requiring this development to deliver a crossing that will restrict this form

of parking. It is also questionable whether the amount of footfall generated by this development could justify meeting the full costs of providing the crossing. Thus the fairly related in scale and kind under CIL seems to fail.

101. The Highway Authority has pointed to the need for safe accessible pedestrian access from the development to the town centre. There is pedestrian access directly from the Risbygate Street access, travelling eastwards on the southern side of Risbygate Street and westwards by travelling along Parkway and through the Cattle Market Car Park. The applicant has also indicated that the levels of cycle and mobility scooter storage could be increased along with the provision of space for powered-two-wheeler parking. Such matters could be addressed through the submission of further details secured by planning condition.
102. The applicant has continued discussions with the Highway Authority regarding the provision of a crossing on Risbygate Street and has now indicated that it will provide this. The LPA maintains its position that the provision of a crossing is not directly related to this application and whilst desirable, it would not be reasonable to make it a condition of consent being granted. Both the applicant and the Highways Authority accept this position and if necessary will make the arrangements themselves to deliver the crossing. Whilst the crossing will be a benefit to the scheme given that it is not strictly necessary to make the development acceptable it attributes only very limited weight in favour of the proposal.
103. The applicant has a significant amount of experience in delivering accommodation for older persons. Its scheme, including the number of parking spaces, has been carefully designed taking into account the operational knowledge of the applicant. It should also be noted that the parking ration has increased following the reduction in the number of units from 50 to 48. The applicant is confident that sufficient parking provision is being provided and it is necessary to balance the need for car parking with the need to deliver usable external amenity space for residents. The site is considered to be in a highly sustainable location with good access to facilities and services and is well served by public transport. There are on street parking designed to prevent anti-social parking in the area in place and the presence of a number of public car parks close by ensures that visitors are well served. On this basis it is considered that a deviation from the standards set out in the Suffolk Guidance for Parking is supported by Policy DM46 and that the development as proposed is acceptable in relation to traffic and parking.

Drainage and flood risk

104. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
105. The site is located in Flood Zone 1, where the majority of development should be directed.
106. A Flood Risk Assessment (FRA) has been submitted with the application that has been updated following receipt of comments from Anglian Water.

Anglian Water's surface water management policy states that where a brownfield site is being demolished the site should be treated as if it was greenfield. No historic right of connection will exist and any sewer connections should be treated afresh.

107. An amended FRA states that the surface water drainage strategy will be based on a restricted discharge to the public surface water sewer beneath Risbygate Street. A deep lined voided subbase system will be required beneath a permeable surface for the onsite access road and car parking areas. A planning condition is proposed requiring further details of the system to be submitted, with further consultation with Anglian Water and the Lead Local Flood Authority at that stage.
108. Foul water will be discharged by gravity to the existing public foul sewer located beneath Risbygate Street. Anglian Water has confirmed that foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.
109. Subject to the imposition of appropriate planning conditions in relation to the submission of detailed drainage strategies it is considered that the proposal complies with the requirements of Policy DM6.

Landscaping and ecology

110. 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. Proposals should demonstrate that their location, scale, design and materials will protect and where possible enhance the character of the landscape.
111. As discussed in detail above, the application site is a brownfield site located close to the town centre and in a prominent position alongside Parkway. The site is surrounded by urban form and the majority of the site is devoid of any landscape features. However, there is an extensive area of planting alongside the western boundary, which falls within the extent of the highway and thus under the control of the Highway Authority. This area has become overgrown and is in need of some maintenance and the applicant has indicated that it would be willing to carry out some maintenance in the course of carrying out the development. The Highway Authority has indicated that it would be willing to allow the applicant to carry out works subject to the appropriate legal agreement being in place.
112. There are also a number of trees along the western and southern boundaries of the site, many of which contribute a wide range of benefits to the locality. The Tree Officer has confirmed that the arboricultural impact of the development on trees shown to be retained is considered to be low if the proposed tree protection measures set out within the submitted arboricultural report are adhered to.
113. A number of trees will need to be removed to facilitate the development and this is considered acceptable subject to mitigation through replacement planting as shown on the submitted landscaping plan. The Tree Officer did however raise an objection to the loss of two mature Sycamore trees adjacent to the southern boundary. The applicant has reviewed this area of the development and has confirmed that one of the trees can in fact be

retained. The Tree Officer is satisfied with this response and again, it is expected that a replacement will be planted within the development for the tree that will be lost.

114. Subject to appropriate conditions relating to the submission of details of replacement planting and additional landscaping being incorporated within the external amenity areas it is considered that the proposal responds well to the landscape character of the area and complies with Policy DM13 in this regard.
115. Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity. A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment has been submitted with the application. The bat survey concludes that it's possible that removal of vegetation would result in the loss of foraging opportunities for low numbers of common species of bats and this will likely result in a minor negative impacts on the individuals using the site.
116. The Assessments include some mitigation measures, which can be secured by condition. Given that one of the mature Sycamore trees is now being retained, it is considered that the proposal will not result in an adverse effect on biodiversity and complies with Policies DM11 and DM12 in this regard.

Other planning matters:

Affordable housing

117. Policy CS5 requires developments of 10 dwellings or more to provide 30% of the units as affordable dwellings. The applicant has the benefit of applying vacant building credit to the development, which results in the affordable housing target being reduced to 20.3%.
118. Paragraph 61 of the NPPF requires LPAs to assess the size, type and tenure of housing needed for different groups in the community (including older people) and this should be reflected in planning policies. Paragraph 62 states that where a need for affordable housing is identified planning policies should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. This approach is mirrored in the Council's affordable housing SPD.
119. In 2017 the applicant secured consent via appeal for a retirement complex in Haverhill, which has very recently been completed. The main issue considered by the Inspector was the delivery of affordable housing. The Inspector determined that the scheme would not lend itself to affordable units being part of the development due to the practicalities in relation to service charges and management arrangements. In that case there was also a local priority for the delivery of family-sized affordable homes.
120. In the light of the appeal decision the applicant has taken a similar approach to affordable housing and has, following the application of vacant building credit, offered the sum of £523,284.20 towards the provision of off-site affordable housing. The Council's Planning Obligation Officer has confirmed that this figure is acceptable and CIL compliant. It is therefore considered

that given the similarities between the Haverhill and Bury St Edmunds sites that a financial contribution in lieu can be robustly justified and the proposal therefore complies with Policy CS5 and the Council's SPD in this regard.

Contaminated land

121. The application is supported by a Desk Study Appraisal that provides a summary of the history and environmental setting of the site and the surrounding area and provides a conceptual site model and risk assessment. The report provides recommendations for intrusive investigations. The Environment Team has reviewed the report and agrees that further investigative work can be secured by condition. The proposal therefore meets the requirements of Policy DM14 in this regard.

Sustainability and energy use

122. At the request of officers a Sustainability Statement has been submitted with the application. The Statement sets out the applicant's view on the sustainability credentials of the development, including its location close to the town centre and with good access to public transport. In addition the Statement refers to features such as 'communal' shopping and the provision of a refuse and recycling store.

123. The applicant has committed to meet the water consumption requirements set out in Policy DM7 and the Statement sets out that all of the applicant's schemes are designed and built beyond the national minimum standards as set out in the building regulations. Low energy lighting is proposed and a communal Ground Source Heat Pump will be installed.

124. The Council's Energy Advisor has reviewed the Statement and welcomes the use of a Ground Source Heat Pump together with the commitment to exceed building regulations. As detailed earlier in this report the Overheating Assessment is still being considered by officers, however, it is anticipated that any further information required can be secured by condition.

NHS England

125. The NHS West Suffolk Clinical Commissioning Group has reviewed the application and takes the view that the development is likely to have an impact on the services of four main GP practices within the vicinity of the site and one branch surgery. These GP practices do not have capacity for the additional growth resulting from the development.

126. The CCG has put forward a proposal to seek a financial contribution of £28,300 towards the expansion of services at the Angel Hill Surgery. This figure is based upon a projected population growth of 120 residents. The applicant has however submitted evidence to suggest that the average occupancy of its developments is 1.25, resulting in an anticipated occupancy of 63 people for 50 dwellings. The applicant therefore calculated that the contribution should be no more than £15,109.32.

127. The CCG has confirmed that it accepts the evidence submitted by the applicant and that the revised figure of £14,504.95, taking into account the reduction in the number of units to 48, is agreed.

Library contribution

128. Suffolk County Council is seeking a contribution of £768 towards library stock. The applicant has confirmed that it will make this contribution.

Other concerns raised by local residents

129. Local residents have raised concerns that construction activities may cause damage to existing heritage buildings in the area. Neither Historic England nor the Conservation Officer raise this as a concern and any damage caused would need to be dealt with as a civil matter between the parties. The applicant has further responded to these concerns by explaining that intrusive ground investigations have been carried out on the site that conclude that the ground conditions are stable to receive this development.

130. Residents have also raised concerns that the development will have a detrimental effect on their existing internet connection. No evidence has been submitted to support this assertion and it is expected that the developer will liaise with service providers to deliver the necessary infrastructure capacity.

Planning balance

131. The site is located within the established settlement boundary where the principle of development is acceptable. The redevelopment of this redundant brownfield site will make a positive contribution to this key gateway location in the town and deliver much needed homes for older persons. It is accepted that retaining a commercial use on the site is unlikely to be viable and that the residential re-use of the site is appropriate. The proposal therefore accords with the development plan in this regard.

132. Historic England suggests that the proposal raises concerns in terms of effects on the historic significance of the Conservation Area due to the scale and massing of the building. However, any resultant harm is considered to be minor and less than substantial. The proposal attracts significant public benefits in the form of the redevelopment of a site that does not currently contribute positively to the character and appearance of the conservation and in the form of the provision of housing for older people. Additional benefits in the form of the short-term boost to the construction industry and long term economic benefits from spending by future residents in the local economy also add weight in favour of the proposal.

133. The proposal is likely to have an effect on the residential amenity of nearby occupiers during the construction phase, however, such effects are short-term and can be managed by condition and therefore attract limited weight against the proposal. The outlook from the rear of dwellings on Nelson Road will change as a result of the proposal, however it is considered that due to the separation distances proposed that the development will not result in any significant adverse effects on amenity, thus this does not attract significant weight against the proposal.

134. Given the site's location adjacent to Parkway and the orientation of the proposed building some future residents may be exposed to high levels of noise and overheating dependent on the location of the units. However,

subject to further monitoring it is considered that the necessary engineering solutions can be put into place to bring levels down to acceptable point and that on balance future residents will enjoy a satisfactory level of amenity.

135. The Highway Authority has raised concerns in relation to the number of car parking spaces being provided on site. However, it is considered that measures such as the provision of cycle and mobility scooter stores together with the close proximity of the site to the town centre and local car parks is such that the level of parking will not result in any significant adverse effects on the local highway network. The applicant has offered to provide a pedestrian crossing on Risbygate Street, however, the LPA do not consider that this is necessary to make the development acceptable in planning terms and its provision therefore attracts very limited weight in favour of the proposal.
136. The proposal does not raise any concerns in relation to drainage and flood risk and subject to the implementation of a suitable landscaping scheme, does not raise any issues in relation to landscape or ecology. Similarly matters in relation to contaminated land can be addressed by condition.
137. The applicant has agreed to make an off-site contribution towards affordable housing, together with a contribution towards healthcare in Bury St Edmunds and library provision. These matters attract further weight in favour of the proposal.
138. On balance it is considered that the proposal meets the economic, social and environmental elements of sustainable development and that the benefits of the scheme outweigh any minor adverse effects identified.

Conclusion:

139. 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:

140. It is recommended that planning permission be **APPROVED** subject to the completion of the s106 Agreement and the conditions detailed below.

The s106 Agreement will secure the following financial contributions:

- Affordable housing contribution of £523,284.20
- Library contribution of £768.00
- NHS CCG contribution of £14,504.95

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

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

- 2 No above ground development shall take place until a scheme for the provision of fire hydrants within the application site has been 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.

- 3 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.

- 4 Prior to first occupation, at least 25% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be rated to provide at least a 7kWh charge, 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

- 5 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The applicant shall submit a detailed design based on the FRA/DS by Civil Engineering Practice (ref:- 23225 rev 1.1 and dated Nov 2019) and will demonstrate that surface water run-off generated by the development will be limited to 12l/s up to and including the critical 100yr + CC storm.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposal, to ensure that the proposed development can be adequately drained, to prevent the development from causing increased flood risk off site over the lifetime of the development, to ensure the development is adequately protected from flooding and to ensure the development does not cause increased pollution to the water environment, 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.

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

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

- 7 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 6 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.

- 8 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters

that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

- 11 No above ground development shall take place until an Air Quality Assessment based on at least 6 months of on-site monitoring has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality Assessment will provide an assessment of the likely levels of nitrogen dioxide and particulate matter (PM10 & PM2.5) pollution at the facades of the proposed structure and provide mitigation measures where any Air Quality Objectives are modelled as being breached. Any mitigation measures shall be implemented as approved.

Reason: To protect future residents from unacceptable levels of air pollution in line with National Planning Policy Framework (NPPF), paragraph 170.

- 12 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.

- 13 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 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.

- 14 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DM2, 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.

- 15 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter

within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DM2, 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.

- 16 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 of the development. 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.

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

Reason: To ensure that the access is designed and constructed to an appropriate specification 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 Prior to the development hereby permitted being first occupied, the proposed access onto Risbygate Street and any other access shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To 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.

- 19 Before the development is commenced details of the areas to be provided for storage, presentation and collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development

is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users 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 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 21 No above ground development shall take place until details of the internal vehicular access/es and footpaths, (including widths, layout, levels, gradients, surfacing and means of surface water drainage), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard and to ensure that satisfactory access is provided for the safety of residents and the public, 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 Condition: All HGV and Construction traffic movements to and from the site over the duration of the demolition and construction period shall be subject to a Construction 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 Plan shall include, but not be limited to;

- Routing for HGV and delivery vehicles
- Means to ensure water, mud and other debris cannot flow onto the highway
- Means to ensure sufficient space on-site will be provided for the parking and manoeuvring of construction and delivery vehicles.
- Means to ensure sufficient space is provided on-site for the storage of materials, equipment and other demolition and construction facilities.

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.

- 23 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage, mobility scooter storage and charging, powered-two-wheeler parking and EVCP connectivity 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 the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2019) where on-street parking and manoeuvring would be detrimental to highway safety and to promote more sustainable means of travel.

- 24 Prior to first occupation, details of the Part L compliance a BRUKL documentation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information on ventilation, lighting, heating and cooling and unregulated loads. Any areas in which the proposed energy strategy might conflict with other requirements set out in the Development Plan should be identified and proposals for resolving this conflict outlined.

Reason: To ensure that the development meets DM7 of the Joint Development Management Policies Document and can demonstrate that the details of how it is proposed that the site will meet the energy standards set out within national Building Regulations.

- 25 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.

- i) Detailed drawings at a scale of not less than 1:5 showing the window head and sill details and vertical cross-sections showing the projections and mouldings of the elevations and window recesses
- ii) Samples of external materials and surface finishes, including the render colours
- iii) Specification for any works required to the existing brick and flint boundary walls

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.

- 26 Before any new services are installed or any existing services are relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall be submitted to and approved in writing

by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.

Reason: To protect the special character, architectural interest and integrity of the nearby listed buildings, 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.

- 27 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 conservation areas in accordance with policy 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.

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

(i) Sample panel(s) of all new facing brickwork/ flintwork shall be constructed on site showing the proposed brick types, colours, textures, finishes/dressings of the flint; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;

i) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.

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

Reason: To protect the special character, architectural interest and integrity of the conservation areas in accordance with policy 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.

- 29 No works involving the installation of 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 windows to be used (including details of glazing bars 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 conservation areas in accordance with policy 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.

- 30 No works involving the installation of external doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. 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 conservation areas, in accordance with policy 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.

- 31 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 protect the special character, architectural interest and integrity of the conservation areas, in accordance with policy 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.

- 32 No works involving the installation of the proposed substation shall be carried out until details of the external appearance of the substation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the conservation areas, in accordance with policy 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.

- 33 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, DM13 and DM17 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.

- 34 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, DM13 and DM17 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.

- 35 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.

- 36 Prior to occupation details of biodiversity enhancement and mitigation 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. The measures shall be based on the Ecological Design Principles and Enhancement Opportunities set out in the Preliminary

Ecological Appraisal and Preliminary Bat Roost Assessment dated August 2019 prepared by Tyler Grange Ltd. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 37 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
40034BS/PL010 REV D	Other	13.12.2019
40034BS/PL02 REV D	Existing & Proposed Block Plans	20.11.2019
40034BS/PL04 REV C	Proposed Floor Plans	13.12.2019
40034BS/PL05 REV C	Roof Plans	13.12.2019
40034BS/PL06 REV C	Proposed Elevations	13.12.2019
40034BS/PL07 REV D	Proposed Elevations	18.12.2019
40034BS/PL09 REV B	Sections	13.12.2019
40034BS/PL012 REV A	CGI Image	04.11.2019
40034BS/PL09 REV A	Sections	04.11.2019
40034BS/PL011 REV A	CGI Image	04.11.2019
40034BS/PL013 REV A	CGI Image	04.11.2019
40034BS/PL014 REV A	CGI Image	04.11.2019
40034BS/PL03 REV C	Ground Floor Plan	04.11.2019
40034BS/PL08 REV B	Proposed Elevations	13.12.2019
40034BS/PL01	Site Location Plan	04.11.2019

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

- 38 Each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single

household with a person or persons aged 60 or over who has since died; or
- Any other individual expressly agreed in writing by the Local Planning Authority.

Reason: To ensure the development is only occupied by those persons for which the development has designed. It is on upon this basis that the development has been assessed and found to be acceptable and in compliance with the Development Plan.

- 39 The east facing circulation corridor window adjacent to Unit 42 as shown on Drawing No. 40034BS/PL04 Rev C shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.

Reason: In order to ensure that residential amenity is not adversely affected, 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.

- 40 The glazing to be installed in the development hereby approved shall be strictly in accordance with the Overheating Risk Assessment dated November 2019 prepared by Inkling LLP and the Stage 1 Risk Assessment and Stage 2 Acoustic Design Statement dated July 2019 prepared by Clarke Saunders Associates.

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

- 41 Prior to commencement of development details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of water drainage, 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.

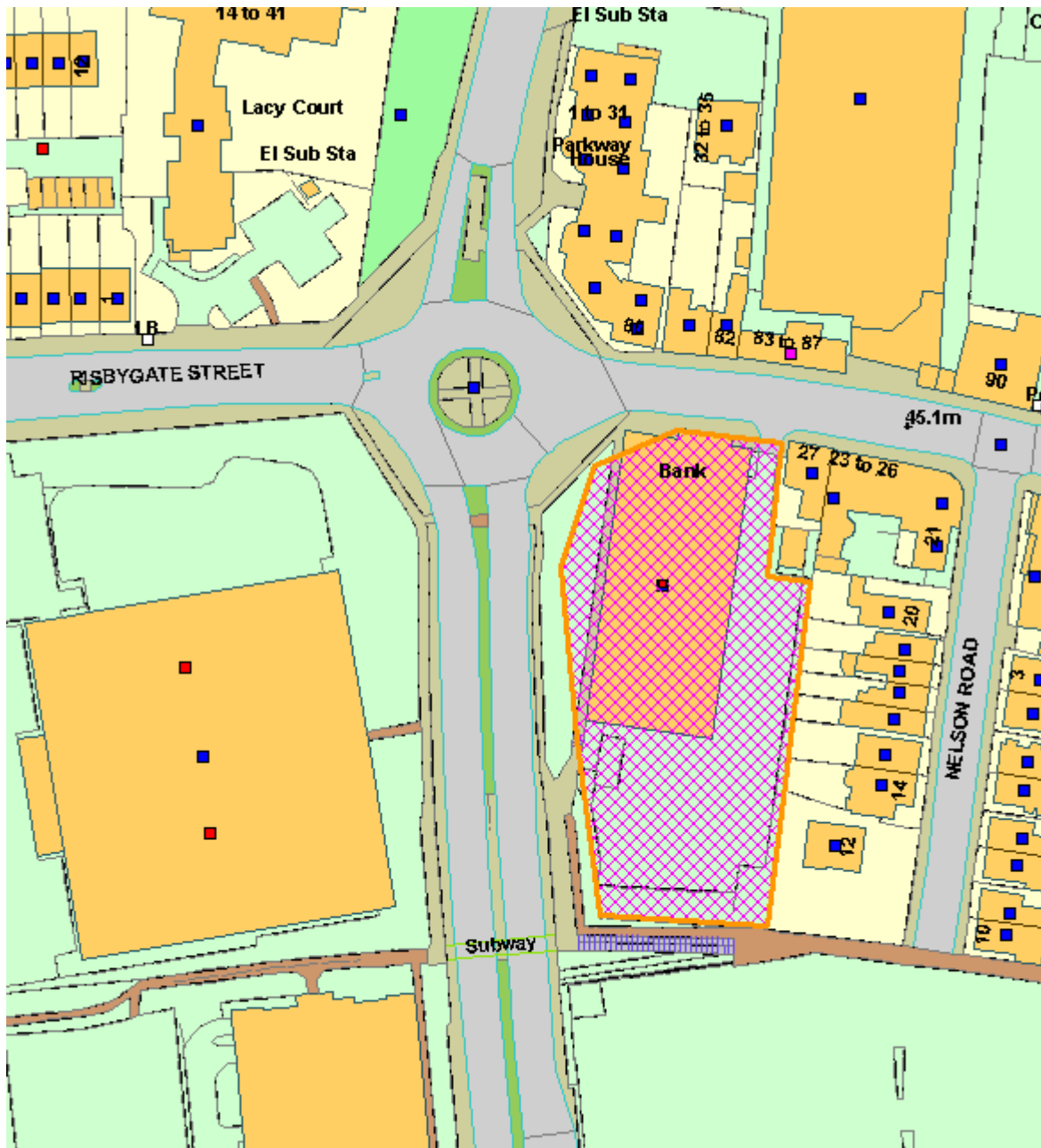
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/1712/FUL>

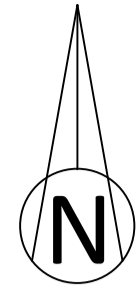
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DC/19/1712/FUL - 28 - 34 Risbygate Street, Bury St Edmunds






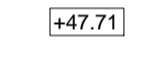
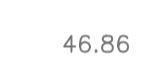

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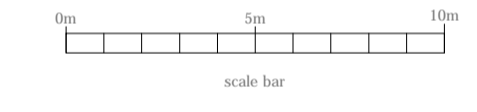


REVISIONS		
Rev.	Date	By

BOUNDARY SCHEDULE	
A-B	EXISTING BRICK WALL
B-C	OPEN (EXISTING CAR PORT)
C-E	EXISTING BRICK RETAINING WALL
E-F	PROPOSED GATE + PEDESTRIAN ACCESS
F-G	EXISTING BRICK RETAINING WALL
G-H	NEW 1100mm METAL RAILINGS AND PRIVET BUSH BEHIND
H-I	NEW RAILINGS ON DWARF BRICK WALL
J-A	OPEN (MAIN ACCESS)

Key

-  Proposed Trees
-  Existing Trees
-  Trees to be removed
-  Proposed Levels
-  Existing Levels
-  Proposed retaining wall



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planning issues
TOWN PLANNING AND ARCHITECTURAL DESIGN

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Client

Churchill Retirement Living

Project Title
PROPOSED RETIREMENT LIVING APARTMENTS
28-34 Risbygate Street,
Bury St Edmunds,
Suffolk, IP33 3AQ

Drawing Title
Site Plan

Scale 1:200 @ A1 Date OCT 2019
Drawn BRS Checked QSL
Drawing No. Rev.
40034BS/PL02 B



Site Plan - (Lower Ground Floor) - 1:200

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Development Control Committee 5 February 2020

Planning Application DC/19/1714/FUL – Marlows Home and Garden, Hepworth Road, Stanton

Date Registered:	02.09.2019	Expiry Date:	02.12.2019 EOT agreed
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
Parish:	Stanton	Ward:	Stanton
Proposal:	Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)		
Site:	Marlows Home and Garden, Hepworth Road, Stanton		
Applicant:	Con Mech Group Limited and FPC (Stanton) Limited		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

1. The application has been called in by the Ward Member Councillor Jim Thorndyke, because of concerns raised by neighbours and the Parish Council with regards to the site layout, impact on neighbour amenity and the street scene, as well as concerns about asbestos present on the site.
2. The site is an employment site which had a retail element, however the former business has relocated and the site is now vacant. This application follows a withdrawn application on this site for a residential scheme for up to 9 dwellings which could not be supported because it was purely for housing.
3. The application is recommended for approval and a site visit was undertaken on Monday 6th January 2020.

Proposal:

4. The application proposes the redevelopment of the existing commercial site in the centre of the village with a shop, with car park and six two-storey dwellings. Proposed are four 4-bed dwellings and two 3-bed dwellings with garage and off-street parking and private gardens.
5. The application has been amended since submission to include the following changes:
 - Roof pitches were reduced from 45 degrees to 42 degrees.
 - Plot 1 dwelling reoriented to address concerns of overlooking.
 - Plots 3 + 4 changed into 3 bed dwellings to reduce parking requirements and provide a better mix of house sizes.
 - Gates added and the fence line amended to the cottages (Foundry House) to provide the neighbour with better access
 - Electric cable and easement indicated to the northern boundary
 - Access onto Hepworth road repositioned westward to allow for suitable visibility splays.
 - Car park layout amended to suit new access position whilst still providing 15 car parking bays
 - Pedestrian route and bins for the Foundry Houses residents have been indicated in the 'no parking' area of the store car park
 - Pedestrian crossing added to Hepworth Road
 - Electric charging points indicated for each dwelling
 - 2 x Street lights added to Hepworth road as indicated on the site plan drawing
 - Service yard/external plant fence increased to 2.4m high
 - Covered cycle stands added for staff and customers. The staff cycle stand is secured behind a fence and lockable gate.
 - Sheds added to plots 3 + 4 for secure cycle storage.
 - 2 powered two-wheeler parking space added to store car park.
 - Highways owned verge indicated.
 - Plot 6 reoriented on site and the garage relocated next to the store acoustic fence to reduce potential amenity impacts from the activities in the service yard.
 - Plot 5 relocated and the internal design changed to address conservation officer comments.
 - Materials amended to the dwellings

- Windows to be either aluminium/timber composite or upvc (all colour grey)
- Roof tiles to be concrete pantiles.

Further amendments to plot 5 have been made in response to neighbour and ward member comments. The latest submitted amendment on 02.01.2019 moves plot 5 north by about 2 meters. This moves plot 5 further back in the street scene and away from Lilac cottage and the neighbours tree. A detailed assessment of impacts on neighbour amenity and street scene is set out below.

6. In consultation with SCC Highways amendments have also been made to realign the access.

Site Details:

7. The application site extends to approx. 0.4 hectares with a frontage onto Hepworth Road, in the centre of Stanton; a key service centre, and outside but adjacent to the conservation area. There is residential development to the south, east and west; to the north lies a telephone exchange. There is a variety of built form in the vicinity of the site. Foundry House and Cottage directly south-west of the site are listed. The development to the east comprises of larger 2 storey relatively modern dwellings from the 1990s.
8. The site comprises of a number of aging industrial buildings, which were last used for mixed use (retail, repair and maintenance services for garden and small agricultural equipment). There are three notable trees (two of which are protected by a TPO) and a small tarmacked area for customer car parking on the front forecourt.

Planning History:

9.

Reference	Proposal	Status	Decision Date
DC/17/2624/HYB	Hybrid Planning Application (i) Full Planning Application for demolition of the existing structures and (ii) Outline Planning Application (Means of Access and Scale to be considered) for up to 9no. dwellings with access and associated infrastructure	Application Withdrawn	03.04.2018
SE/02/3895/P	Planning Application - (i) Provision of exhaust duct through workshop roof; and (ii) enclosure of open display area as amended by letter and drawing received 24th February 2003 indicating alterations to the flue	Application Granted	18.03.2003

SE/00/2208/P	Planning Application - Installation of roller shutters to shop frontage	Application Granted	13.01.2003
E/89/1024/P	Erection of extension to existing building to provide office space over existing showroom	Application Granted	27.02.1989
E/80/1754/P	ERECTION OF EXTENSION AND ALTERATIONS TO STORES	Application Granted	26.06.1980
E/77/3172/P	INSTALLATION OF UNDERGROUND PETROL TANK - NOT FOR RESALE	Application Granted	22.12.1977
E/75/3159/P	ALTERATIONS TO STORE FRONTAGE	Application Granted	12.12.1975

Consultations:

10. Parish Council: *'Whilst supporting the application for a retail unit, the following observations are made - Attention needs to be paid to Highways - possible extension of any zig zag lines from the crossing point to deter users of the unit parking on Hepworth Road. This will reduce any danger and improve visibility for residents exiting Horseshoe Rise. Whilst yellow lines have been suggested it is unlikely that these will be enforced and Council would prefer to see alternatives such as a solid white line.*

Enforcement of parking within the allocated spaces on the forecourt to avoid use of these by nearby residents not using the retail unit. Enhanced footway on Upthorpe Road side to allow safe access for pushchairs, motorised scooters and wheelchairs. This also a busy crossing point for the local school.

Absolute unhindered access to Foundry House and Foundry cottage to be maintained 24/7. Deliveries to be made at a reasonable hour and avoiding rush hour as this is a route to the Industrial Estate Plot 1 to be redesigned to reduce overlooking of Horseshoe Rise properties. Plot 3/4 has 3 cars in a line - this is unlikely to be successful. Consider redesign to avoid neighbour disputes. At the present time there does not appear to be any available parking for visitors to the properties.

Consider including high quality properties suitable for single person occupancy with disabled access/wet rooms, and suitable for mature residents looking to downsizing (with increased floorspace).

Consider reduction in number of properties behind the retail unit to allow parking areas as roads do not appear wide enough.

Consider positioning of entrance to store to ensure safety of users crossing car park.

Provide sufficient rubbish bins to reduce increase in litter around the area. Council will be submitting a S106 application for improvements and additions to recreational facilities under separate cover.'

11. Parish Council (re-consultation on amended plans 26.11.2019):

'The Council are pleased to see that the developer has listened to feedback from residents and has made a number of amendments to the original plans. That said, there was some confusion as to whether the residents of Foundry House have agreed to the amended access plans and it was suggested that barrier fencing at the edge of the parking bays may protect the access route further.

Whilst broadly receptive to the amendments and supportive of the provision of a retail outlet, Council still consider the plot to be overdeveloped for the plot size and ask that thought is given to reducing the number of houses by one to allow more outdoor space and also to reconsider providing a property which could be suitable for retirement living or for residents wishing to downsize to a good quality smaller home.

Plot 5 may be more suited to a single storey property to address some of the concerns from Lilac Cottage.

It is important that a site management plan is robust enough to address concerns in respect of demolition and construction to reduce inconvenience and disruption to adjoining properties.'

12. Conservation Officer: Originally raised concerns about plot 5 and its impact on the setting of the listed building. No objection to the amended site scheme including plot 5 moved away from the listed building and the reduced roof heights.
13. Environment & Transport – Highways: No objection to the amended scheme subject to conditions.
14. Tree Officer: Tree protection and arb method statement to be secured by condition.
15. Environment Team: No objections subject to conditions to ensure a) contamination investigation and remediation and b) electric vehicle charge points.
16. Public Health And Housing: No objection subject to conditions to ensure suitable mechanical plant being used and adequate noise mitigation, restricted opening and delivery hours, no security lights, controlled hours of demolition and construction.
17. Leisure & Cultural Operational Manager: No comments received
18. Waste Management Operations Manager: No comments received
19. Families & Communities - Lesley-Ann Keogh: No comments received
20. Ecology And Landscape Officer: No comments received.

Representations:

21. In response to the original scheme five objections have been received, two representations with observations and suggestions and one comment in support of the original scheme. These can be read in full as part of the online file. The objections and concerns raised relate to the following matters:

- Highways concerns/ Pedestrian safety (hazardous bend, poor visibility, speeding, existing parking issues in the area, proposes parking and displacement of vehicles, lack of pavement outside Foundry Cottage)
Note: see highways matters below
- Residential amenity (specifically from plot 1 and 5) *Note: plot 1 and 5 have been amended, see section regarding amenity below*
- High level of other development envisaged – road network unsuitable
Note: see highways matters below
- Potential for damage to property *Note: this is not a planning but a civil matter*
- No details of services incl. water and drainage. *Note: for development of this scale such details would be dealt with through building regulations*
- Over-subscribed school *Note: Education contributions cannot be sought from a development of this scale. However, school place provision is County council's statutory duty.*
- Light pollution from the store, signage and the proposed crossing point.
Note: The Belisha beacons will have hoods to direct the light source along the road and advertisement consent would be required for any signage. Therefore glare would be controlled.
- Potential security issues and greater risk of property damage from greater visitor numbers passing in close proximity of windows. Enhanced security measures would be required for Foundry Cottage to negate this enhanced risk *Note: this will be a civil matter*
- Potential to get blocked in by parked cars. *Note: This is an issue to be policed and enforced by the new shop.*
- Will compromise public right of way. *Note: This is civil, not a planning matter.*
- Littering, light pollution, noise pollution from mechanical equipment, vehicles, pedestrian and delivery) and air pollution. *Note: This will be controlled by conditions as suggested by Public Health and Housing (PHH)*
- Opening hours. *Note: Will be restricted as suggested by PHH*
- Noise impacts worse for listed building as single glazed not as insulated
Note: Opening hours and delivery times will be controlled by condition. There is nothing to stop intensification of the existing use on site.
- Anti-social behaviour. *Note: Being in the centre of the village with parking to the front there will be natural surveillance to reduce the risk.*
- Strain and competition for existing shops. *Note: Competition is not a material planning consideration.*
- Property value. *Note: This is not a material planning consideration.*
- Impacts from demolition/ construction. *Note: Can be minimised and controlled by condition requiring a Construction Methods statement.*
- Asbestos. *Note: As suggested by PHH this should be controlled by condition requiring a Construction Methods statement.*
- Compensation for the inconvenience. *Note: Impacts during construction work (e.g. general noise and disturbance) are not a material planning consideration.*
- Suggestions for alternative uses such as a GP and pharmacy or different housing types for retirement (*Note: As Local Planning Authority (LPA) we have to consider the proposal submitted. Whilst the LPA will seek to work pro-actively with the applicant to address concerns and make improvements where possible, the potential for more desirable uses is not a reason for refusal.*)

22. Six properties responded to a re-consultation following the submission of amended plans. The responses re-iterate previous concerns as set out

above and which are not considered to have been resolved, apart from concerns about overlooking from 4 Horseshoe Rise.

Policy:

23. 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.

24. 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
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM36 Local Centres
- Policy DM46 Parking Standards

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

Other Planning Policy:

25. National Planning Policy Framework (2019) 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:

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

- Principle of development
- Highways matters
- Design, Form & Scale
- Impact on neighbour amenity
- Impact on heritage assets
- Ecology and trees
- Other matters (Land contamination, sustainable construction, water consumption, air quality, biodiversity enhancements)

Principle

27. The proposal is for the redevelopment of a commercial site (retail, light industrial B1 and sui generis) within the village centre, with housing and a convenience store.

28. The site was last used for a mixed use including employment use, retail and sui generis workshop. The site therefore falls to be assessed against policy DM30 - Appropriate Employment Uses and Protection of Employment Land and Existing Businesses. Policy DM30 seeks to prevent the loss of sites and premises used and/or designated on the policies maps for employment purposes, and that is expected to have an adverse effect on employment generation.

29. The site contains a range of ageing buildings which would require updating for any continued use. For the site to remain in employment use some intensification could reasonably be expected for viability reasons and to ensure efficient use of land. However, a marketing exercise took place over a 9 month period following the previous hybrid application DC/17/2624/HYB. This returned no meaningful interest.

30. Shepherds Grove Industrial Estate, a designated 53ha large employment site is located approximately 2 km east of the village centre. There are also a number of smaller rural industrial areas within the area including Redgrave

Business Centre and Dolphin Business Park at Shadwell. There are also significant employment areas at larger centres including Woolpit, Diss, Thurston and Bury St Edmunds.

31. Moreover, being located within a predominantly residential area with dwellings in close proximity, intensified commercial uses would likely result in adverse impacts on residential amenity of surrounding neighbours. Any intensification of the existing access would also likely result in highway safety issues given the poor visibility from the existing access.
32. The application site is a brownfield site in the centre of a key service centre. The NPPF at para 118 states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
33. The proposed redevelopment of this brownfield site with dwellings and a convenience store, which albeit not an employment use would provide a considerable level of employment, it is not considered to have an adverse effect on employment generation and therefore is not considered to conflict with policies CS9 and DM30.
34. Policy CS4 designates Stanton as a key service centre, which will be the main focus of additional homes, jobs and community facilities outside of Bury St Edmunds and Haverhill. These villages generally have a range of services as well as employment. Stanton has a village store, bakery and post office.
35. Residential development in this location is therefore acceptable in principle, subject to compliance with other policies and material considerations.
36. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
37. The NPPF seeks to build a strong competitive and prosperous rural economy. Paragraph 83 states planning decisions should (inter alia) enable the retention and development of accessible local services and community facilities, such as local shops.
38. The application site is within the designated local centre of Stanton. Policy DM36 – Local Centres, supports small scale retail development to meet local needs, generally not exceeding 150sq metres in net floor area unless a larger area is required to meet a demonstrated local shortfall. The total internal A1 floor area, including sales area (265sqm) and back shop (106sqm), will be 371sqm. However, the proposal replaces the existing 285sqm A1 floor space, which means there would only be a net additional 86.3sqm of overall A1 floor space.
39. Stanton is a growing village and parts of the site have already been in A1 use. Moreover, because of its location it is likely that the convenience store will attract local and passing trade and thus serve a considerable area. The

limited conflict with this aspect of the policy is therefore considered to be significantly outweighed by the benefits such a local facility would provide.

40. The NPPF defines "town centres" as areas that include local centres. The proposed A1 use is a main town centre use and therefore must also be assessed against policy DM35 and the NPPF in this respect. Paragraph 86 of the NPPF states that LPA's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. As set out above, the proposal does accord in principle with policy DM36 for small scale retail development and as such a sequential approach is not considered to be required in this case.
41. Overall, there is wide ranging support from national policy and local policies for the proposed development of this brownfield site and only very limited conflict with policy DM36 with regards to the floor area. The retail aspect of the proposal is therefore also considered acceptable in principle subject to compliance with other policies and material considerations.

Highways matters

42. Policy DM2 requires all new developments to 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 produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
43. Policy DM46 is concerned with parking and seeks to reduce over-reliance on the car and to promote more sustainable forms of transport.
44. Paragraph 109 of the NPPF 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.
45. A number of local residents raised highway safety and parking as a concern. It was noted that the Highway authority objected to the previous application for 9 dwellings because of insufficient visibility.
46. At present the existing access to the commercial site is substandard with inadequate visibility and the area to the front of the existing store is the only means of access to and from both Foundry House and Foundry Cottage.
47. Whilst the private right of way is a civil matter to be solved between the parties, the scheme considers this holistically.
48. Following the withdrawal of the previous application the applicant has liaised with SCC Highways, including traffic surveys, to provide a safer and controlled access with suitable visibility splays for the store and the cottage residents together with a pedestrian crossing. The proposed plans show vehicular access through the car park and pedestrian access across a 'no-parking' area without the need to walk through the car park.
49. Highways have confirmed that at this location 43m X 2.4m visibility splays are acceptable. Any reduction to this would need to consider existing traffic

counts. Concerns had been raised regarding the plans originally submitted with this application, that visibility splays may not be achievable. The proposed access has subsequently been realigned and acceptable, achievable visibility splays demonstrated on site and shown on the amended plan.

50. The proposed pedestrian crossing is welcomed and considered necessary to allow safer pedestrian access to and from the development. The exact type of crossing and location will be subject to a Safety Audit (carried out at the applicant's expense) which will also identify any necessary additional infrastructure, such as street lighting. Therefore, Highways do not recommend conditioning the delivery of a Zebra crossing specifically, but a formal pedestrian crossing generally.
51. Other concerns raised by local residents with regards to single pathway issues in the village, the one way system on Old Bury Road, parking issues and HGV traffic associated with Shepard Grove Industrial Estate are noted, however these are existing issues and not caused as a result of this proposal. The application site is an existing commercial site and redevelopment with the proposed convenience store and 6 dwellings is not considered to have a severe impact on the road network alone or cumulatively with other development.
52. With regards to parking, the proposed residential development has been amended to meet the current Suffolk Guidance for Parking. The link-detached properties on plot 3 and 4 have been amended from 4-bed to 3-bed properties and the quadruple parking originally proposed has been amended to tandem parking. Plots 1, 2, 5 and 6 will have one garage space each and 2 parking spaces within the drive. In addition, there will be two visitor parking spaces for the residential development along the access drive.
53. The parking allocation for the convenience store is slightly below that recommended by the Suffolk Guidance for Parking, which seeks one parking space per 16sqm of sales area. On this basis the proposal would require 16.5 parking spaces, whilst 15 would be provided. However, due to the nature of the store, the dwell time would be limited and the proposal includes cycle parking to the front of the store and the provision of a formal pedestrian crossing. Moreover, the site is in a central location in the village. For these reasons Highways and Officers accept that this is a suitable level with the proposed means to encourage access by foot and cycle. Highways also accept the location of the pedestrian crossing would help deter customers from parking on the highway outside the store.
54. The proposal is therefore considered acceptable when assessed against policy DM46 which states that in locations with good accessibility a reduced level of car parking may be sought in all new development proposals and guidance contained in the NPPF and is acceptable in this regard.

Layout, Scale, Design and impact on heritage assets

55. 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.

56. The application site is directly adjacent to the conservation area and a grade II listed cottage. Policy DM17 states that proposals within, adjacent to or visible from a 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.
57. The proposed convenience store is set back from the road, further than the existing utilitarian building, behind a parking area to the front. The two protected trees are to be retained. One poor specimen tree adjacent to the existing access is to be removed. The parking has been enclosed by a front wall and to further reduce the visual impact and soften the appearance of the hardstanding, soft landscaping details can be secured by condition. There is a service yard with loading bay adjacent to the convenience store and beside the residential access drive. The service yard will be enclosed to the rear by an acoustic fence.
58. The design of the store includes a shopfront and cedar timber cladding. The scale and design would be considerably more harmonious within the conservation area than the existing utilitarian buildings it seeks to replace. As a result, the proposal would improve views from the conservation area and the character and appearance of the immediate locality.
59. The proposed dwellings are sited behind the convenience store, some 37m from the road at the closest point, and will not be prominent in the street scene or views from the conservation area.
60. The application proposes four detached and two link-detached dwellings, using a palette of materials to include cream coloured render, black timber effect weatherboarding and red multi brick work to the external walls, with weathered red pantiles and matching plain tiles to the porches.
61. Plot 5, which is closest to the listed cottage Foundry House and may be glimpsed from the road through the trees to be retained, has been amended a few times to address officer comments with regards to impact on amenity and the Conservation Officer comments with regards to the setting of the listed building. An acceptable compromise has been found by moving unit 5 slightly north and further away from the listed building, which is now over 30 meters at the closest point. Unit 5 was also turned slightly clockwise to further reduce potential overlooking of Lilac Cottage to the north-west and to give oblique views over proposed plot 4. This, together with the general reduction in roof height to all dwellings was considered acceptable to the Conservation Officer in terms of setting of the listed building and to Officers in terms of impact on the street scene and residential amenity (see also below).
62. Noting the more recent development of Horseshoe Rise directly East of the site, the proposed scale, massing, general layout and mix of materials are

considered appropriate for the location and in keeping with the character and appearance of the area.

63. Concerns have been raised by local residents with regards to overdevelopment and that the development appeared cramped. However, there is adequate spacing to all side boundaries, the smallest external amenity space associated with plot 6 is over 72 square metres in area and all dwellings will be provided with adequate off street parking, cycle and bin storage. The plot size and spacing is comparable to that of development in the vicinity and is not considered to be out of keeping. The proposal therefore is not considered to be overdevelopment or result in a cramped layout.

64. The NPPF at para 117 requires effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The proposal would provide 6 dwellings which meet the nationally described space standards and provide a good standard of amenity, whilst at the same time improving the visual amenities and appearance of the locality. On this basis the proposal is considered to comply with policy DM2, DM22 and guidance within the NPPF in this regard.

Impact on neighbour amenity

65. Both policies DM2 and DM22 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. Residential amenity is also 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.

66. Objections with regards to residential amenity specifically have been received from Foundry House south of the site, from Lilac Cottage north-west of plot 5 and from No.4 Horseshoe Rise east of plot 1.

67. Both plots 1 and 5 have subsequently been amended. Plot 1 has been turned to avoid any overlooking of 4 Horseshoe Rise and plot 5 has been moved slightly north and turned clockwise to further reduce potential overlooking.

68. Lilac Cottage objects to plot 5 because of loss of light and outlook from the front windows and to the garden. At present there is a 4.36 metre high commercial building only 0.77m off the boundary and in parts hard against it. Just east of that is the larger commercial building, approx. 8 metres to the ridge.

69. The proposed dwelling on plot 5 will be 7.9m to the ridge and is therefore higher than the existing smaller commercial building. The dwelling on plot 5 will however be sited at an angle from the side boundary with Lilac Cottage, between 1.3m and 3m from the boundary, further away from the side boundary than the existing commercial building, albeit slightly further forward.

70. The proposed dwelling is sited east of the existing cottage and would block out some direct morning sun light at certain times of the year. However, the existing commercial buildings would have the same effect. The proposed

dwelling would be at an oblique angle from the front windows of Lilac Cottage and as such is not considered to have overbearing effects or that loss of outlook would result in unacceptable adverse effects on neighbour amenity, particularly considering the existing buildings on site and the village centre location.

71. With regards to overlooking, the only window in the side elevation of unit 5 serves a staircase and is only to allow natural light into this part of the house. The applicant explained that window is set at a general line with all first floor windows to the property. However, the stairs are split flight with winders at the mid-flight location. The window in question is over this mid-flight location. The cill will therefore be about 1.8m above the stair in that position, so that there will be no overlooking. Whilst there will not be any overlooking from the split flight, there may be views from the actual stairs. To address this and avoid perceived overlooking the window should be obscure glazed, which can be secured by condition.
72. Foundry House does not object to the housing aspect of proposal but raises a number of concerns with regard to the convenience store. Concern with regards to amenity, in particular relating to noise from the proposed convenience store, light pollution from the store, signage and the proposed crossing point. Advertisement will require separate consent and is not considered as part of this application. The proposed crossing beacons commonly have a sleeve to reduce light spill and the applicant has agreed to that. Noise impacts from delivery and operation can be controlled by restrictive conditions in terms of delivery and opening hours, as suggested by the Councils Public Health and Housing team.
73. Concerns have been raised about a lack of detail for construction management to reduce impacts on amenity during construction. These are details which cannot reasonably be expected prior to the determination of the application. Such details can however be secured by condition as suggested by the Public Health and Housing team, and such a construction method statement would also be expected to contain the necessary information about how asbestos on the site will be dealt with.
74. The Public Health and Housing team has raised no objection in principle subject to standard conditions including a construction method statement, plant details and restrictions on delivery and opening hours as set out below. Subject to these conditions the proposals are considered acceptable, in accordance with policy DM2 and the NPPF.

Ecology

75. A preliminary ecology survey has been submitted which confirms that the site with large areas of hard standing and some limited amenity grassland and ruderal vegetation is of low ecological potential with no signs of bats or other wildlife. The survey also sets out avoidance mitigation during construction and provides native hedgerow planting, standard trees within the soft landscaping and sparrow terraces in the detached garages, which can be secured by condition. As such the proposal would comply with policy DM11 and DM12 of the JDMPD.

Other matters

Land contamination

76. The application is supported by a Phase II Geoenvironmental Assessment, undertaken by EPS Ltd, reference UK17.2771B, dated 5th October 2018. The Environment Team has previously reviewed the associated Phase I assessment also undertaken by EPS Ltd. The Phase II EPS report provides details of an intrusive ground investigation, including chemical analysis of recovered soil samples. The report concludes that there are unacceptable risks and makes outline recommendations for remediation. The Environment Team is in general agreement with the scope and conclusions of this investigation and agree that remediation is required. It is therefore recommended that the below conditions are attached to ensure that an appropriate remediation method statement is prepared, contamination is remediated and the works subsequently validated, in accordance with policy DM14.

Sustainable construction

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

78. It is therefore 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.

Air quality

79. 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.*'

80. 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.

81. The applicant has agreed and showed electric vehicle charging facilities for all dwellings in the amended plans. The provision of such can be secured by condition.

82. Section 3.4.2 of the updated Suffolk Parking Standards and the associated tables also have requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing

7.4kW charge in domestic properties and in food retail units 15% of all parking spaces to be fitted with a charging system, with an additional 15% of parking spaces with the infrastructure in place for future connectivity.

83.The Environment Team notes that there are 15 spaces proposed for the convenience store. 15% of spaces being equipped with EV charge points would equate to 2 spaces (rounded down from 2.25). However, the Environment team also recognise that the site is unlikely to facilitate dwell times suitable for EV charging and therefore would be open to alternative arrangements.

84.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.'

85.The applicant explained that their average customer is only in store for 11 minutes. Due to the nature of the store the average dwell time is therefore too short to effectively charge a car. In the view of Officers, it is therefore not reasonable to require two vehicle charge points in this case as they would not likely be used by customers but up to 2 parking spaces may consequently be blocked by cars for charging other than by customers.

86.Moreover, the applicant argues that by providing a local convenience store the proposal reduces the need to travel and thereby already contributes to air quality improvements. Whilst generally vehicle charge points are a reasonable expectation from new developments, in this case in the view of officers they are not considered necessary to make the proposed local convenience store acceptable, consequently the requirement would not meet the NPPF test for conditions.

87.On this basis it is recommended that a condition is attached to secure vehicle charge points for the dwellings only.

Affordable Housing

88.The NPPF states that provision of affordable housing should not be sought for residential developments that are not major developments. Whilst the mixed use development scheme is small-scale major development, the site area is below 0.5ha and the number of dwellings is below the threshold where affordable housing contributions should be sought.

Planning balance

89.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.

90.The proposed mixed use development with local convenience store and six dwellings is acceptable in principle and generally policy compliant. Whilst not an employment use the store is expected to employ 20 part time staff.

91.The development would re-develop a brownfield site within a settlement as encouraged by the NPPF, it would enhance the visual amenity and appearance of the locality and views from the conservation area. It would provide economic benefits from the retail element as well as provide local employment opportunities. It would deliver 6 dwellings in a sustainable location, which would contribute to the councils housing supply. It would reduce the need to travel and would provide contamination remediation. These are all benefits of the scheme.

92.There is limited conflict with policy DM35 given the proposal would provide more retail floor space than provided for within the policy. Impacts on amenity during the construction and operation of the development can be adequately mitigated, subject to conditions.

93.Overall, the benefits of the scheme are considered to significantly and demonstrably outweigh the limited policy conflict.

Conclusion:

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

Recommendation:

95.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
312/EX/01	Ex Elevations & Floor Plans	21.08.2019
312/EX/02	Ex Elevations & Floor Plans	21.08.2019
312/EX/03	Ex Elevations & Floor Plans	21.08.2019
312/EX/04	Existing Floor Plans	21.08.2019
312/EX/05	Existing Elevations	21.08.2019
7792-01 REV A	Location Plan	21.08.2019
7792 28 V	Proposed Block Plan	02.01.2020
7792 17H	Street Scene	02.01.2020
7792 33B Plot 2	Proposed Elevations & Floor Plans	05.12.2019
7792 36A Plot 6	Proposed Elevations & Floor Plans	26.11.2019
7792 35C Plot 5	Proposed Elevations & Floor Plans	26.11.2019
7792 32A Plot 1	Proposed Elevations & Floor	26.11.2019

	Plans	
7792 34B Plot 3/4	Proposed Elevations & Floor Plans	26.11.2020
7792 09E Shop	Proposed Elevations & Floor Plans	26.11.2019

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

- 3 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) Details as to how the developer will satisfactorily address the removal of the existing asbestos cement sheet roof from the existing building.

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.

- 4 No part of the residential development approved by this planning permission excluding demolition shall commence until the following components to deal with the risks associated with contamination of the site have each be submitted to and approved, in writing, by the Local Planning Authority:
- i) A remediation strategy giving full details of the remediation measures

required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The strategy shall be based on the risk assessment in the approved Phase II Geo-environmental Assessment.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

- 7 Prior to occupation of the commercial unit details of the measures to be adopted to minimise delivery noise impacts shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be implemented and maintained in accordance with the details as approved.

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.

- 8 Deliveries of goods with the exception of newspapers and magazines shall be restricted to between 0700 and 1800 hours Monday to Saturday. There shall be no deliveries of goods with the exception of newspapers and magazines on Sundays, public holidays or bank holidays.

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.

- 9 The opening hours of the premises shall be restricted to between 07:00 and 22:00 on any day.

Reason: To protect the amenity of occupiers of adjacent properties 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.

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

Reason: To protect the amenities of the area, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 11 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

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

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

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

- 13 The new vehicular access shall be laid out and completed in all respects in

accordance with Drawing 7792 28 (latest revision) and with an entrance width of at least 5.5m and be made available for use prior to first occupation of dwellings or commercial use of store. Thereafter the access shall be retained in the specified form.

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

- 14 Prior to the development hereby permitted being first occupied, the proposed access onto Hepworth Road shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the existing vehicular access and to prevent hazards caused by loose materials being carried out into the highway, 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.

- 15 Prior to first operation use of the commercial unit and prior to first occupation of any of the dwellings hereby approved the areas to be provided for storage and presentation of Refuse/Recycling bins from the Convenience Store and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored or presented on the highway causing obstruction and dangers for other users, 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.

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

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 17 Before the access is first used visibility splays shall be provided as shown on Drawing No. 7792 28 (latest revision) and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility

splays.

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

- 18 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 7792 28 (latest revision) 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.

- 19 Before the development is first occupied the vehicle turning space/s shown on drawing 7792 28 (latest revision) shall be provided in entirety and shall be retained thereafter in the approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety, 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.

- 20 Before any works above slab level take place details shall be submitted to and approved in writing by the Local Planning Authority showing an official pedestrian crossing and associated infrastructure and relocation of existing road sign/s. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To provide a suitable location for pedestrians to cross Hepworth Road to access the Convenience Store and for residents of the proposed development to access Stanton Village facilities and school, 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.

- 21 Before work above slab levels takes place details of the areas to be provided for the secure cycle storage for residents shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the secure storage of cycles in accordance with Suffolk Guidance for Parking (2019) in the interest of encouraging sustainable

modes of transport, 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.

- 22 The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement by Oakfield Arboricultural Services ref. OAS 19-221-AR01.

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.

- 23 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.

- 24 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.

- 25 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with

the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 26 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.

- 27 Works in relation to the commercial unit shall not take place above slab level until details of the cladding and brick for plinth and front wall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 28 The dwellings hereby permitted shall be constructed entirely of the materials detailed on the approved plans.

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

- 29 Before plot 5 hereby permitted is first occupied, the staircase window in the western elevation shall be fitted with obscure glass and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, 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.

- 30 No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of

hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

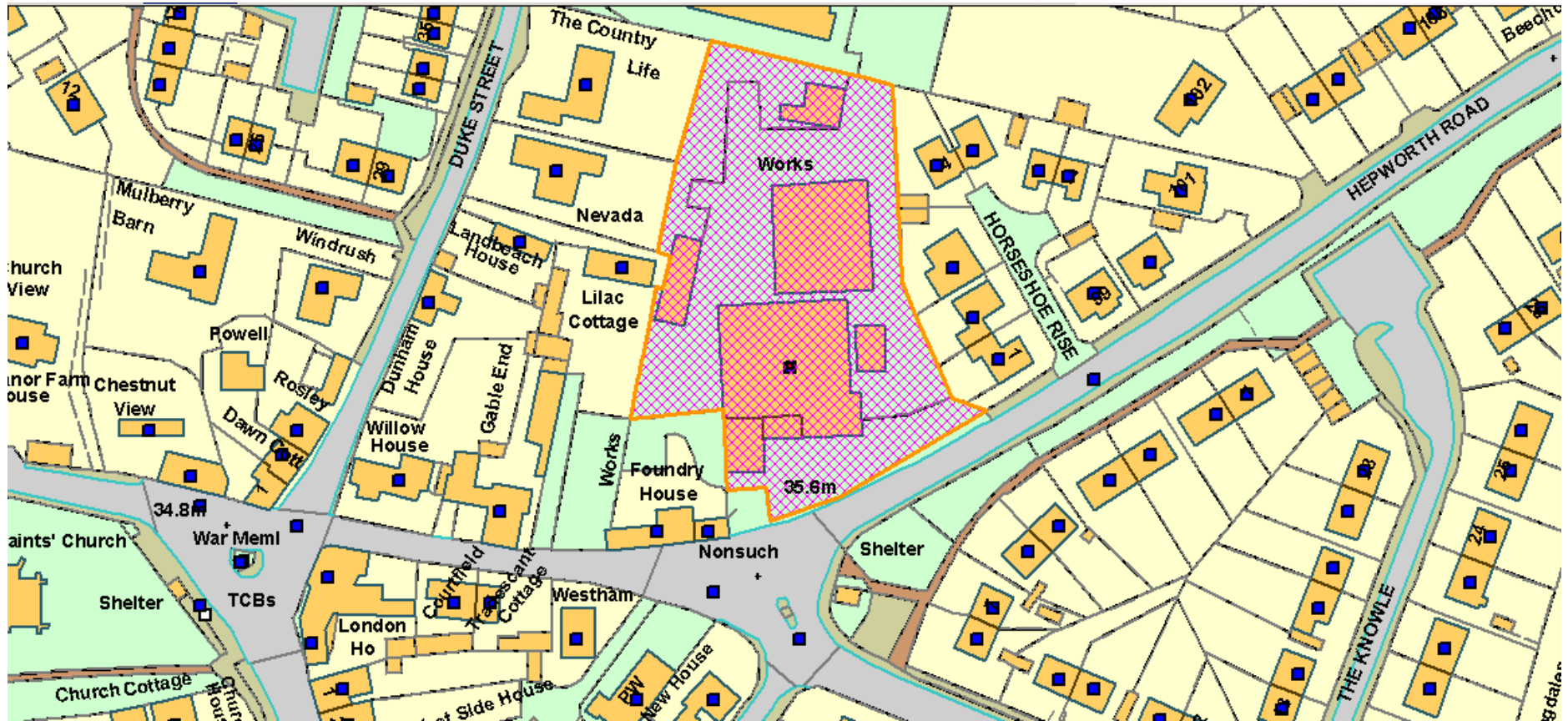
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1714/FUL](#).

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DC/19/1714/FUL - Marlow's Home and Garden



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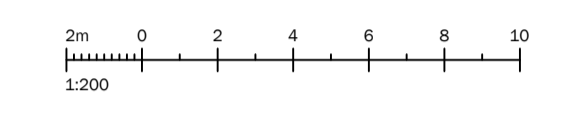
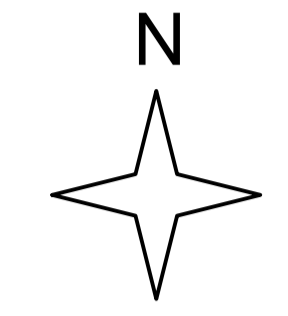


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Gable End

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client:
SHEPPARD DEVELOPMENTS

location:
**HEPWORTH ROAD
STANTON SUFFOLK**

title:
EXISTING SITE PLAN

scale @ A1: 1:200	drawn by: RB	revision:
date: July 2019	approved: RB	
project no: 7792	dwg no: 37	

PLANNING

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Development Control Committee

5 February 2020

Planning Application DC/19/1700/FUL – Caravan Site South, Pigeon Lane, Fornham All Saints

Date Registered:	20.08.2019	Expiry Date:	19.11.2019 EOT agreed
Case Officer:	Britta Heidecke	Recommendation:	Approve subject to conditions
Parish:	Fornham All Saints	Ward:	The Fornhams and Great Barton
Proposal:	Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan lodge holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (as amended by email on 14.01.2019 to omit 2 caravans)		
Site:	Caravan Site South, Pigeon Lane, Fornham All Saints		
Applicant:	Mr David Harris		

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:

1. The application is a re-submission of a recently withdrawn application for Change of Use of two sites on part of the golf course (one in the north and one in the south) for the siting of 70no. caravan lodge holiday homes, with associated works including the creation of a new access for from the A1101 and the B1106. This current application relates to the southern part of the previous application only.
2. The application site and large parts of the golf course fall within the parish of Fornham All Saints. The All Saints Hotel and parts of the golf course fall within the parish of Fornham St. Martin Cum St. Genevieve. Therefore, both Parish Councils have been consulted.
3. The application is before committee because Fornham All Saints Parish Council have made comments in support of the application and Fornham St. Martin Cum St. Genevieve Parish Council object. The ward member asked for the application to be considered by committee due to the number of representations received and the adjoining Tollgate Ward Councillor objects to the proposal. 119 representations have been received, 56 objections from nearby properties and 63 support letters from customers of the existing hotel and golf course. The Officer recommendation is on balance one of approval.

Proposal:

4. The application seeks planning permission for the change of use of part of the golf course for the siting of 35 no. holiday lodges and associated new access off the A1101, access road and parking spaces and associated infrastructure including buggy park. In order to maintain the yardage of the golf course a total of 5 holes would also be altered.
5. The application also proposes a private foot/buggy path from the development site to the All Saints Hotel across the other side the golf course and river Lark to provide a link from the proposed caravans to the hotel, also linking into the existing PROW.

Application Supporting Material:

6.
 - Application Form
 - Proposed Plans
 - Access Plans
 - Ecology Survey
 - HRA report
 - Golf Course Alteration Report
 - Landscape Impact Assessment
 - Soft Landscaping scheme
 - Flood Risk Assessment
 - Drainage Strategy
 - Golf Course and Footpath Statement (risk mitigation)
 - Ecological Addendum
 - Detailed Soft Landscaping Scheme
 - Planting Schedule and Specifications

Site Details:

7. The application site comprises of 2.83 ha of approximately 50.6ha of golf course between Fornham All Saints and Bury St Edmunds. At present the application site is accessed only from within the golf course via a bridge over the river. The area proposed to change use is located between the Mildenhall Road Employment Area and Pigeon Lane/ Fornham All Saints, in the countryside in planning policy terms.
8. All Saints Hotel Golf Spa is located on the south side of the B1106 at Fornham All Saints, Bury St Edmunds, some 700 metres north of the application site. It currently provides for various leisure activities, golf, spa and has a hotel and restaurant. The site is bounded by the golf course to the north, the A1101 to the south, industrial development to the east and arable land to the west.
9. The site is outside any settlement boundary and located within the *valley meadowlands* landscape character typology as defined in the Suffolk Landscape character assessment and has many of the features typical of this landscape character type despite being used, in the main, as a golf course. It contains a large number of trees within the site, is bound by brambles and hedging along the western and southern boundary and a tree line off-site along the eastern boundary with the larger industrial buildings.
10. The conservation area for Fornham All Saints is located opposite Pigeon Lane in close proximity to the site.

Planning History:

11. There is extensive planning history associated with the golf club and hotel. Only the most relevant and recent applications are set out below.

Reference	Proposal	Status	Decision Date
DC/17/1351/FUL	Planning Application - Creation of access off Mildenhall Road into All Saints Golf and Country Club	Application Granted	26.01.2018
DC/18/1372/FUL	Planning Application - New bedroom wing to existing hotel to create 42 no. additional rooms	Application Granted	04.07.2019
DC/18/1917/FUL	Planning Application - (i) change of use of part of golf course for siting of 70no. caravan lodge holiday homes; (ii) new access from A1101 and B1106; (iii) construction of access roads; (iv) parking spaces and (v) associated infrastructure	Application Returned	

Consultations:

12.Fornham All Saints Parish Council:

02.10.2019 *'As a council, we agreed to "Support", as long as the applicant addressed the two issues of :*

- *the difficult A1101 access, traffic volumes, etc.*
- *the effect of this proposed development on wild-life on the adjoining parts of the golf-course'*

03.01.2020 on amended plans: *'Regarding the above application: Fornham All Saints supports this application.*

General comments made by Councillors: Where the proposed path intersects the line of the Lark Valley path, develop the new path in a similar direction and then make a short turn across to the lodges thus maintaining maximum distance between the guests and local residents. Suggest lighting low to the ground on the right side going towards the lodges so Pidgeon Lane would not be affected. Lighting levels should not be excessively bright but just enough to mark out any path's routes. Could lights be on a timer/sensor so they are not permanently on during the night?'

13.Fornham St. Martin Cum St. Genevieve:

02. 10.2019 Objects to the application for the following summarised reasons:

- the development will breach the rural green space between the village and Bury St Edmunds
- not in-keeping with the rural setting and the character of the area
- protected species and Japanese Knotweed
- concerns regarding the risks of contamination and flooding
- river may be affected by pollution and sewerage
- no plans indicating how Cycleways between the site and Fornham Park, West Stow, & Genevieve Lakes will be linked, nor is there any provision for cycle storage
- Access and traffic concerns
- The Battlefield Trust, SCC Archaeological Services & Historic England concerns
- The amount of holiday lodges within the local area is disproportionate to the need. There are currently 24 Lodges already built at Fornham Park, with 27 further lodges approved and with foundations in progress; there is also a 12 lodges application still pending determination.
- the RV6 Stennett's provision which has been allocated, a further possible 100 lodges at Genevieve Lakes

- all within close proximity of each other, being only 1/6 of a mile apart

10.01.2020 Comments on the amendments:

Fornham St Martin cum St. Genevieve Parish Council would like to reiterate its objections and comments submitted on 11th October 2019, we feel that the amendments submitted by the applicant do not answer all our comments and in no way do they lessen the impact the development has upon the rural green space between Fornham All Saints (which is an infill village) and Bury St Edmund's, contravening Vision 2031 and JDMDP Policy DM34 para a.).

- 14.Ward Councillor: Call in from war member Cllr Rebecca Hopfensperger due to the number of objections. Cllr Hind (Tollgate member which adjoins the Fornhams) objects to the proposals on the grounds of Traffic, Noise, Sustainability, Effect on the environment, Archaeology, Loss of Residential amenity.

Environment & Transport – Highways:

- 15.Do not object to the amended approval and access details subject to conditions.

- 16.The Highways Authority (HA) `accepts that the traffic movements associated with this development will not have an impact on the peak traffic flows of Fornham Road A1101. However, we must caveat our response to state that this applies to the detail of this application only. No further development, intensification or use of this access for any other or additional purpose would be acceptable.'

- 17.The HA note that drawing 467 P1 Rev A with the footway as shown on drawing Diagram 467/PH1 is an acceptable layout, and accept that suitable pedestrian access into and through the development, and suitable parking and turning for all vehicles can be achieved. The HA also notes that in order to achieve visibility splays cutting back or removal of vegetation and removal or relocation of infrastructure such as street lighting and a road sign may be necessary. This will require separate consent from the HA. As the access details have been submitted in different documents the HA request a condition for holistic access details to be submitted.

- 18.The HA consider that building the proposed and permitted access DC/18/1354/FUL would have a severe impact on highway safety and state that support of this application is on the understanding that both access will not be built out and if this assurance cannot be given must recommend refusal of this application..

- 19.The access overlay plan provided by the applicant on 28.10.2019 clearly demonstrates that the approved maintenance access and current proposed access could not both be implemented given they overlap. This is considered sufficient assurance in this case.

- 20.Suffolk Preservation Society: No comments received.

21. Conservation Officer: 'This application is for 37 holiday lodges located on land at the southern end of the golf course associated with All Saints Hotel. It represents a reduced version of an earlier application.

The site is close to the boundary of the Fornham All Saints Conservation Area and is separated from it by Pigeon Lane. The boundary of the proposed scheme would include a native hedge which would retain the natural character and appearance along Pigeon Lane, preserving the setting of the conservation area.

I therefore have no objection to this application.'

22. Environment Agency: Have no formal comment to make on this application but offer standing advice on guidance risks to controlled waters from contamination at the site.

23. Anglian Water Services Limited: Advise that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Anglian Water confirms that foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

Natural England:

24. Natural England notes that the site is within Impact Risk Zones for SSSI's designated for hibernating or breeding bats. It is suggested that the application submission should provide a proportionate set of evidence and conclusions regarding impacts on bats as notified features of the SSSI. The information should allow the LPA to assess whether (and to what extent) certain impacts exist and make an informed decision.

Ecology and Landscape Officer:

25. The Ecology and Landscape Officer considers that 'the level of tree removal is significant and would have a harmful effect. This vegetation which is also noted to have ecological value at a site level; irrespective of its species composition and condition makes an important contribution

to the setting of Bury St Edmunds and the gap between the town and the village of Fornham All Saints’.

The Ecology and Landscape Officer notes ‘that the proposed planting would take some time to mature and provide screening and softening to the lodges.

The Ecology and Landscape Officer considers that ‘the revised planting proposals show a good level of planting across the proposed site. The proposals aim to provide tree and shrub planting to the boundaries of the site, with some internal shrub planting and hedgerows. However, the effects of the new development on the boundary with Fornham Road, and Pigeon Lane has not been adequately addressed.’

26. The Ecology and Landscape Officer notes that ‘an ecological report has been submitted for the site (Ecological Impact Assessment Report, Huckle Ecology Ltd, August 2019 18101R2v1). The area surveyed does not include the whole application site which has been extended to the east. Initial survey was undertaken in February 2019, with some additional surveys undertaken in spring 2019 in particular great crested newt presence/absence. The survey continues to conclude that further surveys for bats may be required if arboricultural works associated with the proposed development require the removal of mature oaks or poplars within the site (summary, bullet point 12 and final bullet point and section 6.19). The removal of the line of poplars is proposed and, additional survey work has not been undertaken to give a more accurate indication of the value of these trees in terms of foraging and roosting and the mitigation that would be required.
27. Japanese knotweed has been identified on the site (section 4.16). If planning permission is given this would need to be dealt with by condition to prevent its spread.’
28. With regards to Habitats Regulations Assessment (HRA) the proposal is considered acceptable. The Ecology And Landscape Officer judges that provision of recreational open space associated with the lodges and improvements to access including connections to the existing PRow and safe circular walks through the golf course, and to the hotel would encourage the residents to remain within the locality rather than drive to the SPA.
29. Oil and Pipeline Agency: Following discussions between their client and the Applicant, their client’s initial objection to the application was withdrawn (26.12.2019). Apparatus will be affected by the proposals and before undertaking any work or activity CLH-Pipeline Systems (formerly the Government Pipelines and Storage System) should first be contacted for advice and, if required, a Works Consent obtained. The interests of the CLH-PS are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996.
It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from CLH-PS. CLH-PS’s Easement Strips are 6 metres wide and can incorporate other associated CLH-PS facilities.

30. Public Health and Housing: No comments or objections from a PHH perspective. The site would require a caravan licence for the operation. Risk from stray balls for the proposed development and footpaths have been raised by PHH. The management of the risks have been addressed in the Golf Course Alterations Report (by Swan Golf Course Designs - Golf course architects dated 25th September, received 08 Oct 2019). Risks to footpath users have been addressed in the Gold Course Footpath Statement received 30th December 2019.
31. Environment Team: No objection subject to conditions to secure intrusive contamination investigation and to ensure provision of electric vehicle charge points.
32. Suffolk Wildlife Trust: No comments received.
33. Leisure & Cultural Operational Manager: No comments received.
34. SCC Flood and Water Team: Objected to the initial submission in the absence of an FRA and drainage strategy. Following the submission of an FRA they still maintain a holding objection.
A single domestic soakaway for each lodge is considered preferable and then the access road pervious paved. Where the groundwater table is too high the attenuation basin can be retained but outflow and size revised to suit.
The SCC Flood and Water Team confirmed that the updated drainage strategy is now acceptable. (12.11.2019)
35. National Grid Plant Protection: No comments received.
36. Sport England: The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case. Sport England provided general advice which is viewable online.
37. Historic England: 'A site visit has established that though the proposed development does occupy the one remaining area of open space in the vicinity of the monument, views from the monument are limited by the existing development along Pigeon Lane and by the hedgerows on either side of the lane.

It is probable that archaeological remains relating to the wider prehistoric ritual landscape will be disturbed or damaged by the proposed development and we recommend that you consult your archaeological advisor for further advice. ...'
38. Rights Of Way Support Officer SCC: No comments received.
39. Ramblers Association: Initially objected to the proposal but withdrew their objection following discussions and clarifications of certain aspects, including road access, with the applicant.
40. Anglian Water Services Limited (AW): No objection. Note that AW assets may be affected and suggest an informative. AW notes 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. The sewerage system at present has available capacity for these flows via a gravity connection to the public foul Sewer. AW note that the proposed method of surface water management does not relate to Anglian Water operated assets. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

41. Environment Agency: Have no formal comment to make. The EA note that the site is located above a Principal Aquifer and within a Source Protection Zone (SPZ 2). 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. If the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted. (Note: these are not proposed).
42. Battlefield Trust: The site is likely to be in an area of rout where battle related artefacts might be present of the Fornham St Genevieve battle (1173) (see Suffolk Historic Environment Record reference FSG 030). The Battlefields Trust judges it would be appropriate to undertake a pre-development investigation.
43. Chairman, River Lark Catchment Partnership: Original objections have been withdrawn by email on 01.11.2019 following clarifications by the applicant. It was requested by the chairman that the comments be removed from the public file.

Representations:

44. 119 third party representations have been received, 56 objections from nearby properties and 63 support letters from customers of the existing hotel and golf course. The representations can be viewed in full on the online file.
45. The objections raise concerns with regards to:
 - Residential Amenity – noise from holiday makers and vehicles, potential smell and pollution
 - Visual amenity – lodges out of character with the area
 - wildlife / loss of habitat
 - loss of trees
 - continued functioning of the golf course
 - Undermines gap between Bury St Edmunds and Fornham All Saints
 - Traffic on A1101 has already increased significantly from Marham Park
 - precedent for future planning applications
 - traffic and highway safety
 - Adverse impact on nocturnal character
 - Flooding and drainage
 - No play area

- Health and safety from stray balls
- Lack of demand
- Poorly maintained and inaccessible footpaths
- Heritage and archaeological remains
- Air and noise pollution from traffic
- Proposal will jeopardise the delivery of allocated site RV6
- Unrelated to hotel/Spa and golf course
- In-combination effects with other approved and planned development
- Lack of information/ landscaping
- How will these be occupied / holiday use controlled

46.Support comments make the following summarised points:

- Employment
- Additional and more choice of tourism accommodation
- Help diversify golf course/ make it more viable
- More footfall for local business
- Site is next to the industrial area and far away from any residential

Re-consultation was undertaken (11.12.2019) on amended plans and additional information with regard to soft landscaping and footpaths. The following summarised comments have been received:

- Original concerns have been reiterated.
- Concerns about the new pathway across the golf course close to the residential properties on Pigeon Lane.
- Concerns about safety for users of the proposed footpath
- Noise
- Suggestion for alternative footpath routes (for the green path)
- Suggestions for improvements to the soft landscaping and number and height of trees to be planted
- Light pollution from footpath
- coalescence of Fornham's and town
- Inadequate maintenance of the existing river footpath (Note: this is SCC PRow responsibility and it is understood that maintenance is scheduled)

Policy:

47.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.

48.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:

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS13 - Rural Areas
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- 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 DM34 Tourism Development
- Policy DM42 Open Space, Sport and Recreation Facilities
- Policy DM44 Rights of Way
- Policy DM46 Parking Standards

Other Planning Policy:

49. National Planning Policy Framework (2019) 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:

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

- Principle of Development
- Impact on the character, appearance and amenity of the area;
 - A1101 views
 - View from Pigeon Lane
 - Views from The Lark Way footpath
 - Conclusion Landscape Impact
- Highways considerations
- Impacts on Nature Conservation and Biodiversity/ HRA assessment
- Whether the scale is appropriate for the context and Need
- Heritage Assets and Archaeology
- Residential Amenity
- Risk from stray balls
- Flood risk/ Drainage/ Pollution
- Contamination
- Air Quality
- Planning Balance

Principle of development

51. The application site is designated as countryside under the current policies map (September 2014), where policy DM5 applies.

52. Policy DM5 states that the countryside will be protected from unsustainable development and sets out in what circumstances development might be acceptable. Under criteria d) (inter alia) new tourism facilities will be permitted in accordance with other policies in the plan.

53. The last paragraph of DM5 states '*Proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:*

- *it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);*
- *there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and*
- *there will be no significant adverse impact on the local highway network.'*

54. Policy DM13 - Landscape Features permits development where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. Individual proposals will be assessed based on their specific landscape and visual impact.

55. The policy most relevant for the consideration of this proposal is Policy DM34 – Tourism Development. This seeks to direct larger scale tourism activities and overnight accommodation to the larger urban areas. The

policy permits new tourism facilities, including overnight visitor accommodation such as holiday lodges, static and touring caravans provided that a number of criteria are being satisfied. The policy requires proposals to:

- a) be connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;
- b) not adversely effect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority;
- c) vehicle access and on-site vehicle parking would be provided to an appropriate standard.

56. Additional criteria apply to rural areas, where proposals must also:

- d) have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;
- e) be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.

57. Also relevant is Policy DM42 - Open Space, Sport and Recreation Facilities seeks to resist development which will result in the loss of existing amenity, sport or recreation open space or facilities. The NPPF para 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

58. The application site forms part of the Fornham All Saints golf course and hotel and spa complex, which is designated as recreational open space and countryside in planning policy terms. The site is located in the southern corner of the golf course and abuts the Mildenhall Road Employment Area to the south-east. The site is some 2km north of Bury train station and just over 3km from the town centre of Bury St Edmunds. The application has been submitted with a golf course re-design scheme to demonstrate that the functionality of the 18 hole golf course will not be affected.

59. The proposal therefore would not result in the *loss* of existing amenity and sports facilities. Sports England has raised no objections. The proposed lodges would be connected to and associated with the existing All Saints Hotel, Golf and Spa; the lodges would have functional links and be linked by an internal foot- and buggy path. Whilst connected with

existing facilities the proposal is also considered to relate well to the main urban area and defined settlement in the area as required by policy DM34 criteria a and e. Moreover, the application has demonstrated that there is good access to public transport, cycling and walking links for the benefit of non-car users.

60. As such the proposal does not conflict with policy DM42 and meets the criteria set out in para 97 of the NPPF. For the foregoing reasons, the proposal is also considered to comply with policy DM5 and DM34 a) and d) and as such is acceptable in principle subject to compliance with criteria b) to d) of policy DM34 and other relevant policies in the development plan. This will be explored further below.

Whether the proposal would adversely affect the character, appearance or amenities of the area and the design is of an acceptable standard

61. The application was submitted with an Arboricultural Impact assessment which shows the trees to be removed to enable the development, for arboricultural reasons and the trees to be retained on site. The proposal will result in the removal of a significant number of category B and C trees, including a row of Lombardi Poplars, assessed as being of high amenity value. However, the trees are not protected and poplar trees are generally relatively short lived and as such would not warrant protection through the serving of a TPO. Some other trees have been identified as requiring work or felling regardless of the proposal. Several diseased trees have been felled in recent weeks. The row of mature poplar trees along the boundary with the industrial units would be retained.

62. A Landscape and Visual Impact Assessment (LVIA) has been provided by the applicant in accordance with the requirements of policy DM13. The LVIA notes that the application site and the rest of the golf course are situated within the River Lark valley floor, but exhibits very few of the characteristics identified within the existing landscape character assessments. The LVIA notes that there are poplars present in the landscape, although their linear nature are formal in character and an incongruous addition to the landscape.

63. Views of the application site were found to be localised to receptors adjacent to or close to the site. Wider views are limited due to buildings, bunds or vegetation forming an effective screen. Receptors for near distance views are the A1101 Mildenhall Road, Pigeon Lane and views from The Lark Way footpath. No middle or long distance views have been identified.

64. The application site forms the edge of the built up area on the eastern side of the A1101 and opens up to the golf course beyond, east of Pigeon Lane. On the other side of the A1101 the industrial park continues past the entrance to Pigeon Lane and beyond the application site, albeit behind a wide grass verge and tree screen. The edge of Marham Park, major residential development under construction, is then visible, creating an urban character.

65. An arable field, which also demarks the edge of the conservation area, bounds the site west of Pigeon Lane. Pigeon Lane is a road used by

vehicular traffic in Fornham All Saints north of the application site, but is a pedestrian and cycle path for some 130m north and along the application site until it meets the A1101. A bund, boundary shrubs and brambles line Pigeon Lane, providing a verdant feel. As the footpath approaches Mildenhall Road, the bund and planting on the golf course side falls away and views into the golf course become available with a chain-link fence bounding the site. At this point the presence of the road and the industrial park beyond are also seen and have an urbanising effect on the view.

A1101 views

66. The LVIA states that it was anticipated that the lodges and associated car parking would be glimpsed in views from the road, especially at the entrance, but their dominance in the views would be limited due to their scale and appearance in comparison to the industrial units. It was accepted that there will be some new urbanising features introduced to the application site, but this is not considered incongruous, or out-of-character, in these views along the road. It is therefore concluded that although there would be a change, the impact within the view would be negligible.
67. The proposal includes a soft landscaping scheme which has been amended during the consideration of the application. It would extend the grass verge along the roadside, beyond which there would be a boundary hedgerow. It also contains significant tree planting including a row of extra heavy standard trees along the frontage.
68. The LVIA concluded the character of the site and its surroundings would not be significantly diminished and with positive landscaping there would be the opportunity for improvements, also in terms of arboricultural and ecological additions.
69. In response to comments from officers the scheme has been amended further to reduce the overall number of caravan plots to 35 and increase the planting buffers along Pigeon Lane. The scheme includes a native hedge, made up of 10% evergreen English Holly, and tree planting along the proposed access and within the site, opposite the access drive, to reduce glimpses and the visual impact from the lodges in views from the A1101.

View from Pigeon Lane

70. The view into the golf course currently consists of a manmade landscape with mown grass and scattered trees and shrubs. Some trees identified in the Hayden's tree survey with decay and posing a danger have already been removed.
71. A bund runs along the side boundary with Pigeon lane. The lodges and associated car parking would become more visible in views from Pigeon Lane were the bund drops. The planting up to this point is proposed to be enhanced and at this point new boundary planting is proposed to continue the screen up to the road. The lodges are also proposed to be clad in natural timber and so this would further mitigate their impacts within this view.

Views from The Lark Way footpath

72. The Lark Valley footpath runs across the golf course alongside the river. The LVIA notes that along this part of the footpath the main views are of the golf course environment with the river in the foreground and in the distance the backs of properties from the neighbouring villages and filtered glimpses of the traffic on the road and of the industrial park. Built form is therefore already present in these views.
73. The proposed caravans 'would be visible in the background, although their timber cladding would help them to blend into the planted backdrop. The north northeast boundary of the application site would then be partially planted to soften the appearance of the lodges in these views. These groups and single trees would fit with the golf course environment and create a natural undulating edge'.
74. The visual impacts will in time be reduced by the mitigation planting and cannot be considered to adversely affect the character of the PROW as a whole, either once planting has established or even at the outset immediately following planting, and thus the proposal would not be contrary to policy DM44 - Rights of Way.

Conclusion Landscape Impact

75. The Ecology and Landscape Officer noted the level of tree removal is significant and would have a harmful effect. Whilst the trees are not protected the sites makes an important contribution to the setting of Bury St Edmunds and the gap between the town and the village of Fornham All Saints.
76. The LVIA sets out landscape features within and surrounding the site to be retained, enhanced and extended. These include the introduction of rough meadow grassland, parkland trees within the golf course, along the A1101 and significant numbers of trees at the entrance to the site, linear native boundary scrub planting along all of the boundaries and within the caravan park.
77. The Ecology and Landscape Officer considers that the revised planting proposals show a good level of planting across the proposed site. The proposals aim to provide tree and shrub planting to the boundaries of the site, with some internal shrub planting and hedgerows. Concerns remain about the effects of the new development on the boundary with Pigeon Lane.
78. The Landscape and Ecology Officer highlights in her comments that policy DM13 requires *all development proposals 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, the significance of gaps between them and the nocturnal character of the landscape.*
79. The policy goes on to state that *where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. And, 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.

80. Whilst the proposal in this edge of settlement location would bring about some change in the landscape, the site is fairly well contained and includes a substantial soft landscaping scheme to mitigate and compensate for any tree loss and visual impacts. The undeveloped gap between Pigeon Lane residential development and the edge of Bury St Edmunds would be reduced. However, given the type of development with the caravans clad in timber and set within hedged boundaries and soft landscaping, a verdant rural character would be retained. Due to the shape and location of the application site, the existing bund and vegetation in place and proposed, the development is not considered to unduly encroach into open countryside. Moreover, the scheme has been amended to omit 2 lodges on the northern edge of the proposed development to slightly increase the gap and allow for a larger green buffer.
81. With regards to the nocturnal character the Inspector for a similar proposal on a nearby site (Fornham Park Lodge development / Phase 2 - Appeal Decision APP/E3525/W/17/3185630) found that 'Whilst any increase in human activity is likely to affect the level of darkness at night, the nearby main roads and industrial installations already compromise the nocturnal environment. Providing the level of estate lighting is restricted, the additional lodges would not significantly add to existing levels of artificial light'. In this case the road and industrial units are similarly close to the application site, compromising the nocturnal environment. A condition is therefore recommended for a detailed lighting scheme to be submitted for approval by the LPA prior to its installation.

Officers acknowledge that the soft landscaping proposals will take time to establish and mature, however over time the visual impacts from the development will reduce and be limited. The proposal, subject to the soft landscaping scheme, is not considered to be unacceptably harmful to the character of the area considering also that the trees to be removed are not protected.

82. The amended proposal is considered to minimise the harm to the locally distinctive character of the area and there is no net loss of characteristic features as required by policy DM13. On balance therefore the proposals are not considered so harmful to the visual amenities of the area to justify refusal for this reason.

Highways considerations

83. Concerns have been raised by local residents about the increase in traffic cumulatively with other development in the area and the safety of the proposed new access. The concerns are noted and SCC Highways has been consulted on the proposals and subsequent amendments.
84. An access for maintenance vehicles off the A1101 to this side of the golf course was granted permission in 2018. This access was sub-standard and only suitable for infrequent use. This access has not been implemented. The present application proposes a new access to current

highways standards in terms of width, construction and visibility. The site layout shows on-site parking for the individual caravans in accordance with the current standards.

85. The NPPF states at para 111 that 'All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.' What constitutes a 'significant amount of movement' is a matter of planning judgement.
86. Policy DM45 requires major development and/or where a proposal is likely to have significant transport implications to provide a transport assessment appropriate to the scale of development and the likely extent of transport implications. The policy refers to the *Indicative thresholds for application of transport assessments/transport statements contained at Appendix B, Department for Transport Guidance March 2007, Guidance on Transport Assessment*. This sets out when a Transport Statement (TS) or Transport Assessments (TA) and Travel Plans (TP) are required. For C1 Hotels it states that *no* assessment is required for less than 75 bedrooms, a TS for between 75 and 100 bedrooms and a TA/TP for over 100 bedrooms.
87. The amended proposal is for 35 holiday caravans. On the basis of the above in the view of officers the proposal cannot reasonably be argued to likely have significant transport implications such that it requires a full Transport Statement.
88. However, a statement with trip number estimates based on similar developments has been submitted with the application which shows low peak hour trip generation.
89. The NPPF at para 109 advises 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.
90. Given the number of units below indicative thresholds and the likely low peak hour trip generation the proposal is not considered to have severe impacts on the road network alone or cumulatively with other development. SCC Highways has no objection to the amended proposals subject to conditions, including one to ensure that the previously approved maintenance access could not be constructed as well as the proposed access.

Nature conservation, biodiversity or geodiversity interests and impact upon the character or appearance of the landscape and countryside

91. The LPA, as a public authority in England, has a duty under the Natural Environment and Rural Communities (NERC) Act 2006 s.40, to have regard to conserving biodiversity in decision making.

92. The Framework confirms the planning system should contribute to and enhance the natural environment by inter alia minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations.
93. Development Management Policy DM10 requires the local planning authority to have regard to expert nature conservation advice. It sets out detailed criteria for the consideration of the impact of development on sites of biodiversity importance.
94. Natural England notes that the site is within Impact Risk Zones for SSSI's designated for hibernating or breeding bats. The information submitted should allow the LPA to assess whether (and to what extent) certain impacts exist.
- (i). Changes to bat roosting features at the SSSI
 - (ii). Changes to commuting flight paths and foraging habitats within the ZOI
 - (iii). Changes to vegetation cover within the SSSI boundary, or nearby
 - (iv). Changes to levels of access
 - (vi). Changes to noise levels
95. The application has been submitted with an Ecological Impact Assessment Report (EIA), Huckle Ecology Ltd, August 2019 18101R2v1. Initial surveys were undertaken in February 2019.
96. Para 3.22 of the EIA notes that 'While the SBIS (Suffolk Biodiversity Information Service) data search provided records of barn owl, bats and water vole, all records were sufficiently distant to suggest that there is no connection between the location of the record and the Site itself.'
97. Para 613 of the EIA notes that 'No evidence of bat activity was recorded during the extended Phase I habitat survey, but both foraging and potential roost habitat were identified. Bats were observed foraging and commuting during the nocturnal amphibian surveys; bats identified using a Wildlife Acoustics EMTouch full spectrum bat detector identified Daubenton's bats (*Myotis daubentonii*) foraging regularly over the ponds, and Common pipistrelle and soprano pipistrelle in other areas of the golf course. The golf course itself supports water bodies and lines of trees that provide suitable foraging habitats for bats.'
98. Some additional surveys were undertaken in spring 2019 in particular with regards to great crested newt presence/absence, which confirmed absence of great crested newts.
99. The EIA concluded that *Further surveys for bats may be required if arboricultural works associated with the proposed development require the removal of mature oaks or poplars within the Site.* The Councils Ecology officer notes that removal of the line of poplars is proposed (G001 of the tree survey). Subsequently an ecological addendum report including the findings of a 'Bat Ground-Level Roost Assessment of Trees to be Removed' was submitted in January 2020.

100. The addendum clarified concerns raised by the Councils Ecology Officer in relation to whether the whole application site was surveyed. A map and para 2.1 of the addendum confirm that 'The whole of the application site has been subject to an appropriate level of ecological survey. Including a phase1 habitat survey as reported in the EIA report included. Whilst the Phase1 Habitat Survey Map included within the previous EIA report covered a slightly smaller area that related to a previous site design, the area of the golf course surveyed included the whole application site and adjacent areas of the golf course as appropriate'.
101. The addendum notes that in line with the Bat Conservation Trust's Bat Surveys for Professional Ecologist, Good Practice Guidelines (Collins, 2016) a ground level roost assessment was undertaken of the trees scheduled for removal to provide clarification regarding the requirements for, and scope of, further detailed inspection that would potentially be required.
102. The tree survey undertaken in 2019 by Haydens Arboricultural Consultants identified several trees with disease or decay presenting a significant risk to users of the golf course and recommended felling for health and safety reasons. At the time of the ground level assessment on 13th January, it was noted that several diseased trees had been felled in recent weeks.
103. The lines of Lombardi Poplar to be removed are identified as Group G001 in the tree report and comprised 23 individual trees. All trees lacked Potential Roosting Features (PRFs) and were assessed as being of negligible potential to support bat roosts. Consequently, the report concludes that no further surveys such as PRF climbing inspections are required.
104. The addendum notes that Group G003 comprised a total of 7 poplar trees located along the southeast boundary of the site between the site and the adjacent industrial estate. The trees are to be retained. No PRFs were identified in any of the trees. Two trees were assessed as being of negligible to low potential because of ivy and scarred bark in the crown. However, as these trees are to be retained the addendum report concluded that no further surveys are considered necessary.
105. All other trees present within the site were inspected and assessed as providing negligible bat roosting potential.
106. Consequently, the report concludes that it is reasonably likely that the risk of bat roosts being present is negligible. Therefore, it is concluded that no further survey would be required prior to removal of the Lombardy poplar trees scheduled for felling.
107. Because the tree line provides a linear feature that may be used by foraging bats, the EIA report sets out mitigation and enhancement measures including filling in gaps along the linear boundary along the western site boundary, the implementation of a sensitive lighting strategy and the erection of two groups of three bat boxes (6 in total) in trees adjacent to the proposed development.

108. The addendum (para 3.22) considers that 'the mitigation measures detailed within the EcIA report (Huckle Ecology, 2019) combined with the landscape planting specified for the revised scheme are considered to provide appropriate mitigation measures for any potential adverse effects associated with the proposed development and would also provide enhancements to biodiversity across the development site.'
109. The Councils Ecology and Landscape Officer has reviewed the addendum report which covers the additional part of the site and the further survey of poplars required and recommends that should the application be given permission the bat boxes proposed should be conditioned.
110. On the basis of the above, and subject to conditions to secure the implementation of the soft landscaping, biodiversity enhancement measures and the submission of a suitable lighting strategy, the proposal is not considered to adversely impact on roosting or foraging bats or other protected species, in accordance with policy DM11 and DM12.

HRA assessment

111. The LPA, 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). Regulation 63 (1) requires that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.
112. The site is located approximately 5km from the closest component of Breckland Special Protection Area (also designated as Breckland Forest SSSI). Whilst no direct effects have been identified, there is potential for indirect effects as the additional visitors to the site will, in combination with other developments, contribute to recreational pressure in the Breckland SPA.
113. The Ecology And Landscape Officer judges that provision of recreational open space associated with the lodges and improvements to access including connections to the existing PRow and safe circular walks through the golf course, and to the hotel would encourage the residents to remain within the locality rather than drive to the SPA. The proposal, subject to a condition to ensure the measures set out in the HRA report are implemented prior to occupation, is considered acceptable with regards to its impacts on the Breckland SPA.

Whether the proposal would be of an appropriate scale for their context

114. Para 83 of the NPPF supports the diversification of land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside.

115. Policy DM34 criterion e) requires proposals for new tourism accommodation in the countryside to be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.
116. The policy advises that 'the larger urban areas will be the focus for larger scale tourism activities and overnight accommodation in accordance with the requirement to concentrate development at the most sustainable locations'. 'Larger scale' is undefined. However, the development is within walking and cycling distance of Bury St Edmunds.
117. Concerns have been raised about the lack of need for additional lodges in the area and the viability of the site allocated in the Rural Vision 2031 policy RV6. This has also been considered by the Inspector for Fornham Park Phase 2. St. Genevieve Lakes at Park Farm, Ingham was the subject of a 2017 masterplan. The proposals involve the ongoing restoration of the landscape to form lakes with up to 100 units of holiday accommodation with other attractions. The masterplan indicates different type of lodges to those at Fornham Park or to the caravans proposed under this application, with an emphasis on glazing and extensive views across the lakes, which would be very different.
118. No evidence has been provided to show that the viability of St Genevieve Lakes, which is entering the initial stages of planning approval, would be threatened by either the appeal scheme for Fornham Park Phase 2, or the proposed caravans here. The Inspector found it is reasonable to assume that the anticipated attractions and facilities such as fishing at St Genevieve are likely to be supported by visitors to additional lodges.
119. For the reasons outlined above the proposals are, on balance, considered acceptable when assessed against policy DM34 and the other relevant JDMPD policies and would not conflict with the strategic aims for rural areas of Core Strategy policy CS13.

Heritage Assets and Archaeology

120. 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.
121. The site is not in proximity to any listed buildings but the Fornham All Saints conservation area runs along the western side boundary with Pigeon Lane. The Scheduled Ancient Monument 'Sites NW and SE of Fornham All Saints' associated with the Fornham St Genevieve battle (1173) lies some 200m to the North-West of the application site.
122. Historic England confirmed that a site visit has established that although the proposed development does occupy the one remaining area of open space in the vicinity of the monument, views from the monument are limited by the existing development along Pigeon Lane and by the hedgerows on either side of the lane. They raised no objection but note that it is probable that archaeological remains relating to the wider

prehistoric ritual landscape will be disturbed or damaged and archaeological advice should be sought.

123. The Battlefield Trust suggest that battle related artefacts might be present on site of the Fornham St Genevieve battle (1173). The Battlefields Trust judges it would be appropriate to undertake a pre-development investigation.

124. SCC Archaeology notes that the proposed development is in a sensitive archaeological location, close to the end of the Scheduled Fornham Cursus Complex, and in a topographic location that has a high potential for Anglo-Saxon remains to be encountered. As such further information was requested in order to establish whether investigation should take place prior to determination of the application.

125. The applicant has provided further information on the proposed ground disturbance caused by services and no dig block paving and road surface construction. Given the proposed ground disturbance and that one third of the application area nearest the cursus was a gravel extraction pit in the early part of the 20th century, SCC Archaeology believe that the archaeology works can be carried out post determination. On this basis standard conditions should be attached to ensure compliance with policy DM20.

126. The Conservation Officer has assessed the proposals and concluded that the proposed scheme including a native hedge boundary, would retain the natural character and appearance along Pigeon Lane, preserving the setting of the conservation area. As such the proposal would not conflict with policy DM17, which seeks to preserve or enhance views in and out of the conservation area.

Residential Amenity

127. Concerns have been raised by local residents about potential adverse effects on the amenities of existing nearby residents by reason of noise from holiday makers and vehicles, potential smell and pollution.

128. Policy DM2 and guidance within the NPPF seeks to ensure, taking mitigation measures into account, that new development does not adversely affect the amenities of adjacent areas and/ or residential amenity.

129. In this case, the application site is well over 200m away from the nearest residential properties in Pigeon Lane and over 100m and separated by the busy A1101 from new residential development at Marham Park. The separation is such that it is not considered likely that the proposal would have unacceptable impacts on neighbour amenity by reason of noise from users or vehicles associated with the proposal. Anglian Water has confirmed that there is available capacity for foul drainage and the sewerage system at present has available capacity to connect to the public foul sewer. The details would be subject to building regulations and details for adequate refuse and recycling bins can be secured by condition. As such there is considered to be sufficient control to ensure that there no unacceptable impacts on residential amenity, in accordance with policy DM2.

Risk from stray golf balls

130. The proposal will require the redesign of the 14th and 15th holes to accommodate the proposed development. The report by Swan Golf Designs was appointed with the redesign to ensure there is no significant loss in quality of golf, and that all reasonable steps are taken to prevent golf balls from landing within the area of the proposed development.
131. A significant proportion of the application site forms part of the existing 14th and 15th holes. Some of the proposed development site is currently used as a buffer between the golf course and the boundary.
132. The report notes that as well as the necessity for the golf holes themselves to be moved outside of the proposed development site, it is essential for the altered golf holes to be designed in such a way that does not result in golf balls landing within the proposed development.
133. In accordance with industry standard safety guidelines:
- The centre line of a fairway should be at least 60 metres from an adjacent boundary;
 - The centre of a green should be at least 40-60 metres from an adjacent boundary;
 - The centre of any tee should be at least 30m from an adjacent boundary.
134. The proposed redesign takes into account the above safety guidelines as well as the need to retain the interest and challenge of the redesigned golf holes.
135. The key features are stated in the report as follow:
- The existing 14th hole is shortened to become a long par-3 hole to a new green located well short of the proposed development site. The proposed hole uses the existing tees and plays in the same direction as the existing hole, with the new green located more than 60m from the adjacent boundary.
 - The existing 15th hole is realigned to play to the east of the proposed development site to a new green located close to the existing pond. The proposed hole plays from new tees located more than 30m from the adjacent boundary, to the existing fairway which is more than 60m from the adjacent boundary. The new green location is located 50m from the existing course boundary.
 - The loss in overall course yardage from altering the 14th and 15th hole is mitigated by lengthening of other holes on the back-nine, namely the 11th, 13th and 16th.
136. Alterations in accordance to the industry standards can therefore be made to the adjacent golf holes to mitigate any loss of yardage, interest and challenge for golfers and designed and implemented in to minimise the risk of golf balls landing within the proposed development site.

137. Risk mitigation from golf balls to users of the proposed footpath have been set out in a separate document 'Golf Course & Footpath Statement'. As stated above a public foot path runs across the golf course and parts of the proposed private footpath link between the application site and the hotel is an existing track used by golf buggies and maintenance vehicles already. New linking footpaths are proposed between this track and the PROW directly north of the application site and industrial units.

138. The statement sets out the proposed signage to be installed prior to occupation:

- Low level sign boards at site entry & crossing points informing pedestrians of private access only to green paths
- Signage at all entry points to paths informing pedestrians of golf activity advising necessary vigilance & caution in using the paths; all dogs to be kept on short leads
- Low level sign boards at all golf tees informing golfers of pedestrian activity on the paths & forbidding driving shots when pedestrians are traversing the relevant course zones
- White painted permanent inset ground markers at 20m intervals set along paths assisting pedestrians to follow the marked routes only
- Caravan users & golfers to be issued with safety guide on arrival illustrating the arrangement of footpaths & explaining relevant restrictions on access & golfing activity

139. Given pedestrian and golf buggy access across the golf course does already exist and subject to the implementation of the details and measures in line with industry standards as set out in the Swan Golf Designs report and the Golf Course & Footpath Statement, the risk to future occupants and footpath users are considered to be reasonably mitigated. However, Public Health and Housing can address issues from stray balls under other legislation for statutory nuisances should issues arise despite these measures.

Flood risk/ Drainage/ Pollution

140. The NPPF seeks to steer new development to areas with the lowest probability of flooding and to ensure that new development does not increase the risk of flooding elsewhere. Whilst large parts of the golf course are within flood zone 2 and 3, the application sites is within flood zone 1; low risk. In terms of flood risk the proposal is sequentially acceptable and accords with local and national policies.

141. Development Management Policy DM6 states that proposals for all new development are required to demonstrate that on site drainage will be managed so as not to cause or exacerbate flooding elsewhere.

142. Because the proposed development is located on a greenfield site and is greater than 0.5ha or 10 dwellings, there needs to be a suitable scheme implemented for the disposal of surface water. This is to prevent increased risk of flooding, both on and off the site due to the increase in the impermeable area post development. In the absence of a drainage strategy SCC Flood and Water Management submitted a holding objection. The drainage strategy should be guided by an FRA.

143. The updated drainage strategy includes permeable paved roads, the lodges use individual infiltration trenches (where 1.2m clearance to groundwater) and those lodges at the lower end of the site discharge straight to the watercourse as the depth to groundwater is too shallow. On this basis the holding objection was removed subject to conditions and the proposal would comply with policy DM6.

Contamination

144. Policy DM14 requires proposals for development on or adjacent to land which is known to be or potentially affected by contamination to submit an appropriate assessment of the risk levels, site investigations and implementation schedule prior to or as part of any planning application.

145. The application is supported by a Phase One Desk Study undertaken by Oakley Soils and Concrete Engineering Ltd, reference DDD/73 dated July 2019. This report provides a summary of the history and environmental setting of the site and surrounding area, includes the findings of a site walkover and provides a preliminary risk assessment. The risk assessment concludes that intrusive investigations are required.

146. The Environment Team is satisfied that the report is adequate and agree with the recommendations for intrusive investigations. The standard land contamination conditions should therefore be attached, to ensure these works are undertaken to an appropriate standard.

Air Quality

147. 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.'

148. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality.

149. 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. The Suffolk Parking Standards (updated May 2019) state that for hotels, "25% of all parking spaces to be fitted with a charging system". Although the proposal is not for a hotel, there is no specific requirement for caravan lodge holiday homes and the site use would not be the same as a residential dwelling.

150. The Environment Team therefore suggest that the requirements for a hotel are the closest fitting and 25% of caravan holiday lodges should be fitted with charging infrastructure, should planning be granted. This can be secured by condition.

Planning Balance

151. The application would provide pitches for the stationing of 35 caravans for holiday use on parts of the existing golf course. This is to supplement the existing accommodation on the site and to rationalise the existing golf course thereby making it more financially viable. The proposal would provide economic and social benefits from the construction period, additional spend during operation and additional employment opportunities.
152. The proposal is broadly policy compliant and supported by guidance in the NPPF. Whether the impact on the character and appearance of the area is such to justify refusal is a matter of planning judgement. The proposal is considered acceptable with regards to highways matters, residential amenity and all other material considerations.
153. The proposal will result in the removal of a significant number of category B and C trees, including two rows of Lombardi Poplars, assessed as being of high amenity value. The site is not in any designated Special Landscape Area, the trees are not protected and the lifespan of poplars is relatively short. The proposal was judged by the Ecology and Landscape Officer to have a harmful effect. This vegetation is of ecological value at a site level and makes an important contribution to the setting of Bury St Edmunds and the gap between the town and the village of Fornham All Saints.
154. The proposal includes a substantial soft landscaping scheme, including trees to be retained and showing a good level of planting across the proposed site. The proposal will only be visible in short views to receptors from the A1101, Pigeon Lane and the river footpath. The visual impacts will in time be reduced by the mitigation planting and cannot be considered to adversely affect the character of the PROW as a whole, either once planting has established or even at the outset immediately following planting, and thus the proposal would not be contrary to policy DM44 - Rights of Way.
155. It is acknowledged that the proposed shrub and tree screen planting will take time to establish and particularly in winter the proposed development may not be completely concealed. In this context therefore it can be concluded that any adverse visual impact will be more significant at the outset, albeit diminishing over time as the landscaping matures. However, the caravans are single storey, modest in scale and not particularly prominent because of the intervening greenery and the backdrop of industrial buildings.
156. Until the screening matures they will be seen in the context of the existing golf course within the wider designated open space used for leisure activities. However, the application proposes external timber cladding, in order to assist the buildings to blend in with the surroundings.
157. It is Officers view that in this context, the proposed soft landscaping will in time adequately mitigate the effects of the proposed development. On this basis the proposals are not considered to have such an adverse effect on the visual amenities of the area for the harm to demonstrably

outweigh the economic and social benefits from additional local spend and employment opportunities to justify refusal.

Conclusion:

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

Recommendation:

159. 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
467 SL1	Location Plan	20.08.2019
1965-GUA-DR-L-002 P03	Soft Landscape Proposals	14.01.2020
GUA-DR-L-003 P03	Detail Planting Plan	14.01.2020
ARCHAEOLOGICAL PRE-DETERMINATION EVALUATION	Archaeological report	20.09.2019
GOLF COURSE ALTERATIONS REPORT	Report	08.10.2019
GUA-DR-L-001 P01 Proposed Golf Course Alteration Plan	PLAN	02.01.2020

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

- 3 Before first occupation details of the timber cladding to the caravans shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 4 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,

- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

- 7 No development shall commence until a detailed surface water drainage

scheme for the site, based on the agreed Flood Risk Assessment [Ref:- 029/2019/FRADS by GH Bullard and dated September 2019] and Drainage Strategy [drawing ref:- 029/2019/11 Rev P2 by GH Bullard and dated Sept 2019] has been submitted to and approved in writing by the local planning authority 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. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Further details of which will include:

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 and groundwater checks also given the proximity to the ordinary watercourse.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of water drainage, 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.

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

Reasons. To ensure clear arrangements are in place for the management of water drainage during construction to ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater, 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 Before any works are undertaken, full details of a scheme for the eradication and/or control of the Japanese Knotweed identified on site shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site, and the approved scheme shall be implemented prior to the commencement of the use of the building(s). Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, the scheme must also note and cover any knotweed adjoining the site.

Reason: Japanese Knotweed is a highly invasive weed that is capable of structural damage. This condition is pre-commencement to avoid disturbance of the weed as this will cause it to spread and its movement is controlled by legislation. Under the Wildlife and Countryside Act 1981 it is illegal to cause it to spread in the wild.

- 10 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.

- 11 The development hereby approved shall be implemented in accordance with the details set out in the TREE SURVEY, AIA AND ARB METHOD STATEMENT Rev. 7640 and the trees to be retained as shown on the approved soft landscaping scheme 1965-GUA-DR-L-002 P03 (received 14.01.2020) shall be protected during construction in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations. The protective measures contained with the tree report 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. Any trees shown to be retained removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with a replaced with the same species tree unless the Local Planning Authority gives written consent for any variation.

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.

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.

- 12 All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report (EIA), Huckle Ecology Ltd, August 2019 18101R2v1 and ECOLOGICAL BAT ADDENDUM REPORT 18101 R3 V1 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.

- 13 Prior to occupation details of biodiversity enhancement measures to be installed at the site (to include 6 bat boxes as already agreed in principle), including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 14 No external artificial lighting shall be installed on the site or path until an External Lighting Strategy (ELS) has first been submitted to and approved in writing by the Local Planning Authority. The ELS shall identify measures to control the amount of artificial lighting used on the site taking into account the specifications set out in the Bat Conservation Trust 'Bats and Lighting in the UK' 2008 guidelines. Details must include:
- a) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to be disturbed;
 - b) The locations and method by which external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the species recorded using their territory or having access to their breeding sites and resting places.

Reason: To avoid adverse effects on bat habitat and safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2, DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 The caravans hereby permitted shall only be occupied for holiday use and shall not be used for permanent residential accommodation. No letting shall exceed a period of three months and no lodge shall be occupied by any one individual for a period exceeding three months within any twelve month period. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to 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.

- 16 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.

- 17 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 16 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.

- 18 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 any other part of the development taking place. 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.

- 19 Prior to the development hereby permitted being first occupied, the proposed access onto the A1101 shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure an appropriate vehicular access surface and to prevent hazards caused by loose materials being carried out into the highway, 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 Before any above ground works take place details of the areas to be provided for storage, presentation and collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure 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.

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

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To ensure that roads/footways are constructed to an acceptable standard for the safety of future users, 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.

- 23 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.

The Plan shall include, but not be limited to:

- Routing for HGV and construction delivery traffic
- Means to ensure surface water, mud or other debris cannot flow onto the highway
- Means to ensure sufficient space is allocated and used on site for the parking and manoeuvring of construction and delivery vehicles
- Means to ensure sufficient space is available on site for the storage of equipment, materials and other associated

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.

- 24 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, 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.

- 25 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 120 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

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.

- 26 Before any of the hereby approved units are brought onto site an Electric Vehicles Charge Point Strategy Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall set out the phasing for the delivery of the approved caravan lodge holiday homes and which of the units are served by Electric Vehicle Charge Points (EVCP). The submitted strategy will demonstrate that 25% of the units will be served by a dedicated EVCP which shall deliver a minimum 7kwh charge. The approved details shall be implemented before the unit that they relate to is first occupied. Thereafter the installed EVCP shall be retained 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) and the Suffolk Parking Standards.

- 27 No development shall take place until details of the proposed footway link to All Saints Hotel and as shown on drawing 467 FP1A has been submitted to and approved by the Local Planning Authority. The approved footway works shall be laid out and constructed in their entirety prior to occupation of any of the caravans hereby approved. Thereafter the approved footway link shall be retained in its approved form.

Reason: To secure the provision and improvements to access including connections to the existing PRow and safe circular walks through the golf course and to the hotel to encourage the residents to remain within the

locality rather than drive to the SPA, in accordance with policies DM10 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.

- 28 All mitigation measures as set out in the Habitats Regulations Report 1879 R3 v3 dated January 2020 shall be carried out in accordance with the details contained in paragraph 4.3.11 of the report 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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/1700/FUL>

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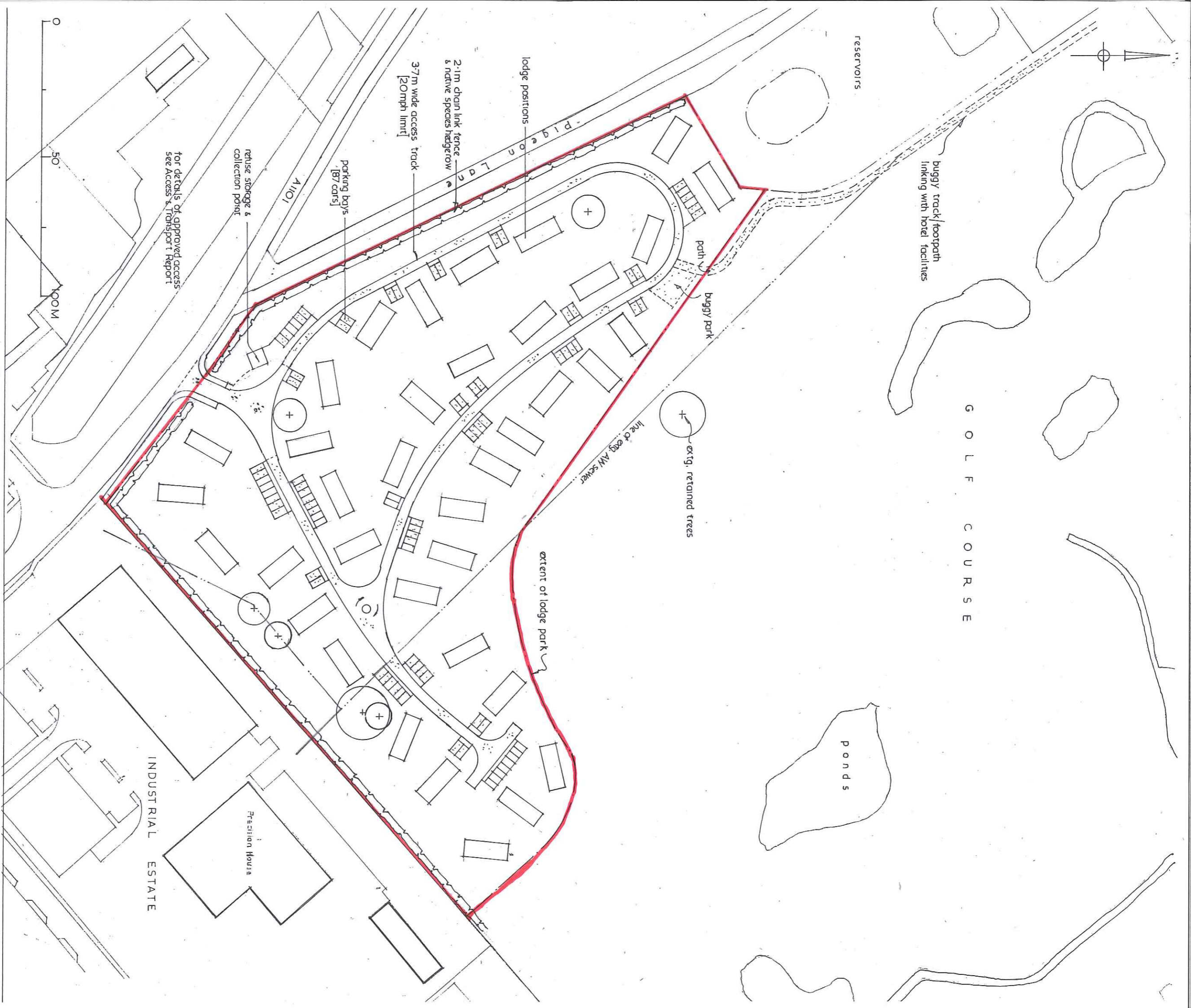


DC/19/1700/FUL – Caravan Site South, Pigeon Lane

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ANDREW KEILLOCK ARCHITECTS
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job ALL SAINTS HOTEL & GOLF CLUB
 FORNHAM ST GENEVIEVE
 BURY ST EDMUNDS IP28 6JQ

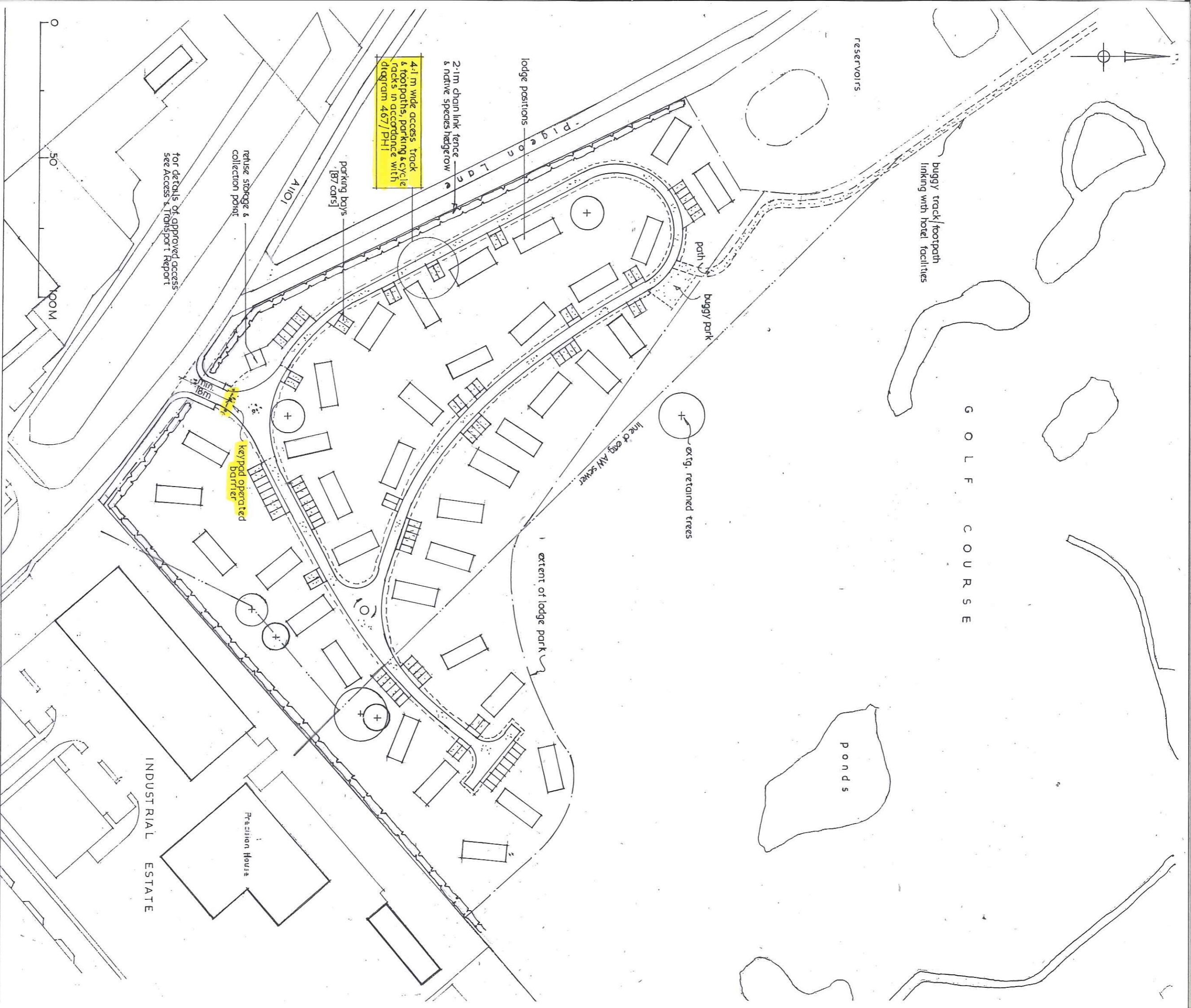
dwg PROPOSED HOLIDAY LODGES
 BLOCK PLAN OF SITE AS PROPOSED

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G O L F C O U R S E

P O N D S

4.1 m wide access track & footpaths, parking & cycle racks in accordance with diagram 467/PH1

2.1m chain link fence & native species hedge row

lodge positions

parking bays (187 cars)

refuse storage & collection point

for details of approved access see Access & Transport Report

keypod operated barrier

orig. retained trees

extent of lodge park

Precision House

INDUSTRIAL ESTATE

50

100M

ANDREW KELLOCK ARCHITECTS MILL MOUNT WATTSFIELD ROAD THELNETHAM SUFFOLK IP22 1JE andrewkellock333@btinternet.com 07790022867		job ALL SAINTS HOTEL & GOLF CLUB FORNHAM ST GENEVIEVE BURY ST EDMUNDS IP28 6JQ	
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Development Control Committee 5 February 2020

Planning Application DC/19/0225/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 - Temporary construction access off Chalkstone way associated with wider work at Great Wilsey Park		
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 access sought in this application is proposed to facilitate the construction work associated with two of the development parcels within those phases. A main compound is proposed at the north of the site, accessed from Haverhill Road, which was approved by Committee under application DC/19/0224/FUL.

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

This application has been referred to Development Control Committee as a result of a call-in by a Ward Member, in the context of the strategic nature of the wider site.

A site visit is proposed for Monday 3 February 2020.

Proposal:

1. The application seeks consent for a temporary construction access associated with the construction works for parcels A7 and A8 of Great Wilsey Park. The access would be within the red line for the development which has outline consent under DC/15/2151/FUL and a current reserved matters application which is pending consideration.
2. The application is submitted now to ensure that construction infrastructure is in place to support the delivery of the development.
3. The proposed development is part of the wider construction vehicle access and routing strategy, full details of which will be set out in a Construction Method Statement (CMS) and a Construction Traffic Management Plan (CTMP). These documents are required to comply with conditions 12 and 25 of the outline permission (reference DCON(D)/15/2151).
4. A discharge of condition application has been submitted in respect of these conditions the development in the northern part of the site, accessed from the A143. A further discharge of condition application relating to other parts of the development including the southern parcels adjacent to Chalkstone Way, is expected shortly.

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:
 - Site location and general arrangement plan showing the red line boundary of the site.
 - Drainage statement
 - Transport statement
 - Arboricultural note and plan

- Ecology note
- Landscaping Plan

Site Details:

6. The application site is located on the northern side of Chalkstone Way, to the east of the access to Gannet Close on the southern side of Chalkstone Way.
7. The site is within the red line for the Great Wilsey Park development, which is an allocated site in the Vision 2031 and has an outline consent under DC/15/2151/OUT. The site is within the red line for a current reserved matters application for the first development parcels (DC/19/1940/FUL) which is currently under consideration by the local planning authority.
8. The site is currently undeveloped former agricultural land which has been fenced in advance of the development commencing. There is residential development to the south of the site in the form of cul-de-sacs which run perpendicular to Chalkstone Way. To the east of the site is an area of woodland which is covered by a provisional tree preservation order.

Planning History:

Historic Applications:

9. **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. **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. **Application Granted.**

Relevant current related applications

11. **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 (within 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**
12. **DC/19/1940/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 (within use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure)

13. Submission of details for the reserved matters access, appearance, landscaping, layout and scale for 503 dwellings (parcels A1, A2 and A8) and associated internal roads, car parking, landscaping, amenity and public open space.
14. Application to Partially Discharge Conditions 4 (Updated survey information), 6 (waste and recycling), 7 (Landscape and Ecological Management Plan), 8 (Landscape), 15 (Open space strategy), 28 (Garage /parking provision), 30 (Travel Plan - Residential), 40 (Arboricultural method statement), 42 (Ecological implementation strategy), and 45 (Biodiversity monitoring) of DC/15/2151/OUT
Pending Consideration.

15. **DCON(D)/15/2151** Application to Partially Discharge Conditions 12 (construction and environment management plan) and 25 (HGV movements) of application DC/15/2151/OUT in respect of the construction of the northern development parcels (A1, A2, A3, A5, A6 and A16) and the Haverhill Road Temporary Construction Access permitted under application reference: DC/19/0224/FUL only. **Pending Consideration**

Consultations:

16. 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/online-applications/applicationDetails.do?activeTab=documents&keyVal=PMIL06PDLTM00>

17. Lead Local Flood Authority (LLFA): No objections, subject to condition. Comments summarised below:
- Following clarification on technical points, SCC Floods has confirmed that overall the design philosophy for SuDS/drainage for this temporary access is acceptable.
 - Approval is recommended subject to a condition securing the implementation of the surface water disposal strategy.

18. Suffolk County Council (SCC) Highways: No objection subject to conditions. Comments summarised below:

Previous objections were primarily based on concerns regarding the use of Chalkstone Way as a construction and delivery access for HGV vehicles.

SCC has confirmed that the issue of routing will be dealt with under condition 25 on the outline consent DC/15/2151/OUT. SCC has confirmed that they have entered into negotiations with the applicant to agree a way forward to allow construction traffic to use Chalkstone Way without causing damage to the highway which would be detrimental the use of the highway. Any agreement will inform the discharge of conditions 12 and 25 of DC/15/2151/OUT, however, it will also be related to the use of the access detailed in application.

SCC Highways has removed holding objections and recommends that any permission should include conditions to secure the following:

- Details of the access broadly in accordance with drawing 8511-RED-ZZ-DR-C-004 Rev A
- means to prevent the discharge of surface water and mud from the development onto the highway
- Construction Deliveries Management Plan (in relation to the construction of the access only)
- Visibility splays

SCC Highways also noted the following points:

They are aware of current parking on Chalkstone Way which may affect the access visibility. This is covered by recommended visibility condition. However, we advise that some temporary traffic management may be required to ensure the visibility splays are unobstructed. This can be secured with the necessary section s278 agreement to carry out the work to the highway to install the access, but details to manage potential obstruction from parked vehicles should be included as part of the application to discharge this condition.

We recommend a footway is included which links the bus stop to the access. The footway should include a dropped kerb crossing point to the existing footway on the south side of Chalkstone Way. This is covered by a recommended condition

19. Public Health and Housing: No objection. Comments summarised below:

- The proposed access point will be in close proximity to Gannet Close. Vehicle movements to and from the site are likely to impact on the residential occupiers in the vicinity of the access.
- Measures will need to be put in place to manage dust emission from the site and the carryover of mud onto the highway
- A Construction Method Statement has been submitted by Redrow Homes, under application DCON(D)/15/2151 to discharge Condition 12 of DC/15/2151/OUT. We expect the mitigation measures detailed within the Construction Method Statement with regard to the control and suppression of dust from vehicles entering and leaving this construction site access to be fully implemented.
- In addition to condition 12, condition 25 of the Outline consent includes the submission of a Construction Traffic Management Plan which seeks to reduce and/or remove as far as reasonably possible the effects of the HGV movements in sensitive areas.
- The route to the proposed construction site access is near a large number of noise sensitive premises. There is the possibility that noise and dust, particularly in dry periods, may cause disturbance and some lack of amenity to the noise sensitive receptors along the proposed route.

Representations:

20. The representations received are summarised. Full comments are available to view on the public planning file on the Council's website:

21. Public Representations: 8 nearby properties consulted, and site notice posted. No representations received.

22. Councillor John Burns. Haverhill East Ward Member. Comments raised summarised below:

- Construction of internal haul road would be preferable (suggested metallised road materials such as used by the British Army) to avoid damage to Chalkstone Way and potential conflicts with residents and schools.
- No permission granted in the Outline Planning application (DC/15/2151/OUT) for a construction access route near to Gannet Close. It would be more suitable, if an internal haul road cannot be constructed, to develop the roundabout now to allow construction traffic to enter/leave.
- 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.
- The main site will act as a distribution point for vehicles destined for the Chalkstone Way site and suitably marshalled. When the new NW Relief Road is built construction vehicles from the west MUST be conditioned to use that route to avoid the congested and narrow Withersfield Road.
- All parking must be on site.
- The tracking plans quite clearly show that a left hand turn from the temporary construction site for any type of truck/HGV will not be possible. This must be conditioned and the splays designed as such that there will be no left hand turns. Ideally all vehicles restricted in this way.
- Bus stop between Gannet Close and Kingfisher Close on the south side of Chalkstone Way and that must not be compromised.
- The rigid truck and articulated lorry tracking plans assume there will be no vehicles parked on the south side of Chalkstone Way east of Gannet Close. Suggest temporarily extending parking restrictions eastwards from Gannet Close to opposite the site of the temporary construction compound.
- Wheel washing and other such facilities will need to be provided. Due to the slope of the land this will need to be controlled to ensure no run off onto Chalkstone of mud and other such debris.
- A comprehensive (suggest video) assessment of Chalkstone and Millfields Way will be needed before any development starts to create a baseline status of the road condition so that if damage is caused by low level HGV construction vehicles then can be satisfactorily resolved without dispute as to the condition of the road before the damage was caused.
- The use of energy saving systems such as water retention/recycling, solar panels and electric charging points should be considered.

23. Councillor Tony Brown. Haverhill South East Member. Objects for the reasons summarised below:

- Increased use of Chalkstone way by construction traffic
- Chalkstone way has three schools that are accessed by the road , Samuel ward, Churchill Special and Westfield Primary
- The New Croft sports facility is heavily used and is also on Chalkstone road. Due to poor parking provision on site there has been many occasions where vehicles are parked on both sides of the road near to the facility, causing bottle necks and congestion.
- Suffolk county council has failed to maintain Chalkstone way to a good standard. Heavy vehicle traffic will make this road worse.
- The junction of Chalkstone way and Wratting road can be extremely busy and difficult to get out of, especially for slow moving HGV trucks.
- The residents of Gannet close and surrounding streets fought a hard and successful battle against the original proposal for the entrance to Great Wilsey to be opposite their houses, due to noise and nuisance issues, this temporary entrance will be virtually in the same position as the original proposal and could be there for many years.
- The only sensible option would be to build the access roundabout to the site on the A143 and the spine road through the proposed Great Wilsey development so that contractors can use that to access their plots. This would alleviate the damage to our local estate roads and the noise and nuisance of construction vehicle movements

24. Jane Midwood. Former Member for Withersfield.

- 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.

25. Councillor Pat Hanlon. Haverhill East Ward. Object for the reasons summarised below:

- Chalkstone Way is a mile-long residential road that has a total of four schools that includes two primary and two secondary schools with one of those being a special school.
- One of the primary schools is very close to the temporary construction opening, with the mud when it rains coming from the site onto the road this would make it very dangerous for the drivers and pedestrians.
- The residents in Gannet Close live opposite the construction and all the other houses in the next close will have all the dust blowing onto their houses and gardens from the open construction site when it's dry.
- The haul road could be constructed with a temporary metal road.

26. Town Council: Object, for the reasons summarised below:

Highways safety:

- Applicant fails to justify that the creation of a construction entrance onto Chalkstone Way and the dangers of that access to and from the highway for slow-moving HGV traffic and significant numbers of independent tradespeople.
- No provision of wheel washing on the site.
- The access arrangement does not provide for a protected right turn into the site.

Disturbance to Neighbours:

- The access point is close to residential properties causing noise and dust disturbance.

General:

- The transport plan proposes to put several vehicles at a time out onto the public highway. These are unnecessary vehicle movements as the developer could transfer almost all vehicle movements to be internal to the main Great Wilsey site.
- Alternative safer access to the Highway can easily be created using the roundabout off the A143 being constructed by the applicant to serve the Gt Wilsey development.
- If the planning authority is minded to approve this application, then the access point off Chalkstone Way should be the new main access to the site opposite Millfields Way, which the Town Council fought hard to implement and not opposite Gannet Close.
- A Condition should be set requiring all traffic movements to be recorded at both sites to demonstrate any planning permission is not being exceeded.

Damage to the public highway and disturbance to neighbours:

- Chalkstone Way is a concrete carriageway covered with a layer of tarmac. It is suffering under normal use by estate traffic. It will not withstand HGVs being sent along it for 10 years+.
- Chalkstone Way has residential property backing onto it. In addition there is a secondary school, primary school and community sports ground on Chalkstone Way, generating pedestrian foot traffic alongside and across the public highway and a large amount of residential traffic.

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.

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 St Edmundsbury Core Strategy 2010 & Haverhill Vision 2031 have been taken into account in the consideration of this application:

St Edmundsbury Core Strategy 2010

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS12 - Haverhill Strategic Growth

Haverhill Vision 2031

- Policy HV1 - Presumption in Favour of Sustainable Development
- Policy HV4 - Strategic Site - North-East Haverhill

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy 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
- DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.

Other Planning Policy:

29.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:

30.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.

31.There are relevant material considerations in this case that relate to the context of the application. These are discussed in more detail below but are essentially: the fact that the proposed works would become permitted development in due course; and, the presence of existing conditions associated with the outline application for North East Haverhill, which would control and future use of the access.

Context of this application and permitted development

32. 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."
33. The proposed access is within the redline for the North East Haverhill development and as such its physical construction could be considered as falling under 'works' in Class A, Part 4 set out above.
34. The 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, but the relevant reserved matters applications are currently being considered by the local planning authority and have not yet been determined.
35. The fact that these works would be likely to become permitted development is a relevant material consideration in determining this application.

Context of this application and existing planning conditions

36. The original outline consent for the North East Haverhill development site known as Great Wilsey Park, secured a construction method statement (condition 12) and a construction traffic management plan (condition 25). The reasons for these conditions are; to ensure the satisfactory development of the site at the appropriate time and to protect biodiversity and the amenity of occupiers of adjacent properties from noise and disturbance (condition 12); and, to reduce and/or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas (condition 25).
37. A discharge of condition application (DCON(D)/15/2151) has been submitted in respect of conditions 12 and 25. This has been amended to relate only to the development parcels to be accessed from Haverhill Road to the north of the site.
38. A further discharge of condition is due to be submitted shortly, specifically relating to the construction traffic management in relation to parcels A7 and A8 and the proposed use of Chalkstone way as a construction traffic route for those parcels. A decision on the appropriateness of that route for HGVs will be made through the discharge of condition process in consultation with the local highway authority.
39. The consideration of this application in advance of the relevant discharge of condition process and the final approval of the reserved matters has raised the following issues:
- The suitability of the proposed construction traffic route in association with the proposed access both in terms of highways issues and impacts on amenity; and,

- The suitability of the proposed access in terms of highway safety and amenity.

Construction Traffic Routing and associated highways and amenity issues

40. The Environmental Statement (ES) which accompanied the outline application considered the impacts during the construction phases of the development and specifically the increase in HGV and non HGV traffic impacting on the highway network.
41. The Environmental Statement concluded that construction traffic would have no greater than a minor adverse impact. It proposed this would be further mitigated through the production of a Construction Environmental Management Plan, to be secured by a planning condition attached to any outline planning consent. The purpose would be to reduce the risk of adverse effects of construction on sensitive environmental resources, to minimise disturbance to residents and ensure the use of roads best suited for construction traffic.
42. The outline planning application secured a construction method statement and a construction traffic management plan in line with the recommendations in the Environmental Statement.
43. Condition 25, specifically deals with the routing of HGV construction traffic associated with the Great Wilsey Park development and states:

All HGV traffic movements to and from the site for the duration of the construction period shall be subject to a Construction Management Plan which shall be subject to a Construction Traffic Management Plan which shall be submitted to the local planning authority for approval a minimum of 28 days before any deliveries of materials commence. This plan will require adequate wheel washing measures to avoid mud and detritus being brought onto the carriageway during the construction phase.

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

As such, and notwithstanding this application, the consideration and approval of HGV construction traffic routes will be dealt with under the normal discharge of condition process associated with the outline consent.

44. However, as this application has come in advance of the formal discharge of those conditions, the local highway authority have, in their consultation responses, raised issues relating to the suitability and capability of Chalkstone Way in terms of accommodating an intensification of HGV and construction vehicles. The applicant has sought to address these concerns through the submission of additional information during the application, including surveys of Chalkstone Way to determine the condition of the existing highway.
45. In addition to the physical suitability of the road, concerns have also been raised regarding the potential conflicts between construction traffic and the schools along Chalkstone Way and the potential impact on the amenity of residents.

46. Notwithstanding the fact that these issues are ones that would be considered as part of the agreement on the routing of construction traffic through the discharge of condition application, the applicant has provided additional information in relation to this.
47. The applicant has advised that information on the pupil start and finish times for the schools along the route of Chalkstone Way has been used to determine the weekday hours during which it would be appropriate to suspend HGV trips in and out of the proposed Chalkstone Way construction access. The applicant has therefore advised that all HGV trips in and out of the access would be suspended between 8.00-9.00 and 15.00-16.15 every weekday, during school term times. This would ensure that deliveries avoid peak travel times to / from schools along the route.
48. In terms of the impacts on the residential amenity of the occupants of properties along Chalkstone Way, this would also be a matter for consideration as part of the discharge of condition on the outline. Until such a time that the use of Chalkstone way is approved for HGV vehicles, then (other than for its construction), the proposed access would only be able to be used by non-HGV construction traffic such as workers travelling to and from the site.
49. The local highway authority has removed their objection to this application and in doing so has confirmed that the matter of HGV routing would be dealt with separately under the condition on the outline. The approval of this access, and its associated use by non-HGV traffic as a direct route to a southern compound, would not prejudice their consideration of HGV routings in relation to condition 25.
50. It is considered that the impact of the non-HGV traffic that would use the proposed access from Chalkstone Way would have no significant adverse effect on the operation of the highway or on its physical structure. It is also considered that the non-HGV traffic movements would have no significant adverse effects on residential amenity.
51. In light of the above the current proposal is considered to be acceptable and in accordance with policies DM2 and DM14 of the Joint development Management Policies Document which seek to ensure development maintains or enhances the safety of the highway network, protects the amenity of adjacent areas and does not introduce unacceptable impacts on general amenity, and health and safety.

The proposed Access highways and amenity issues

52. In addition to the concerns with routing of HGV construction traffic along Chalkstone Way, a number of concerns have also been raised in relation to the proposed access itself. The need for a further access has also been queried when there is an approved roundabout that could be used for construction purposes.
53. The applicant has advised that it is their strong preference to separate construction traffic and residential/sales traffic where possible. They have advised that this is to minimise risks of accidents and incidents and to respect their duties under the Health and Safety at Work Act. The applicant has also highlighted that it would still be necessary to install a separate

temporary construction access to facilitate the construction of the consented Chalkstone Way roundabout access in any event.

54. The local highway authority has advised that they do not wholly accept that a separate construction access is necessary to separate construction traffic from residential traffic. However, they have also confirmed that their initial concerns related to HGV construction traffic along Chalkstone Way generally rather than the proposed access itself. In terms of the access, they are satisfied that subject to conditions to secure appropriate visibility splays, it is acceptable in terms of highway safety.
55. It should be noted that there is no requirement for the applicant to demonstrate a need for the access in this case and the acceptability of the junction design should be considered on its own merits. In this regard, it is also relevant that the principle of an access in a similar location was previously considered acceptable in planning terms to serve the development and was approved as one of two possible access options from Chalkstone Way in the Outline Consent.
56. The impact on the amenity of those properties closest to the access has been raised as a concern in terms of noise and disturbance from vehicles turning into the site. As previously discussed, the use of the access by HGV construction traffic and any impacts associated with this will be considered under the discharge of condition 25 on the outline consent.
57. The closest properties to the proposed access, on the eastern side of Gannet Close sit side-on to Chalkstone Way and are set approximately 12 metres back from the edge of the carriageway. The other nearby properties on the opposite side of Gannet Close and in Kingfisher Close also sit side on to Chalkstone Way and are approximately 8 metres back from the edge of the carriage way.
58. These properties are those that are most likely to be affected by the use of the proposed access and the construction activities within this part of the site more generally.
59. Condition 12 deals with construction management for the overall site and serves to protect the amenity of occupiers of adjacent properties from noise and disturbance. It requires the inclusion of measures to control the emission of dust and dirt during construction, the hours of construction operations including times for deliveries and the removal of excavate materials and waste and noise method statements for each construction activity. It is considered that this condition will secure appropriate mechanisms to protect nearby residential amenity from construction activity on the site.
60. In the context of the approved development, and the works that this will involve, the access proposed in this application would not significantly increase the level of disturbance that these properties are likely to experience. As such it is considered that the proposal is acceptable in terms of policies DM2 and DM14 of the Joint Development Management Policies Document, which seek to ensure development protects the amenity of adjacent areas and does not introduce unacceptable impacts on general amenity, and health and safety.

Conclusion:

61. The application seeks consent for a construction access from Chalkstone Way into the application site for the wider Great Wilsey Park development. Given that the access is within the red line for the development, the works associated with the creation of the access would become permitted development with the approval of the associated reserved matters.
62. The outline consent for the North East Haverhill development site known as Great Wilsey Park, has conditions securing a construction method statement and a construction traffic management plan. As such, and notwithstanding this application, the consideration and approval of HGV construction traffic routes and general construction management, will be dealt with under the normal discharge of condition process associated with the outline consent.
63. The local highway authority does not object to this application and has confirmed that the matter of HGV routing would be dealt with separately under the condition on the outline. Furthermore, the approval of this access, and its associated use by non-HGV traffic as a direct route to a southern compound, would not prejudice their consideration of HGV routings in relation to condition 25. There is also no object to the access itself on highway safety grounds.
64. On balance, it is considered that the proposed access from Chalkstone Way would have no significant adverse effect on the operation of the highway or on its physical structure and the non-HGV traffic movements would have no significant adverse effects on residential amenity.
65. 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:

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

1. Time

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. Access details

No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority.

These details will include:

- The position of any gates to be erected
- Visibility splays provided and means to maintain
- Width/s and surface materials
- Pedestrian access into the site and across the proposed access
- Means to ensure there will be no Left Turn for larger vehicles out of

- the access onto Chalkstone
- Way during the operation life of the access.
- Trigger point for the removal of the access and means to reinstate the highway verge.

The approved access shall be broadly in accordance with drawing 8511-RED-ZZ-DR-C-004 Rev A and be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained 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 the interests of highway safety.

3. Prevention of surface water and mud on to highway

Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water and mud from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water, ice or mud on the highway.

4. Construction Deliveries Management Plan - In respect of construction of the access only

All HGV and construction traffic movements to and from the site over the duration of the construction period of the access shall be subject to a Construction Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include, but not be limited to:

- Routing and timing of construction vehicles;
- Means to ensure construction vehicles will not park, wait, load or unload from the highway
- Means to ensure no material, equipment or other infrastructure will be stored on the highway or in such
- a way that highway safety may be compromised.
- Means to ensure no water, mud or other debris may egress onto the highway
- Means to ensure any lighting will not cause glare that could cause an impact to users of the highway
- No HGV or construction traffic 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 and residential areas.

5. Surface water disposal strategy

The strategy for the disposal of surface water (dated 06/06/2019, ref:

183821-005 Rev D) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

6. Deliveries and service vehicles during the use of the access.

All HGV traffic movements to and from the site over the duration of the use of the access 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. The Plan shall include the routing of all delivery and service traffic vehicles and means to ensure all of these vehicles will not turn left (toward Green Road) out of the access onto Chalkstone Way. 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.

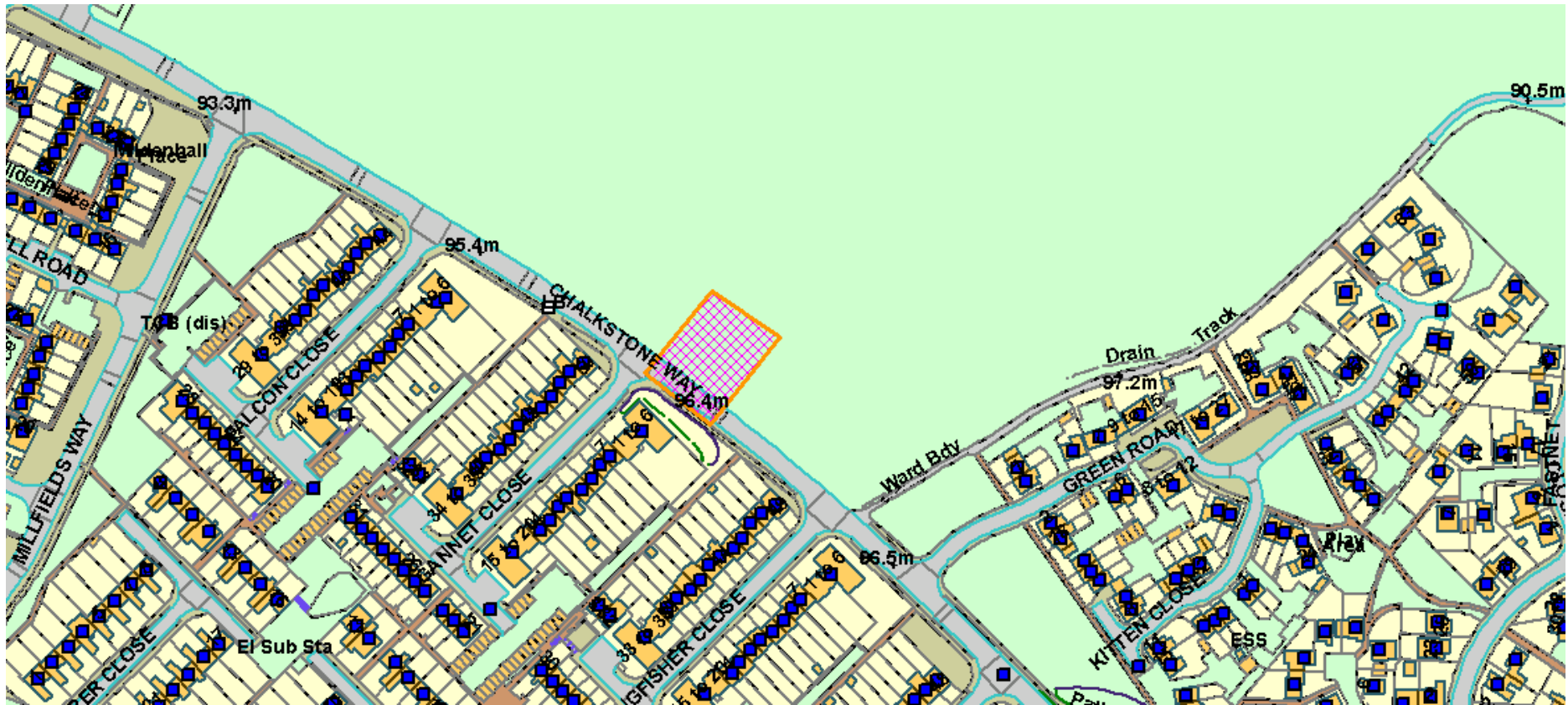
Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and delivery traffic on sensitive areas.

Documents:

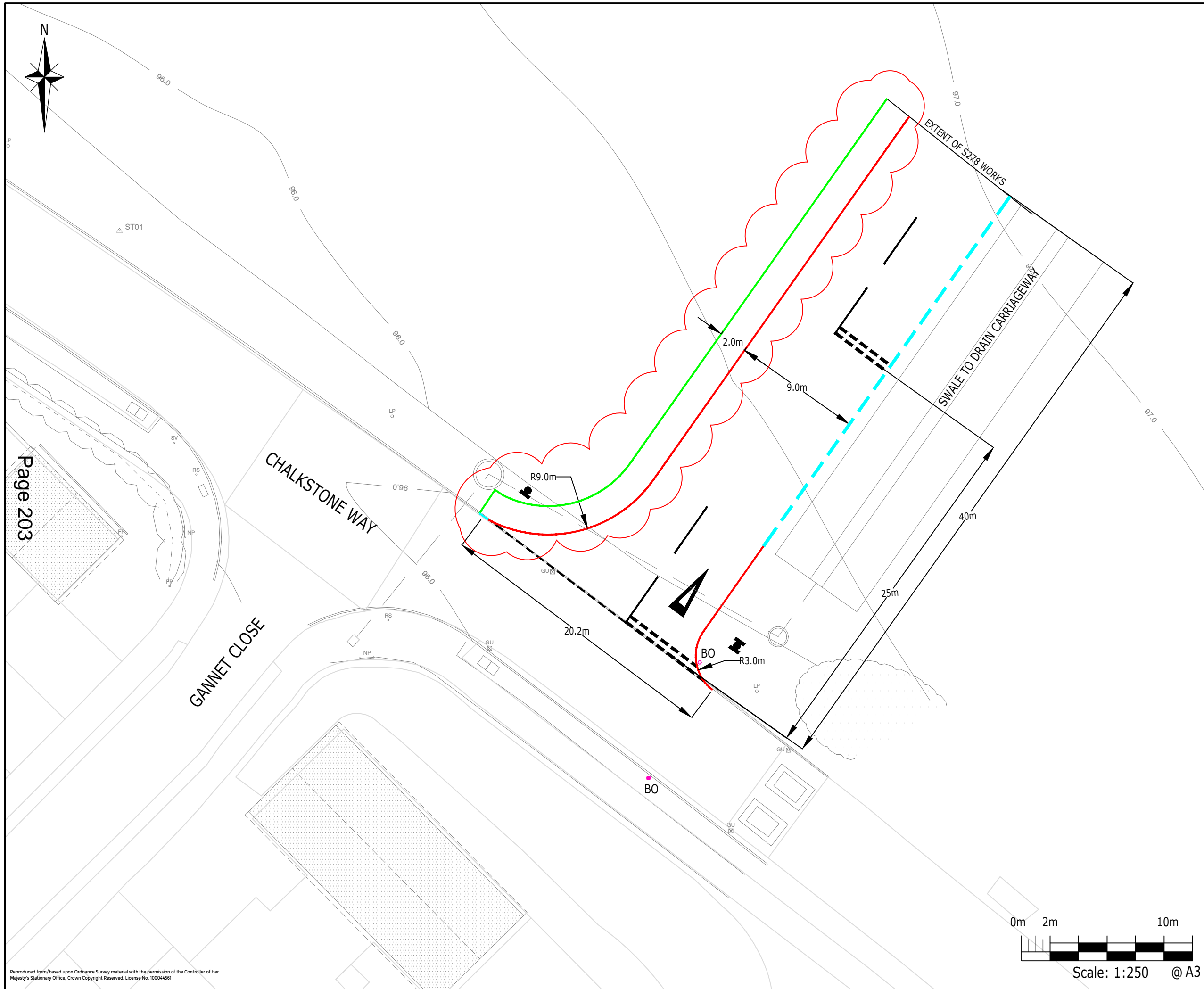
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0225/FUL](#)



Land Ne Haverhill Wilsey Road Little Wratting



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KEY

	PROPOSED KERB LINE
	PROPOSED EDGE LINE
	BOLLARD

Page 203

D	FOOTWAY ADDED	JB	DM	DM	15.01.20
C	SECOND BOLLARD ADDED	DAM	DM	DM	15.05.19
B	BOLLARD AND SIGNAGE ADDED	DAM	DM	DM	07.05.19
A	SWALE ADDED	DAM	DM	DM	23.01.19
Rev	Description	Drn	Chk	App	Date

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Client
REDROW HOMES

Project Title:
**GREAT WILSEY PARK
HAVERHILL**

Drawing Title:
GENERAL ARRANGEMENT

A3 Scale	1:250	Date	22.01.19	Designed by	DAM	
Drawn by	DAM	Checked by	DM	Approved by	DM	
Drawing Number	183821-002				Rev	D



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Development Control Committee 5 February 2020

Planning Application DC/19/0947/FUL – Dwelling 1, Herringswell Manor, Herringswell Road, Herringswell

Date Registered:	02.05.2019	Expiry Date:	27.06.2019
Case Officer:	Jo-Anne Rasmussen	Recommendation:	Approve Application
Parish:	Herringswell	Ward:	Iceni
Proposal:	Planning Application - Conversion of garages and stores to 2no Dwellings		
Site:	Dwelling 1, Herringswell Manor, Herringswell Road		
Applicant:	Dr I Dieffenthaller		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

Background:

This application was considered by the Delegation Panel on 14 January 2020 and referred to the Development Control Committee. The Parish Council object to the application and the recommendation is one of approval. A site visit will take place on Monday 3 February 2020.

Proposal:

1. Planning permission is sought for the partial conversion of two garage blocks to create two 1 bed apartments within the grounds of Herringswell Manor. Block 1 on the northwest boundary seeks to convert one of the six ground floor garage spaces to a study (served by a new window in the west elevation) and stairs up to the first floor. The first floor accommodation provides for an open plan kitchen/dining/living area, bedroom and bathroom and will be lit by four new dormer windows on the south facing roof slope. Block 2 is to the south of North Courtyard and seeks to convert one of the five ground floor garage spaces to a cloak room, study and stairs up to the first floor. The first floor accommodation provides for an open plan kitchen/dining/living area, bedroom and bathroom and will be lit by three new dormer windows on the south facing roof slope and two velux windows in the north facing roof slope.
2. Access to these units are through the existing site which is gated and accessed off Herringswell Road. Block 1 has a timber cycle store to accommodate two cycles and two parking spaces and a visitor space provided immediately adjacent to the block. Block 2 has a defined curtilage to the rear of the garage block with cycle storage within the garden space. Two parking spaces are provided to the east within 50m of block 2.

Application Supporting Material:

3. Application form and plans
Heritage Statement
Design & Access Statement
Report on Commercial Uses

Site Details:

4. The two garage blocks fall within the wider Herringswell Manor site which is a gated residential community. Herringswell Manor is an early twentieth century Grade II listed large country house. It is situated in a countryside location, approximately 1.6km from Herringswell, which is a small settlement as defined within the Forest Heath Core Strategy. The site is accessed via a gated private driveway from Herringswell Road which services Herringswell Manor and a number of other buildings. These buildings formed part of a Japanese Buddhist boarding school that previously operated from the site, closing in 2001. Planning consent for the residential conversion of these buildings was first granted in 2004. Since this time, it is understood that there are 52 dwelling units within the various buildings across the site. The former gymnasium building to the south also has permission to be converted to a further 15 residential units. (see planning history below).

Planning History:

5. The site has an extensive planning history, but the applications listed below are most relevant to the consideration of this application:

F/2006/0925/FUL Erection of 5 single garages adjacent to Coach House (Development affecting the setting of a listed building) amended by plans received on the 29th December 2006 – approved – this relates to garage block 2

F/2006/0926/FUL Erection of 6 single garages to the West of cottages (Development affecting the setting of a listed building) amended by plans received on the 29th December 2006 – approved – this relates to garage block 1

F/2005/0201/COU Conversion of existing dormitories to provide 30 dwellings. (Major Development) (Development affecting the setting of a listed building) (Appeal Allowed) – refused, appeal allowed

F/2005/0195/COU Conversion of existing Archery Court to create single dwelling (Amended plans received 27/6/05). (Development affecting the setting of a Listed Building) (Appeal Allowed) – refused, appeal allowed

F/2005/0196/COU Conversion of existing temple into 4 dwellings (Development affecting the setting of a Listed Building) (Appeal Allowed) – refused, appeal allowed

F/2003/0854/COU Resubmission: Change of use of former school to residential, alterations and extensions to existing buildings to create 29 residential units (demolition of various curtilage buildings and existing extensions) and erection of garage building and refuse store (Amended & additional plans received 21/1/04, 23/2/04 & 22/3/04) (Major Development) – approved

F/2008/0471/FUL Change of use of gymnasium building to form 24 apartments, gymnasium, offices, car parking and ancillary facilities, as amended by plans received on 22nd August 2008 and by amended plans received on 1st September 2008 (Development affecting the setting of a listed building) – withdrawn

F/2009/0060/FUL Resubmission of F/2008/0471/FUL - change of use of gymnasium building to form 24 apartments, gymnasium, offices, car parking and ancillary facilities. (Major Development & Development Affecting the Setting of a Listed Building) – refused, appeal dismissed.

DC/15/0802/FUL Planning Application - Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works – refused, but allowed on appeal.

Consultations:

6. Public Health & Housing – No objection

SCC Highways – 19/6/19 – requested clarification about parking provision and displaced parking

28/10/19 – no objection, confirming any highway related issues were unlikely to impact on the public highway due to the nature of the site

Environment Team – no objection subject to a condition to secure an electric vehicle charging point

Conservation Officer – No objection subject to a condition to secure window details

Planning policy – proposal does not comply with DM28 and DM33 as the buildings are still in use and therefore not redundant or disused.

Representations:

7. Herringswell Parish Council object raising the following concerns:
 - The site is in an unsustainable location. The village of Herringswell has very few amenities and transport links. The site is in the countryside and the development is contrary to policy.
 - Loss of garages/storage for people who currently live at The Manor. Garages in high demand/waiting list.
 - Over development of the site.
 - Current and future occupiers at The Manor are reliant on the private car.
 - Roads not capable of accommodating more traffic/ impact upon highway safety.
 - Existing problems with Foul drainage.
 - Condition attached to original permission which sort to retain the garages for off-road parking.

8. 15 letters of representation were received, 14 objecting and one neutral comment between them raising the following summarised points:
 - The site is in an unsustainable location with few facilities/ services.
 - The site is in the countryside.
 - Loss of storage / garages for residents.
 - Additional traffic / cars
 - Parking already an issue at the site and what's shown is also proposed for the gym redevelopment
 - Problems with foul drainage.
 - Overlooking / loss of privacy.
 - Over development of the site.
 - Using this as a test case to enable development of other garages on the site
 - Communal bin store can't cope with present loads
 - Increased pressure on quiet enjoyment of the environment
 - Loss of communal gardens and mature planting to provide parking and private garden space
 - Dust and noise from construction/conversion works
 - Noise associated with additional dwellings

(copies of representations made can be read in full on the Council's website)

Policy:

9. 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.

10. The Development Plan comprises the policies set out in the Single Issue Review of Core Strategy Policy CS7 (adopted September 2019), the Site Allocations Local Plan (adopted September 2019), Joint Development Management Policies document (adopted February 2015) and the Core Strategy Development Plan document (adopted May 2010). The following policies from these plans are applicable to the proposal:

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM15 Listed Buildings
- Policy DM22 Residential Design
- Policy DM28 Residential use of Redundant Buildings in the Countryside
- Policy DM33 Re-Use or Replacement of Buildings in the Countryside
- Policy DM46 Parking Standards

Forest Heath Core Strategy 2010:

- Policy CS1 - Spatial Strategy
- Policy CS2 – Natural Environment
- Policy CS3 – Landscape Character and the Historic Environment
- Policy CS5 – Design Quality and Local Distinctiveness
- Policy CS10 – Sustainable Rural Communities

Site Allocations Local Plan (2019):

- SA1 – Settlement boundaries

Other Planning Policy:

11. 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:

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

- Principle of Development
- Impact on Visual Amenity and Character of the Area
- Impact on the setting of Listed Buildings
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Ecology
- Foul Drainage
- Other Matters

Principle of Development

13.Core Strategy policy CS1 sets out the spatial strategy for growth in the former Forest Heath Area. Herringswell is defined as a small settlement with no defined settlement boundary and is 'not capable of sustaining further growth ... reliant on higher order settlements for services and facilities.' The Site Allocations Local Plan policy SA1 refers to settlement boundaries which are indicated on the policies map. This site is within the Countryside for planning policy purposes as it falls outside any defined settlement boundaries. Policy CS10 sets out provisions for sustainable rural communities, including appropriate re-use of a rural building for housing. Policy DM5 states that the countryside will be protected from unsustainable development and sets out in what circumstances a new or extended building will be permitted (note the criteria set out are not relevant because this is an application for conversion).

14.Policy DM28 states that proposals for the conversion of redundant or disused barns or other buildings in the countryside into dwellings will be permitted where:

- a. alternative uses for employment/economic development, tourist accommodation, recreation and community facilities, in accordance with Policy DM33, have been fully explored to the satisfaction of the local planning authority and can be discounted;
- b. the building is structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction;
- c. the proposal is a high quality design and the method of conversion retains the character and historic interest of the building. In the case of barns the single open volume should be retained with minimal change to the external appearance;
- d. the proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings, or the surrounding area.

15.Policy DM33 states that proposals for 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:

- i. 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;
- ii. tourist accommodation;
- iii. recreational uses including riding stables, livery, and sports pavilions;
- iv. community facilities;
- v. residential use, where justified, in accordance with Policy DM28.

16. The proposed development comprises the conversion and alteration of two partially redundant garage blocks, to two dwellings. Within this application, an assessment was made regarding the potential for alternative uses for the buildings. In relation to employment/economic development; the location of the site makes it less marketable compared to somewhere like Mildenhall; the indicative level of value is not therefore such that it is likely to readily attract somebody to invest in developing the property for commercial uses. It should also be noted that the planning permission granted on appeal for the conversion of the gymnasium included 86.8 sqm of office space. It was recognised that any sustainable office use would require users to be local and hence the condition (13) restricting its use 'solely in conjunction with the existing and hereby permitted residential development at Herringswell Manor'. The Inspector considered this to be necessary to reduce travel to the site. It would therefore be reasonable and necessary to apply this principle to the proposals now under consideration. An office use to serve existing residents on the site would be an option, however any potential demand for this kind of office space would be met by the gym conversion permission. Officers are therefore satisfied that a realistic and viable economic or employment use can therefore be discounted.
17. A community use has also been considered and discounted. The local population both within the site and nearby is small and the village of Herringswell is already served by a village hall. Introducing something at Herringswell Manor may only serve to jeopardise the viability of that facility, and this is a further argument accepted by officers.
18. The applicant also argues that providing tourist accommodation would not be viable. The immediate area is not known as a holiday destination and all the existing properties on the site are restricted to prevent such from happening (eg. Airbnb letting). It is therefore agreed that there is unlikely to be the demand and occupation rates for such a use.
19. In terms of recreational use, there is no disabled access to the main space located at first floor level. The size of this space with reduced head room also limits its possibilities. Similarly with the community use, the village hall is available for hire for recreation uses, but it makes no sense to introduce a competing facility to the area. Even if the space were suitable for recreation uses, the location would make it very difficult to attract users in enough numbers to make it viable.
20. The applicant acknowledges that no marketing has been carried out to further discount the above alternative uses but these have been fully explored to the satisfaction of the local planning authority and it is agreed that they can be discounted. Given the location and particular site circumstances it is not therefore considered necessary to market the site.

21. The buildings are structurally sound and clearly capable of conversion. The proposed scheme seeks modest alteration to the existing buildings. DM28 also notes that not all buildings in the countryside will be suitable for conversion to new uses, due their unsuitable or unsustainable location. At the time the Inspector considered the gym appeal (for 15 residential units), he concluded some important points:
'the proposed dwellings would not be isolated from other dwellings.'
'Whilst not well located in relation to access to services I conclude that, overall, the proposal would be sustainable development and that the conversion to residential as proposed would not be inappropriate.'
It is therefore readily acknowledged that locationally, this is not the most suitable or sustainable location for new residential development. However, given that all of the other buildings on the site have been (or will be in relation to the former gym building) converted to residential, the alternative uses detailed above would not be considered compatible in this context and residential re-use of the buildings is more appropriate. It is therefore considered as a consequence that the provisions of policies DM28 and DM33 have been met.
22. For the reasons set out above, it is considered that the principle of the proposed development is acceptable, subject to the consideration of other matters as set out below.

Impact on Visual Amenity and Character of the Area

23. Policy DM28 requires that the proposal is of high quality design and the method of conversion retains the character of the building. Policy DM2 requires all development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of an area to maintain or create a sense of place and local character.
24. The existing form of the buildings would be entirely retained. The layout and design of the host buildings already reflects those that are within the wider site and which they relate to. The addition of the dormer windows are also a typical feature of the wider site and will therefore sit comfortably in this context. Conditions to secure details of windows and doors is recommended to ensure appropriate detailing for these new additions to each building.
25. The development of block 2 includes a newly defined private curtilage to the rear of the block. This area is presently landscaped and enjoyed as part of the communal gardens of the wider site. This is not a large area and considering the size of the wider site, its loss to provide a private garden space is not considered harmful to the setting or character of the wider site. A condition is recommended to secure details of the boundary treatment. The car parking provision for block 1 will also see a small amount of landscaping and grassed area lost. A landscaping condition to secure replacement planting would therefore be appropriate. A condition is also proposed to secure details of the proposed timber cycle stores. Whilst the concerns of residents are noted about the loss of landscaped areas within the site, a refusal on this basis would be very difficult to substantiate given the limited impact and the mitigation which can be secured by condition.

26. It is therefore considered the proposed development is in keeping with the character and appearance of the area and its visual impact will be acceptable and therefore in accordance with DM2.

Impact on the setting of Listed Buildings

27. Herringswell Manor is the principle listed building on the wider site which is a Grade II Listed country house of 1907, built in a 'tudorbethan' style. There are a number of buildings within its grounds which are curtilage listed, but the garage blocks the subject of this application are later additions, with planning permission granted for them in 2007.

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

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

30. It is considered that the proposed scheme works well with the layout and surviving historic character of the wider site. As such, the alterations proposed to both blocks allow an appropriate new use for the buildings. The Conservation Officer notes that the former redevelopment of the site significantly altered the setting of Herringswell Manor to the extent that the proposed conversion of these more modern garages themselves will have little further impact on its significance. This is a factor which weighs materially in support of the proposal.

Impact on Neighbour Amenities

31. Policy DM2 of the Joint Development Management Policies Document requires development to take mitigation measures into account to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.

32. The surrounding properties, adjacent to the site are of a residential nature. Block 1 proposes four new south facing first floor dormer windows. These do not overlook anyone's private amenity space. Block 2 proposes two new velux windows in the north elevation and 3 new south facing dormer windows overlooking its own private garden space and will not overlook any nearby private amenity space.

33. Whilst the concerns of neighbouring residents are noted, the relationship of the new windows in both blocks are considered acceptable in how they relate to neighbouring properties. As such, it is considered that the proposed development would comply with the provisions of policy DM2.

Impact on Highway Safety

34. The plans show both units will be provided with two parking spaces which exceeds the requirement in the Suffolk Parking Guidance 2019 as they are only one bed units. After initially raising some queries about parking allocation, further information provided by the applicant enabled the Highways Authority to confirm they had no objection as any potential parking issues were they to arise would unlikely affect the public highway which is accessed off a private drive, some distance from the new units.
35. The applicant has advised the following in relation to concerns raised by residents on the wider site:
'Parking is fully allocated and the new residents will be allocated their spaces. I think the confusion arises because the residents have been using the 'surplus' spaces (i.e. the unallocated spaces) as informal parking. The management company responsible for the site does not enforce against this informal use of the 'surplus' spaces, but it does not as a result give the residents any rights to use these spaces. There is no entitlement to extra spaces; the only change envisaged by the current proposals is that there will be fewer 'surplus' spaces. Both the existing development and the proposed 2 new dwellings will be provided with policy compliant parking provision.'
36. A number of concerns have been raised by residents about parking. The redevelopment of the gym included a condition to secure a scheme for the provision of parking of vehicles. These details have yet to be agreed, but the most recent amended site plan for the development did not include any spaces which are proposed to be allocated under this application. The Council will therefore be able to ensure there is no overlap in provision. Block 1 has two spaces plus one visitor space proposed immediately adjacent to the block. Parking for block 2 (also two spaces) is further away within an existing area of surplus parking to the east. The proposal does result in the loss of two garage spaces and it is understood that these are rented out to residents, some of which are used for storage and some for parking. Any displaced parking as a result of the loss of the two garage spaces will be accommodated within the surplus parking area.

Ecology

37. The site falls within the 1.5km Stone Curlew Buffer and 7.5km recreational buffer of the Breckland Special Protection Area. 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 2010 (as amended). Due to the very modest scale of development for the re-use of existing buildings and its location within the existing residential use of the wider site, a likely significant effect can be ruled out. There is therefore no requirement for the Council as competent authority to carry out Appropriate Assessment of the proposed development under the provisions of the Habitats Regulations. The proposals are therefore considered to comply with policy CS2.
38. No ecology surveys were required for the development proposed as both buildings are modern in their construction with the first floor roof spaces already being fully boarded out.

39. On that basis the proposal is considered to comply with the requirements of policy DM10, DM11 and biodiversity enhancements in accordance with policy DM12 can be secured by condition.

Foul Drainage

40. One of the concerns raised by the Parish Council is the frequent problems associated with the removal of foul sewerage in and around Herringswell which has been experienced for many years. They advise that foul waste generated from The Manor feeds into the existing failing system at Herringswell and that the system in its current form is failing to cope with the increased levels of effluent generated from recent development and will not continue to absorb additional growth until the problems are identified and addressed by Anglian Water. Anglian Water have a statutory obligation to accept any foul drainage flows and to ensure that infrastructure is capable of dealing with such.
41. Following consultation with Anglian Water on this point they have advised that they have responded to a number of issues caused by a burst rising main between their Herringswell Terminal Pumping Station and Tuddenham Water Recycling Centre (WRC). This did impact the farmers field and the bungalows near the Pumping Station. Last year they completed a rising main replacement scheme and replaced the entire length of rising main from the pumping station to the WRC. Since the completion of works they have had no issues. The applicant has also advised that all on site foul drainage infrastructure has now been adopted by Anglian Water. Given the modest extent of the development proposed (two x 1 bed flats), this will not have a significant impact on the existing foul drainage infrastructure and Anglian Water have no objections.

Other Matters

42. Concern has been raised by residents about capacity of the existing bin storage facilities at the site being inadequate. This is noted and whilst the applicant considers the existing facility to have adequate capacity a condition is recommended to ensure adequate provision for the additional dwellings is delivered.
43. Noise and dust from the conversion works will be limited given that this is a conversion rather than a complete new build. However, given both blocks are close to other residential properties it is reasonable to impose a condition to restrict the timing of works to ensure the residential amenity of neighbouring properties won't be unduly affected.
44. Residents are also concerned that should this application be approved (as a kind of test case), it will lead to further applications for the conversion of other garages. This cannot be a reason to withhold the grant of planning permission if all the relevant policies and other material considerations have been suitably addressed. Any future application, if submitted, will be subject to the same rigorous assessment and there would be no guarantees that such would be acceptable in any event. Every application is considered on its own merits.

45. The site lies within Flood Zone 1, being land at the lowest risk of flooding. Therefore, the effects of the proposal upon matters of flood risk can be considered acceptable.
46. Policy DM2(k) of the Joint Development Management Policies Document requires proposals for all developments to produce designs that encourage the use of sustainable transport. The National Planning Policy Framework (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'. In order to encourage the uptake of sustainable transport in the form of electric vehicles and to enhance air quality, it is recommended that a condition is imposed to require all dwellings with off street parking to be provided with an operational electric vehicle charge point. This is also a requirement within Suffolk Parking Standards. Given the layout of the site and the parking provision for each unit, it is only practical to secure a charging point adjacent to block 1. Parking for block 2 is further away and it would likely be an expensive and disruptive process to get the electric supply from the garage block to the parking spaces. It doesn't therefore seem reasonable to enforce this condition in this instance for this block. A condition will be imposed to secure a vehicle charge point for block 1.
47. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore, a condition will be included to ensure that either water consumption is no more than 110 litres per person per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion and planning balance:

48. Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.
49. The supporting information submitted with this application has adequately demonstrated to the satisfaction of the LPA that alternative uses can be discounted and that residential use of the redundant storage and garage spaces is the most appropriate use given the unique circumstances of this site. The proposal is therefore considered to satisfy policies DM28 and DM33 which weighs in its favour.
50. The former redevelopment of the site significantly altered the setting of Herringswell Manor to the extent that the proposed conversion of these more modern garages themselves will have little further impact on its significance. The proposal complies with DM15 in this respect. This is a factor which weighs materially in support of the proposal.

51. Impacts on neighbouring amenity, highways and ecology are all acceptable. There will be limited harm to the character of the site following the loss of some small landscaped areas to provide for a private curtilage and parking which weighs against the proposals. In relation to foul drainage Anglian Water have not raised any concerns.

52. A further important and material consideration is the planning history of the wider site. At the time the Inspector considered the gym appeal, he concluded some important points:

'the proposed dwellings would not be isolated from other dwellings.'

'Whilst not well located in relation to access to services I conclude that, overall, the proposal would be sustainable development and that the conversion to residential as proposed would not be inappropriate.'

Given these comments and the conclusions reached above in relation to DM28 and DM33, residential development in the context of this site is acceptable.

53. In conclusion, for the reasons set out above 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:

54. 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
C-273-G-9	Location Plan	02.05.2019
C-273-G2-1	Existing Ground Floor Plan	02.05.2019
C-273-G2-2	Loft Details	02.05.2019
C-273-G2-3	Roof Plans	02.05.2019
C-273-G2-4	Existing Elevations	02.05.2019
C-273-G2-5	Existing Elevations	02.05.2019
C-273-G2-5	Sections	02.05.2019
C-273-G1-1	Existing Ground Floor Plan	02.05.2019
C-273-G1-2	Loft Details	02.05.2019
C-273-G1-3	Roof Plans	02.05.2019
C-273-G1-4	Existing Elevations	02.05.2019
C-273-G1-5	Existing Elevations	02.05.2019
C-273-G1-5	Sections	02.05.2019
C-273-G-7	Site Location Plan	02.05.2019
C-273-G-8	Site Plan	02.05.2019

C-273-G-10	Block Plan	02.05.2019
CC 273-G1-6A	Proposed Floor Plans	12.12.2019
CC 273-G1-6A	Proposed Elevations	12.12.2019
CC 273-G1-6A	Sections	12.12.2019
CC 273-G2-6A	Proposed Floor Plans	12.12.2019
CC 273-G2-6A	Proposed Elevations	12.12.2019

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

- 3 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. C-273-G-10 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.

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

Reason: To protect the special character, architectural interest and integrity of the wider site, in accordance with policies 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.

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

Reason: To protect the special character, architectural interest and integrity of the wider site, in accordance with policies 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.

- 6 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with

the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 7 No development above ground level shall take place until details of the treatment of the rear garden boundary to block 2 have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

- 9 Prior to first occupation of block 1, this dwelling with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

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

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

Reason: To protect the amenity of occupiers of adjacent properties from

noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted under Part 1 Classes A, B, C, D, E and F of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

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

- 12 Prior to both dwellings being first occupied, details of the refuse and recycling storage for each unit shall be submitted and agreed in writing with the Local Planning Authority. The agreed details shall then be provided in their entirety and been made available for use prior to occupation of each unit. 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 adequate waste storage 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.

- 13 Prior to occupation a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be 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, mitigate against the loss of existing planting 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.

- 14 Prior to occupation, details of the timber cycle stores for each unit shall be

submitted and agreed in writing with the Local Planning Authority. The stores shall be installed prior to occupation in accordance with the approved details and thereafter retained for that purpose.

Reason: To ensure appropriate detailing given the sensitive location and character of the wider site, 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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/0947/FUL](#)

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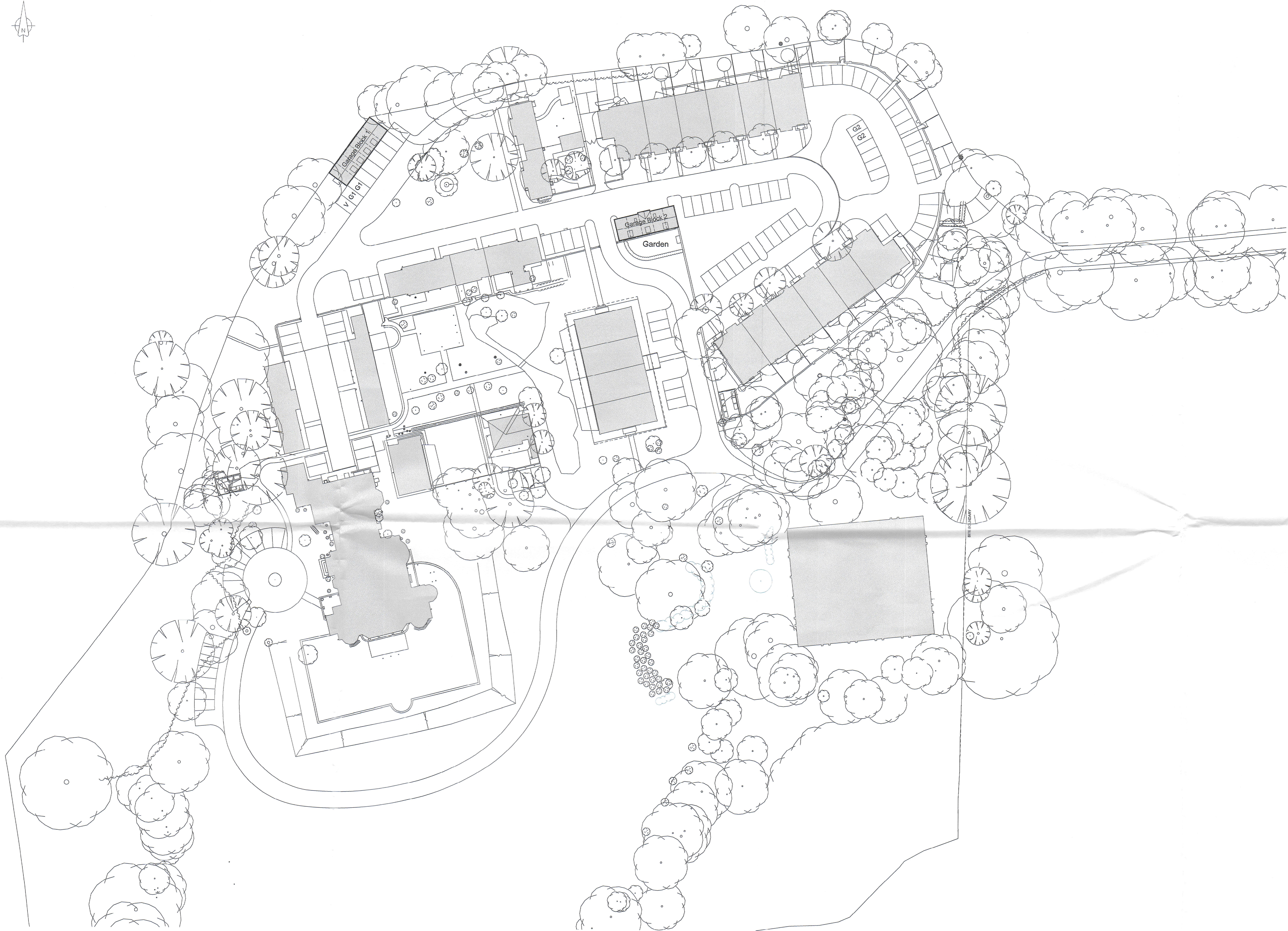
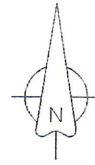


DC/19/0947/FUL - Herringswell Manor

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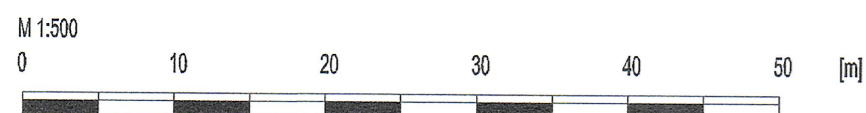
RECEIVED
01 MAY 2019

Revision		Amendment	Initials

Drawing Title		Herringswell Manor Garages app	
Proposed Site Plan			
Drawing Number		C-273-G-8	
Revision	Scale @ A1	1:500	
Drawn By	Date Started	Mar 2019	
Checked by	Date	04.03.2019	

Development
Herringswell Manor
Suffolk

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Development Control Committee 5 February 2020

Planning Application DC/19/1918/FUL – Land at Chardale, Dale Road, Stanton

Date Registered: 07.10.2019 **Expiry Date:** 02.12.2019

Case Officer: Mr Nicholas Yager **Recommendation:** Refuse Application

Parish: Stanton **Ward:** Stanton

Proposal: Planning Application - 1no dwelling and cart lodge

Site: Land at Chardale, Dale Road, Stanton

Applicant: Mr Graham Bettany

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:

Nick Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 01284 757629

Section A – Background

The application was considered at the West Suffolk Development Control Committee meeting on 8 January 2020. Members at the meeting resolved that they were 'minded to' approve planning permission contrary to the officer recommendation of refusal. At this point, the risk assessment protocol was invoked requiring the further reporting of this matter before a decision is made.

The reason why Members resolved that they were minded to approve the application was that they considered it to be a sustainable development, highlighted that a 'cluster of dwellings' was subjective and remarked upon the marginal increase the scheme would contribute to the District's housing supply and economy. Members also disagreed with the Officer recommendation that it was not a sustainable location and added that it would add to housing supply and contribute to the economy.

A committee sit visit was undertaken on 6 January 2020.

Members were minded to approve the application as they considered the proposal would not have an adverse impact upon the character of the countryside and would not contravene policy DM27.

The purpose of this report is to provide a more detailed analysis of DM27 and its interpretation, as well as a risk assessment for Members in accordance with the Decision Making Protocol, which sets out the potential risks that might arise should planning permission be approved.

The previous officer report for 8th January 2020 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.

Members will note that some errors in the January DCC report were highlighted at that meeting. For clarity therefore, Officers advise that reference at Para. 30 to there being no footpath to the site is incorrect, a footpath does exist. Officers are satisfied that this fact does not change the materiality of the conclusions reached in that report.

Proposal

1. Please refer to working paper 1 for a description of the proposal.

Application Supporting Material:

2. Please refer to working paper 1 for a description of the supporting material.

Site Details:

3. Please refer to working paper 1 for site details.

Planning History

4. Please refer to working paper 1 for planning history.

Consultations:

5. Please refer to working paper 1 for a summary of consultation responses.

Representations:

6. Please refer to working paper 1 for representations received.

Policy:

7. 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.
8. Please refer to working paper 1 for a list of policies and guidance that have been taken into account in the consideration of the application.

Other Planning Policy:

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

Officer Comment

11. Please refer to working paper 1 for the officer assessment of the proposals.

Section B – Update

12. No further update since last planning committee meeting on the 08.01.2020.

Section B – Refusal Reasons

13. The Officer recommendation remains one of refusal, with the reasons set out below;

14. Refusal reason (paras 20 – 23)

The National Planning Policy Framework (NPPF) states that planning should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations (para. 17). Core Strategy Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document states that areas designated as countryside will be protected from unsustainable development, and restricts new residential development in such locations to affordable housing for local needs, dwellings for key agricultural, forestry and commercial equine workers, small scale residential developments of small undeveloped plots in accordance with Policy DM27 and the replacement of existing dwellings. Policy DM27 sets out the circumstances where small scale residential developments in the countryside will be permitted.

The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton. The site lies adjacent to but separated from a group of housing and forms part of a larger area of open space with agricultural land beyond, as part of the transition from the village to the countryside beyond. The site is not therefore within a cluster of dwellings and the proposal would not constitute the infilling of a small undeveloped plot within an otherwise continuous built up frontage, as required under Policy DM27. The proposal furthermore does not meet any other special circumstances for residential development in the countryside set out within the NPPF and Policy DM5. Therefore, the proposal is contrary to the Development Plan.

Furthermore, the development would erode and urbanise the existing countryside setting in this location to the detriment of the character and appearance of the area and the setting of the nearby settlement of Stanton. In addition, the site's location away from the services in the village of Stanton would require future occupiers of the proposed dwellings to mostly travel beyond the village to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would foreseeably be by private car. The proposal for a new dwelling in this countryside location therefore represents an unsustainable form of development.

15. For the above reason the proposal is considered contrary to Policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy (December 2010), Policy RV1 of the Rural Vision 2031 (September 2014), policies DM1, DM2, DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development

Management Policies Document (February 2015) and the National Planning Policy Framework.

16. However, if notwithstanding the above, the Committee remains of the opinion that this application should be approved, then Officers would recommend 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
(-)	Location Plan	20.09.2019
2142/SK2	Proposed Elevations & Floor Plans	20.09.2019
2142/SK3	PLAN	20.09.2019
2142/LO(-)02A	Proposed Block Plan	07.10.2019

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

3. Occupation shall not commence until the area(s) within the site shown on Drawing No. 2142/LO(-)02A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2142/LO(-)02A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2142/LO(-)02A with an X dimension of 2.4 metres and a Y dimension of 42 metres in each direction 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.

6. No construction site machinery or plant shall be operated, noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800- 1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.

Reason: To protect the amenity of the area.

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

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

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

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

9. Prior to commencement of development a scheme for the protection during construction of the TPO/156(1991) Walnut tree on site, in accordance with BS 5837:2012 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 TPO/156/1991 Walnut is protected tree on site is 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.

Section D – Risk Assessment:

17. Members are again reminded that, notwithstanding these conditions, and for the reasons set out above, Officers remain very firmly of the view that this proposal should not be supported. However, if the Committee remains of the opinion that this application should be approved then they must be aware of any potential risks that may arise.
18. The proposal is considered contrary to local and national policies which look to protect the countryside from unsustainable development as well as protecting the countryside from visual intrusion and harm. The reasons set out above have examined the developments compliance with Policy DM27 and illustrate it does not comply with the policy.
19. Officers consider the development proposed in this case to be contrary to policies DM1, DM2, DM5, DM27, CS2, CS3, CS13 and RV1. 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. It is not considered that in this case there are any material planning considerations which would outweigh the conflict with policy and a risk is that the Authority would make a decision that could be challengeable if adequate reasons are not provided to depart from the statutory presumption of the primacy of the development plan. The further obvious risk here therefore is that approval will undermine well established policies of restraint, particularly in relation to the spatial distribution of housing with reference specifically to policy DM27, all of which have been very successfully defended through multiple appeals on many occasions.
20. In this regard Members are advised and reminded that concern, uncertainty or disagreement over the suitability or correctness of settlement boundaries is not a matter that can be arbitrarily dealt with through the ad hoc determination of planning applications. The judgement on the sustainability of any settlement, and hence any decision to include such within a settlement boundary where development is encouraged, is one that is best taken in a holistic approach through a comprehensive review of planning policies, rather than on a case by case basis through the Development Control Committee. The determination of this and similar applications in this way risks undermining that formal policy process and more importantly it also risks an inconsistent outcome and without adequate reasons to otherwise approve this application the best way to deal with decisions such as this is through the impending Local Plan review.

21. A further risk to the Authority from an approval is reputational as it may show a lack of regard for the interpretation of countryside protection policies. In coming to their decision Members must clearly identify whether they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to approve the application, the material considerations which justify the departure must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.
22. Whilst every application must be considered on its own merit, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. Failure to provide clear reasons for the decision could expose the Council to the risk and cost of Judicial Review in the High Court and would impact on the ability for the Council to be consistent for other applications of a similar nature. This would also adversely impact upon the reputation of the Council.
23. Officers consider that if the Local Planning Authority were to accept the development being put forward by allowing the new dwelling, then it would, however incrementally, become increasingly challenging to continue to defend the Council's position in similar circumstances, particularly in relation to Policy DM27, potentially resulting in further unsustainable development in the countryside and undermining the principles behind Policies DM5 and DM27.
24. If applications are not treated consistently, in the event that a similar application is refused the applicant could have the right to seek to recover their appeal costs (in full or part depending on the circumstances) from the Council should the Inspector conclude that the Council has acted unreasonably. This would result in financial and reputational implications for the Council.

Section E – Conclusion

25. For the reasons outlined above and also set out within the original report to Development Control Committee, Officers consider that the development would provide unjustified housing in an unsustainable location, which would be significantly harmful to the character of the settlement and have an urbanising impact upon the countryside. The proposal fails to comply with policies which aim to protect the countryside and steer development to sustainable locations, there are no material considerations which outweigh that conflict.
26. In coming to their decision, Members must clearly identify how they consider the proposal complies with the development plan and their reasons for reaching their decision in circumstances such as this where the proposal does not otherwise comply with the Development Plan.

Recommendation

27. It is recommended that planning permission be **REFUSED** for the following reason:

The National Planning Policy Framework (NPPF) states that planning should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations (para. 17). Core Strategy Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document states that areas designated as countryside will be protected from unsustainable development, and restricts new residential development in such locations to affordable housing for local needs, dwellings for key agricultural, forestry and commercial equine workers, small scale residential developments of small undeveloped plots in accordance with Policy DM27 and the replacement of existing dwellings. Policy DM27 sets out the circumstances where small scale residential developments in the countryside will be permitted.

The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton. The site lies adjacent to but separated from a group of housing and forms part of a larger area of open space with agricultural land beyond, as part of the transition from the village to the countryside beyond. The site is not therefore within a cluster of dwellings and the proposal would not constitute the infilling of a small undeveloped plot within an otherwise continuous built up frontage, as required under Policy DM27. The proposal furthermore does not meet any other special circumstances for residential development in the countryside set out within the NPPF and Policy DM5. The development would erode and urbanise the existing countryside setting in this location to the detriment of the character and appearance of the area and the setting of the nearby settlement of Stanton. In addition, the site's location away from the services in the village of Stanton would require future occupiers of the proposed dwellings to travel to the village and beyond to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would foreseeably be by car. The proposal for a new dwelling in this countryside location therefore represents an unsustainable form of development.

For the above reasons the proposals are considered contrary to Policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy (December 2010), Policy RV1 of the Rural Vision 2031 (September 2014), policies DM1, DM2, DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and 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/19/1918/FUL
- Working paper 1 – Committee report – 08.01.2020

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Development Control Committee
8 January 2020

WORKING PAPER 1

**Planning Application DC/19/1918/FUL –
Land at Chardale, Dale Road, Stanton**

Date Registered: 07.10.2019 **Expiry Date:** 02.12.2019

Case Officer: Mr Nicholas Yager **Recommendation:** Refuse Application

Parish: Stanton **Ward:** Stanton

Proposal: Planning Application - 1no dwelling and cart lodge

Site: Land at Chardale, Dale Road, Stanton

Applicant: Mr Graham Bettany

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Nicholas Yager
Email: Nicholas.Yager@westsuffolk.gov.uk
Telephone: 01284 757629

Background:

The application is referred to the Development Control Committee following the meeting of the Delegation Panel that took place on 3 December 2019, as the application is contrary to the Development Plan and is recommended for a REFUSAL.

A site visit is to take place on 6 January 2020 for the Members of Development Control Committee.

Proposal:

1. Planning permission is sought for a 1no dwelling and cart lodge. The proposed access of the site is located fronting Dale Road. The proposed dwelling is positioned off and facing Dale Road. The proposed dwelling is of a converted barn design and the floor area resembles an H shape. The cartlodge is located to west of the host dwelling and is a traditional cartlodge design with two car parking spaces.
2. The application site has had a previous refusal for a 1no. dwelling under application reference number DC/16/0693/OUT. All local plan policies have not changed since this previous refusal and therefore the recommendation of the application has not changed.

Application Supporting Material:

- Application Form
- Location Plan
- Land Contamination Assessment
- Land Contamination Questionnaire
- Design and Access Statement
- Block Plan and Tree Protection Plan
- Proposed Elevation and Tree Protection plans
- Cart Lodge Plans
- Sketch

Site Details:

3. The site is adjacent to Chare Road and currently accessed from the host property Merrifields which fronts Dale Road, the site abuts the boundaries of two further properties on Dale Road; New Delight and Chardale. The site is situated outside the settlement boundary and on land designated as Countryside. The application site is not located within a conservation area, however, the application site is located to the rear of the property New Delight which is grade II listed. There is a protected tree located in the garden of the Chardale located close to the proposed dwelling. The tree is protected under Tree Preservation Order 156(1991). There is an existing workshop located currently in the application site near the western boundary.

Planning History:

4. DC/16/0693/OUT Outline Application is sought for 1no. dwelling. Refused.
5. E/91/2041/P Outline Application - 2 no. dwellings and construction of new vehicular access. Refused.

6. E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.
7. Appeal; E/92/2660/P Outline Planning Application - 2 dwellings and access. Refused.

Consultations:

8. Public Health And Housing 15/10/2019: *I confirm I have reviewed the information provided and considered the implications from a Public Health, Housing and Nuisance control_perspective. In_the interest of protecting residential amenity during the_construction phase. I would suggest the following conditions should be_attached to any consent_granted. Suggested conditions of construction hours,_and no burning of waste on site.*
9. Environment Team 04/11/2019: *No objections subject to a condition requesting electric vehicle charging points being attached to the planning consent.*
10. Environment & Transport – Highways 13/0/2019: *No objection subject to a conditions relating to visibility splays, refuse/recycling bins and manoeuvring and parking.*
11. Stanton Parish Council 29/11/2019: *Since 2016 the area around this piece of land has been further developed. A large property is in the process of being built on the former site of 'Mentor' and the Council consider that the proposed plot now lies within the settlement boundary of the Village. The plot will enhance the character of the area and therefore the Council has no objections to the application.*
12. Tree Officer: 15/11/2019: *After further review of the documents, I am_satisfied that a sufficient level_of_information has been submitted in order to make an assessment of the likely arboricultural impact of the proposed development. The new dwelling is shown to be in close proximity to the Walnut protected under TPO/156(1991), albeit outside of the root protection area and crown spread of the tree. The stated crown height and spread indicates the Walnut is reaching its ultimate size, this factor in conjunction with the minimalistic fenestrations on the eastern elevation suggests that no significant degree of post development resentment would arise. My principle concern would be the level of detail pertaining to tree protection measures, although this concern could be addressed by the application of a suitably worded condition. Overall, provided that the submitted information is accurate, I would consider the arboricultural impact of the proposed development to be low.*
13. Conservation Officer 11/12/2019: *The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind The Chardale and therefore won't impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Dale Road and therefore no objections to the proposal from a conservation perspective.*
14. All representations can be read in full online.

Representations: No representations received.

Policy:

15. 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.

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:

16. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

17. St Edmundsbury Core Strategy (December 2010) (CS)

- Policy CS1 St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS4 Settlement Hierarchy and Identity
- Policy CS7 Sustainable Transport
- Policy CS13 Rural Areas

18. Rural Vision 2031 (September 2014):

- Policy RV1: Presumption in Favour of Sustainable Development
- Policy RV3: Housing Settlement Boundaries

Other Planning Policy:

19. 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:

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

- Principle of development
- Impact upon the surrounding area
- Highway safety
- Residential amenity

Principle of Development

21. The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton.

22. Core Strategy (CS) Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

23. Policy DM5 states that areas designated as countryside will be protected from unsustainable development but allows for small scale residential development of a small undeveloped plot in accordance with policy DM27.

24. Development Management Policy DM27 states that proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria;

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

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

25. Policy DM27 clarifies that a small undeveloped plot is one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.

26. The application site is located adjacent to Chardale and opposite Mentor House, these properties form the last bungalows running west. To the south and north of the site a grassed area of open space (of which the site forms part), is bordered by agricultural land and buildings. As such the site is at the end of the housing along Chare Road, as opposed to being within a cluster of dwellings as required by Policy DM27. The site is not considered to consist of a small

undeveloped plot as it forms part of a much larger area of open land. Furthermore, the proposal cannot be considered as infill development within an otherwise continuous built up frontage given the absence of any existing dwellings adjacent to the site on its northern or western sides. For these reasons, the proposal is not considered to comply with Policy DM27.

Policy DM5 of the Joint Development Management Policies states that areas designated as countryside will be protected from unsustainable development. Residential development may be permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business, small scale residential development of a small undeveloped plot in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

27. The proposal does not meet any of the special circumstances set out within Policy DM27.

28. Policy RV3 of the Rural Vision and policies CS1 and CS4 of the Core Strategy, are broadly consistent with the principles of sustainable development as set out in the NPPF, insofar as they require new development to be concentrated in the larger urban areas and villages, where there are a wider range of services and facilities. Whilst the use of settlement boundaries can act as a constraint on the growth of rural settlements, it is noted that policies DM5 and DM27 do not impose a blanket restriction on development. These policies allow for a range of appropriate proposals in the countryside subject to a wide range of flexible criteria. As a consequence, taking these policies as a whole, they are considered to be generally consistent with the NPPF.

29. Paragraph 78 of the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development. It is acknowledged that the development would make a modest contribution to help sustain local services in Hundon, as well as helping to sustain the viability of services in other nearby villages.

30. The proposed development would be in close proximity to other dwellings and not be physically isolated. As such the proposal would not conflict with Paragraph 79 of the Framework and it is not necessary to demonstrate any exceptional circumstances.

31. Nearby roads, notably the B1111 which provides access to the Key Service Centre at Stanton has no associated cycle lanes or pedestrian footpaths, making it difficult to access the village by means other than by car. Facilities within Stanton are further divorced from the application site by the A143. Occupiers of the dwellings would therefore be mostly dependent on the use of the private car for the vast majority of needs and services, and there would therefore be conflict with the underlying intention of the NPPF and Core Strategy which aim to direct development to the most sustainable locations. Consequentially, the proposal would also fail to comply with Policy DM5 in that it proposes unsustainable development within the countryside. Nonetheless, it is noted that this would not be materially different to the position faced by the existing community in this nearby part of Stanton.

32. For the reasons set out above, officers consider that this proposal for a new dwelling in the countryside would not meet current policy requirements and is

unsustainable development. As such the principle of development is not acceptable in this case.

Impact on the Character/ Street Scene

33. Outline planning permission for two dwellings has been previously refused on this plot under application reference numbers (E/91/2041/P and E/92/2660/P). Further, most recent application DC/16/0693/OUT for 1 no. dwelling was also refused with application E/92/2041/P being dismissed at appeal

34. Whilst this appeal is of some age and its relevance therefore diminished, particularly in relation to the principle, part of the decision rings true still in relation to the visual impact, with the inspector concluding; *When I visited the site, however, I saw that the garden, although it reaches out along Chare Road to the west of the built up area, blends harmoniously with the open countryside.*

The site currently forms part of an open grassed area with agricultural land beyond. The construction of a new dwelling together with the associated access would intrude into this open countryside setting, to the detriment of the character and appearance of the area. The proposed development, however, would extend the built up area along this narrow and attractive country lane in a manner that would, in the opinion of officers, be intrusive and contrary to the stated intentions of the Council to protect the character and appearance of the countryside and therefore in contrary to development management policy DM2 and Core Strategy CS3.

Residential amenity

35. It is considered the application site could accommodate a dwelling of single storey scale, subject to details, without adverse effect upon Chardale by reason of overshadowing, overlooking, or having an overbearing impact if the principle of development was otherwise supported in this location notwithstanding the conclusions above.

Listed Building

36. 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.

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

38. The application site is located to the rear of New Delight which is a grade II listed building. The proposed dwelling and the cart lodge is positioned behind Chardale and therefore it is not considered that it would negatively impact the setting of the listed building including both the inwards and outwards views. The development is a continuation of the development along Chardale Road and therefore there are no objections to the proposal from a conservation perspective insofar as it relates to the impact of the proposal upon the setting of the listed building, with reference to Policy DM15.

Other Matters

- 39.No information was submitted in respect of the potential biodiversity impact of a new dwelling. However, the site is considered to have low biodiversity value due to it being located within a domestic garden land and therefore this matter is not raised as an additional reason to refuse. There is a TPO Walnut tree protected under TPO/156(1991) located within close proximity to the proposed dwelling, which is a tree of considerable amenity value. The tree officer confirmed that the information submitted within the application was sufficient to have a detailed assessment of the impacts of the proposal. The tree officer confirmed that the principle concerns would be the level of detail pertaining to tree protection measures. However, the tree officer stated that this concern could be addressed by the application of a suitably worded condition. The site is otherwise of sufficient size to accommodate a dwelling that, with care, can be provided without adverse effects upon the tree.
- 40.The Highway Authority have responded with a no objection to the application subject to the suggested conditions relating to visibility splays, refuse/recycling bins and manoeuvring
- 41.The environmental team have confirmed no objections to the proposal with regards to contaminated land. However, the environmental team have stated the electric car charging point condition has also been recommended along with water efficiency condition would be required if the application was supported.
- 42.Public Health and Housing responded with a no objection subject to the suggested conditions of the construction works hours and no burning of waste on site. The construction works hours would be considered to be reasonable if the principle of development was acceptable.
- 43.The application site is not located in either Flood Zone 2 or Flood Zone 3 and therefore has a low probability of flooding.

Conclusion:

- 44.Whilst Development Management Policies DM5 and DM27 provide for small scale residential development of small undeveloped plots in the countryside, the proposal in this case is not considered to represent infill development within an otherwise continuous built up frontage and within a closely knit cluster of dwellings. The scheme would introduce new housing in an unsuitable location and would intrude into open countryside, to the detriment of the character and appearance of the area.
45. The limited benefit arising from the provision of a single dwelling in this unsustainable location is not considered sufficient to outweigh the material harm arising.
- 46.The proposal is therefore considered contrary to policy and it is recommended that planning permission be refused.

Recommendation:

- 47.It is recommended that planning permission be **REFUSED** for the following reason:

The National Planning Policy Framework (NPPF) states that planning should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations (para. 17). Core Strategy Policy CS4 states that development outside of the settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document states that areas designated as countryside will be protected from unsustainable development, and restricts new residential development in such locations to affordable housing for local needs, dwellings for key agricultural, forestry and commercial equine workers, small scale residential developments of small undeveloped plots in accordance with Policy DM27 and the replacement of existing dwellings. Policy DM27 sets out the circumstances where small scale residential developments in the countryside will be permitted.

The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Stanton. The site lies adjacent to but separated from a group of housing and forms part of a larger area of open space with agricultural land beyond, as part of the transition from the village to the countryside beyond. The site is not therefore within a cluster of dwellings and the proposal would not constitute the infilling of a small undeveloped plot within an otherwise continuous built up frontage, as required under Policy DM27. The proposal furthermore does not meet any other special circumstances for residential development in the countryside set out within the NPPF and Policy DM5. The development would erode and urbanise the existing countryside setting in this location to the detriment of the character and appearance of the area and the setting of the nearby settlement of Stanton. In addition, the site's location away from the services in the village of Stanton would require future occupiers of the proposed dwellings to travel to the village and beyond to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would foreseeably be by car. The proposal for a new dwelling in this countryside location therefore represents an unsustainable form of development.

For the above reasons the proposals are considered contrary to Policies CS2, CS3 and CS13 of the St Edmundsbury Core Strategy (December 2010), Policy RV1 of the Rural Vision 2031 (September 2014), policies DM1, DM2, DM5 and DM27 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the National Planning Policy Framework.

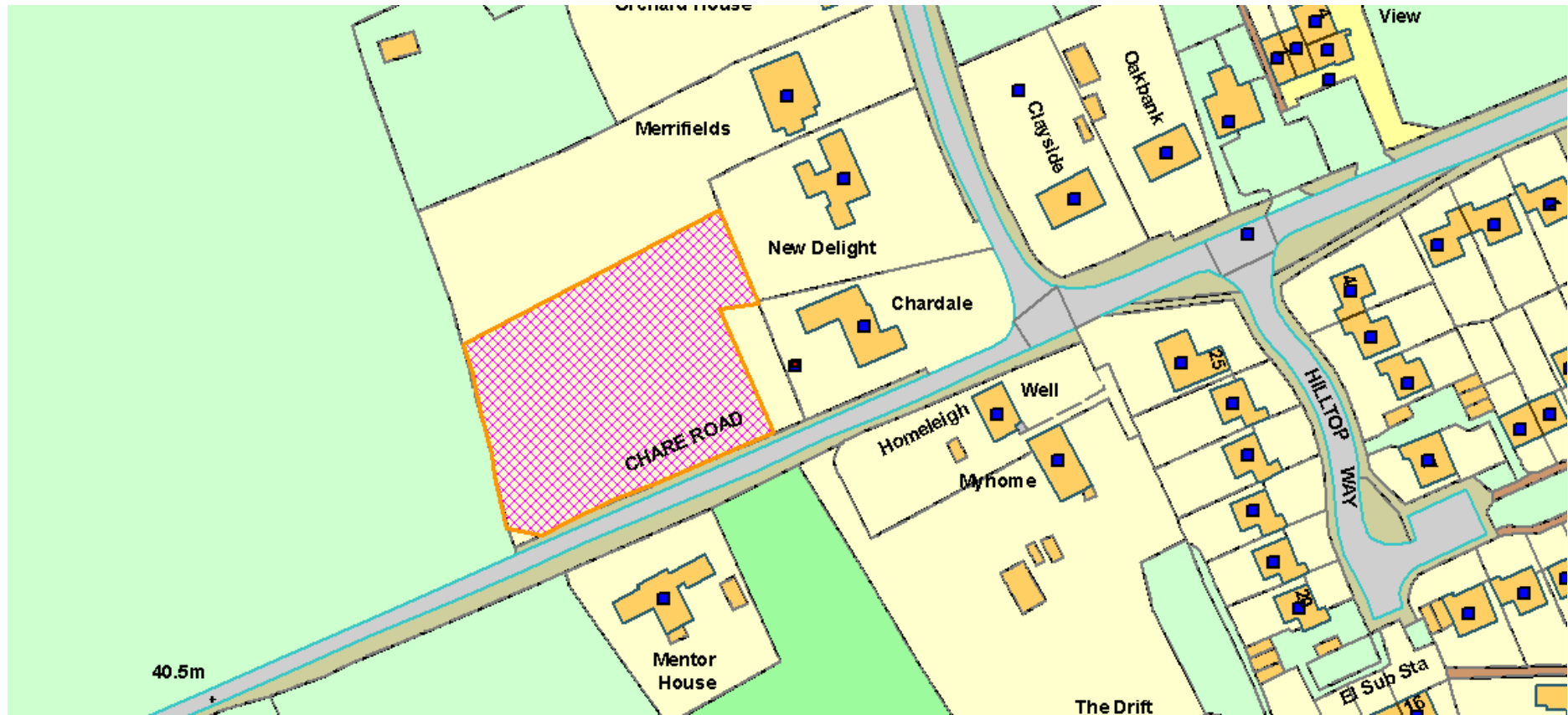
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1918/FUL](https://www.stedmundsbury.gov.uk/DC/19/1918/FUL)

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DC/19/1918/FUL – Land at Chardale, Dale Road



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CLIENT	
MR & MRS BETTANY	
PROJECT LAND AT CHARDALE CHARE ROAD STANTON BURY ST EDMUNDS IP31 2DX	
ARCHITECTURAL SOLUTIONS	
THE STUDIO PAKENHAM BURY ST EDMUNDS SUFFOLK IP31 2LP Telephone 01359 231932	
DRAWING	
BLOCK PLAN	
DRAWN ASL	DATE 09/19
SCALE 1:200	REV
JOB NO 2142/LO(-)02A	

FENCING FOR ROOT PROTECTION

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Development Control Committee 5 February 2020

Planning Application DC/19/2326/FUL – 18 Victoria Close, West Row

Date Registered:	04.12.2019	Expiry Date:	29.01.2020
Case Officer:	Olivia Luckhurst	Recommendation:	Approve Application
Parish:	West Row	Ward:	The Rows
Proposal:	Planning Application - (i) two storey side extension (ii) single storey rear extension to dwelling approved under DC/15/1450/RM		
Site:	18 Victoria Close, West Row		
Applicant:	Mr Max Kirby		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Olivia Luckhurst

Email: Olivia.Luckhurst@westsuffolk.gov.uk

Telephone: 01638 719792

Background:

Outline planning permission for the residential development of 26 dwellings with new vehicular access and creation of a new footpath link along Mildenhall Road was approved under DC/14/0632/OUT on 22 December 2014.

Following this approval, a Reserved Matters application was approved for the submission of appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows under DC/15/1450/RM on 15th December 2015.

The current application has been referred to the Development Control Committee following consideration by the Delegation Panel. The Parish Council have objected to the application and the Officer recommendation is for APPROVAL.

A site visit is scheduled to take place on Monday 3 February 2020.

Proposal:

1. The application seeks planning permission for the erection of a two storey side extension and a single storey rear extension. The two storey addition will measure 7.2m in height, 3.5m in width and 5.7m in depth and will allow for changes to the internal first floor layout and provide a larger kitchen at ground floor level. The single storey extension will measure 3.4m in height, 4m in depth and 11.9m in width and will provide a new dining area and snug.

Application Supporting Material:

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

Site Details:

3. The site comprises of a detached chalet bungalow located in the north eastern corner of the eastern boundary of the site. The dwelling falls within the West Row settlement boundary and is not situated within a conservation area, nor is the property listed. This dwelling is positioned within a cul-de-sac surrounded by residential properties. No.18 has been constructed from red brick with a cream render and a red pantile roof with 3no. dormer windows located on the front elevation. The plot is enclosed with close boarded wooden fencing and hedging to the western corner of the site.

Planning History:

4. Reference	Proposal	Status	Decision Date
DC/15/1450/RM	Reserved Matters Application - Submission of details under outline planning permission DC/14/0632/OUT - appearance, layout & scale for 24 No. two-	Application Granted	15 Dec 2015

storey dwellings and
2No.bungalows
Outline Application -
residential development
of up to 26 dwellings

DC/14/0632/OUT Outline Application - Application 22.12.2014
residential development Application 04.11.2016
Plan to 26 dwellings Granted
Application vehicular
as single and station of a
new footpath link along
Mildenhall Road (Major
Development and
Departure from the
Existing Development Plan) as
considered by plans and
email rec 17.10.14
which add additional
signage in the highway

Consultations:

5. Local Member Comment

- Councillor John Smith objected to the application on the grounds of overlooking.

6. Parish Council Comment:

- The Parish Council objected to the application on the grounds of over development on the site which would lead to overcrowding as well as concerns regarding parking.

Representations:

7. Two letters were received from the owner/occupiers of Lily Pond Cottage, Jarmans Lane, West Row on 12th December 2019 stating the following reasons for objection:
 - Overlooking
 - Impact upon amenity
 - Loss of privacy
 - Over development
8. One letter of objection was received on 9th December 2019 by the owner/occupier of South View, Mildenhall Road, West Row stating the following issues:
 - Noise
 - Parking
 - Highways
 - Over development
9. One letter of objection was received from the owner/occupier of Horseferry Lodge, The Gravel, West Row on 3rd January 2020 stating the following reasons:
 - Overlooking

- Impact upon amenity

All letters can be read in full on the Council's website.

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:

Forest Heath Core Strategy 2010

- Core Strategy Policy CS5 - Design quality and local distinctiveness

Joint Development Management Policies 2015

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

Other Planning Policy:

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

Officer Comment:

13. The issues to be considered in the determination of the application are:
 - Principle of development
 - Site History
 - Impact on amenity
 - Impact upon the street scene
 - Design and form

- Parking

Principle of Development

14. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwelling and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

The dwelling is considered to be located within a curtilage which is able to accommodate the scale of the development without over-development of the site occurring. This is further demonstrated by the ample remaining garden space serving the plot.

Site History

15. The dwelling was originally approved through an outline planning permission for the residential development of 26 dwellings (DC/14/0632/OUT). Following this approval, a Reserved Matters application was approved for the submission of appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows under DC/15/1450/RM. The dwelling in question was plot No.17. The Reserved Matters application was originally heard at Planning Committee on 7th October 2015 and the decision was made to defer the application in order to allow time for Officers to raise the concerns of the Committee with the applicant regarding the impact of plots 17, 18, 19 and 20 of the proposed development on adjacent residents.

16. As a result of the application being deferred at that Committee, amended plans were submitted showing the dwelling on Plot 17 being reduced in height from a 2 storey dwelling to a chalet bungalow with no windows in the side elevations and only bathrooms served by roof lights on the rear at first floor level.

17. Following the receipt of these amendments, the application was heard again at Planning Committee on 2nd December 2015 and it was concluded that the revised layout and design of Plot 17 had overcome the issues regarding overlooking, impact upon amenity and over development of the plot and the application was approved.

Impact upon Amenity

18. The proposed development is considered to have no material adverse impact upon the residential amenity of nearby occupants by means of overlooking, being overbearing or loss of light given the orientation of the plot and the scale of the proposed works.

19. The proposed extensions do incorporate the insertion of additional windows such as a new roof light to the rear at first floor level of the property which will serve an ensuite bathroom and a new dormer window to the front elevation which will serve the bedroom. The ground floor extension will include 3no. roof lights which will serve the dining room to the rear of the dwelling and a front and side window serving the kitchen.

20. It is not considered that these additional windows will have a detrimental impact upon the surrounding neighbours as the ground floor windows will be screened by existing fencing and hedging which the applicant has confirmed will not be removed as a result of the works. In any event, even if there was no fencing or hedging along the boundary, such could easily be installed under permitted development which would mitigate any impact on amenity. The first floor windows will have no impact as the new dormer window will look onto the road and the new roof light will be obscure glazed.

Impact upon the Street Scene

21. The street scene is made up of properties that are of a similar character and appearance to No.18. Given their positioning, the proposed two storey side extension and new dormer window will be viewable from the public realm. However, the property is already host to 3no. dormer windows on the front elevation and the addition is a common feature on many properties located on the site. The side extension will be constructed from materials that will match the main dwelling and the surrounding properties.

22. It is considered that the additions would be in keeping with the neighbouring properties and therefore, the proposed works would not have a detrimental impact upon the street scene.

Design and Form

23. The proposed extensions are overall considered to be of an appropriate scale, form and design as to respect the host dwelling. The materials that will be used in the construction of the extensions will match those on the main dwelling as confirmed on the application form.

24. The works will not result in overdevelopment of the plot and will not exceed the height of the host dwelling. Nor will the additions have a detrimental impact upon the amenity of neighbouring properties. Therefore, noting the comments made by the Committee when considering plot 17 under the reserved matters application, the works now proposed are still considered acceptable.

Parking

25. The proposed development will not result in additional bedrooms and will only rearrange the first floor layout. The Suffolk Guidance for Parking 2019 states that dwellings with 3no. bedrooms should provide at least 2no. parking spaces. The property is currently host to 2no. parking spaces, one of which is within the detached garage, therefore, the existing parking situation complies with the guidance.

Conclusion:

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

Recommendation:

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

- 1 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
P-6135-01	Proposed Site Block Plan	28.11.2019
P-6135-01	Proposed Elevations & Floor Plans	28.11.2019
P-6135-02	Location Plan	28.11.2019
P-6135-02	Ex Elevations & Floor Plans	28.11.2019

- 3 Before the extension hereby permitted is brought into use, the roof light serving the new ensuite in the rear elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, 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.

Documents:

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

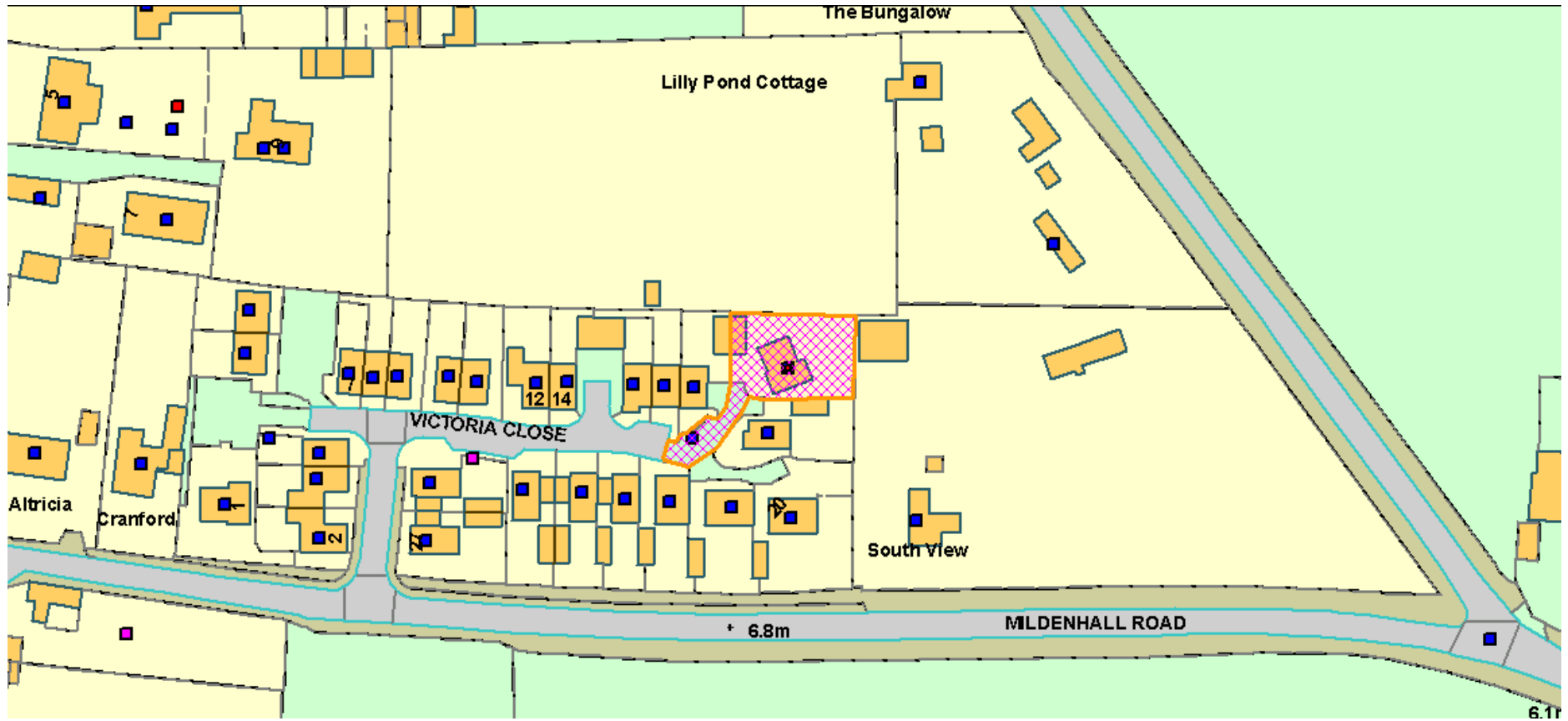
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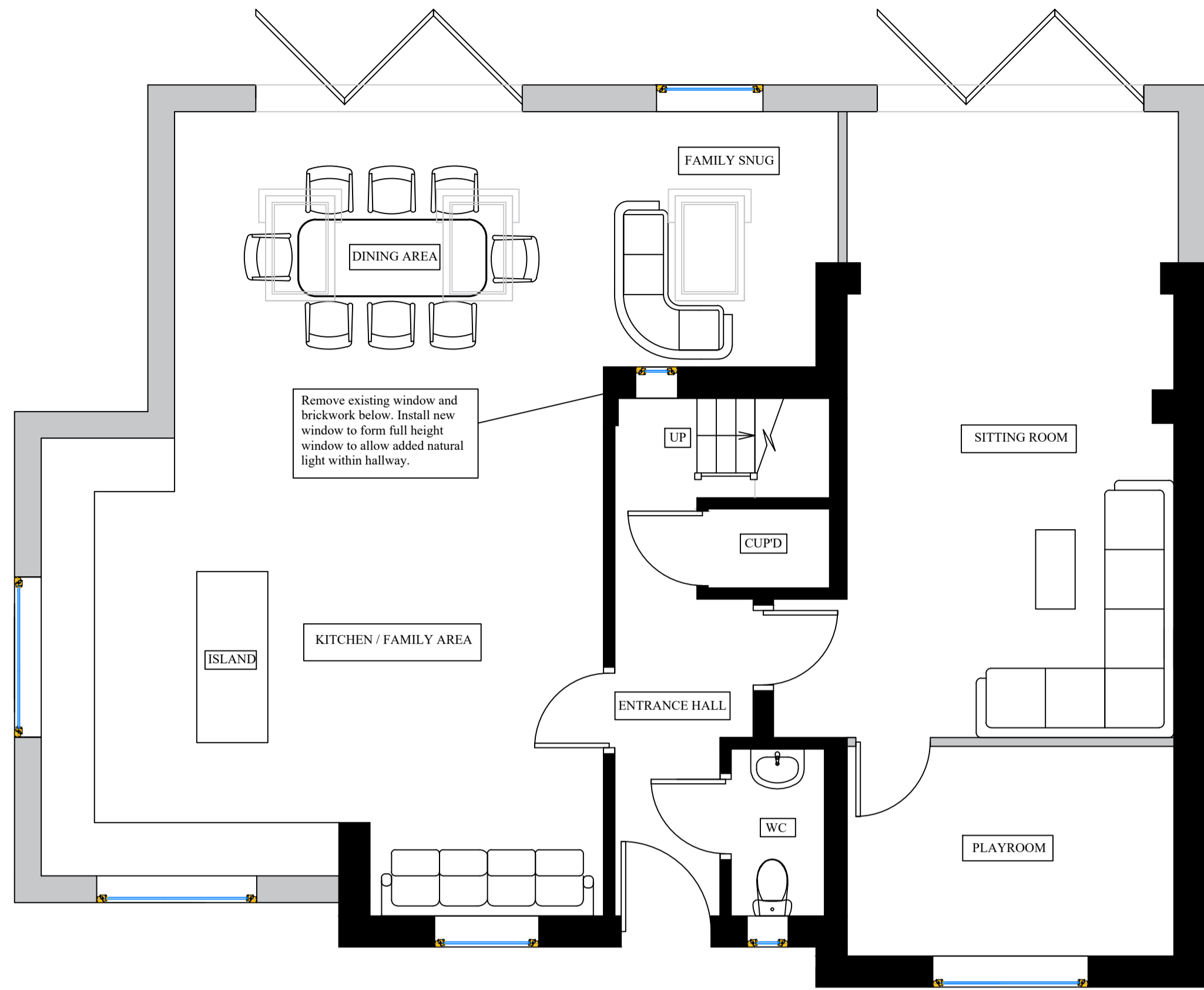


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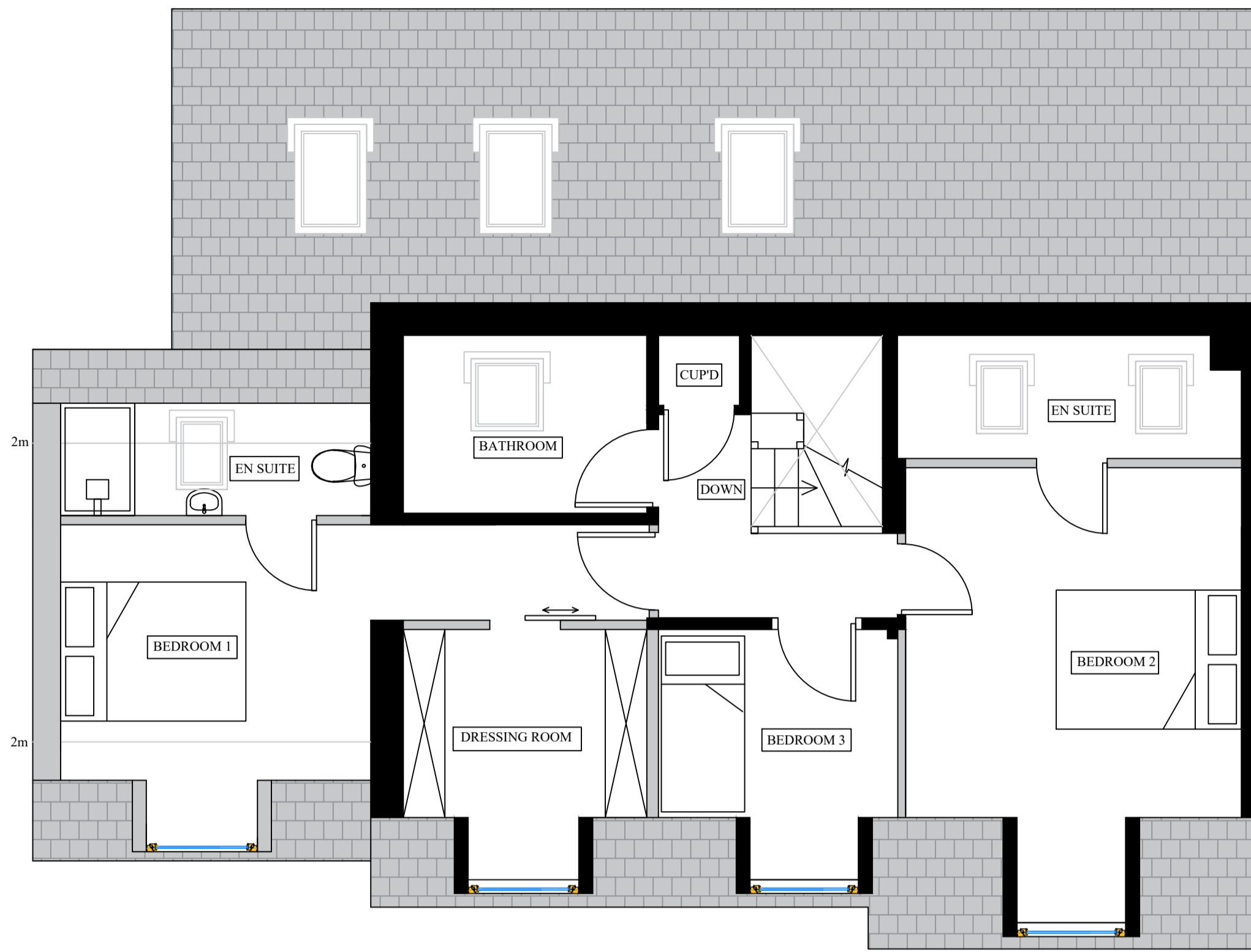
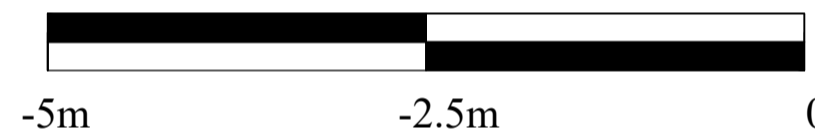


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PROPOSED GROUND FLOOR PLAN

PROPOSED FLOOR PLANS
SCALE 1 : 50



PROPOSED FIRST FLOOR PLAN

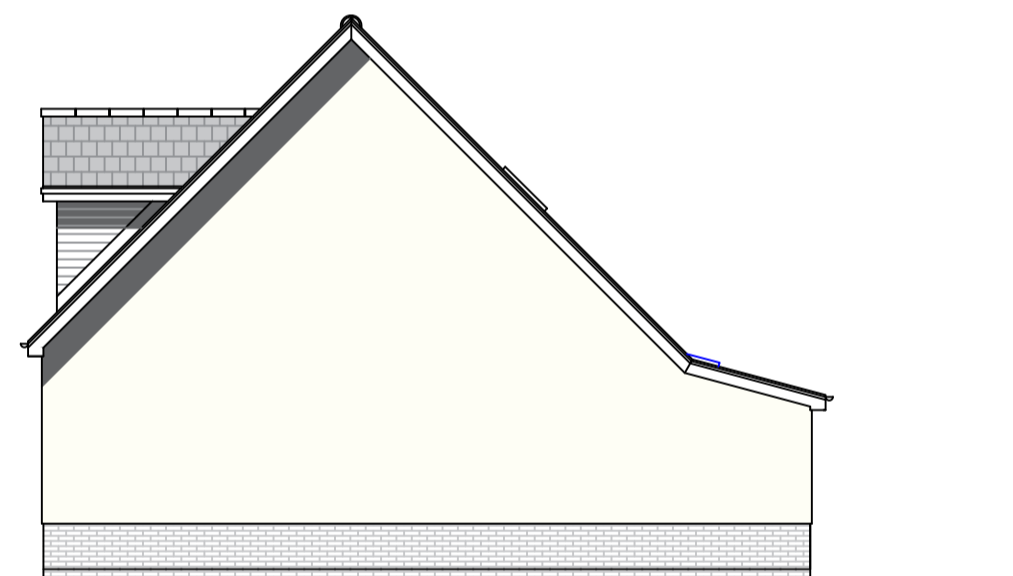
NOTES
 This drawing must not be scaled. Report any discrepancies to the designer immediately.
 All dimensions to be verified on site by main contractor before any work on site starts.
 Any construction work carried out prior to receiving of necessary approvals is entirely at the householders / clients risk.
 All building works to comply with current & relevant Building Regulations and British Standards.
 This drawing is to be read with all relevant architectural /engineers drawings and other relevant info.
 A J S Architecture Ltd have full copyright rights to these drawings. Unauthorised copying is not permitted.
 All drawings based digital ordnance survey as instructed by client and are subject to a topographical site survey.
 Plans to be in accordance with structural engineers details.

KEY

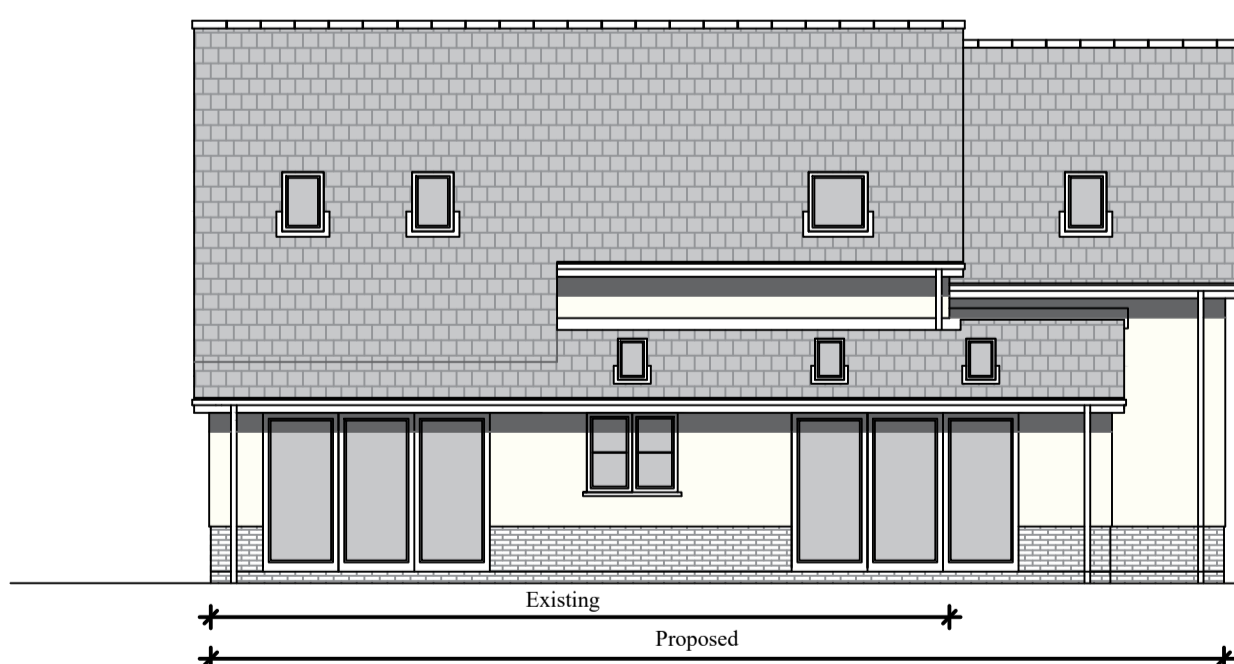
- Existing walls
- Proposed walls



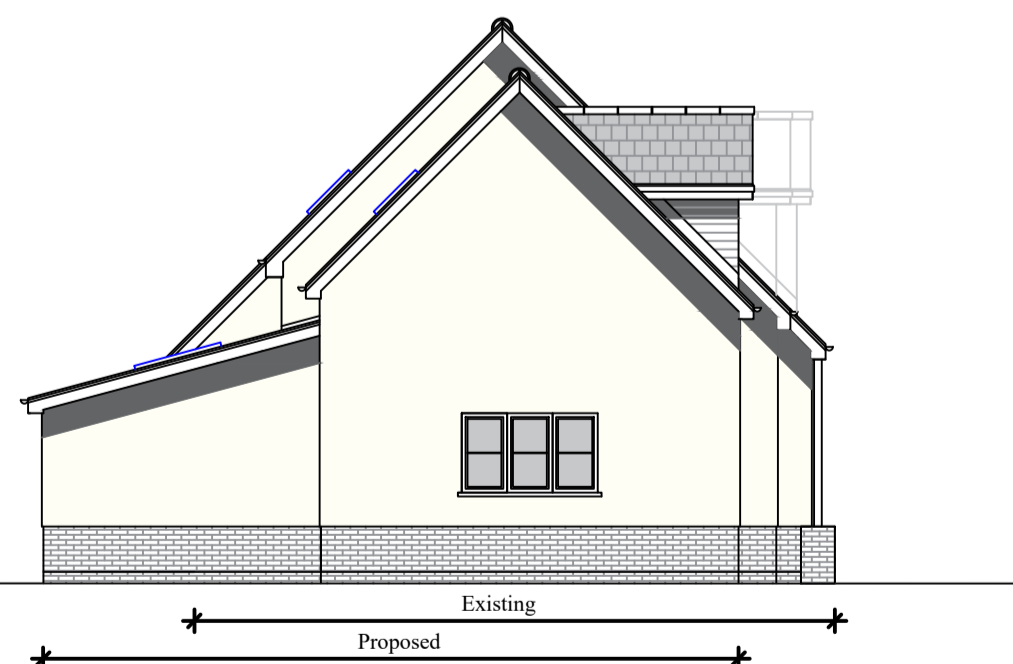
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION

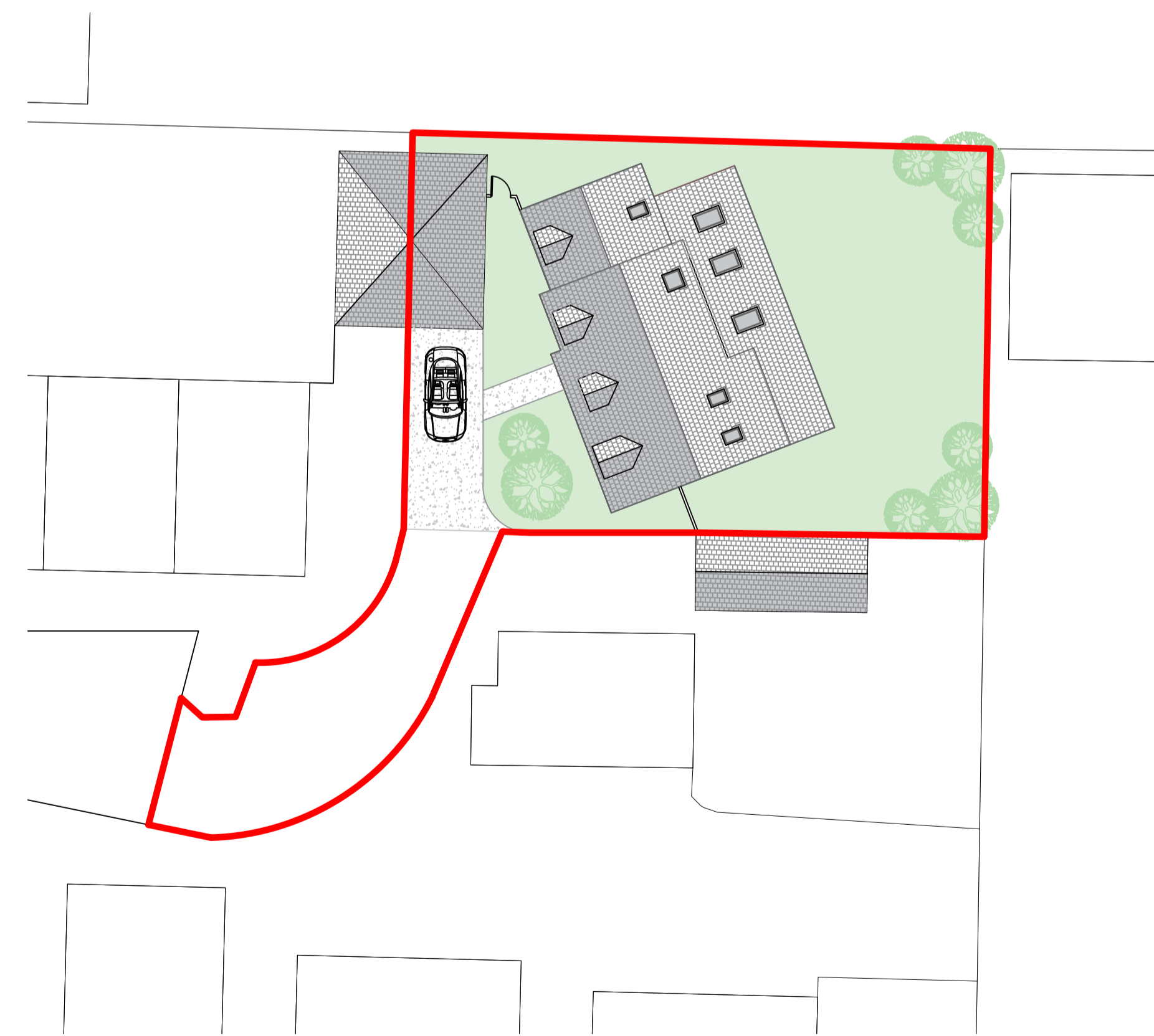
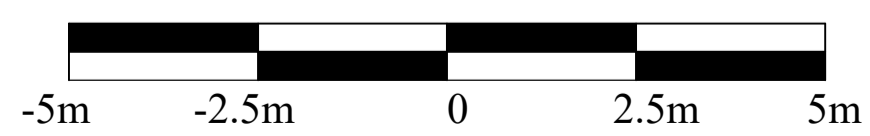


PROPOSED REAR ELEVATION

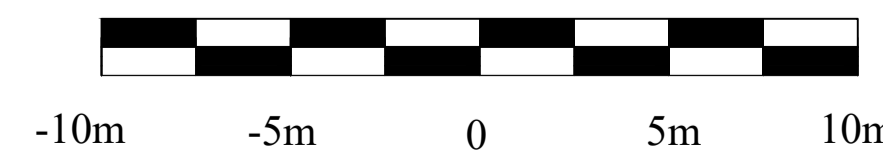


PROPOSED SIDE ELEVATION

PROPOSED ELEVATIONS
SCALE 1 : 100



PROPOSED SITE PLAN
SCALE 1 : 200



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Project
 Proposed side and rear extension and internal alterations at 17 The Hawthorns, Mildenhall Road, West Row.

Description
 Proposed plans

Client
 Mr M Kirby

Date
 October 2019

Scale
 1 : 50 1 : 100 1 : 200

Drawing No

P- 6135- 01

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