

Development Control Committee

Title:	Agenda										
Date:	Wednesday 8 July 2020										
Time:	PART A Commences at 10.00 am PART B Commences not before 1.00pm (see list of agenda items for further details)										
Venue:	Facilitated by MS TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers										
Full Members:	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"><u>Conservative Group (9)</u></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 (6)</u></td> <td>Richard Alecock John Burns Jason Crooks</td> <td>Roger Dicker David Palmer Don Waldron</td> </tr> <tr> <td><u>Labour Group (1)</u></td> <td>David Smith</td> <td></td> </tr> </table>		<u>Conservative Group (9)</u>	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>The Independent Group (6)</u>	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer Don Waldron	<u>Labour Group (1)</u>	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										
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting											
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 <ul style="list-style-type: none"> - 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/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.

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

Part A

(commences at 10am)

Page No

1. Apologies for Absence

2. Substitutes

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

3. Minutes

1 - 14

To confirm the minutes of the meeting held on 3 June 2020 (copy attached).

4. Planning Application DC/20/0420/FUL - 35 St Andrews Street North, Bury St Edmunds

15 - 38

Report No: **DEV/WS/20/026**

Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy (Sui Generis) (ii) conversion of outbuilding to additional self-contained unit of living accommodation

5. Planning Application DC/20/0094/RM - Land adj Haverhill Business Park, Bumpstead Road, Haverhill

39 - 64

Report No: **DEV/WS/20/027**

Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 and B8

Application to Discharge Condition 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDS) of DC/15/2424/OUT

6. Planning Application DC/17/1093/FUL - Stanton Community Primary School, Bury Lane, Stanton

65 - 90

Report No: **DEV/WS/20/028**

(i) Conversion and change of use of redundant school building to form 3no. residential units and; (ii) new vehicular access and associated parking

Continued overleaf...

- 7. Planning Application DC/17/1087/OUT - Stanton Community Primary School, Bury Lane, Stanton 91 - 118**

Report No: **DEV/WS/20/029**

Outline Planning Application (Means of Access to be considered) - (i) 7no. dwellings (demolition of school building) (ii) Formation of new vehicular access from Bury Lane and associated on-site parking

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

Part B

(commences not before 1pm)

- | | Page No |
|---|------------------|
| 8. Planning Application DC/20/0623/FUL - Milton House, Thurlow Road, Withersfield | 119 - 140 |
| Report No: DEV/WS/20/030 | |
| Planning Application - 6no. dwellings (following demolition of existing dwelling) | |
| 9. Planning Application DC/20/0682/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints | 141 - 180 |
| Report No: DEV/WS/20/031 | |
| Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (previous application DC/19/1700/FUL) | |
| 10. Planning Application DC/20/0600/TPO - 52 Street Farm Lane, Ixworth | 181 - 188 |
| Report No: DEV/WS/20/032 | |
| TPO 429 (2006) Tree Preservation Order - 1no. Maple (T1 on plan and T2 on order) fell | |

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 June 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 Chair Mike Chester and Jim Thorndyke

Richard Alecock

Andy Neal

John Burns

David Palmer

Jason Crooks

David Roach

Roger Dicker

David Smith

Andy Drummond

Peter Stevens

Susan Glossop

Ann Williamson

Ian Houlder

In attendance:

Sara Mildmay-White (Registered Speaker as Ward Member: Rougham)

12. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all by the Chair and he also advised that Agenda Item 6 had been withdrawn from the agenda following receipt of a late representation that the Planning Authority required time in which to consider.

13. **Apologies for Absence**

Apologies for absence were received from Councillor Don Waldron.

14. **Substitutes**

The following substitution was declared:

Councillor Andy Neal substituting for Councillor Don Waldron.

Following which, the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

15. **Minutes**

The minutes of the meeting held on 13 May 2020 were unanimously confirmed as a correct record.

16. **Planning Application DC/18/2210/FUL - Land at Willie Snaith Road, Newmarket (Report No: DEV/WS/20/022)**

Planning Application - (i) 2no drive-through cafe/restaurant units (Use Class A1/A3 for Costa and Use Class A3/A5 for McDonald's) with associated parking and landscaping and (ii) McDonalds Climbing box

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the Officer recommendation being contrary with the objection from Newmarket Town Council.

Officers were recommending that the application be approved subject to a Section 106 agreement to secure a Traffic Regulation Order (TRO) and the conditions set out in Paragraph 89 of Report No DEV/WS/20/022.

Attention was drawn to the supplementary 'late paper' that was circulated following publication of the agenda and which contained an additional condition in respect of litter. A typographical error within the proposed condition was highlighted and Members were advised that "Littler Management Plan" should have read "Litter Management Plan".

The Committee were also informed that the number of electric charge points has been reduced from 4 to 2 (condition No 8).

As part of his presentation the Senior Planning Officer included three videos of the site which he took the Committee through by way of facilitated a virtual 'site visit'.

Attention was drawn to Suffolk County Council Highways' initial objection to the scheme and explanation was given with regard to the reasoning behind their subsequent withdrawal of their objection.

Lastly, the Officer made reference to Newmarket Town Council's objection and responded to this in detail.

Speakers: Sara Beckett (Newmarket resident) spoke against the application *(Some Members and Officers struggled to hear Sara Beckett's speech therefore, in the interests of clarity, the Chair asked the Democratic Services Officer to re-read the statement to the meeting)*
Councillor Rachel Hood (Newmarket Town Council) spoke against the application

Councillor Andy Drummond advised the meeting that he had taken part in Newmarket Town Council's consideration of the application when they resolved to oppose the scheme. However, Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.

Some Members voiced concerns that, even with the additional condition in relation to litter, if granted the application was likely to result in increased litter in the locality.

Other members of the Committee voiced support for the location and considered the application to be appropriate for an out of town, industrial area.

Councillor Drummond then addressed the Committee and made reference to the nearby skatepark development and the increased traffic the scheme was likely to generate. He subsequently proposed that the application be refused, contrary to the Officer recommendation, however the motion failed to achieve a seconder when sought by the Chair and the Lawyer advised the meeting that the debate should therefore continue.

Councillor Peter Stevens raised queries with regard to the design of the scheme and proposed that the application be deferred in order to allow time in which for the applicants to work with Newmarket Town Council in order to establish a design that the Town Council considered in keeping with the area. This was duly seconded by Councillor David Roach.

Prior to the Chair putting the motion to the vote, the Service Manager (Planning – Development) advised the Committee that it was not considered reasonable to defer the application for design negotiations, given the site context, and that role of the Committee was to consider the application that was before them.

Upon being put to the vote and with 6 voting for and with 10 against, the Chair declared the motion lost.

Following further debate, the Senior Planning Officer was then invited by the Chair to respond to the matters raised:

'Totem Pole' signage – the Officer clarified that this element was not part of the scheme before Members;

Litter – the Committee were informed that McDonalds was official partner of 'Keep Britain Tidy';

Obesity - it was highlighted that there were no specific policies within the Local Plan that related to obesity prevention;

S106 Agreement – the fact that the S106 Agreement had been completed by the applicant did not influence the planning balance in respect of the Officer's recommendation and no weight should be attributed to this in the Committee making their determination;

Location – the Officer clarified that whilst there were vacant units on Newmarket High Street, the scheme proposed included a drive-through which was therefore more appropriate for an out of town location;

Skate Park – the skate park project was led by West Suffolk Council meaning that Planning Officers could liaise with their colleagues in the Parks & Open Spaces team in order to ensure that adequate litter bins etc were provided.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Neal.

Upon being put to the vote and with 11 voting for the motion, 4 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions and the completed Section 106 Agreement:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 The site preparation and construction works shall only be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and only between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 4 No plant or equipment associated with the development shall be operated until details thereof have first been submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of the design, location and screening of the proposed plant or equipment.
The plant or equipment shall be installed in complete accordance with the approved details before being first brought into use. Following installation the plant or equipment shall be retained in accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation of the approved details or specifications.
The rating level of the sound emitted from the site shall not exceed the existing background sound level. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.
- 5 Prior to first use details of the ventilation system and system to control odours from any cooking process shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. The system shall be installed prior to first use and thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.
- 6 Prior to first operation on site, details of all proposed external lighting sources and fittings shall be submitted to and approved in writing by the local planning authority and thereafter be retained in the approved form.
- 7 Commercial deliveries to the two café/restaurant units hereby approved shall be restricted to between 07:00 and 22:00 hours on Mondays to Saturdays and 08:00 and 18:00 hours on Sundays, Bank and Public Holidays. Outside of these hours, unless otherwise agreed in writing by the Local Planning Authority, no commercial deliveries shall take place.
- 8 Prior to operational use of the site, at least 2 publicly available electric vehicle charge points shall be provided at reasonably and practicably

accessible locations within the car park. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. Charge points shall be Rapid (Minimum 43kW AC /50kW DC) chargers.

9. No development above ground level shall take place unless the need for fire hydrants has been assessed and, if deemed to be required, a scheme for the provision of a fire hydrant or fire hydrants has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until any fire hydrants that are required 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.
10. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
11. The development hereby approved shall not be brought into operational use until the areas to be provided for storage, presentation and collection of Refuse/Recycling have been submitted to and approved in writing by the Local Planning Authority. The approved waste management scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
12. No development above ground level shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent headlight glare for the drive-through lanes affecting other highway users and means to ensure any fencing, planting or other boundary treatment will not cause harm to the highway.
13. No development above ground level shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
14. Before the development hereby approved is first brought into operational use, details of the areas to be provided for the secure cycle storage for staff and customers 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.
15. All HGV and Construction traffic movements to and from the site over

the duration of the site clearance 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:

- 1) Routes to and from the site and means to monitor and enforce
- 2) Means to ensure no water, mud or other debris will egress onto the highway
- 3) Means to ensure suitable space will be provided on site for the manoeuvring and parking of all site traffic including deliveries, staff and visitors.
- 4) Means to ensure sufficient space is provided on site for the storage of materials and equipment
- 5) Means to ensure no light source from the site can cause glare or hazard to highway users.
- 6) 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.

- 16 All delivery and servicing traffic movements to and from the site throughout the duration site's operational life shall be subject to a Delivery and Services Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before the first use of the site.

No delivery or servicing traffic movements shall be permitted to and from the site other than in accordance with the routes and times 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.

- 17 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the two buildings as approved shall be used only for the purposes permitted and for no other purpose unless previously agreed in writing by the Local Planning Authority.

- 18 No development above slab level shall take place until samples of all facing materials to be used within the construction of both approved buildings 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.

- 19 The development hereby approved shall be carried out in complete accordance with the details contained within sections 9 and 10 (or such amendment thereto as may be approved in writing by the local planning authority) of the submitted Travel Plan as dated July 2017 and authored by Woods Hardwick.

- 20 The development hereby approved shall not be brought into use until a Litter Management Plan has been submitted to and approved in writing by the Local Planning Authority. The litter management plan shall:

- i. Set out the areas where litter will be collected from both within and outside of the application site;

ii. Set out when litter patrols shall take place and by whom.
The litter management plan shall be implemented and operated as approved and in accordance with the approved details. It shall not be altered or amended without the prior written consent of the local planning authority.

(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)

17. Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham (Report No: DEV/WS/20/023)

Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council

This application was originally referred to the Development Control Committee on 4 December 2019 as the development related to a cross boundary application with Mid Suffolk Council.

The Principal Planning Officer advised that the development within West Suffolk concerned the realignment of the junction known as Fishwick Corner. The remainder of the development was within Mid Suffolk and related to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

A Member site visit was held prior to the December meeting at which Members resolved to defer the application in order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

Mid Suffolk District Council's Planning Committee considered the application at its meeting on 29 January 2020 and resolved to approve the application subject to conditions and the completion of a S106 Agreement.

Subsequently, the application was returned to the Development Control Committee on 13 May 2020. Members at the meeting resolved that they were 'minded to' refuse planning permission contrary to the Officer recommendation of approval as they considered the proposals to be detrimental to highway safety, in particular relation to cyclists. Members also considered that the proposal was contrary to policies DM2, DM5 and DM13.

Accordingly, the Decision Making Policy was invoked and a risk assessment had been produced, as attached, for the Committee's consideration.

The Principal Planning Officer was continuing to recommend that the application before the Committee be approved, subject to the completion of a S106 Agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk

Council and subject to the conditions referenced in Paragraph 40 of Report No DEV/WS/20/023.

Members were advised that following the last Committee meeting the applicants' Transport Consultants reviewed the issues raised and provided additional information to supplement the application by way of a Technical Note which had been included within the agenda papers.

In summary, the Technical Note covered:

- Traffic movement on the staggered junction;
- Highway mitigation of the impact of other significant developments already approved in Thurston; and
- Cyclist safety.

Attention was also drawn to Paragraph 17 of the report which made reference to the 3m wide corridor alongside the new length of carriageway that could form a future cycleway/footway, thereby improving connections towards Bury St Edmunds.

Members were advised that the applicant had agreed to offer additional land to Suffolk County Council in order to facilitate the future cycleway/footway in the direction of Thurston and that the sum of £75,000 would be paid to the County Council towards the construction of the cycleway/footway.

In addition, the applicant had also offered to work with Suffolk County Council in order to designate the existing informal path to the north of Mount Road as a formal bridleway. Both matters would be included within the S106 Agreement.

Lastly, the Officer confirmed that the 40mph speed limit was already in place.

Speakers: Councillor Sara Mildmay-White (Ward Member for Rougham) spoke against the application
Robert Eburne (Bloor Homes - applicant) spoke in support of the application
(Robert Eburne was unable to connect to the meeting at the point in which he could address the Committee, therefore the Chair asked the Democratic Services Officer to read out the statement on his behalf.)

Considerable debate then took place with some Members continuing to raise safety concerns with the junction. In response to which, the Principal Planning Officer explained that the junction would be subject to future safety audits as per the normal process with a scheme such as the one before the Committee.

The Chair also invited the Suffolk County Council Highways Officer who was in attendance to respond in respect of the highways related concerns raised by the Committee.

The Highways Officer reiterated that the scheme proposed in the application before the Committee was an improved safety scheme for the area.

Members were advised that neither a toucan crossing or a signalled junction were viable options due the rural location, insufficient land available and lack of visibility.

The Principal Planning Officer further reiterated that Members were being asked to make a decision based on the scheme as presented in this application and that advice received from the Highways Authority was that this provided a safer junction than the existing junction arrangements.

The Committee were assured that Suffolk County Council would continue to work with the developers on the final design, which would take into consideration matters such as drainage.

During further debate reference was made to the proposed bridleway and some concern was voiced by Members of the Committee as to how this would connect to existing bridle/cycleways.

In response to which Councillor David Roach proposed that determination of the application be deferred in order to allow additional information to be submitted to the Committee on this particular element. This was duly seconded by Councillor Andy Neal.

Prior to the Chair putting the motion to the vote, the Service Manager (Planning – Development) advised the Committee that Officers were content that Members had more than sufficient information before them in which to determine the application and that the finer detail of the junction arrangements would be agreed through a S.278 Agreement as is normal with these types of highways works.

Upon being put to the vote and with 7 voting for and with 9 against, the Chair declared the motion lost.

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

Upon being put to the vote and with 9 voting for the motion, 6 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to the completion of a S106 Agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk Council.

Planning conditions are recommended in respect of the planning matters listed below in so far as they relate to the works within West Suffolk. The final detail of the conditions required in respect of the whole development to be agreed with Mid Suffolk Council, with authority delegated to the Assistant Director (Planning and Regulatory Services) in consultation with the Chair of the Development Control Committee to agree the conditions.

Suggested planning conditions in respect of the development within West

Suffolk:

- Approved plans
- Time limit
- Reserved matters for the construction of access in the WS administrative area
- Surface water drainage details
- Detailed design of road realignment (including section of carriageway to be stopped up)
- HGV construction management plan
- Provision of fire hydrants
- Archaeological investigation and evaluation
- Landscaping scheme
- Ecological mitigation and enhancement measures
- Arboricultural method statement
- Tree Protection details
- Scheme for the reinstatement of the stopped up highway
- All conditions imposed by MSDC for the parts of the development situated in its administrative area

18. **Planning Application DC/20/0420/FUL - 35 St Andrews Street North, Bury St Edmunds (Report No: DEV/WS/20/024) **APPLICATION WITHDRAWN FROM THE AGENDA****

The Chair advised earlier in the meeting that this item had been **WITHDRAWN** from the agenda.

19. **Planning Application DC/20/0227/VAR - The Old Pumping Station, Lower Road, Hundon (Report No: DEV/WS/20/025)**

Planning Application - Variation of conditions 2 and 11 of DC/19/1817/FUL to allow use of amended plans and amendment to landscaping implementation for (i) 3no. dwellings and associated garages (ii) pedestrian link to public footpath (iii) alterations to existing access

This application was originally referred to the Development Control Committee on 8 January 2020 as the application was contrary to the Development Plan and was recommended for approval, subject to conditions.

A Member site visit was held prior to the January meeting; at which the Committee determined to grant the application.

This application before the Committee sought to vary conditions 2 (approved plans) and 11 (soft landscaping) of DC/19/1817/FUL; with the principle of development having already been established.

In response to a question, the Senior Planning Officer explained that legal advice was sought with the Council's Legal Team who advised that the application should be determined by the Development Control Committee, as the previous application represented a departure from the Development Plan. This Section 73 application would, in effect, grant a new permission and also represented a departure from the Development Plan.

As part of her presentation the Officer outlined further detailed wording for Condition 11.

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

Councillor John Burns proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Roach.

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

Decision

- 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 planting season prior to first occupation of any dwelling (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 18033-08 Rev B 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. 18033-08 Rev B 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.

(For clarification, Councillor Andy Drummond lost connection to the meeting

during the vote on this item hence the application was only determined by the remaining 15 Members of the Committee.)

The meeting concluded at 1.11 pm

Signed by:

Chair

Development Control Committee

8 July 2020

Planning Application DC/20/0420/FUL – 35 St Andrews Street North, Bury St Edmunds

Date Registered:	05.03.2020	Expiry Date:	10.07.2020
Case Officer:	Nicholas Yager	Recommendation:	Approve
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy (Sui Generis) (ii) conversion of outbuilding to additional self-contained unit of living accommodation		
Site:	35 St Andrews Street North, Bury St Edmunds		
Applicant:	Mr Darren Dixon - West Suffolk Council		

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

Background:

The application is referred to the Development Control Committee as the application has been submitted on behalf of West Suffolk Council.

Proposal:

1. Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy (Sui Generis) (ii) conversion of outbuilding to additional self-contained unit of living accommodation.
2. The operation of the main semi-detached building will be similar to existing, with minor alterations to the internal layout and the same number of habitable units within. The outbuilding is to be converted from a utility and general storage area to an additional unit of living accommodation for two persons. Existing office/reception space within the main building will be utilised by West Suffolk Housing staff to provide an on-site presence and manage the buildings and occupants. With the conversion of the outbuilding, the development consists of the change of use from an eight-bedroom guest house to a nine-bedroom multiple occupancy building.
3. Living accommodation will comprise of:
 - Basement floor - 2 no. 2 person flats
 - First floor - 4 no. 2 person rooms
 - Second floor - 2 no. 2 person rooms
 - Outbuilding - 1 no. 2 person bedsit
4. The description of the application has been amended through the application process in order to provide an accurate and clear description. The initial submitted scheme stated that the change of use was from guest house (Class C1) to house of multiple occupancy (Class C4). However, this was in fact incorrect and the correct use class is (Sui Generis). Houses in multiple occupation under Class 'C4' are limited to houses with no more than six residents and therefore a house in multiple occupation with more than six residents becomes by its nature is a 'Sui Generis' use. In this case we have a proposal for a house in multiple occupation that could be occupied by more than six residents and therefore is a (Sui Generis) use. As a result, the description of the application has been changed from a guest house (Class C1) to house of multiple occupancy (Sui Generis). Following the changed description a further re-consultation of the application followed.

Application Supporting Material:

- Application Form
- Location Form
- Amended Planning Statement
- Amended Block Plan
- Existing Floor Plans
- Proposed Floor Plans
- Proposed Elevations
- Superseded Block Plan

- Superseded Planning Statement

Site Details:

- The application site is a former guest house (Class C1) located within the settlement boundary for Bury St Edmunds. The site is located on the corner of St Andrews Street North Street and Tayfen Road (A1302). The building is four storeys with off street car parking to the front of the property and an outbuilding and amenity area located to the rear. The site is not located within a conservation area or article 4 area and the site is not located within the Bury St Edmunds Town Centre.

Planning History:

6.

Reference	Proposal	Status	Decision Date
DC/15/2044/FUL	Planning Application - (i) Change number of Letting Bedrooms from 9 to 3 within existing Guest House (ii) Creation of 2 Residential Flats and reconfiguration of Owners Accommodation within existing structure (iii) New window to front elevation, new roof window and balcony to rear elevation	Application Granted	04.12.2015

Consultations:

Town Council

30/04/2020:

- No objection based on information received.*

11/06/2020:

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

Public Health and Housing

06/04/2020:

- I could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of 2 busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. I note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway.*

Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects, but without an assessment I am unable to recommend approval at this time.

The previous use of the building as a guest house would not have required any particular noise mitigation as it was not being used as a permanent residence. Therefore, the following condition would be applicable:

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

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

I am satisfied that the proposed room sizes and facilities comply with the West Suffolk adopted HMO amenity standards.

Environmental Team

26/04/2020:

- 10. We have no comments with regards to air quality or contaminated land.*

05/06/2020:

- 11. Thank you for re-consulting the Environment Team on the above application. Our previous comments remain unchanged.*

Ecology and Landscape Officer

16/04/2020:

- 12. Planning applications within Bury St Edmunds that have potential to affect bats should be treated with caution because of the bat caves at The Glen and on Horringer Road. In addition, this site is located very close to a large area of green space. However, I have had a look at records and the detail of the application which, as you say, is a change of use. It appears that the scope of works is to add a few new fitted kitchens. I therefore agree that the risk to bats is small. In this case, I don't think a bat survey needs to be conditioned however I would recommend that Property Services are advised to carry out a bat check in the interest of Due Diligence.*

Suffolk County Council Highway Authority:

06/04/2020:

13. *It is noted that this application does not propose any change to the existing access to the highway and will probably not lead to a significant impact on total vehicular movements because the parking offer is limited by space restrictions and no new parking spaces are being created. However, the Highway Authority must express reservations about any potential, even if small, intensification of use of the vehicular access because of the access's substandard qualities. This property does not benefit with sufficient space for on-plot vehicle turning which means that there is a high level of vehicles leaving, or returning to the highway in reverse gear. The highway risk of a vehicle undertaking a reversing manoeuvre at this location, is heightened by the visibility restrictions caused by the high boundary walls and pillars. This restriction on visibility is worst in the southwesterly direction where intervisibility between drivers and pedestrians is limited to a very short distance indeed. Intervisibility could be significantly improved by reducing the height of a short section of the wall and this is strongly recommended. For the longer term the Highway Authority recommends that the existing vehicular access is stopped up in favour of a new access into the rear part of the property. I think it is probable that there did use to be a vehicular access into the rear area because there is an extended length of dropped kerb in front of the outbuilding. Maybe the building was a garage in the past? The provision of bin and cycle storage facilities are noted but I have not been able to ascertain where the bins would be presented for collection. The Highway Authority would like clarification of this matter to be reassured that bins are not being presented in the vicinity of the vehicle access and increasing risk to pedestrians using the busy adjacent footways. We are satisfied that this matter could be addressed by condition.*

17/04/2020:

14. *Further to the Highway Authority's response dated 3 April 2020. We have reviewed the revised plan 10914/ PA/002 which includes modifications to the vehicular access to improve visibility and a relocated bin storage/presentation area. Suggested conditions of vehicular access, refuse/recycling bins, presentation of refuse/recycling bins and parking and manoeuvring.*

08/06/2020:

15. *Further to our letter dated 3 April 2020. We have reviewed the revised Block Plan 10914/ PA/002 which shows modifications to the boundary wall as a means to improving visibility at the existing access. The changes are welcomed by the Highway Authority. Also noted are the indications of the proposed bin storage and presentation areas and the cycle storage facilities. Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions previously recommended except for the proposed B2 bin presentation, as that issue has now been addressed.*

11/06/2020:

16. *Further to our letters dated 3 April and 8 June 2020. The County Council as Highway Authority has reviewed the objection document you emailed on the 10 June and the points you made about the prospects of this application going to Planning Committee on 8 July. This application represents a small overall increase in the number of potential residents that can be accommodated in this dwelling. That potential increase will not lead to a significant impact on the local highway network. This exiting access appears to have been in use since 2007 when planning consent was approved to extend the existing dwelling. The access may have been in use for longer, but we have not researched the history of the site further back. The Highway Authority has researched the accident and collision history at the site of the access for the period going back from today back to 2007. Ten reportable road accidents have occurred at the junction between St Andrews St North and the A1302 main road. None of the accidents are directly associated with the access to the above property. The accident and collision data does not evidence that there have been two road accident fatalities at the site since 2007. The nature of the accidents and collisions that have occurred at the site do not appear to be unusual for a busy urban roundabout junction.*

The town centre location of this property, the number and proximity of services and public transport options, the availability of local car parks and the existing parking restrictions mean that this site is considered as a sustainable location and meets the requirements for the Highway Authority to accept a reduced minimum parking offer. The proposal will not lead to a change in the number of vehicles that are able to park on-plot (three). The proposal will therefore, not lead to an intensification of vehicular use of the access. It is possible that the proposed use as a HMO may see the number of car owning residents fall, compared to the previous use as a guest house.

The proposal indicates that secure cycle storage will be provided for residents and we have recommended a planning condition to that effect accordingly. Waste and recycling bins will be stored on-plot and moved to the highway only to enable collection. Both the window and door of the converted outbuilding open inwards and not over the highway. The National Planning Policy Framework (NPPF) sets out in S109 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."

The Highway Authority has previously indicated that it has reservations about the access location because of the higher risk reversing movements but the absence of historical accident evidence does indicate that the proposed development will not have an unacceptable impact on highway safety nor that the cumulative impact of this proposal could be considered severe. The Highway Authority concludes that there are not any NPPF grounds to recommend refusal.

The planning process has enabled the Highway Authority to recommend improvements to the access and the applicant has agreed to remove two sections of the front wall, on either side, to improve driver/pedestrian intervisibility. The planning process has also secured the provision of secure cycle storage to promote sustainable travel and hopefully reduce the overall

number of vehicle movements. The Highway Authority has noted the time limited parking bay on Andrews St North.

The objector considers that there are reasons under The Road Traffic Act 1988 and The Traffic Signs Regulations and General Directions 2016 to support the objection. The Highway Authority advises any party who considers that an offence may have occurred to report the matter to the Police. We are not aware of vehicle movements having been reported in the past under this legislation. As part of a planning consultation the Highway Authority can not provide comment on legal matters that have not been investigated or substantiated.

To conclude, this planning application will maintain the status quo with regard to this existing access. No works are required in the highway and there will not be any dedication of new highway. The Highway Authority has reviewed accident data and concluded there are no safety grounds to justify recommendation of refusal. In this case it is considered that it should not be necessary for the Highway Authority to attend the Planning Committee as the relevant evidence has been set out, considered and commented in in our consultation responses.

Suffolk Fire and Rescue Service

16/04/2020:

17. Access to the building must meet with the requirements of the Building Regulations. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes. No additional water supply for firefighting purposes is required. Recommend that proper consideration be given to the provision of a fire sprinkler system and consultation should be made with Water Authorities to determine flow rates in all cases.

West Suffolk Waste Business Management Operations

18/03/2020:

18. I have been asked to comment on planning application DC/20/0420/FUL and on looking at the drawings have noticed that the bins do not look like they could be pulled out if there were cars parked in the parking spaces (obviously bins would need to be pulled out by the residents to road side). Also waste management at HMO's can prove problematic if not carefully considered at the outset and I wondered if there were any plans to ensure that contamination of recycling material is kept to a minimum.

Following the amended plans received which showed a relocation of the bins the Business Management Operations were re-consulted.

28/04/2020:

19. To mitigate any accumulations of waste, my suggestion is that the housing team arrange for additional bin collections. This is a practice that we use at other flatted/HMO premises and helps to alleviate some of the problems. It means that we can provide smaller bins that will be easier and quicker for the

collection crews to move, and therefore the impact on traffic will hopefully be shorter. My suggestion is that we provide 2 x 660L bins, one for general waste and one for recycling. The general waste bin will need to be emptied twice a week.

20.All consultation responses can be viewed in full online.

Representations:

21.Third party objections have been received in relation to this application. The objections received have been from the neighbouring property of 34 St. Andrews Street North, Bury St. Edmunds.

A summary of the main objection points are listed below

- Incorrect misleading description of the application
- Impact on community balance and character of the area
- The severe harm on the residential amenity of neighbouring properties through an unacceptable increase in noise, disturbance and loss privacy.
- Overlooking from the conversion of the outbuilding leading to loss of privacy.
- The adverse impact on highway and pedestrian safety through lack of off-street parking that will increase competition for parking on surrounding street.
- The property is not inclusive and is in discrimination of persons who are disabled therefore not in accordance with the Equality Act 2010.

Policy:

22.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.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM22 Residential Design
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM22 – Housing Design
- Policy DM41 Community Facilities and Services
- 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

Other Planning Policy:

National Planning Policy Framework (2019)

24. 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:

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

- Principle of Development
Impacts on Amenity
- Impacts on the Character of the Area/ Design and Scale
- Highway Matters
- Biodiversity
- Other Matters
- Third Party Comments

Principle of Development

26. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.

27. The proposed change of use from guest house to house of multiple occupancy and conversion of outbuilding to additional self-contained unit of living accommodation must be considered in relation to policy DM2. It states that development will be generally acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity. Along with policy CS3, policy DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

28. The application site lies within an existing mixed commercial and residential area within the settlement boundary for Bury St Edmunds, where development is considered to be broadly sustainable and where new development should be focused. The proposal seeks what is a generally similar use to the previous lawful use as guest house, with only a modest increase in overall bedrooms as a consequence of the conversion of the outbuilding.
29. In conjunction with policy DM2, policy DM22 requires residential development to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. The proposed changes to the existing development are relatively minor in their nature and therefore it is considered the development will not lead to any adverse impacts upon the sense of place and character of the area or the amenity.
30. Policy DM41 seeks to prevent the loss of valued community facilities and services in areas outside of town centres. In the case of this proposal, it is considered that the existing guest house use does not meet the criteria to be considered a valued community facility as defined by the policy, and, in any event, there is ample alternative provision nearby, so there is no conflict with policy and no objection to its loss under policy DM41.
31. As a result, the proposed development is considered to accord with the relevant planning policies and the principle of development is acceptable.

Impacts on Amenity

32. Although, only minor external alterations are proposed. It is noted that an increase in the number of bedrooms provided within a House of Multiple Occupation can potentially have wider implications for adjacent properties and residents alike. These potential impacts arise due to the increase in occupancy and the associated activities that are naturally inherent with there being a greater number of occupants. General comings and goings increase and there may be an increase in noise due to the addition of further individuals within the property.
33. However, notwithstanding this, the current use is a guest house as it does appear that the 2015 approval was never implemented, certainly that is the position as set out on the existing floor plans and as confirmed by the applicant in their submission. The increased capacity of the property from 8-bedrooms to 9-bedrooms on the site is not deemed to give rise to an unacceptable additional impact on existing residential amenity, over and above what might lawfully already be experienced as part of the present use. The current guest house use already has a level of 'comings and goings' that in the view of officers would be similar to a House of Multiple Occupation, notwithstanding the additional bedroom. The conversion of the outbuilding will include upgrades to its fabric which will include improved acoustic performance in accordance with current Building Regulations standards. The Public Health and Housing team have commented on the application stating that an acoustic noise assessment that demonstrates that the development can achieve the guidelines of internal noise levels, prior to the first occupation of the development should be submitted, which is considered to be reasonable and will be conditioned in this instance. This notes that the noise impacts associated with permanent occupation as

opposed to more transient guest house use requires suitable and effective mitigation in order to be acceptable in amenity terms.

34. The conversion of the outbuilding will not lead to any adverse impacts to neighbouring amenity by reason of loss light, overlooking or overbearing effects. The outbuilding is set at substantial gradient lower than the host building and, due to the site levels in the area generally, also lower than the neighbouring dwelling. Further, the conversion of the outbuilding will not lead to any additional windows being inserted. The existing windows facing the neighbouring (34 St Andrews Street) property on the western elevation are sky lights that will be facing upwards and not across into the amenity area of 34 St Andrews Street. The outbuilding is positioned 11 metres away from the rear of the neighbouring property.
35. Therefore, as a result of the difference in levels between the application site and the neighbouring property, the approximate 11 metre distance between the outbuilding and neighbouring property, the modest scale of the outbuilding, and noting that no new windows are proposed to be inserted into the outbuilding it is considered the conversion will not lead to adverse impacts in terms of overlooking from the proposed occupiers of the outbuilding to the neighbouring property, nor to any materially adverse amenity effects arising from its use. Accordingly the proposal is in accordance with policy DM2 - Creating Places Development Principles and Local Distinctiveness .
36. Given the wider mixed commercial uses and the generally residential nature of the locality, the scale of the plot and the generally unobtrusive nature of the use proposed, which at worst is only a very minor intensification of the residential use of the building, no material conflict with the Local Planning Authority's existing suite of planning policies has been identified and it can be concluded that the impacts upon amenity are considered to be acceptable.

Impacts on the Character of the Area/ Design, Form and Scale

37. The only significant changes to the street scene will be the replacement of both outbuilding doors fronting the highway and the removal of a small section of the wall and two brick columns to the front of the property to allow for improved visibility splays. One of the doors is to be replaced with a new partially glazed domestic type front entrance door to allow for improved thermal performance and security, and the other door is to be replaced with a fully glazed unit to the full height of the opening to provide natural daylight to the bedsit and to ensure compliance with Building Regulations standards. The removal of the wall is 1.2 metres in length and a removal of two brick columns to allow for improved visibility splays are considered to be relatively modest changes which will not have an overall adverse impact on the street scene or the character of the area.
38. The proposal will lead to some sighting of bins located to the front of the property, it is noted and is a factor that weighs marginally against the scheme. The provision of large commercial sized bins in a location where they will be visible in the street scene is clearly going to have very modest adverse impact. However, within the context of a mixed character, edge of town centre location and noting the site is not within a sensitive designation such as a conservation

area, it is not considered that this level of 'harm' is insufficient could justify a refusal of the application.

39. It is considered the proposed changes are modest and will not have any negative effect on the character of the area in terms of design, form and scale. The conversion of the outbuilding from storage to accommodation is to the rear of the site and cannot be seen from the street, with limited or no adverse impacts arising upon the character and appearance of the area.
40. Therefore, it is considered the development is in accordance with policies DM2 and DM22 and will have no adverse impact on the character of the area or design, form and scale of the building.

Highway Matters

41. At paragraph 110, the 2019 NPPF provides that applications for planning permission should enable safe use of public highways so far as possible for all. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. This supports paragraph 109 of the NPPF which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe.
42. Amended plans were requested in order to overcome concerns raised from the Highway Authority regarding the visibility splays and the space between parking and bin manoeuvring. Amended plans were received on the 15/04/2020 which made alterations to the vehicular access to improve visibility and also provided for the relocation of the bin storage/presentation area. The Highway Authority confirmed on the 16/04/2020 that the amendments overcame the concerns raised and the application is now considered to be acceptable. Suggested conditions were recommended regarding the vehicular access, refuse/recycling bins, presentation of refuse/recycling bins and parking and manoeuvring.
43. Following the amended description, the Highway Authority was re-consulted and reiterated their response of 16/04/2020. except for the condition proposed requiring the details of the area to be provided for the presentation of Refuse/Recycling bins for collection, which was no longer needed since those details were shown on the amended plans received.
44. The comments of the waste team are noted, however they are considered to be a matter of detail which the applicant can resolve with the waste team should the application be approved. The amended bin storage and presentation areas are acceptable in land use planning terms, without detriment to the character of the area, or to pedestrian or vehicular safety, either through obstructing the pavement or blocking site lines. Concerns about the size of the bins and the potential for contamination of materials placed within them is not a material planning consideration and is a management issue for the site operators and the waste collection authority.
45. Accordingly, the application is judged to be sufficiently compliant with policies DM2 and DM46 with respect to highway safety and parking provisions.

Biodiversity

46. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
47. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancements.
48. Planning applications within Bury St Edmunds that have potential to affect bats should be treated with caution because of the bat caves at The Glen and on Horringer Road. However, the planning application is a change of use application with a few modest alterations to the existing building. Therefore, the risk of the development harming bats is small. It is considered in this case, a bat survey does not need to be conditioned, however, it is recommended that Property Services are advised to carry out a bat check in the interest of due diligence and an informative to reflect this can be added to the any decision notice. This accords with comments received from ecology and landscape officer.

Other Matters

49. The Environmental Team have commented on the application and have stated that they have no comments with regards to air quality or contaminated land.
50. Public Health and Housing have commented on the application stating that they could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of two busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. Public Health and Housing note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway. Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects. The previous use of the building as a guest house would not have required any particular noise mitigation as it was not being used as a permanent residence. Therefore, the condition that no development shall commence until details of the noise levels have been submitted has been recommended, which is reasonable in this instance. As the application is a change of use the condition will be worded that the noise report shall be submitted and approved before the first occupation of the development.
51. The West Suffolk Council Waste Business Management Operations team commented on the application, as mentioned in paragraph 36, and stated they had potential concerns whether or not the bins located on the site could be pulled out if there were cars parking in the parking spaces. Further, concerns were raised that waste management at Houses in Multiple Occupation can be

problematic if not carefully considered at the outset and queried if there were any plans to ensure that contamination of recycling materials is kept to a minimum. Following the amended plans received this overcame the concerns raised regarding the relationship between the bins and the parked cars, this was further confirmed by the Highway Authority re-consultation. Regarding the waste management query, the agent confirmed that they will be providing split bins in the kitchens for general waste and recycling. Further, the agent confirmed that they have agreed to the collection suggestion criteria of the Waste Business Management Team that the bins will be emptied twice a week. However, this is a management issue for the operator and waste collection officer that is not material in land use planning terms.

52. The property will be managed by the Council's Housing Team which already currently manages several temporary accommodation properties across West Suffolk. It is considered the application, if approved, will help to deliver the increase in need for homeless accommodation across West Suffolk, and this is a factor which weighs in its favour. The Housing team has been extremely busy over the last 3 months accommodating a large number of people due to COVID-19. The Housing team has stated that since the pandemic there has been more people presenting to the council as homeless and in need of support with currently having 149 households in temporary or emergency accommodation including 30 families and 105 single people or couples, plus 14 rough sleeper beds. This compares to 83 households in June 2019. It is expected this demand to continue with the concerns around job losses and recession. The Housing team confirmed that there are two temporary accommodation officers who visit their sites on a regular basis. This is usually daily, resources permitting. When a tenant signs a licence agreement the house rules are explained to them and they are advised that any breaches could lead to the offer of accommodation being withdrawn. When necessary, if a resident has breached the terms of their licence agreement they have been evicted. There is a strict no smoking rule at all HMO accommodation along with no visitors. The council has an agreement with Verse, who clean the accommodation. Any repairs and essential maintenance are handled by the council's property services team.
53. The application site is located within an area that is located near good transport facilities, services and the town centre uses and therefore is a sustainably located development, noting the NPPF principles that seek to reduce reliance on the use of the private car.
54. Third party comments have been received in relation to the proposal as not being inclusive in terms of level and suitable access for all. Under section 149 Equality Act 2010 (the Act), a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race (the Public Sector Equality Duty – PSED). The weight and extent of the duty are highly fact sensitive and a matter of planning judgement.
55. In terms of this proposal the agent has confirmed that existing accessible provision and fittings will be retained. The objection refers to the potential for a ground floor accessible bedroom – another unit here will prevent the scheme's compliance with regards to providing the necessary communal space and is not considered desirable therefore. The agent assessed whether the outbuilding

could be made into an accessible unit however, it is not large enough to provide the necessary circulation space or facilities. This unit, however, could accommodate a tenant of impaired mobility noting the flush access at the main entrance and that it is level throughout. This unit could be provided with Document M fittings i.e. grab rails if deemed necessary and could potentially be more open plan if required. The agent has confirmed that if residents do require level access, the housing team has two fully accessible units under construction as self-contained flats at Mudds Yard in Bury St Edmunds which are suitable for those residents with mobility impairment. On this basis, and noting the reasonable steps the applicant has taken given the constraints of the building, in combination with the confirmation that alternative, purpose built accommodation is held by the applicant it is considered that the benefits of providing an increased offer and mix of accommodation weighs in favour of the proposal despite the identified constraints around accessibility of the building.

Third Party Comments

56. Third party comments from the nearest neighbour to the application site have been received on a number of matters. In relation to the impact on community balance and character of the area, the objection received falls into two distinct elements; the adverse effects on community cohesion arising from an HMO, plus the adverse effects on character arising from the siting of bins in a prominent location. The existing planning unit is already used in a commercial and intensive manner so the impacts arising from occupation and use are not considered to be greater than those associated with a typical family home, the use for which the premises were originally built. Furthermore, the wider area, as an edge of town centre location, includes a diverse range of uses, as would be expected, including peripheral commercial uses on St. Andrews Street, obvious town centre uses, offices, flats, family houses. Examples of these include offices and takeaway units, dwellings, as well as retail premises. Officers consider that a material change of use from the use already operating at the site to a slightly larger HMO will not have an unacceptable impact on the balance and character of the area given its existing, diverse and varied range of uses. In relation to the second point, the impact on character arising from the siting of bins in a prominent location is noted and is a factor that weighs marginally against the scheme. The provision of large commercial sized bins in a location where they will be visible in the street scene is clearly going to have very modest adverse impact. However, within the context of a mixed character edge of town centre location and noting the site does not lie within a sensitive designation such as a conservation area, it is considered that this level of modest 'harm' would not be sufficient to justify a refusal of the application.
57. Third party comments received in relation to the incorrect description have been addressed by amending the application description and a re-consultation followed.
58. Third party comments have been received in relation to noise and disturbance and loss of privacy. Noting the existing uses at the site, noting the edge of town centre and noting the limited car parking available coupled with the management restrictions such as the no visitors policy, these will naturally limit the visitors to the site and so movements will be predominantly be generated by residents and staff., Officers are satisfied that there will not be

any material adverse effects as a result of the intensification of the use. . Noise and disturbance above and beyond any 'normal' day to day activity will be a management issue for the operators, in conjunction with formal involvement from Public Health and Housing if required. Internal living conditions , if the application is to be approved, can be addressed via the proposed condition 3 which relates to the requirement for noise mitigation to ensure an acceptable internal living environment. Instances of anti-social behaviour and crime in the street, in the officer's view, are not likely to be materially affected by this proposal and if they do occur are a matter for the management of the site and potentially the police.

59.The issues relating to the overlooking effects from the conversion of the outbuilding is not considered to be materially harmful for the reasons discussed above, including the favourable levels and the height of the windows. The outbuilding is set at a substantial gradient lower than the host building. Further, the conversion out the outbuilding will not lead to any additional windows and the windows facing the neighbouring of 34 St Andrews Street property on the western elevation are sky slights that will be facing upwards and not across into the amenity area of 34 St Andrews Street. Therefore, with the positioning of the skylights and the lower gradient levels it is considered that the conversion will not lead to adverse impacts with regards of overlooking effects and therefore is in accordance with policy DM2.

60.The objector has raised an issue relating to the trees on the boundary. This is not a material concern because they are modest specimens that will have no adverse effects upon the living conditions of any occupiers of the site . However, if the trees eventually create an amenity issues, then action can be considered under 'High Hedges' legislation to ensure they are reduced in height. In conclusion, for the reasons set above and in the amenity section of the report, officers conclude that the proposal will not lead to a significant adverse effect on amenity.

61.Third party comments have been received in relation to the adverse impact on highway and pedestrian safety though lack of off-street parking that will increase competition for parking on surrounding streets. A consultation response from the Highway Authority states that this application represents a small overall increase in the number of potential residents that can be accommodated in this dwelling. That potential increase will not lead to a significant impact on the local highway network. This exiting access appears to have been in use since 2007 when planning consent was approved to extend the existing dwelling. The access may have been in use for longer, but we have not researched the history of the site further back. The Highway Authority has researched the accident and collision history at the site of the access for the period going back from today back to 2007. Ten reportable road accidents have occurred at the junction between St Andrews St North and the A1302 main road. None of the accidents are directly associated with the access to the above property. The accident and collision data therefore does not evidence that there have been two road accident fatalities at the site since 2007. The nature of the accidents and collisions that have occurred at the site do not appear to be unusual for a busy urban roundabout junction. The town centre location of this property, the number and proximity of services and public transport options, the availability of local car parks and the existing parking restrictions mean that

this site is considered as a sustainable location and meets the requirements for the Highway Authority to accept a reduced minimum parking offer. The proposal will not lead to a change in the number of vehicles that are able to park on-plot (three). The proposal will therefore, not lead to an intensification of vehicular use of the access. It is possible that the proposed use as a HMO may see the number of car owning residents fall, compared to the previous use as a guest house.

62. The Highway Authority also stated that the proposal indicates that secure cycle storage will be provided for residents and it is recommended a planning condition to that effect accordingly should the application be approved. Waste and recycling bins will be stored on-plot and moved to the highway only to enable collection. Both the window and door of the converted outbuilding open inwards and not over the highway. The National Planning Policy Framework (NPPF) sets out in S109 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." The Highway Authority has previously indicated that it has reservations about the access location because of the higher risk reversing movements but the absence of historical accident evidence does indicate that the proposed development will not have an unacceptable impact on highway safety nor that the cumulative impact of this proposal could be considered severe. The Highway Authority therefore concluded that there are not any NPPF grounds to recommend refusal. Further, the planning process has enabled the Highway Authority to recommend improvements to the access and the applicant has agreed to remove two sections of the front wall, on either side, to improve driver/pedestrian intervisibility. The planning process has also secured the provision of secure cycle storage to promote sustainable travel and hopefully reduce the overall number of vehicle movements. The Highway Authority has noted the time limited parking bay on Andrews St North.

63. The third-party comments received consider that there are reasons under the Road Traffic Act 1988 and The Traffic Signs Regulations and General Directions 2016 to support the objection. The Highway Authority advises any party who considers that an offence may have occurred to report the matter to the Police. The Highway Authority are not aware of vehicle movements having been reported in the past under this legislation. However, as part of a planning consultation the Highway Authority has confirmed that they cannot provide comment on legal matters that have not been investigated or substantiated. Therefore, to conclude, this planning application will maintain the status quo with regard to this existing access. No works are required in the highway and there will not be any dedication of new highway. The Highway Authority has reviewed accident data and concluded there are no safety grounds to justify recommendation of refusal. Further, the Housing Team have confirmed that very few of the residents own cars.

Conclusion:

64. The detailed and comprehensive objections received in relation to this application have been taken into consideration in the assessment of this matter, and as part of the planning balance. The area is characterised by its mixed appearance, and by the mix of uses located within the vicinity, as expected of

an edge of town centre location. The physical changes to the site, including the provision of bin storage areas, are not considered to adversely affect the character and appearance of the area. Furthermore, it is also considered that the amenity effects arising will not be materially more harmful than those already arising from the present lawful use, and that a refusal on such grounds would again not bear scrutiny. Members will further note the detailed and considered comments received from Suffolk County Council as Highway Authority in relation to the transportation impacts, concluding, as they do, that the proposal will not be any worse than the existing scenario. Officers are also mindful of the benefit of providing such accommodation in such a location with limited adverse consequences, and this also weighs in favour in the planning balance.

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

Recommendation:

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

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

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
10914/ PA/002	Site Block Plan	15.04.2020
10914/PA/001	Site Location Plan	05.03.2020
10914/PA/003	Existing Floor Plans	05.03.2020
10914/PA/005	Proposed Elevations	05.03.2020
10914/PA/004	Proposed Floor Plans	05.03.2020

3. No occupation of the site shall commence until details in respect of the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

4. The wall frontage enclosure for one metre either side of the vehicle access shall be reduced to one metre above the level of the adjacent footway. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the wall as altered shall be retained thereafter at or below that height.

Reason: In the interests of highway safety in order to maintain intervisibility between highway users.

5. Refuse/recycling bins - The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 10914/PA/002 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.

6. Parking and Manoeuvring - The use shall not commence until the areas within the site shown on Drawing No. 10914/PA/002 for the purposes of manoeuvring and parking of vehicles and for the purposes of cycle storage have been provided and thereafter that those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in 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 and to ensure that sufficient on-site cycle storage is provided and maintained.

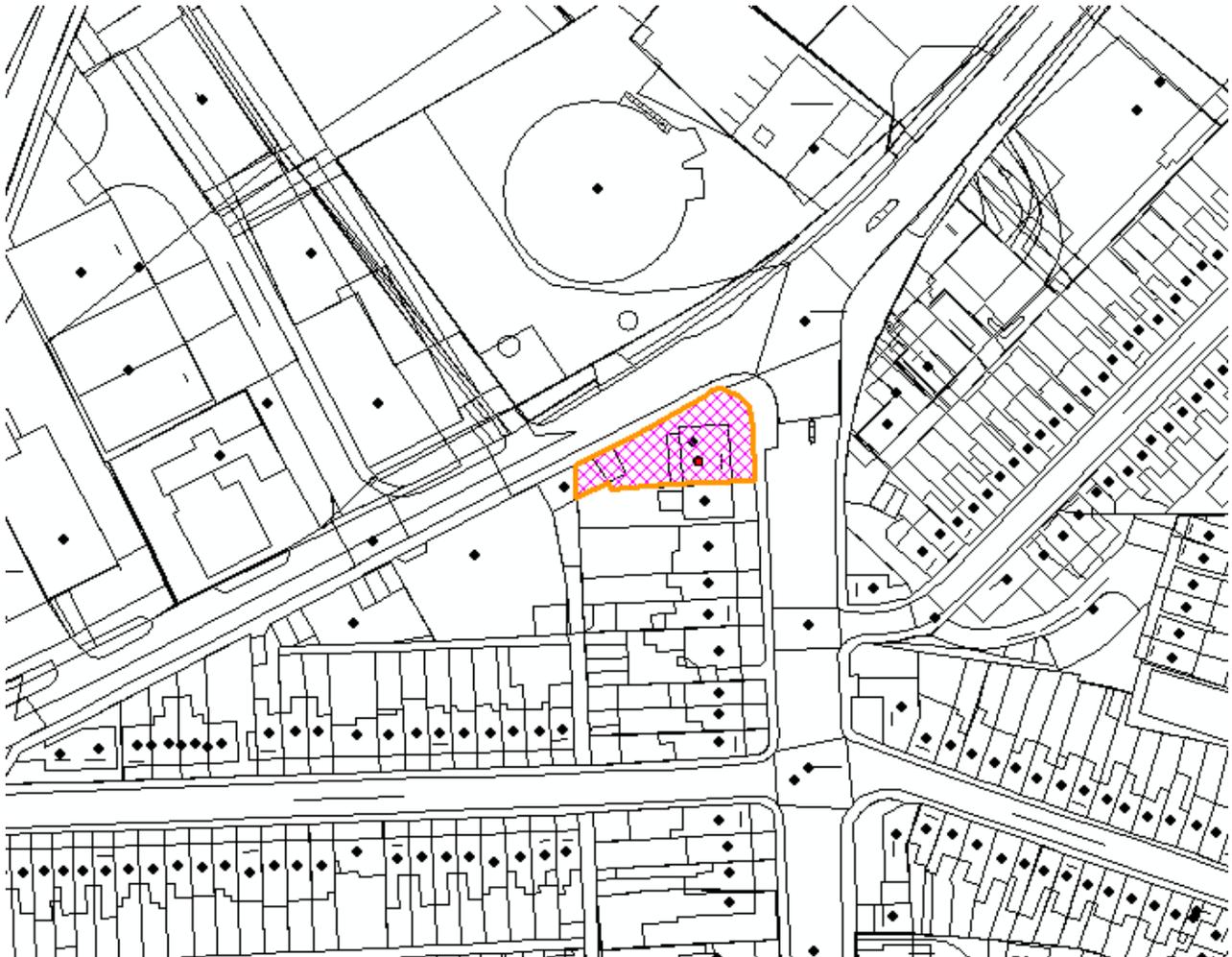
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0420/FUL](#)

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DC/20/0420/FUL

35 St Andrews Street North
Bury St Edmunds
IP33 1SZ



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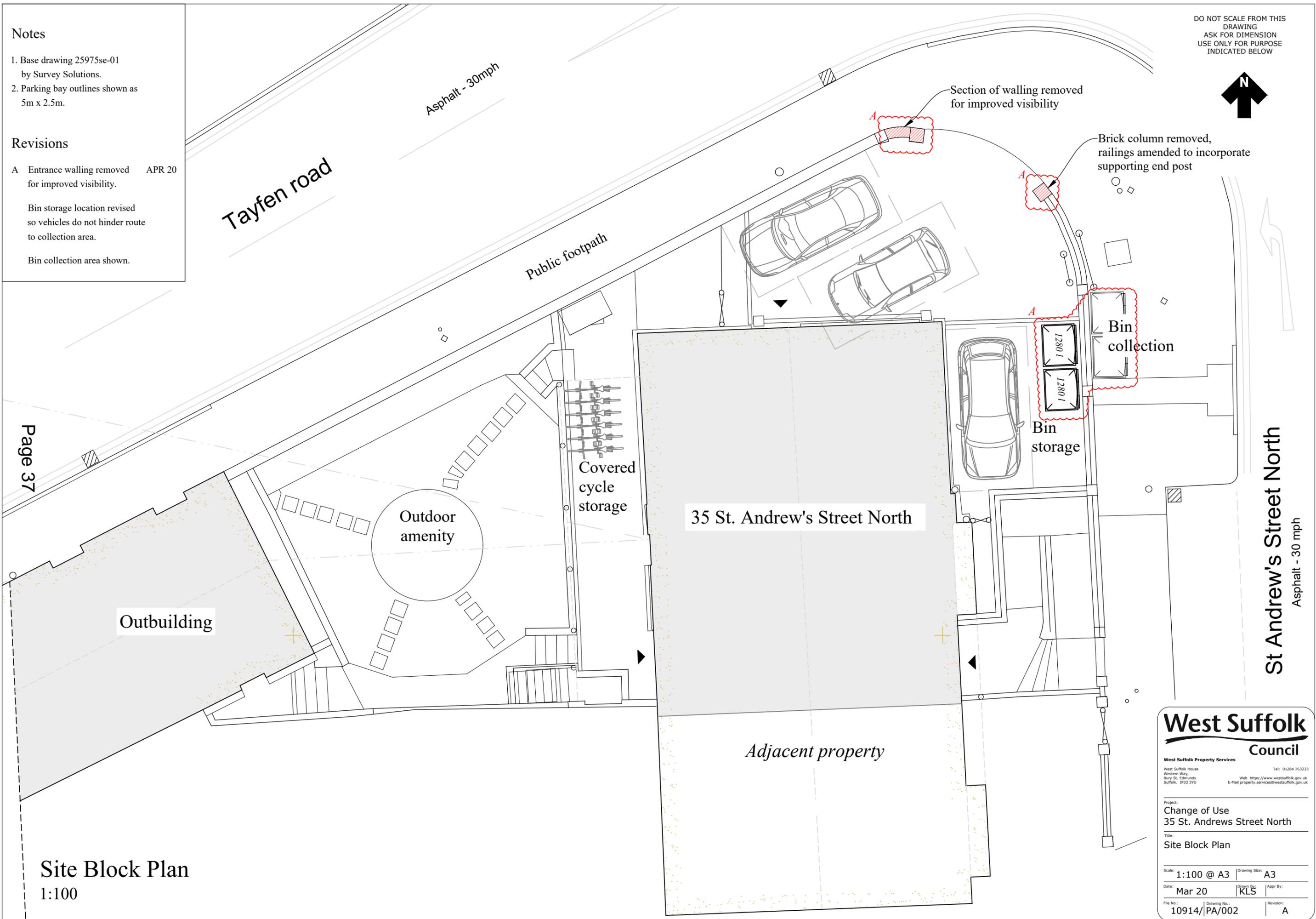
Notes

- 1. Base drawing 25975se-01 by Survey Solutions.
- 2. Parking bay outlines shown as 5m x 2.5m.

Revisions

- A Entrance walling removed for improved visibility. APR 20
- Bin storage location revised so vehicles do not hinder route to collection area.
- Bin collection area shown.

DO NOT SCALE FROM THIS DRAWING
 ASK FOR DIMENSION
 USE ONLY FOR PURPOSE
 INDICATED BELOW



Page 37

Outbuilding

Outdoor amenity

Covered cycle storage

35 St. Andrew's Street North

Bin storage

Bin collection

Adjacent property

St Andrew's Street North
 Asphalt - 30 mph

Site Block Plan
 1:100

West Suffolk Council

West Suffolk Property Services
 West Suffolk House
 Western Way,
 Bury St. Edmunds
 Suffolk, IP23 3YU
 Tel: 01284 763233
 Web: <https://www.westsuffolk.gov.uk>
 E-Mail: property.services@westsuffolk.gov.uk

Project:
 Change of Use
 35 St. Andrews Street North
 Title:
 Site Block Plan

Scale: 1:100 @ A3 Drawing Size: A3
 Date: Mar 20 Drawn By: KLS Appr By:
 File No.: 10914/PA/002 Drawing No.: Revision: A

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Development Control Committee

8 July 2020

Planning Application DC/20/0094/RM – Land adj Haverhill Business Park, Bumpstead Road, Haverhill

Date Registered:	17.01.2020	Expiry Date:	17.04.2020 – EOT 10.07.2020
Case Officer:	Kerri Cooper	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill South East

Proposal: Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 and B8
Application to Discharge Condition 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDS) of DC/15/2424/OUT

Site: Land Adj Haverhill Business Park, Bumpstead Road, Haverhill

Applicant: Trebor Developments 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:

Kerri Cooper

Email: kerri.cooper@westsuffolk.gov.uk

Telephone: 01284 757341

Background:

The application site was allocated in Policy HV9 of the Haverhill Vision 2031 as part of one of the designated General Employment Areas in Haverhill.

This reserved matters application follows from:

(i) outline planning permission (with means of access) DC/15/2424/OUT for 'Development of up to 46,000 sq m of floor space for uses within Classes B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant(s), Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.'

and

(ii) reserved matters application DC/19/1010/RM for submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use.

During the course of the application amendments have made to include changes and alterations to unit 3 and additional information was submitted regarding noise and parking.

The application is before the Development Control Committee, at the request of the local Ward Member, Councillor Tony Brown due to concerns that he and local residents share in respect of the proposed scheme.

A Committee site visit took place on Monday 30th September 2019 prior to application DC/19/1010/RM being presented to Members.

Proposal:

1. The reserved matters application seeks consent for the appearance, layout, scale and landscaping for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 or B8, in association with the continuation of Haverhill Business Park, which was approved under outline planning permission DC/15/2424/OUT as part of a wider application.
2. This application follows on from the approval of reserved matters application DC/19/1010/RM 'Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use', which was a speculative scheme for 5no. units in total.
3. The proposal comprises changes to the appearance, layout, scale and landscaping in respect of Units 1, 2 and 3 that were approved under DC/19/1010/RM. The units are to be used for industrial uses falling under Class B1, B2 or B8 purposes. The main changes to the scheme are the increase in size of unit 1, the reduction in size of unit 2 and alterations to the fenestration of the building, service yard and parking to unit 3.

Unit 1 - 9,296sqm

Unit 2 - 2,055sqm

Unit 3 - 4,768sqm

4. Within this application, the applicant is also seeking to discharge conditions 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDs) of outline planning permission DC/15/2424/OUT.

Application Supporting Material:

5. Information submitted with the application as follows:
- Application Form
 - Design and Access Statement
 - Planning Statement
 - Tree Survey
 - Noise Reports
 - Drainage Details
 - BREEAM Pre-Assessment
 - Ecological Report
 - Landscape Details
 - Site Location and Layout
 - Elevations, Floor Plans and Sections
6. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 1 in the recommendations section of the report.

Site Details:

7. The application site is located within Bumpstead Road General Employment Area, as defined within Policy HV9 of the Haverhill Vision. The wider site as a whole measures 7.4hectares in area and is situated in the south eastern part of Haverhill. The site is located approximately 1.5km from Haverhill Town Centre.
8. Bumpstead Road runs along the west of the site, with the former railway line located along the eastern boundary. A designated County Wildlife Site runs directly along the northern boundary. Residential properties are situated to the north of the site along Bumpstead Road, with a range of commercial and industrial units located to the east and south. Beyond the most southern part of the site lies the A1017.

Planning History:

Reference	Proposal	Status	Decision Date
DC/13/0766/OUT	Outline Planning Application - Provision of new accesses & scale for up to 200 dwellings.	Application Withdrawn	01.05.2015
DC/15/1947/EIASC R	EIA Screening Opinion under Regulation 5 (1) of	EIA Screening/Sco	02.10.2015

	the Environmental Impact Assessment Regulations 2011 on the matter of whether or not the proposed development is an EIA development - erection of up to 46,000 sq m of floorspace for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant), car dealerships (sui generis), together with landscaping, car and HGV parking and associated works and facilities including access	ping Opinion Issued	
DC/15/2056/FUL	Planning Application - Cross Boundary Application - construction works involving earth moving and ground profiling together with the creation of retaining structures. Temporary access from Phoenix Road and Icen Way for construction vehicles and the formation of development platforms.	Application Granted	08.01.2016
DC/15/2424/OUT	Outline Planning Application (Means of Access included). - Cross Boundary Application - Development of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.	Application Granted	29.09.2016
DCON(A)/15/2056	Application to Discharge Conditions 3 (Retain walls) 4 (Watercourse), 5 (Wheel washing) and 6 (Construction Method	Application Granted	20.05.2016

	Statement)	of		
DC/16/2426/RM	Reserved	Matters	Application	12.05.2017
	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - erection of site security fencing		Granted	
DC/16/2453/RM	Reserved	Matters	Application	15.02.2017
	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout, parking and scale) and the Discharge of Condition 6 (surface water), Condition 8 (manoeuvring and parking) and Condition 10 (soft landscaping) for the development of plot SE1 builders merchants.		Granted	
DCON(A)/15/2424	Discharge of conditions 7- HGV traffic movements,,13 -Landscape Management Plan and 21-Sustainable Urban Drainage Scheme of DC/15/2424/OUT		Condition(s) Part Discharged	31.03.2017
DC/19/1010/RM	Reserved	Matters	Application	02.10.2019
	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use		Granted	
DCON(B)/15/2424	Application to Discharge of Conditions - 6 (surface water), 7 (deliveries management plan) 8 (manoeuvring and parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination report), 18 (verification report) and 21 (sustainable urban drainage strategy) of		Condition(s) Part Discharged	27.11.2019

	application DC/15/2424/OUT - Plots NE1, NE2 and SE2		
DCON(A)/19/1010	Application to Discharge Conditions 2 (Materials - Samples/Details) and 7 (Acoustic Fence) of DC/19/1010/RM	Application Granted	18.05.2020
NMA(A)/19/1010	Non Material Amendment to DC/19/1010/RM - relocation of loading docks and minimal extension of service yard to northeast corner with new retaining wall - unit 3	Application Withdrawn	05.05.2020
SE/06/1998	Submission of Details - Road infrastructure, earthworks and landscaping, Phase 2 (outline permission E/97/2834/P) as supplemented by the Archaeological Evaluation received on 11 September 2006, the Landscape Management Plan received 19 September 2006, the Reptile Survey received on 27 September 2006, the Flood Risk Assessment received on 30 October 2006 and letter specifying soakaway proposals and accompanying drawing 7185/H/108 Rev D received on 21 December 2006.	Application Granted	25.01.2007
SE/04/3587/P	Outline Application - Residential development and access	Application Withdrawn	07.01.2005
E/97/2834/P	Outline Planning Application - Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and vehicular access as amended by revised Planning Statement received 3rd September 1999	Application Granted	19.04.2002

Consultations:

9. The following consultation responses have been received, which are summarised below. Full consultation responses are available to view online:

Natural England

No comments to make.

Anglian Water

No comments received.

Environment Agency

Comments 19th February:

- Unable to recommend discharge of condition 6 and 17, additional information required

Comments 15th April:

- Further information in respect of contamination is required

Suffolk County Archaeological Service

No comments received.

Suffolk County Council Highway Authority

Comments 6th February:

- This application does not comply with the previously approved Reserved Matters DC/19/1010/RM which included parking which met the required levels within the Suffolk Guidance for Parking;

- We consider, due to the above mentioned problems caused by inadequate parking, that the proposed layout would not comply with the requirement for safe access and minimising conflict between vehicles and pedestrians, as detailed in NPPF paragraph 108 (b) and paragraph 110 (b). Therefore, we do not recommend discharge of Condition 2 and Condition 8;

- The information provided is satisfactory to allow discharge of Condition 7.

Comments 23rd April:

- The revised layout for B2 parking as shown on drawings 6502-SK19H and 6502-SK26C conforms to the Suffolk Guidance for Parking and, therefore, we withdraw our objection and recommend that conditions 2 and 8 can be discharged with regard to highways matters;

Comments 1st June:

- On drawing 6502 SK 19 J it appears that accessing the western loading bays of Unit 3 would be difficult if the car parking is all occupied. It may be possible by using the turning circle and then reversing into position. Can the applicant confirm swept paths confirm this is possible, otherwise we would be concerned several car parking spaces would have to be removed.

Comments 10th June:

- The Highway Authority confirm, on the basis of the submitted drawings 2018-294 SK212 P4 & 6502 SK19 REV K, that the applicant can provide a satisfactory parking layout for B2 use.

- Therefore, withdraw my previous comment, and have no objections to the current application for discharge of conditions, with regard to any effect on the public highway.

Suffolk County Council Rights of Way

As the Applicant is aware, the proposed site does contain a public right of way (PROW): Footpath 13 Haverhill. We accept this proposal, however we refer the applicant to guidance and requirements outside of planning controls.

Suffolk County Council Floods and Water

Comments 25th February:

- Additional information is required to be submitted detail drainage, easements and latest landscaping proposals on one plan

Comments 27th April:

- Condition 10 and 21 are now satisfied.

Comments 28th May:

- No further comments to make.

Suffolk Wildlife Trust

No comments received.

Ramblers Associations

No further comments to make on this site.

Environment Team

Condition 17 is acceptable and can be formally discharged.

Public Health and Housing

Comments 7th April:

- The application has been supported by further noise reports based upon the revised layout/alterations;
- Additional details and mitigation measures deemed necessary will be confirmed once known, however this only be known when details are submitted in accordance with previous recommended conditions under application DC/19/1010/RM.

Comments 1st June:

Whilst Public Health and Housing would not wish to object to this application, we would recommend that conditions are included in any consent granted, in accordance with Conditions 3 and 4 of DC/19/1010/RM.

Representations:

Neighbours:

10.46no. nearby addresses were notified of the application via post and 2no. site notices were displayed.

11. During the course of the application, representations have been received by the owners/occupiers of 2no. properties, which are summarised as follows:

27 Bumpstead Road

Comments received 12th April:

- the original orientation of the proposed industrial units, detailed in the above planning application, has been arbitrarily reversed;
- no major concerns to original layout;

37 Bumpstead Road

Comments received 6th April:

- Impact from surface water drainage;
- Proposed scheme does not comply with highway standards/policy and should be amended;
- Impact on noise as a result of development - local residential properties are now open to 'significant disruption' from these activities;

- Local residents will be affected by external lighting;
- Landscaping will offer little or no protection to properties along Bumpstead Road

Comments received 20th April:

- The height of unit 1, will be one of the tallest buildings in the town;
- The amount of parking spaces shown could generate a significant volume of vehicular movements - a vehicle management plan should be required

Comments received 26th May:

- The revised application to include unit 3, with an addition noise report increase noise levels as noise levels from dock levellers is more than noise levels from level access loading bays - result is increase noise levels to our property;
- Condition 3 of DC/19/1010/RM is going to be contravened due to unit 3 being proposed as B8 use;
- Restrictions should be placed on operating hours of units;
- Adverse impact on residential amenity - Policy DM2;
- The plans submitted are not very clear;
- Impact on highway safety - the amount of parking spaces shown could generate a significant volume of vehicular movements;
- The layout should have remained as originally proposed;
- A number of conditions should be imposed to control all of the concerns raised.

12.All representations can be viewed online in full.

Town Council:

Comments 19th February:

Haverhill Town Council welcomes this application and continues to be supportive of development of this site but wish to raise the following concerns:

- *Insufficient car parking provision, the Town Council echo Highway's concerns;*
- *As agreed in Planning application DC/19/1010/RM, applicant must ensure acoustic fencing is placed around the entire Northern edge of the site.*

Comments 8th April

Whilst the Town Council still support the development site, we reiterate our previous comments regarding the acoustic fencing which must surround the entire Northern section of the site. In the absence of further comments from Highways on the amended design, we emphasise our concerns about parking and would request further comments from Highways.

Comments 2nd June:

Haverhill Town Council has no objections to this application, but would request the following conditions;

- i) Construction Management Plan must include times of operation;*
- ii) Developers mitigate noise, dust and full consultation at further stages*

The Town Council suggests that a Community Reference Group is set up to report back any issues during the construction phase.

Ward Member:

- 13.Cllr Tony Brown requested that the application was called in to go before the full planning committee, as he and residents are concerned that the amendments proposed are at major variance to the original application.

Policy:

14. 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.

15. The following policies of the Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy 2010 & Haverhill Vision 2031 have been taken into account in the consideration of this application:

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 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 DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS9 - Employment and the Local Economy

Haverhill Vision 2031

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV9 - General Employment Areas - Haverhill

Other Planning Policy:

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

17. 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:

Principle of Development

18. 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), the Core Strategy Development Plan Document (adopted May 2010) and the Haverhill Vision Document (2014). National planning policies set out in the National Planning Policy Framework (The Framework) are also a key material consideration.

19. Given the outline permission and allocation, the principle of the proposed development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

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

- Flexible and Alternative Use - Class B1, B2 or Class B8;
- Design, Layout and Amenity;
- Landscaping, trees and ecology;
- Highway safety; accessibility, sustainable transport links;
- Discharge of conditions DC/15/2424/OUT;
- Other Matters

Flexible and Alternative Use - Class B2 or Class B8

21. As part of the outline planning application, the permission allowed the application site to be developed for Class B1, B2 or B8 purposes. Due to the users of the units being speculative and therefore it not being known what specific Class B use is to be implemented within any unit, the applicant has

presented a scheme in the alternative whereby the units could be implemented for B2 or B8 use as defined above.

22. Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 permits 'Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.' Guidance states that the alternative uses to which the planning unit/application site may be used, must be specified in the planning permission. Any one of those specified uses can then be implemented, subject to any necessary conditions and the overall terms of the permission itself. In addition, Class V provides further comfort in relation to the suitability that the change to the alternative specified uses would not be lawful if under paragraph (d) of the conditions if it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.
23. Given that the outline permission has established the acceptability of the uses, in this reserved matters application it is important to assess and understand any layout and design implications of the units being Class B1, B2 or B8 use. The only implication and difference relate to the layout of the parking and turning areas. Use Class B1 and B2 require a different level of on site parking to Class B8 and it is a much greater level than that required for Class B8 use. The scheme has been positively designed as to produce a development whereby no other aspect or part is affected other than the formation and specific layout of the areas that are defined for parking and turning area. As such, two proposed site plans have been submitted; one showing the development with parking and turning area provision for each unit suitable for Class B1/B2 and the other showing the development with parking and turning area provision for each unit suitable for Class B8.
24. In this case, two conditions are to be imposed to control the potential for alternative use. If any of the units (1, 2, or 3) are to be used for Class B1/B2 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502 SK19 Rev K prior to the first use for Class B1/B2 purposes. In the eventuality that any of the units hereby approved (1, 2, or 3) are used for Class B8 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502 SK26 Rev D prior to the first use for Class B8 purposes. The car parking and loading / circulation space shall thereafter be retained as so installed for each of the uses implemented. This then ensures sufficient space for the on-site parking of vehicles is provided on site for each individual unit and safeguards the character and appearance of the area.
25. This is the same approach and method of control used under reserved matters application DC/19/1010/RM.

Design, Layout and Amenity

26. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually

attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

27. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
28. An indicative site layout plan was submitted at outline stage to show how a development could be achieved on site. No weight can be attributed to the previously submitted site layout plan, as it was purely indicative and layout is a reserved matter.
29. The wider scheme, as a whole, comprises 5no. units in total, 4no. units located on the northern side of Icen Way and 1no. unit located on the southern side of Icen Way. This section of the report will focus on the changes proposed to units 1, 2 and 3. The proposed changes include the increase in footprint and height of unit 1, the reduction in size of unit 2 and alterations to the fenestration of the building and service yard and parking to unit 3.
30. Unit 1 as approved under DC/19/1010/RM measured approximately 15metres in height, 76metres in depth and width. It is now proposed within this application for unit 1 to measure approximately 17metres in height, 63metres in depth and 137metres in width. Whilst unit 1 has increased significantly in width and will appear prominent and large in the street scene, the proposed building is of a similar scale and footprint to the building immediately opposite occupied by Culina. The increase in footprint of unit 1 has also been balanced out by the reduction in scale of unit 2, to ensure that there is adequate separation between the buildings and that they have been appropriately positioned. The physical changes to unit 3 are considered minor in nature, however the impact of those changes are required to be carefully considered in respect of noise and parking, which is explored in further detail in the following sections.
31. The buildings have been positioned within the site as to relate to Icen Way and the development that sits immediately adjacent, Culina and MKM Builders Merchants. Parking and turning areas are situated to the side and rear of the buildings. In terms of the design of the buildings, though they vary in heights from approximately 11-17metres and footprint, they are similar in architectural form and incorporate pitched roofs so as to reduce the overall bulk of the buildings. The buildings are utilitarian and simple in form, and are of a typical scale for commercial and industrial buildings. Glazing elements have been designed into the buildings at entrance points. To ensure the buildings are finished to a sufficiently high standard and that the design features shown are retained, the external materials of the buildings are to be conditioned.
32. The footpath which runs parallel with Icen Way along the entire frontage of the site which serves units 1-4 is to be unaffected by the proposed changes. The on-site footpath to be provided will connect with the existing footpath to the east of the site, which is the former railway line. Good connectivity within the site still remains, with opportunities being made to create wider

connectivity and integrate the site and development into the area and existing development and infrastructure it surrounds.

33. As with the previous scheme, the proposed layout has been well designed and thought out, and allows the buildings to be occupied for either B1, B2 or B8 purposes, in accordance with the above section. It is considered that the design approach is appropriate for the nature of development.
34. Policy DM2 of the Joint Development Management Policies Document also seeks to safeguard residential amenity from potentially adverse effects of new development. The protection of residential amenity is a key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
35. One of the main objections throughout this application and the previous reserved matters application (DC/19/1010/RM) received by neighbours, the Town Council and Ward Member was in respect of the location of the parking and turning areas, including the noise and disturbance generated and the relationship between that aspect of the site and the residential properties along Bumpstead Road.
36. The buildings are set away from the northern boundary of the site, with parking and turning areas located to the area of the site with a landscaping buffer. Residential properties are situated beyond the north of the site along Bumpstead Road, with no. 37 Bumpstead Road being closest. In between the rear of the residential properties and the rear of the application site lies Bumpstead Road County Wildlife Site. The distance between the rear boundary of the application site, taken from where unit 3 is proposed, and the rear boundary of no. 37 Bumpstead Road measures approximately 76 metres. This is the minimum stand-off distance between the residential properties and where a unit and associated parking and turning area is proposed. The maximum distance between the residential properties and where a unit and associated parking and turning area is proposed is approximately 100 metres. Acoustic fencing is to be installed along the entire northern boundary of the parking and turning areas and part of the eastern and western boundaries of the site.
37. The outline application was supported by an Environmental Noise Assessment undertaken by Sharps Redmore in October/November 2015, Ref: 1515442. The noise assessment was based on the Framework Plan which indicated 8 no. units across the outline application site including three units on land to the west, backing onto Helions Bumpstead Road. The report concluded that noise could be sufficiently attenuated in the service yards with the installation of acoustic fencing to exposed rear boundaries, whilst noise from fixed plant and equipment could be conditioned so as to prevent disturbance to local residents. The report clearly states in Section 4.1, that the predicted noise levels are based on the indicative layout only.
38. As set out within the previous application, levelling works have been carried out on site since outline planning permission has been approved and therefore the impact on noise transmission across the site and any noise mitigation/attenuation which may have been afforded due to the topography of the site was required to be understood and reassessed. As a result of the above, the previously submitted noise assessment and predicted noise

levels at outline stage could therefore not be relied upon to ensure that the proposed development would not adversely impact on the residential properties within the vicinity of the site.

39. During the course of application DC/19/1010/RM, the applicant submitted a further noise report from Sharps Redmore, Reference: 1919017 dated 18th July 2019 following a noise survey undertaken between 8th and 15th July 2019 to determine the existing noise levels at the site. Further noise reports from Sharps Redmore have been submitted (received on 17th January, 16th March, 23rd April and 7th May) with this current application being considered to take into account the changes to the design and layout of units 1, 2 and 3. These reports submitted across both applications have been assessed alongside each other in detail by Public Health and Housing (the full formal comments are available on the public file).
40. The car parking area serving unit 1 is now approximately 15metres closer to the nearest residential property (Mayville) in Bumpstead Road, resulting in a 1 dB increase in the LAeq1hr. Whilst the car parking area to Unit 2 is around 5metres closer, Public Health and Housing considers the overall predicted noise levels from the car park activities at all of the units, will be as previously calculated. In respect to Ashlea Road, the car parking areas for units 1 and 2 will now be further away from residential premises and the overall predicted noise levels from the car park activities at all units, will be slightly lower than previously calculated.
41. The Environmental Noise Report, Project No: 1919017 dated 4 May 2020 provided by Sharps Redmore looks at the proposed changes to unit 3 and the impact of these changes to the nearest residential occupiers to the north of the site along Bumpstead Road. The main external activity at Unit 3 will be from car parking activity and servicing. The operating hours for unit 3 are not known at this stage but it has been assumed for the purposes of this analysis that it will operate 24 hours a day, 7 days a week. There are no proposed changes to the B8 layout and whilst the layout of the car parking spaces has been reconfigured, the overall number of spaces is the same as shown in the B2 layout, Drawing No: 6502 SK19 Rev K. The reconfiguration of the car park layout is not however considered to affect the overall noise level at the residential properties in Bumpstead Road.
42. The main sources of noise from servicing activities will include vehicles manoeuvring, unloading, use of forklift trucks and movement of trailers. To ensure a robust assessment, the predicted noise levels have again been based on the assumption that unit 3 will be used as a warehouse distribution unit, Class B8, operating on a 24-hour basis. The calculated noise levels, based on the typical noise levels from servicing activities, as used in previous assessments, and the new configuration of the level access and dock levelling bays, indicate that the night-time noise levels will be marginally higher, by 1dB than that previously predicted.
43. Public Health and Housing considers that an increase of 1dB would however not be noticeable and the report concludes that subject to the existing Planning Conditions, the proposed changes to Unit 3 will not give rise to an increased impact during the daytime or night-time period, compared to the existing approved scheme.

44. The area is surrounded by industrial units and there is also some noise from loading and unloading activities and vehicle movements to and from Culina to the south of the proposed development, nevertheless noise levels from this development will still need to be controlled. Public Health and Housing consider however that the noise generated from the scheme can be mitigated via the imposition of suitable conditions (detailed in full in the recommendations section), which are the exact same conditions in respect of noise imposed on reserved matters application DC/19/1010/RM.
45. There are two conditions (14 and 15) imposed on outline planning permission DC/15/2424/OUT regarding noise. These relate to plant and equipment and audible alarms. Details are required to be submitted and approved in writing prior to installation of the equipment and occupation of the buildings.
46. For the reasons cited above, it is not considered that the proposed development will result in an unacceptable level of impact on residential amenity to the properties along Bumpstead Road by reason of being physically overbearing or through creating any other form of disturbance as to cause significant harm, such that this application should be refused.

Landscaping, Trees and Ecology

47. The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.
48. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
49. Policy DM13 states that proposals will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
50. Whilst landscaping is a reserved matter, as part of the outline planning permission conditions were imposed regarding submission of a landscaping scheme, its implementation and the associated management. As such, the proposed landscaping scheme for the development is being currently considered under this application with the reserved matters element and discharge of conditions aspect.
51. Where possible, a sufficient amount of on-site landscaping should be provided. However, given the nature and use of the development, achieving the best use of the land takes greater priority over landscaping. Whilst landscaping has been lost to the front of the site due to the increase in

footprint of unit 1, the buildings have been positioned within the site as to provide meaningful landscaping along the western and northern boundaries of the site, which are considered to be key areas. The wide landscape buffer to the north provides continuation to the existing off site landscaping, between the application site and the residential properties along Bumpstead Road. The large area of landscaping along the corner of Icen Way and Bumpstead Road helps to assimilate the development, unit 3 in particular, into the street scene. Soft landscaping is proposed throughout the whole of the site as to enhance the development itself, whilst being in keeping with the wider area. It is considered that landscaping has been effectively incorporated into the scheme as to make a positive contribution.

52. With regard to ecology, this was considered at outline stage when establishing the principle of the proposed development and any ecological impacts arising. As part of this application, an up to date preliminary ecological appraisal has been submitted which concludes that there will be no adverse ecological impact arising and recommends ecological enhancements that could be provided, through the provision of bat and bird boxes in the design of the buildings.

Highway Safety; Accessibility and Sustainable Transport Links

53. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the types of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

54. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

55. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.

56. The access serving the site is located off Icen Way. At present, Icen Way serves 2 no. industrial units (Culina and MKM Builders Merchants). As part of the outline planning permission, access was the only matter which was considered. This established Icen Way to serve the Haverhill Business Park units to the east of Bumpstead Road. Units 1-4 are to be served via a new access off Icen Way, with unit 5 sharing the existing access which serves MKM Builders Merchants.

57. As detailed within the report, the users of the site and individual units are still speculative and therefore the applicant is seeking for the units to either

be implemented for Class B1, B2 or B8 use in accordance with the outline application. The initial proposed site plan submitted demonstrated sufficient vehicle and cycle parking and turning areas if the units were to be occupied as Class B8, however the level of parking was insufficient for Class B1 or B2 use. Office and general industrial use require a higher level of on-site parking due to their nature. In order to overcome this, two proposed site plans have been submitted which show how the layout of the parking and turning areas can be adapted/amended as to provide enough on-site parking if the units were to be implemented and occupied for Class B1 and B2 purposes. As such, it has been demonstrated that sufficient on-site parking can be provided in accordance with Suffolk Parking Standards. To ensure this is adequately controlled, conditions are to be imposed, which are set out in full in the recommendations section of the report.

Discharge of conditions DC/15/2424/OUT

58. Within this application, the applicant is seeking to discharge conditions 6 (surface water drainage) , 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDs) of outline planning permission DC/15/2424/OUT.
59. A number of the conditions that are sought to be discharged have been dealt with alongside the consideration of the main reserved matters application which include landscaping, parking and traffic movements.
60. The relevant statutory consultees have assessed the information and documents submitted in respect of the remaining conditions which include drainage and contamination. The Lead Local Flood Authority and Environment Team are satisfied with the information submitted and consider that the conditions can be discharged. At the time of writing this report, the Local Planning Authority were awaiting comments from the Environment Agency in respect of condition 17. Whilst additional information may still need to be submitted in respect of this matter, it is important to note this will not change the overall appearance, scale, layout and landscaping of the scheme that is being considered.
61. Before the reserved matters application can be implemented or occupied, all of the conditions imposed on outline planning permission DC/15/2424/OUT will need to be submitted to and approved in writing by the Local Planning Authority where required or adhered to in so far it relates to the implementation of the reserved matters application.

Other Matters

62. During the course of the application, concerns have been raised in respect of light pollution from the rear of the buildings and parking and turning areas. The position of lighting was secured by condition 16 on outline planning permission DC/15/2424/OUT.

Conclusion:

63. In conclusion, subject to the imposition of conditions which are considered both reasonable and necessary, the principle of the development has already been established through the outline consent 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:

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

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

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

Reference No:	Plan Type	Date Received
19-50-01	Tree Constraint Plan	16.01.2020
19-050-05 Rev B	Landscape Plan	15.04.2020
19-050-06 Rev B	Landscape Plan	15.04.2020
19-050-07 Rev B	Landscape Plan	15.04.2020
6502-61	Cycle plans	16.01.2020
6502-703 D	Site Location Plan	07.05.2020
6502 37 - unit 3	Proposed Elevations	07.05.2020
6502 36 - unit 3	Proposed Floor Plans	07.05.2020
6502 SK26 Rev D - B8 parking provision	Proposed Site Plan	07.05.2020
6502 SK19 Rev K - B2 parking provision	Proposed Site Plan	08.06.2020
2018 294 SK212 P4 - unit 3	Tracking Plan	08.06.2020
2018 294 SW	Drainage Strategy	15.04.2020
2018 294 122	Drainage Plans	15.04.2020
6502 P 210 - unit 2	Proposed Elevations	26.03.2020
6502 P 200 - unit 2	Proposed Floor Plans	26.03.2020
6502 P 203 - unit 2	Proposed Roof Plan	26.03.2020
6502 P 212 - unit 2	Proposed Sections	26.03.2020
6502 P 110 - unit 1	Proposed Elevations	26.03.2020
6502 P 100 - unit 1	Proposed Floor Plans	26.03.2020
6502 P 103 - unit 1	Proposed Roof Plan	26.03.2020
6502 P 112 - unit 1	Proposed Sections	26.03.2020
6502 63	Street Scene Elevations	17.01.2020
(-)	Biodiversity report	17.01.2020
BREEAM PRE-ASSESSMENT Deliveries Management Plan	Other	17.01.2020
(-)	Design and Access Statement	07.05.2020
(-)	Noise Report	17.01.2020
(-)	Noise Report	13.03.2020
Letter from Nolan Associates	Noise Report	16.03.2020
(-)	Noise Report	23.04.2020
(-)	Noise Report	07.05.2020
(-)	Land Contamination Assessment	07.05.2020

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

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

- 3 Further to the proposed noise levels contained in the Environmental Noise Report - Reserved Matters submitted by Sharps Redmore on the 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations, at each Unit, installed or operated in connection with the carrying out of this permission, shall be enclosed and/or attenuated and maintained so as to ensure that the noise generated by this permission shall not exceed:-
- 35dB(A) LA90 (1 hour daytime 07:00 -23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime noise level measured as 45dB(A) LA90 (1 hour daytime 07:00 - 23:00 hours) and;
 - 25dB(A) LA90 (15 minute night time 23:00 - 07:00) at the façade of the nearest residential property (that being -10dB (A) below the night time background noise level measured as 35dB(A) LA90 (15minute night time 23:00-07:00).

No plant, machinery and equipment, including any proposed sound proofing, shall be installed until details have been submitted to the Local Planning Authority for approval in writing.

Noise measurements for the purposes of this condition shall be pursuant to BS 4142:2014.

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.

- 4 No phase or unit of the development shall be occupied until a Management Plan for that phase or unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures have been submitted to and approved in writing by the Local Planning authority. The Management Plan shall be implemented in full on occupation of each phase or unit and complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

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.

- 5 Prior to the occupation of any of the units hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK19 Rev K. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to the occupation of any of the units hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK26 Rev D. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 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.

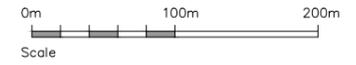
Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/20/0094/RM>

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— THIS APPLICATION BOUNDARY
 — PLANNING BOUNDARY
 For RM Application DC/19/1010/RM

no.	date	revision	by
D	05.05.20	Revised & issued for RM application	alps
C	03.03.20	Revised & issued for RM application	TW
B	17.12.19	Issued for new RM application	TW
A	02.12.19	Issued for Contract & renumbered 703	TW



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 client



project
Haverhill Business Park
 Iceni Way
 Haverhill, Suffolk
 CB9 7FD

drawing

Site Location Plan

scale 1:1250@A1 drawn TW

checked alps date 24/06/2019

no

6502-703 D
 PLANNING

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Key to External Finishes.
 To be read in conjunction with drawings of BEA Landscape & Nolan Associates Engineers

-  Planting as BEA Landscape design
-  Concrete Service Yard.
-  Tarmac - Roadway
-  Tarmac - Footpath
-  Block Paviers Impermeable
-  Block Paviers Permeable
-  Designated car parking marked in white lining in service yard area
-  Fencing to service yards - 2.4m high paladin ppc black with matching gates.
-  Acoustic Fencing 4m high close boarded treated timber with overall density > 15kg/m²
-  Ducting for CCTV
-  Parking Signage

Schedule of Areas - GIA

Unit	Office GF	Office FF	Warehouse	Total
Unit 1	60 sq.m.	930 sq.m.	8,306 sq.m.	9,296 sq.m.
Unit 2	48 sq.m.	140 sq.m.	1,867 sq.m.	2,055 sq.m.
Unit 3	64 sq.m.	228 sq.m.	4,476 sq.m.	4,768 sq.m.
Unit 4	64 sq.m.	210 sq.m.	4,136 sq.m.	4,410 sq.m.
Unit 5	64 sq.m.	210 sq.m.	4,136 sq.m.	4,410 sq.m.
Total Build	21,663 sq.m.	233,175 sq.ft.		
Site Area	5.60 hectare	13.85 acres		

Parking Spaces

- Unit 1
118 spaces = 1space / 78 sqm including 3 disabled parking bays 24 bicycles & 8 motorcycles
- Unit 2
14 spaces = 1space / 146sqm including 2 disabled parking bays, 10 bicycles & 4 motorcycles
- Unit 3
103 spaces = 1space / 42 sqm including 4 disabled parking bays 12 bicycles & 8 motorcycles
- Unit 4
36 spaces = 1space / 32 sqm including 2 disabled parking bays 10 bicycles & 4 motorcycles
- Unit 5
92 spaces = 1space / 50 sqm including 3 disabled parking bays 12 bicycles & 4 motorcycles



no.	date	revision	by

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TREBOR DEVELOPMENTS

project
Haverhill Business Park
 Icen Way
 Haverhill, Suffolk
 CB9 7FD

Site Plan Units 1, 2 & 3
 with B8 Parking Provision

scale	1:500@A0	drawn	ajps
checked	AS	date	May 2020

no.
6502-SK26 D
PLANNING

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Development Control Committee 8 July 2020

Planning Application DC/17/1093/FUL – Stanton Community Primary School, Bury Lane, Stanton

Date	20 June 2017	Expiry Date:	30 April 2020
Registered:			
Case Officer:	Gareth Durrant	Recommendation:	Conditional approval
Parish:	Stanton	Ward:	Stanton

Proposal: (i) Conversion and change of use of redundant school building to form 3no. residential units and; (ii) new vehicular access and associated parking

Site: Stanton Community Primary School, Bury Lane, Stanton

Applicant: Mr Brian Prettyman (SCC Corporate Property)

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings 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:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

The Assistant Director (Planning & Regulatory Services) has resolved to refer this planning application to the Development Control Committee meeting following prior consultation with the Delegation Panel.

Proposal:

1. The planning application has been submitted in detail and proposes the conversion of the original buildings of the Stanton Primary school, more latterly in use as a pre-school facility, into three dwellings. Two of these would be single-storey with the third incorporating first-floor accommodation. The conversion would occur with minimal external alterations required to the building. On the front elevation, one external door is proposed to be replaced with a window opening (with the gap beneath the window bricked up). On the rear elevation one existing window would be enlarged into a new door opening. The enlargement would be facilitated by the removal of a small area of brickwork beneath the window.
2. Vehicular access to the proposed dwellings would be taken from the existing (improved) access onto Bury Lane to the north west of the site. Pedestrian access would also be provided at this point.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application forms including ownership/agricultural certification
 - Location plan
 - Existing and proposed floor plans and elevations
 - Topographical Survey
 - Proposed site layout
 - Access Sections
 - Bat Survey Report
 - Planning Statement
 - Marketing Information
 - Phase 1 Ground Contamination Desk Study
 - Drainage Statement
 - Sustainable Drainage Strategy Plan

Site Details:

4. The site, which is approximately 0.17 hectares in size, is situated within the settlement boundary of Stanton. The site was last used as an 'early-years' setting (pre-school) until the replacement facility was opened around 10 years ago on adjacent land. The buildings are of Victorian origin and present features typical of the era, including a strong 'solid' appearance, red brick (with intricate features and detailing), clay pantiles and white painted timber windows. These were originally used as the village primary school until the accommodation was replaced by a new structure positioned on land behind in the late 1970's/early 1980's. The application site is presently vacant. The contemporary former primary school buildings to the rear of the application site (also presently vacant), the relatively modern pre-school building and the former school playing field share common access with the application site but all remain outside of it.

5. There is one dwelling that abuts the application site. That is 'Newbury Lodge' (formerly 'The Bungalow') to the east. The former primary school buildings sit behind to the south and the pre-school facility is sited to the west. To the north, the application site is bounded by the carriageway of Bury Lane. There are further dwellings on raised land on the opposite side of the road.
6. The application site is within the Stanton Conservation Area but there are no listed buildings at or immediately adjacent to the site.

Planning History:

7. The majority of the planning history relates to development of the primary school behind the application site, including (in 1978) planning permission being granted for the construction of a new primary school building at its present location (E/78/2272/P). In 2009 planning permission was granted for the construction of a new pre-school building on land adjacent to the application site (SE/09/0350).
8. There is a separate, but related planning application (also for determination on this Committee agenda) which proposes the construction of 7 dwellings on the site of the former primary school (excluding its playing field). This would involve the demolition of the former school building (DC/17/1087/FUL).

Consultations:

9. This section of the report summarises the consultation responses received for this planning application. Please refer to the planning application details published on the Council's website for full copies of all correspondence received. Where more than one set of comments were received as the planning application developed, these are grouped by consultee.
10. **SCC Highways Development Management** (November 2019), following receipt of amended plans, commented they were satisfied that a suitable design can be achieved. Refers to concerns from the Lead Local Flood Authority and recommends conditions relating to precise details of the access (vehicular and pedestrian, including visibility), maximum gradient for the first five metres of the access (measured from the edge of the carriageway), surfacing of the access (first 10 metres) with a bound material, pedestrian crossing, cycle storage, drainage, details of bin storage area and agreement of a construction and deliveries management plan.
11. **SCC Flood & Water Management** - February 2020 (following receipt of the surface water drainage strategy) the service recommended conditions requiring details of a surface water drainage scheme to be submitted including details of the future management and maintenance of the scheme.
12. **SCC Development Contributions Manager** (January 2020) noted the piecemeal approach to the development of the site and requested developer contributions (across the two planning applications) towards secondary education (£45,476) V1th form provision (£22,738) and libraries (£160) to meet the needs arising out of the proposed developments. The secondary education contributions (including V1th form) would be used towards increasing pupil capacity at

Thurston Community College. The libraries contribution would be used for providing additional items of lending stock plus reference, audio visual and homework support materials at the local library service.

13. The letter confirms there are forecast to be surplus places available at the catchment primary school so a contribution is not requested towards primary school provision. The same is confirmed with respect to early years (pre-school) facilities in the village.
14. **West Suffolk Environment Team** (July 2017) – The Service is in broad agreement with the findings of the Phase 1 Contamination Desk Survey and is satisfied that the risk from land contamination is low. No further investigation of land contamination is required at this point.
15. **West Suffolk Public Health and Housing** (July 2017) – No objection (and no conditions recommended)
16. **West Suffolk Strategic Housing** (June 2017) – Made comments about the related planning application DC/17/1087/OUT for the construction of 7 dwellings on the former primary school site behind this application site which are also relevant. They supported that proposal in principle but were concerned that a piecemeal approach to the planning of the site might avoid the delivery of affordable housing in accordance with policy C5 of the Core Strategy. The service considers that affordable housing policy should be applied to the site as a whole (including the three dwellings proposed in this planning application) in order to address this issue.
17. **West Suffolk Conservation Officer** (August 2019) – notes the Victorian school building is not listed but is a distinctive and prominent feature in the conservation area. It is a 'non-designated heritage asset'. It is noted that the conversion does not include external alterations to the building and the access would be moved slightly away, thus improving the setting. It is recommended that PD rights are removed for alterations in order to ensure the distinctive features of the building are retained. Other conditions are recommended to address boundary treatments and alterations.

Representations:

18. This section of the report summarises the representations received for this planning application. Please refer to the planning application details published on the Council's website for copies of all representations received.
 - **Stanton Parish Council** – (July 2017) Welcome the conversion of the old school building and are pleased that the Victorian frontage will be retained. However, they are concerned about overlooking and loss of privacy to the adjacent bungalow which was not an issue when in use as a school. They request amendments to the window in question. Also concerned that the parking configuration will lead to on-street parking. Also request construction vehicles are parked on site and parking spaces (which they request are provided to the rear of each dwelling) are provided for the dwellings before they are sold.
19. In May 2020, commenting on the amendments made to the planning application, the **Stanton Parish Council** confirmed it continues to support this application

and as previously mentioned the overlooking of the property at Newbury Lodge will need be addressed by use of a false window or frosted glass.

20. A number of local residents wrote in response to the first public consultation carried out when the planning application was received. No 'public' comments were received in response to later consultation following receipt of amendments from the applicants.
21. **Objections** received from Newbury Lodge, Bury Lane, Stanton (traffic issues in Bury Lane; development will exacerbate highway safety issues, construction traffic will further deteriorate the condition of the road surface, potential overlooking of neighbouring property with loss of property value as a consequence of this, further details of tree removal required).
22. **Objections** received from 29 Fordhams Close, Stanton (highway safety impacts to Bury Lane including its junction onto The Street, inadequate parking provision that will lead to exacerbation of the on-street parking problems, there should be no increase in housing numbers from those proposed, felling of trees, adverse impact upon wildlife).
23. **Concerns expressed** by the occupiers of 7 School Close, Stanton (additional traffic on narrow roads, in-site conflicts between vehicles and pedestrians, including drop offs to the nursery. Trees and open space should be retained).
24. **Objections** received from 3 Bury Lane, Stanton (Insufficient parking, exacerbation of congestion in Bury Lane, loss of trees and roadside hedgerow in conservation area, required because of dangerous access, avoidance of affordable housing provision)

Policy:

25. 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.
26. The following Development Plan policies 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 CS4 – Settlement Hierarchy and Identity
- Policy CS5 – Affordable Housing
- Policy CS7 – Sustainable Transport
- Policy CS13 – Rural Areas
- Policy CS14 – Community Infrastructure Capacity and Tariffs

Rural Vision 2031 (Area Action Plan)

- Policy RV1 – Presumption in favour of Sustainable Development
- Policy RV3 – Housing Settlement Boundaries
- Policy RV8 – Safeguarding Educational Establishments
- Policy RV14 - Stanton

Joint Development Plan 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 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 DM15 – Listed Buildings.
- Policy DM16 – Local Heritage Assets
- Policy DM17 – Conservation Areas.
- Policy DM18 – New Uses for Historic Buildings
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM41 – Community Facilities and Services
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM46 – Parking Standards.

Other Planning Policy:

27. The following Supplementary Planning Documents are relevant to this planning application:
- West Suffolk Affordable Housing Supplementary Planning Document (November 2019).
 - St Edmundsbury Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
28. In February 2019 the Government updated national planning policies and published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

How does the NPPF define sustainable development?

29. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to

meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:

- i) economic (to help build a strong, responsive and competitive economy),
 - ii) social (to support strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment).
30. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
31. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.
32. Relevant topic specific policies of the Framework and Practice Guidance are discussed below in the Officer Comment section of this report.

Officer Comment:

Principle of Development

33. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
34. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
35. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (inter alia):
- approving development proposals that accord with an up-to-date development plan without delay;
36. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including

any neighbourhood plans that form part of the development plan), permission should not usually be granted.

37. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development supported by appropriate levels of development in Key Service Centres. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District and identifies Stanton village as a Key Service Centre.
38. Policy RV1 of Rural Vision 2031 repeats national policy set out in the Framework insofar as, in certain circumstances, there is a presumption in favour of sustainable development. This is repeated by Policy DM1 of the Joint Development Management Policies document. Policy RV3 of Rural Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan.
39. The application site is situated within the Stanton housing settlement boundary and therefore the proposals for residential development comply with the spatial policies of the Development Plan. The outcome of the planning application will therefore be determined by other specific policies in the plan and/or other material considerations arising from nature of the proposals or application site.

Beyond the principle of development

40. This section of the report examines other material issues raised by the planning application proposals in order to establish whether there are any other factors (including policy or site specific) which add material weight to or otherwise influence the final decision.
41. Apart from the principle of development, the following matters are considered relevant to the outcome of this planning application:
 - Continued educational use/alternative uses
 - Built heritage
 - Transport and highway safety
 - Natural heritage
 - Design considerations and impact upon village character
 - Flood risk, drainage and pollution
 - Residential amenity impacts
 - Sustainable construction and operation
 - Planning Obligations

Continued Educational Use/Alternative uses

42. Policy RV8 of the Rural Vision document confirms that existing and proposed schools and educational establishments will be safeguarded for educational and community use. It confirms that development (non-educational/community development) will be considered favourably where:
 - The facility which would be lost as a result of proposed development would be replaced by an establishment of an equivalent or better quality, in a suitable location, or
 - There is clear evidence through a qualified and documented assessment that now, and in the future, the site will no longer be needed for its current purpose and there is no community need for the site.

43. Chapter 24 of Rural Vision sets out policies and aspirations for Stanton village. There is one policy (Policy RV14) relating to Stanton and this simply allocates a site at Upthorne Road for a housing development. The supporting text at Chapter 24 does make mention of the existing primary school site behind the application site but does not refer to the former pre-school facility which is the subject of this planning application.
44. Policy DM41 of the Joint Development Management Policies document sets out general planning policy criteria for considering community facilities and services. The application site, which is presently vacant but last accommodated a pre-school facility, is considered to qualify as an existing community facility. The policy confirms proposals that will result in the loss of valued facilities or services which support a local community (including premises last used for such purposes) will only be permitted where:
- a. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
 - b. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
 - c. alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking.
45. In order to comply with this policy the decision maker needs to be able to conclude that criteria a) has been met alongside one of criteria b) or c).

Assessment against policies DM41 and RA8.

46. The application site was last in use as an early years' facility (pre-school). Around 10 years ago a new facility was constructed on the site immediately adjacent to the application site and the pre-school use transferred into the new building. The buildings vacated at the application site have remained unused since the new facility became established.
47. Stanton village is well served by educational facilities. There is a large primary school at Upthorne Road which is capable of being expanded should demand for pupil places grow (through background growth or new development within its 'catchment' area) and as mentioned there are other 'early years' settings available in the village. It is my understanding that no private educational provider has come forward to continue an educational use of the vacant buildings at the application site.
48. It is not apparent that a continued educational use of the site is a viable proposition and an alternative use needs to be considered. The applicants have submitted some marketing information to inform the planning application but it is apparent this intended to seek a purchaser for a residential re-development. Accordingly, the marketing is of very limited relevance to the requirements of criteria a) of Policy DM41. Notwithstanding this, I have already advised that a continued use of the site for educational related purposes is not a viable

proposition given the presence of other settings within the village which have capacity to accommodate increased pupil demand and the replacement facilities which have already been provided on the adjacent site. Furthermore, no community uses or groups (including the Parish Council) has expressed interest in developing a community use of the vacant buildings either in response to consultations about this planning application or the applicant's marketing campaign. There has been no call to register the site/buildings as an Asset of Community Value. I do not, therefore, consider that the applicants should be required to carry out a further and more specific marketing exercise.

49. The application proposals are considered to meet the requirements of Policies DM41 and RA8.

Built Heritage

50. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and undesignated assets identified by the local planning authority (including local listing).
51. In this case, given the works necessary to the access (including loss of hedgerow and a semi-mature tree for visibility splays and slight regrading of the frontage banking), there would be some harm to a heritage asset, in this case the character of the Stanton Conservation Area. However, the harm would be relatively minor in nature and, in terms of the NPPF, would be 'less than substantial' with very minor implications arising to the significance of the asset.
52. In these circumstances, where 'less than substantial harm' would occur to a heritage asset, the NPPF advises this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case a residential development of the site is considered to be the optimum viable use of the site. The scheme of 3 dwellings proposed within the retained non designated heritage asset (with minimal alterations required externally) would not lead to any harms arising to the Conservation Area given the essential character and integrity of the existing building would be retained. If anything, the re-use of what is a vacant building would make a positive contribution to the character and appearance of the conservation area.
53. The 'less than substantial harm' to the Conservation Area arises from the alterations required to provide adequate visibility for an improved vehicular and pedestrian access. The 'harm' (which is a visual harm) arises principally from the loss of hedgerow from the roadside boundary. However, even with a reduced number of dwellings within a redevelopment scheme (including the development of the adjacent primary school site), the requirements for improved and safe vehicular access would not be altered, the access requirements would be the same or very similar even if the number of dwellings proposed in the two related planning applications were to be reduced. Accordingly, it is considered the application proposals, including the improved access arrangements, represent

the 'optimum viable use' of the site. The harm to the conservation area identified has to be balanced against the public benefits of redevelopment and this will be considered later in this section of the report.

54. Core Strategy Policy CS2 confirms that 'sustainable development' should include measures to conserve or enhance the historic environment. Policy CS3 expects proposals to address (inter alia) detailed heritage and conservation design appraisals and information.
55. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance. Policy DM18 sets out criteria where a new use for an historic building requires adaptations, and seeks to safeguard:
 - The character, appearance and setting of a historic building or significant elements of its fabric.
 - The scale, height, massing, alignment, style and materials of the building.
 - The form, function and manner of construction of the building.
56. Having discussed the nature of the 'less than substantial harm' that would occur as a consequence of the development proposals, principally the alterations required to provide safe vehicular and pedestrian access. Having also found that the proposals represent the 'optimum viable use' of the application site, the NPPF requires the identified harm to be balanced against the public benefits of the proposals.
57. It is considered that the public benefits of the scheme are considerable. The proposals would bring back into use a vacant and deteriorating site which is beginning to detract from the character and visual qualities of the conservation area with limited prospect of an educational or community re-use occurring in the foreseeable future. Furthermore, three additional small dwellings would be provided to help meet local and district wide housing needs. The proposals would also considerably improve highway safety for pedestrians and vehicles egressing the site (including staff and visitors to the retained adjacent pre-school building that shares the currently substandard access into the site). There are also opportunities to provide a new hedgerow behind the newly formed visibility splay which, in time, will partly mitigate the visual impact caused by the necessary removal of part of the existing frontage hedge. It is considered that these benefits, in combination, far outweigh the 'less than substantial harm' to the Conservation Area that has been identified.
58. There is a scattering of listed buildings in the vicinity of the application site. These predominantly align 'The Street' to the east and south east of the application site, although there is one listed building (Dorset Cottage) that fronts Bury Lane to the west of the subject site. All these buildings are sufficiently separated from the application site (and its development proposals) such that their settings would not be compromised or otherwise adversely affected (at all) by the development proposals.

59. There are no known or suspected archaeological remains at the application site and no conditions requiring further investigations are required (should planning permission be granted).
60. The application proposals are considered to comply with national and local planning policies relating to the protection and safeguarding of heritage assets.

Transport and Highway Safety

61. It is national policy 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. Within this context, it is national policy that applications for development should (inter alia) give priority first to pedestrians and cycle movements, both within the scheme and within neighbouring areas and (so far as possible) facilitate access to high quality public transport. It should also address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive which minimises the scope for conflicts between pedestrians, cyclists and vehicles.
62. Core Strategy Strategic Spatial Objective F aims to enable people and goods to move around efficiently and safely to the benefit of the economy and community with minimum harm to the environment by seeking to reduce car dependency and encouraging more sustainable forms of transport. ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS2, CS3, CS7 and CS8.
63. Core Strategy policy CS2 seeks (inter alia) to minimise the need for travel and ensure a balance between transport infrastructure and pedestrians. It also requires development to create a safe environment. Policy CS3 expects developments to address access and transport considerations. Policy CS7 seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design.
64. Policy DM2 of the Joint Development Management Policies document states proposals for all development should (inter alia) produce designs that i) provide access for all and that encourage the use of sustainable forms of transport through the use of pedestrian and cycle links and ii) that maintain or enhance the safety of the highway network.
65. The planning application proposes a relatively modest development of 3 houses within an existing building. However, the highway related impacts of the development should be considered in-combination with the separate, but related proposals for the provision of 7 further dwellings on the adjacent site of the former primary school, which is also on this Committee agenda for determination. The following assessment (and indeed comments received from the highway authority) consider the highway implications of the 10 dwellings proposed by these two planning applications.
66. Stanton is a sustainable location for additional housing growth and scores highly in the settlement hierarchy having been designated as a Key Service Centre by Development Plan policy. Accordingly, there are no locational or transport sustainability concerns about this development of a brownfield site within the designated housing settlement boundary of an acknowledged sustainable village.

67. Concerns have been expressed locally about potential impacts upon highway safety and traffic generation. There is no evidence that the development proposals would be unsafe or lead to unsafe road conditions away from the site. Indeed, the application proposals improve the safe operation of the vehicular access into the site by improving driver visibility. The proposed dwellings would generate traffic movements, but this must be considered in the context of movements associated with the lawful use of the site. Following receipt of amended plans, the highway authority has raised no objections (subject to conditions being imposed) and, given the small size of the development proposals, it was not considered necessary for a transport statement to accompany the submission. The subject matter of the highway related conditions recommended by the Highway Authority (paragraph 10 above) are considered reasonable and include some mitigation of transport impacts during the construction phase of development.
68. The application proposals are considered acceptable with regard to their anticipated transport impacts and are considered to fully accord with national and local planning policies relevant to highway matters.

Natural Heritage

69. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity.
70. Strategic Objective H of the Core Strategy aims maintain, protect and enhance biodiversity, geodiversity and natural environment. This objective partly forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.
71. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance.
72. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity.
73. There are no nationally or internationally designated sites of ecological value in close proximity to or which would be affected by these development proposals.
74. The applicant's 'Bat Survey Report' confirms that no bats emerged from the building during emergence and re-entry surveys although it noted individual common pipistrelle bats were recorded foraging close to the site. The report recommends as a precaution, a re-survey given the age of the information, recommends lighting precautions and makes recommendations for biodiversity enhancement (bat roost and swift boxes to be installed on the new dwellings). These precautions and biodiversity enhancements could be secured by planning permission if planning permission is to be granted.
75. Subject to conditions, I am content that the application proposals would have no negative impacts upon biodiversity interests, accords with relevant national and local planning policies and it is possible to achieve net enhancement.

Design Considerations and impact upon village character

76. The Framework states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
77. It also advises that planning decisions should ensure that developments (inter alia):
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
78. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
79. Core Strategy policy CS2 seeks to secure a high-quality sustainable environment through (inter alia) design and sets out extensive criteria for achieving this. This includes making a positive contribution to local distinctiveness, character, townscape and the setting of settlements. Policy CS4 specifically addresses 'design and local distinctiveness' and sets out more detailed criteria for developments proposals to achieve this.
80. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM22 does the same but is specific to proposals for residential development.
81. The proposed conversion works, which include very minimal (and acceptable) external alterations to the existing buildings are acceptable. The existing Victorian character and integrity of the building would be retained following conversion, despite its internal subdivisions. As discussed in the 'Built Heritage' section of this report some potential visual harm was identified. This arises from the necessary improvement proposed to the vehicular access, principally arising from the need to provide it with adequate visibility (albeit this is capable of some degree of mitigation). In that respect I recommended that the harm identified was significantly outweighed by the public benefits arising. For the same reasons I am able to conclude the proposals (as presented at this current stage) would not impact negatively upon village character.

Flood Risk, Drainage and Pollution

82. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
83. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
84. It also confirms that Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
85. Core Strategy Policy CS2 seeks to preserve and enhance natural resources including air quality and soils; to incorporate flood prevention and risk management measures (such as SuDS) and remedy existing pollution or contamination.
86. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
87. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3 or from surface water) and it is therefore unlikely the proposed dwellings would be at risk of flooding from existing watercourses or from surface water. However, there are reported to be localised surface water flooding issues elsewhere in the village and given the sloping nature of the site, down to the highway at the frontage, there is a degree of potential that surface water from the site re-development might exacerbate off-site flooding issues.
88. The matter is addressed via a sustainable drainage strategy plan which has been submitted with the planning application. This illustrates a potential drainage scheme that would serve to prevent an increase in surface water discharge off the site (including the rate at which water discharges). At this stage, the details are illustrative with final details needing to be supplied in due course. The strategy has been accepted by both the Lead Local Flood Authority and the Highway Authority (both functions of Suffolk County Council), subject to conditions. I see no reason to disagree.
89. The planning application is accompanied by a Phase I Ground Contamination Desk Study. The study concludes that plausible sources of potential pollution have not been identified and recommends that further intrusive investigations

(including soil sampling) are not required. The Council's Environmental Health team has advised that it agrees with the conclusions of the Study and development can proceed safely without further investigations being required.

90. The development proposed within the planning application is relatively small-scale and does not give rise to any significant air-quality concerns. Furthermore given that the parking spaces are to be provided away from the individual housing plots (such that plugs cannot be affixed to the dwellings within a reasonable range of the parking spaces) it is not considered appropriate to require a scheme of charging points for electric vehicles from these proposals.

Residential amenity impacts

91. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
92. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development and not site sensitive development where its users would be significantly and adversely affected unless adequate and appropriate mitigation can be implemented.
93. Some concerns have been raised locally that the conversion of the former school building would lead to overlooking of neighbouring property, in particular the neighbouring bungalow to the north east. There are three windows at first floor level in the rear elevation of the former school buildings and these are located to the north eastern end of the building where there is some limited first floor accommodation (the remainder of the building is single storey and would remain as such). The windows in question would serve 2 bedrooms and a bathroom (one window in each).
94. There may be a degree of overlooking from these windows towards the rear gardens of the adjacent bungalow to the north east. The relationship between the buildings (school and bungalow) is not unusual given they are sited side by side. A degree of potential overlooking (or perhaps creation of a perception of being overlooked) is inevitable in situations such as this where first floor windows are proposed on rear elevations. This is not uncommon. The key consideration is whether there would be material harm arising to the amenities of the occupiers of the adjacent bungalow (or increased harm from a baseline position).
95. In this case it is not considered additional harm would arise. The windows in question serve secondary rooms which are likely to be used less intensively than their previous educational uses. At worst the impact upon the neighbouring property would be similar to the previous uses, but I would expect there to be a reduction in instances where people would stand at the windows, following conversion works. Furthermore, there are substantial trees on the shared boundary such that, during the late spring/summer/ early autumn periods (when the gardens are most likely to be used intensively) the leaf canopy will provide a barrier which completely blocks any views from the first floor windows across the boundary.

96. Whilst the occupiers of the converted dwelling may decide to do so, there is no planning reason to secure obscure glass to any of these first-floor windows. It is considered that the proposed conversion would respect the amenities of the occupiers of the adjacent bungalow and other dwellings around the site.

Sustainable construction and operation

97. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.
98. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
99. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
100. The importance the Government places on addressing climate change is reflected in the Core Strategy Strategic Objectives (Objective I in particular). Core Strategy Policy CS2 sets out requirements for sustainable construction methods. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and arguably places lesser requirements upon developers than Core Strategy Policy CS2.
101. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings). The policy is also supported by the provisions of Policy DM2 of the same plan.
102. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The ‘standard’ water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development. A suitably worded planning condition could be imposed upon any potential planning permission granted.

Planning Obligations

103. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL).
104. Regulation 122 of CIL imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation is-
 - (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.
105. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.
106. The application proposals when considered cumulatively with the adjacent proposals for three dwellings on the former primary school site have revealed matters which require developer contributions to be provided to public bodies in order to fund the delivery of necessary infrastructure. Furthermore, and in accordance with extant planning policies, including the NPPF, the two separate and related proposals for 10 dwellings combined qualify (in principle) for the provision of affordable housing.
107. There is presently no Agreement or Undertaking in place under S106 of the Town and Country Planning Act (1990) to secure the infrastructure necessary for the development proposals. This will need to be addressed before any positive decision notice can be issued by the Local Planning Authority. Notwithstanding the absence of such a document, the following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts):

Affordable Housing

108. The Framework states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing). Where a need for affordable housing is identified, the Framework advises that planning policies should specify the type of affordable housing required and expect it to be met on-site.
109. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

110. The 'Vacant Building Credit' is introduced at paragraph 62 of the Framework. This confirms that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. This is expanded upon by the Planning Practice Guide which confirms that where a vacant building is brought back into use or is to be demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating the affordable housing contribution sought by the planning authority. What this essentially means is that affordable housing contributions should only be required from any increase in floorspace proposed (unless the applicant does not accept the credit offered to them).
111. Core Strategy Spatial Objective A seeks to meet the communities need for housing in a sustainable way, including specialist affordable housing, by providing an adequate and continuous supply of land for housing. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision. Policy CS5 would, in normal circumstances, require up to 3 of the 10 dwellings proposed in both related planning applications to be secured as 'affordable'.
112. The application site contains a vacant building, the former pre-school building. Accordingly, the applicant has been offered and has accepted the vacant building credit equivalent to the floorspace within the existing building. Given that the application proposes a conversion of the existing buildings with no extensions or other increases in floorspace, the affordable housing credit is 100% of the normal policy requirement for affordable housing provision. Accordingly the Planning Authority is not able to secure any affordable housing contributions from this particular scheme.

Education

113. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create expand or alter schools through decisions on applications.
114. Core Strategy Policy CS14(2) considers educational provision as an essential infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).
115. The Local Education Authority (LEA) has confirmed there is no spare capacity at local secondary school (including for 6th form provision) to accommodate the pupils forecast to emerge from this development and has requested developer

contributions to increase pupil capacity. The contributions, which are proportionate to the pupil yields forecast to emerge from the development, would be used towards delivering additional secondary and 6th form school places to cater for the needs of the proposed development. These would need to be secured by an obligation within an Agreement under S106 of the 1990 Act.

116. Suffolk County Council has also confirmed there is sufficient capacity at the village primary school to cater for the educational needs of primary school aged children whom are forecast to reside at the development. Similarly, there is sufficient capacity within the existing 'early years' facilities (accommodating pre-school children aged 2-5).

Libraries

117. The Suffolk County Council has demonstrated a need to provide library resources for the occupiers of this development and has requested a developer contribution. This could be secured by means of a S106 Agreement before any potential planning permission is issued.

Discussion and Conclusions

118. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework.
119. The proposals would bring back into use a presently vacant and deteriorating site that is no longer needed for its original use (or alternative community uses) and, would achieve a safe and high quality development that respects the character and integrity of the existing building without leading to significantly adverse impacts upon its surroundings, including the character of the conservation area and the village generally nor upon the occupiers of the neighbouring dwelling that is in close proximity to the site to the east. The development complies with relevant national and local planning policies in all respects and is therefore recommended for approval (following completion of a S106 Agreement and subject to a number of planning conditions).

Recommendation:

120. It is recommended that outline planning permission be **GRANTED** subject to:

The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following from this planning application (in combination with the related proposals for three dwellings reference DC/17/1087/OUT):

- Education contribution (as set out at paragraph 12 above)
- Libraries contribution (as set out at paragraph 12 above)

And subject to conditions, including:

- Development to commence within 3 years of the date of the permission.
- Compliance with approved plans.
- Materials (bricks to be re-used in the door and window alterations insofar as is practicable)

- Full details of any replacement windows/doors to the front of the building (during the conversion or following occupation)
- Removal of permitted development rights for alterations to the frontage of the building
- Removal of permitted development rights for provision of means of enclosure in front of the dwellings.
- Approval of details of means of enclosure to the rear of the building.
- As recommended by the Highway Authority (conditions are summarised at paragraph 10 of this report)
- Details of any hard or soft landscaping proposals to site frontage
- Retention and protection of trees to be retained.
- To secure the ecological enhancement measures recommended in the bat report.
- Compliance with Building Control Requirements for reduced water consumption
- Surface water drainage scheme, including future management and maintenance (to be submitted with the reserved matters)
- Bat survey results (and any mitigation requirements arising) to be submitted and approved before any development in the buildings commences.
- Lighting strategy (including no external lighting to be provided on the dwellings or their gardens unless agreed following consideration of a bat impact report).

Documents:

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

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

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Blackbourne Church of England Voluntary Controlled Middle School

REV	DATE	BY	DESCRIPTION	CHKD
A	07.06.17	BR	Drawing reference updated (A02-05A)	AT
B	21.01.19	BR	Red/blue lines updated to drawing A02-05D	AT

PLANNING

Project Number
15-0136

Project
Proposed Conversion of Redundant School Building Into 3 Residential Units. New Vehicular Access and Associated Parking. At Former Stanton Primary School, Bury Lane, Stanton, Suffolk, IP31 2DF

Site Location and Context Plan

Assistant
Emma Macfarlane

email: emma.macfarlane@concertus.co.uk Tel: 01473 264156

Drawing Number
A02-07B

Scales
1:1250
At A1 Size

Drawn
BR

Chkd
AT

Date
May 2017

Concertus
DESIGN & PROPERTY CONSULTANTS

8 Russell Road - Ipswich - Suffolk - IP1 2BX

Stanton

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KEY

-  Category B Tree (moderate quality)
-  Category C Tree (low quality)
-  RPA using formula in accordance with BS5837:2012
-  Existing trees not forming part of survey by AGB Environmental
-  Existing trees to be removed

DEVELOPMENT SUMMARY

Plot No.	Type	GIFA
Plot 1	3BSP House	125.1m ²
Plot 2	2B4P Apartment	89.6m ²
Plot 3	2B4P Apartment	86.7m ²

4 Parking spaces (not including 10 spaces provided for 'Bluebells' Children's Centre)
Total site area = 0.21 hectares
Density approx. 14/ha

- + 00.00 Existing level
- +00.00 Proposed level



NOTE:
Development of this land is subject to concurrent application for the erection of 7 outline dwellings.

Indicates the extent of existing hard surfacing

Denotes bark/gravel path

Denotes 1m service strip

Denotes existing tree to be removed - T14

New ramp up to main entrance of Bluebells Children's Centre

Denotes existing tree to be removed - T3

Form new vehicular access 5.5m width - 1.8m Footways 2.4 x 4.3m Visibility splays 1:20 Gradient for first 5m, max 1:8 gradient thereafter

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REV	DATE	BY	DESCRIPTION	CHKD
A	07.06.17	BR	Cycle Store and Bin Store added	AT
B	11.09.17	BR	Parking area for 'Bluebells' amended turning head indicated. In service strip to shared access road. Footpath extended.	AT
C	22.09.17	BR	Revised following Highway's comments dated 18th Sep 2017	AT
D	21.01.19	BR	Alignment revised for shared access road. Existing /proposed levels added. Car parking arrangement revised.	AT

PLANNING

Project Number
15-0136

Project
Proposed Conversion of Redundant School Building Into 3 Residential Units. New Vehicular Access and Associated Parking. At Former Stanton Primary School, Bury Lane, Stanton, Suffolk, IP31 2DF

Drawing Title
Proposed Layout Plan

Assistant
Emma Macfarlane
email: emma.macfarlane@concertus.co.uk

Scale
1:200
At A1 Size

Drawn
BR

Chkd
AT

Date
May 2017

Tel: 01473 264156

Concertus
DESIGN & PROPERTY CONSULTANTS

8 Russell Road - Ipswich - Suffolk - IP1 2BX

Drawing Number
A02-05D

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Development Control Committee 8 July 2020

Planning Application DC/17/1087/OUT – Stanton Community Primary School, Bury Lane, Stanton

Date	31 May 2017	Expiry Date:	30 April 2020.
Registered:			
Case Officer:	Gareth Durrant	Recommendation:	Conditional approval
Parish:	Stanton	Ward:	Stanton

Proposal: Outline Planning Application (Means of Access to be considered) - (i) 7no. dwellings (demolition of school building) (ii) Formation of new vehicular access from Bury Lane and associated on-site parking

Site: Stanton Community Primary School, Bury Lane, Stanton

Applicant: Mr Brian Prettyman (SCC Corporate Property)

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings 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:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

The Assistant Director (Planning & Regulatory Services) has resolved to refer this planning application to the Development Control Committee meeting following prior consultation with the Delegation Panel.

Proposal:

1. The planning application has been submitted in outline form with all matters except for vehicular access reserved for later consideration.
2. The application proposes the construction of 7 dwellings (including roads pavements and other necessary infrastructure) on approximately 0.37 hectares of land. The layout of the site is a reserved matter although an illustrative plan has been submitted to demonstrate where the dwellings could be located. These illustrate an in-depth 'cul-de-sac' type layout.
3. Vehicular access to the proposed dwellings would be taken from the existing (improved) access onto Bury Lane to the north west of the site. Pedestrian access would also be provided at this point.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Application forms including ownership/agricultural certification
 - Location plan
 - Topographical Survey information (x3 plans)
 - Floor plan of existing school building
 - Illustrative site layout – *reference A02-06C*
 - Tree Constraints Plan
 - Access Sections
 - Arboricultural Impact Assessment
 - Bat Survey Report
 - Planning Statement
 - Marketing Information
 - Phase 1 Ground Contamination Desk Study
 - Drainage Statement
 - Sustainable Drainage Strategy Plan - *reference 15-0136-CDP-DR-ZZ-XX-C-2001 P4*

Site Details:

5. The site, which is around a third of a hectare in size, is situated within the settlement boundary of Stanton. The site was last used as a primary school, which has since ceased as a consequence of the implementation of a two-tier educational system in Suffolk. The application site is presently vacant and contains the former primary school buildings. The 'original' Victorian school buildings to the site frontage (last used as a pre-school facility), the relatively modern pre-school building and the former school playing field all share common access with the application site but all remain outside of it.
6. The gardens of a small number of houses and flats in Bury Lane and The Street back onto the eastern boundary of the site. To the north is the old primary school

building (last in use as a pre-school facility, but currently vacant). The playing field of the former primary school building lies to the south of the application site and an in-use purpose built pre-school facility is located to the west.

7. There are a number of mature, semi-mature and immature trees about the site. Most of these are positioned on the eastern and northern site boundaries.
8. The application site is within the Stanton Conservation Area but there are no listed buildings at or immediately adjacent to the site.

Planning History:

9. The majority of the planning history relates to development of the primary school, including (in 1978) planning permission being granted for the construction of a new primary school building at its present location towards the rear of the site (E/78/2272/P). In 2009 planning permission was granted for the construction of a new pre-school building on land adjacent to the application site (SE/09/0350).
10. There is a separate, but related planning application (also for determination on this Committee agenda) which proposes to convert the 'original' school building on the road frontage into three dwellings (DC/17/1093/FUL).

Consultations:

11. This section of the report summarises the consultation responses received for this planning application. Please refer to the planning application details published on the Council's website for full copies of all correspondence received. Where more than one set of comments were received as the planning application developed, these are grouped by consultee.
12. **Environment Agency** (June 2017) – No objection. Noted their records indicate that a culverted watercourse crosses part of the site and recommend the Lead Local Flood Authority (Suffolk County Council) are consulted for their views.
13. **Natural England** (June 2017) – Did not wish to comment.
14. **Sport England** (June 2017) – Did not provide detailed comments about the planning application but provided standardised advice in the event the proposal involves the loss of a sports facility, provision of a new sports facility or additional housing. The planning application does not propose nor does it affect a sports facility. It does, however, propose additional dwellings and in this regard, the standard advice is as follows:
 - If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
 - In line with the Government's NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people

to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

15. **SCC Highways Development Management** (July 2017) – made various comments about the plans submitted with the planning application. Amended plans have since been received so these comments are not repeated here (but can be accessed via the Council website).
16. **SCC Highways Development Management** (November 2019), following receipt of amended plans, commented they were satisfied that a suitable design can be achieved. Refers to concerns from the Lead Local Flood Authority and recommends conditions relating to precise details of the access (vehicular and pedestrian, including visibility) and 'estate roads' (including parking provision), maximum gradient for the first five metres of the access (measured from the edge of the carriageway), surfacing of the access (first 10 metres) with a bound material, pedestrian crossings, cycle storage, drainage, details of bin storage area and agreement of a construction and deliveries management plan.
17. **SCC Flood & Water Management** (June 2017) – have no formal comments and provide advisory comments.
18. In February 2020 (following receipt of the surface water drainage strategy) the service recommended conditions requiring details of a surface water drainage scheme to be submitted alongside any Reserved Matters, including details of the future management and maintenance of the scheme.
19. **SCC Development Contributions Manager** (January 2020) noted the piecemeal approach to the development of the site and requested developer contributions (across the two planning applications) towards secondary education (£45,476) VIth form provision (£22,738) and libraries (£160) to meet the needs arising out of the proposed developments. The secondary education contributions (including VIth form) would be used towards increasing pupil capacity at Thurston Community College. The libraries contribution would be used for providing additional items of lending stock plus reference, audio visual and homework support materials at the local library service.
20. The letter confirms there are forecast to be surplus places available at the catchment primary school so a contribution is not requested towards primary school provision. The same is confirmed with respect to early years (pre-school) facilities in the village.
21. **West Suffolk Environment Team** (May 2019) – The Service is in broad agreement with the findings of the Phase 1 Contamination Desk Survey and is satisfied that the risk from land contamination is low. No further investigation of land contamination is required at this point.
22. **West Suffolk Public Health and Housing** (June 2017) – No objection (and no conditions recommended)
23. **West Suffolk Strategic Housing** (June 2017) – Support in principle but concerned that a piecemeal approach to the planning of the site might avoid the delivery of affordable housing in accordance with policy C5 of the Core Strategy.

The service considers that affordable housing policy should be applied to the site as a whole in order to address this issue.

24. **West Suffolk Conservation Officer** (August 2019) – Does not object to the planning application (noting its outline status) and considers the proposals would preserve the character and appearance of the conservation area. The following comments were provided:
- There are views into the site from Bury Road, where the existing school building is visible. This is part single-storey and part two-storey and appears subordinate to the main school premises facing Bury Road. The site is also visible from the end of Honeymeade Close. Here, views are across the playing field, which is being retained, towards the school buildings. The nature of this view would therefore be largely preserved.
 - The character of the site is already established as having buildings on it, so the replacement of the existing buildings with new houses is acceptable in principle, subject to their materials and scale being appropriate and not overwhelming the school building, and the houses being of a design which reflects the character and appearance of the wider conservation area.

Representations:

25. This section of the report summarises the representations received for this planning application. Please refer to the planning application details published on the Council's website for copies of all representations received.
26. **Stanton Parish Council** – In July 2017 the Parish Council did not wish to confirm support or objection to the planning application but made specific comments which officers have interpreted as tantamount to objections (traffic generation and vehicle movement, including during construction, inadequate parking provision, transport statement should be carried out, existing on-street parking causes safety issues which would be exacerbated by the proposed development, overall footprint of the proposals, lack of safe pedestrian access to the playing field, gradient of the vehicular access is of concern, loss of mature tree in the conservation area).
27. In May 2020, commenting on the amendments made to the planning application, the **Stanton Parish Council** confirmed its support for the proposals and provided the following comments:
- The visibility splay and entrance has now been improved to an acceptable level by the amended plans. There are still some concerns about the parking provision of the converted school area and the fact that this may lead to increased parking on the very narrow Bury Lane and especially at its junction with Fordhams Close.
 - Construction will need to be managed very carefully when the access route is being prepared as there are no alternative routes for a significant number of households using Bury Lane to access the Village centre and beyond.
28. A number of local residents wrote in response to the first public consultation carried out when the planning application was received. No 'public' comments

were received in response to later consultation following receipt of amendments from the applicants.

29. **Objections** received from Burnham Lodge, The Street, Stanton (site is in Conservation Area, additional traffic in narrow Bury Lane, construction delivery vehicles will add to problems, insufficient car parking spaces, precedent for building on the playing field, potential overlooking of neighbouring property, tree protection issues).
30. **Objections** received from Newbury Lodge, Bury Lane, Stanton (traffic issues in Bury Lane; development will exacerbate highway safety issues, construction traffic will further deteriorate the condition of the road surface, potential overlooking of neighbouring property with loss of property value as a consequence of this, further details of tree removal required).
31. **Objections** received from 29 Fordhams Close, Stanton (highway safety impacts to Bury Lane including its junction onto The Street, inadequate parking provision that will lead to exacerbation of the on-street parking problems, there should be no increase in housing numbers from those proposed, felling of trees, adverse impact upon wildlife).
32. **Objections** received from 3 Bury Lane, Stanton (Insufficient parking, exacerbation of congestion in Bury Lane, loss of roadside hedgerow in conservation area, required because of dangerous access)

Policy:

33. 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.
34. The following Development Plan policies 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 CS4 – Settlement Hierarchy and Identity
- Policy CS5 – Affordable Housing
- Policy CS7 – Sustainable Transport
- Policy CS13 – Rural Areas
- Policy CS14 – Community Infrastructure Capacity and Tariffs

Rural Vision 2031 (Area Action Plan)

- Policy RV1 – Presumption in favour of Sustainable Development
- Policy RV3 – Housing Settlement Boundaries
- Policy RV8 – Safeguarding Educational Establishments
- Policy RV14 - Stanton

Joint Development Plan 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 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 DM15 – Listed Buildings.
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM41 – Community Facilities and Services
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM46 – Parking Standards.

Other Planning Policy:

35. The following Supplementary Planning Documents are relevant to this planning application:

- West Suffolk Affordable Housing Supplementary Planning Document (November 2019).
- St Edmundsbury Open Space, Sport and Recreation Supplementary Planning Document (December 2012).

36. In February 2019 the Government updated national planning policies and published a revised National Planning Policy Framework (hereafter referred to as the Framework or the NPPF). The policies set out in the Framework are material to the consideration of this planning application and are discussed below in the officer comment section of this report.

How does the NPPF define sustainable development?

37. The Framework defines the objective of sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It goes on to explain there are three overarching objectives which need to be pursued in mutually supportive ways:

- i) economic (to help build a strong, responsive and competitive economy),
- ii) social (to support strong, vibrant and healthy communities) and,

- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment).
38. The Framework explains (paragraph 9) that these objectives should be delivered through plan making and applying NPPF policies. It goes on to advise that planning decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
39. The National Planning Practice Guidance (NPPG) is an on-line Government controlled resource which assists with interpretation about various planning issues and advises on best practice and planning process.
40. Relevant topic specific policies of the Framework and Practice Guidance are discussed below in the Officer Comment section of this report.

Officer Comment:

Principle of Development

41. The Committee will be aware of the obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 for decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
42. Paragraph 59 of the Framework states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
43. The presumption in favour of sustainable development is "at the heart of the Framework" and this set out at paragraph 11. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (inter alia):
- approving development proposals that accord with an up-to-date development plan without delay;
44. Paragraph 12 of the Framework qualifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. It advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.
45. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development supported by appropriate levels of development in Key Service Centres. This is re-affirmed by

CS4 which sets out the settlement hierarchy for the District and identifies Stanton village as a Key Service Centre.

46. Policy RV1 of Rural Vision 2031 repeats national policy set out in the Framework insofar as, in certain circumstances, there is a presumption in favour of sustainable development. This is repeated by Policy DM1 of the Joint Development Management Policies document. Policy RV3 of Rural Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan.
47. The application site is situated within the Stanton housing settlement boundary and therefore the proposals for residential development comply with the spatial policies of the Development Plan. The outcome of the planning application will therefore be determined by other specific policies in the plan and/or other material considerations arising from nature of the proposals or application site.

Beyond the principle of development

48. This section of the report examines other material issues raised by the planning application proposals in order to establish whether there are any other factors (including policy or site specific) which add material weight to or otherwise influence the final decision.
49. Apart from the principle of development, the following matters are considered relevant to the outcome of this planning application:
 - Continued educational use/alternative uses
 - Built heritage
 - Transport and highway safety
 - Natural heritage
 - Design considerations and impact upon village character
 - Flood risk, drainage and pollution
 - Residential amenity impacts
 - Sustainable construction and operation
 - Planning Obligations

Continued Educational Use/Alternative uses

50. Policy RV8 of the Rural Vision document confirms that existing and proposed schools and educational establishments will be safeguarded for educational and community use. It confirms that development (non-educational/community development) will be considered favourably where:
 - The facility which would be lost as a result of proposed development would be replaced by an establishment of an equivalent or better quality, in a suitable location, or
 - There is clear evidence through a qualified and documented assessment that now, and in the future, the site will no longer be needed for its current purpose and there is no community need for the site.
51. Chapter 24 of Rural Vision sets out policies and aspirations for Stanton village. There is one policy (Policy RV14) relating to Stanton and this simply allocates a site at Upthorne Road for a housing development. The supporting text at Chapter 24 does make mention of the existing primary school site at Bury Lane and states:

- *Should the primary school site become vacant, due to its relocation to an alternative site, any future uses on the remaining vacant site would need to be determined in accordance with current planning policy.*
52. Policy DM41 of the Joint Development Management Policies document sets out general planning policy criteria for considering community facilities and services. The application site, which is presently vacant but last accommodated the village primary school, is considered to qualify as a community facility. The policy confirms that proposals that will result in the loss of valued facilities or services which support a local community (including premises last used for such purposes) will only be permitted where:
- a. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
 - b. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
 - c. alternative facilities and services are available, or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking.
53. In order to comply with this policy, the decision maker needs to be able to conclude that criteria a) has been met alongside one of criteria b) or c).

Assessment against policies DM41 and RA8.

54. The application site was last in use as a primary school (although its former playing field has been left out of the active red-lined application site). In the mid 2000's and following a reorganisation review, the Education Authority resolved to move from a 3-tier to a 2-tier educational system in Suffolk. This involved the closure of all middle schools (in a phased manner across the County) with pupils being amalgamated into alternative local primary and secondary schools. At Stanton, this led to the closure of the Primary School at its Bury Lane site and its relocation to the site being vacated by the former Middle School.
55. Stanton village is well served by educational facilities. There is a large primary school at Upthorne Road which is capable of being expanded should demand for pupil places grow (through background growth or new development within its 'catchment'). Indeed, Suffolk County Council has confirmed in its correspondence relating to this planning application (summarised above) that there is some spare pupil capacity at the existing primary school site. It understood that no private educational provider has come forward to continue an educational use of the vacant buildings at the application site.
56. It is not apparent that a continued educational use of the site is a viable proposition and an alternative use needs to be considered. The applicants have submitted some marketing information to inform the planning application but it is apparent this intended to seek a purchaser for a residential re-development. Accordingly, the marketing is of very limited relevance to the requirements of criteria a) of Policy DM41. Notwithstanding this, I have already advised that a

continued use of the site for educational related purposes is not a viable proposition given the strategy of the Education Authority and the replacement facilities already provided elsewhere in the village. Furthermore, no community uses or groups (including the Parish Council) has expressed interest in developing a community use of the former primary school buildings either in response to consultations about this planning application or the applicant's marketing campaign. There has been no call to register the site/buildings as an Asset of Community Value. I do not, therefore, consider that the applicants should be required to carry out a further and more specific marketing exercise.

57. The application proposals are considered to meet the requirements of Policies DM41 and RA8.

Built Heritage

58. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets (A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation) and undesignated assets identified by the local planning authority (including local listing).
59. In this case, given the works necessary to the access (including loss of hedgerow and a semi-mature tree for visibility splays and slight regrading of the frontage banking) and the loss of some trees within the site, there would be some harm to a heritage asset, in this case the Character of the Conservation Area. However, the harm would be relatively minor in nature and, in terms of the NPPF, would be 'less than substantial' with very minor implications upon the significance of the asset.
60. In these circumstances, where 'less than substantial harm' would occur to a heritage asset, the NPPF advises this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case a residential development of the site is considered to be the optimum viable use of the site. The scheme of 7 dwellings proposed within the rear elements of the site would not lead to any harms arising to the Conservation Area given they would replace existing buildings at the site. The loss of trees to facilitate delivery of the housing elements is considered reasonable and not of itself harmful to the Conservation Area.
61. The 'less than substantial harm' to the Conservation Area arises from the alterations required to provide adequate visibility for an improved vehicular and pedestrian access. The 'harm' (which is a visual harm) arises principally from the loss of hedgerow from the roadside boundary. However, even with a reduced number of dwellings within a redevelopment scheme, the requirements for improved and safe vehicular access would not be altered, the access requirements would be the same or very similar even if the number of dwellings proposed were to be reduced. Accordingly, it is considered the application proposals, including the improved access arrangements, represent the 'optimum viable use' of the site. The harm to the conservation area identified has to be

balanced against the public benefits of redevelopment and this will be considered later in this section of the report.

62. Core Strategy Policy CS2 confirms that 'sustainable development' should include measures to conserve or enhance the historic environment. Policy CS3 expects proposals to address (inter alia) detailed heritage and conservation design appraisals and information.
63. Policy DM15 of the Joint Development Management Policies Document requires development proposals affecting (inter alia) the setting of a listed building to demonstrate a clear understanding of the significance of the setting of the building alongside an assessment of the potential impact of the proposal upon that significance. The policy also requires new developments to respect the setting of listed buildings, including inward and outward views and be of an appropriate scale, form, height, massing and design which respects the listed building and its setting. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
64. The nature of the 'less than substantial harm' that would occur as a consequence of the development proposals, principally the alterations required to provide safe vehicular and pedestrian access has already been discussed.. Having also found that the proposals represent the 'optimum viable use' of the application site, the NPPF requires the identified harm to be balanced against the public benefits of the proposals.
65. It is considered the public benefits of the scheme are considerable. The proposals would bring back into use a vacant and decaying site which is beginning to detract from the character and visual qualities of the conservation area with limited prospect of an educational or community re-use occurring in the foreseeable future. The large utilitarian former primary school building would be demolished making way for a modest housing development (finer details of which would be subject to reserved matters approval). Furthermore, seven additional dwellings would be provided to help meet local and district wide housing needs. The proposals would also considerably improve highway safety for pedestrians and vehicles egressing the site (including staff and visitors to the retained adjacent pre-school building that shares the currently substandard access into the site). There are also opportunities to provide a new hedgerow behind the newly formed visibility splay which, in time, will partly mitigate the visual impact caused by the necessary removal of part of the existing hedge. It is considered that these benefits, in combination, far outweigh the 'less than substantial harm' to the Conservation Area that has been identified.
66. There is a scattering of listed buildings in the vicinity of the application site. These predominantly align 'The Street' to the east and south east of the application site, although there is one listed building (Dorset Cottage) that fronts Bury Lane to the west of the subject site. All of these buildings are sufficiently separated from the application site (and its development proposals) such that their settings would not be compromised or otherwise adversely affected (at all) by the development proposals.
67. There are no known or suspected archaeological remains at the application site and no conditions requiring further investigations are required (should planning permission be granted).
68. The application proposals are considered to comply with national and local planning policies relating to the protection and safeguarding of heritage assets.

Transport and Highway Safety

69. It is national policy 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. Within this context, it is national policy that applications for development should (inter alia) give priority first to pedestrians and cycle movements, both within the scheme and within neighbouring areas and (so far as possible) facilitate access to high quality public transport. It should also address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive which minimises the scope for conflicts between pedestrians, cyclists and vehicles.
70. Core Strategy Strategic Spatial Objective F aims to enable people and goods to move around efficiently and safely to the benefit of the economy and community with minimum harm to the environment by seeking to reduce car dependency and encouraging more sustainable forms of transport. ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS2, CS3, CS7 and CS8.
71. Core Strategy policy CS2 seeks (inter alia) to minimise the need for travel and ensure a balance between transport infrastructure and pedestrians. It also requires development to create a safe environment. Policy CS3 expects developments to address access and transport considerations. Policy CS7 seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured.
72. Policy DM2 of the Joint Development Management Policies document states proposals for all development should (inter alia) produce designs that i) provide access for all and that encourage the use of sustainable forms of transport through the use of pedestrian and cycle links and ii) that maintain or enhance the safety of the highway network.
73. The planning application proposes a relatively modest development of 7 houses. However, the highway related impacts of the development should be considered in-combination with the separate, but related proposals for the provision of 3 further dwellings on the adjacent site, which is also on this Committee agenda for determination. The following assessment (and indeed comments received from the highway authority) consider the highway implications of the 10 dwellings proposed by the two planning applications.
74. Stanton is a sustainable location for additional housing growth and scores highly in the settlement hierarchy having been designated as a Key Service Centre by Development Plan policy. Accordingly, there are no locational or transport sustainability concerns about this development of a brownfield site within the designated housing settlement boundary of an acknowledged sustainable village.
75. Concerns have been expressed locally about potential impacts upon highway safety and traffic generation. There is no evidence that the development proposals would be unsafe or lead to unsafe road conditions away from the site. Indeed, the application proposals improve the safe operation of the vehicular access into the site by, in particular, improving driver visibility. The proposed

dwelling would generate traffic movements, but this has to be considered in the context of movements associated with the lawful use of the site as a primary school. Following receipt of amended plans, the highway authority has raised no objections (subject to conditions being imposed) and, given the small size of the development proposals, it was not considered that a transport statement was necessary to accompany the submission. The subject matter of the highway related conditions recommended by the Highway Authority (paragraph 16 above) are considered reasonable and include some mitigation of transport impacts during the construction phase of development.

76. The application proposals are considered acceptable with regard to their anticipated transport impacts and are considered to fully accord with national and local planning policies relevant to highway matters.

Natural Heritage

77. The Framework confirms that planning decisions should (inter alia) protect and enhance sites of biodiversity value and minimise impacts on and provide net gains for biodiversity.
78. Strategic Objective H of the Core Strategy aims to maintain, protect and enhance biodiversity, geodiversity and the natural environment. This objective partly forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.
79. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance.
80. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity.
81. There are no nationally or internationally designated sites of ecological value in close proximity to or which would be affected by these development proposals.
82. The applicant's 'Bat Survey Report' confirms that no bats emerged from the vacant primary school building during emergence and re-entry surveys although it noted individual common pipistrelle bats were recorded foraging close to the site. The report recommends as a precaution, a re-survey given the age of the information, recommends lighting precautions and makes recommendations for biodiversity enhancement (bat roost and swift boxes to be installed on the new dwellings). These precautions and biodiversity enhancements could be secured by planning conditions in the event that planning permission were to be granted.
83. Subject to conditions, It is considered that the application proposals would have no negative impacts upon biodiversity interests, accords with relevant national and local planning policies and it is possible to achieve net enhancement.

Design Considerations and impact upon village character

84. The Framework states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

85. It also advises that planning decisions should ensure that developments (inter alia):
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
86. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
87. Core Strategy policy CS2 seeks to secure a high-quality sustainable environment through (inter alia) design and sets out extensive criteria for achieving this. This includes making a positive contribution to local distinctiveness, character, townscape and the setting of settlements. Policy CS4 specifically addresses 'design and local distinctiveness' and sets out more detailed criteria for developments proposals to achieve this.
88. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM22 does the same but is specific to proposals for residential development.
89. The planning application is submitted in outline form with all matters, save for access, reserved to a later date. Accordingly matters of detailed design are not particularly relevant to the outcome of the planning application at this stage.
90. A planning statement (incorporating a short design and access statement) has been submitted with the planning application to outline the influences behind the proposals. In this regard it refers to the illustrative layout drawing that has been submitted to demonstrate that it is physically possible to provide 7 dwellings on the site in a sympathetic manner.
91. As discussed in the 'Built Heritage' section of this report, the potential impact of development upon the character of the conservation area and concluded that (subject to appropriate detailed design and reserved matters stage) an in-depth development at the site would not be out of character with the surroundings given the presence of a substantial primary school building at the same location, has been assessed. It has been identified some potential visual harm arising from the necessary improvement proposed to the vehicular access, principally arising

from the need to provide it with adequate visibility (albeit this is capable of some degree of mitigation). In that respect the harm identified was significantly outweighed by the public benefits arising. For the same reasons it is possible to conclude the proposals (as presented at this current stage) would not impact negatively upon village character.

Flood Risk, Drainage and Pollution

92. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere and where appropriate, applications should be supported by a site-specific flood risk assessment. The Framework also advises that major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.
93. The Framework states that planning decisions should contribute to and enhance the natural and local environment by (inter alia) preventing new and existing development from or being adversely affected by (inter alia) pollution. It should also remediate contaminated (and other spoiled) land, where appropriate. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
94. It also confirms that Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified.
95. Core Strategy Policy CS2 seeks to preserve and enhance natural resources including air quality and soils; to incorporate flood prevention and risk management measures (such as SuDS) and remedy existing pollution or contamination.
96. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.
97. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3 or from surface water) and it is therefore unlikely the proposed dwellings would be at risk of flooding from existing watercourses or from surface water. However, there are reported to be localised surface water flooding issues elsewhere in the village and given the sloping nature of the site, down to the highway at the frontage, there is a degree of potential that surface water from the site re-development might exacerbate off-site flooding issues.
98. The matter is addressed via a sustainable drainage strategy plan which has been submitted with the planning application. This illustrates a potential drainage scheme that would serve to prevent an increase in surface water discharge off the site (including the rate at which water discharges). At this stage, the details are illustrative with final details needing to be supplied once a layout has been finalised (at later reserved matters stage). The strategy has been accepted by both the Lead Local Flood Authority and the Highway Authority (both functions

of Suffolk County Council), subject to conditions. I see no reason to disagree.

99. The planning application is accompanied by a Phase I Ground Contamination Desk Study. The study concludes that plausible sources of potential pollution have not been identified and recommends that further intrusive investigations (including soil sampling) are not required. The Council's Environmental Health team has advised that it agrees with the conclusions of the Study and development can proceed safely without further investigations being required.
100. The development proposed within the planning application is relatively small-scale and does not give rise to any significant air-quality concerns. Notwithstanding this, it is considered appropriate to secure a scheme of charging points for electric vehicles in order to minimise the potentially adverse air quality impacts of the development, to promote sustainable modes of transport and to aid the transition to electric vehicles by providing householders with the necessary charging infrastructure at home. It is recommended that a scheme of electric vehicle charging points is agreed at reserved matters stage once the layout of the site is formed and the practicality of provision on a plot by plot basis can be considered. This approach to the promotion of modal shift and provision of charging infrastructure is supported by the NPPF (paragraph 105), Development Plan policies CS2 and DM14 and the Suffolk Parking Standards. The Council is securing charge points from housing schemes on a consistent basis via the planning system and it is considered reasonable for the same requirements to apply to these development proposals. A condition could be imposed upon any potential future outline planning permission to secure a scheme for provision.

Residential amenity impacts

101. The Framework states that planning decisions should ensure that a site is suitable for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In the context of achieving well designed places, the Framework confirms that planning decisions should create places with a high standard of amenity for existing and future users.
102. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development and not site sensitive development where its users would be significantly and adversely affected unless adequate and appropriate mitigation can be implemented.
103. The application site, including the area where the proposed dwellings would be located, sits adjacent to a number of dwellings (including private rear gardens serving these) to the east. Adequate checks and balances would be carried out at any potential reserved matters stage, to ensure the amenities of occupiers of dwellings abutting the application site would not be significantly adversely affected by development. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas if careful consideration is afforded to the layout and design of a potential housing scheme prepared for a reserved matters submission.
104. There is likely to be an increase in the local noise environment during periods of construction. Such impacts are common to developments of this type where sites are developed in the vicinity of existing dwellings. The impacts, although

potentially adverse, are capable of management and control such they would not be significant overall. Such controls regularly take the form of a Construction Management Plan which would set out how the developers and their contractors would be required to manage and carry out construction activities. Construction Management Plans are normally controlled by planning conditions (submission for approval and on-going adherence).

105. The proposed development, in outline at this stage, is considered acceptable with potential impacts upon residential amenity to be considered at the next reserved matters stage.

Sustainable construction and operation

106. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
107. The Framework confirms the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
108. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

109. The importance the Government places on addressing climate change is reflected in the Core Strategy Strategic Objectives (Objective I in particular). Core Strategy Policy CS2 sets out requirements for sustainable construction methods. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and arguably places lesser requirements upon developers than Core Strategy Policy CS2.
110. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings). The policy is also supported by the provisions of Policy DM2 of the same plan.
111. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The 'standard' water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions

of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development. A suitably worded planning condition could be imposed upon any potential planning permission granted. Matters pertaining to the layout of the site and sustainable construction methods are appropriately resolved at reserved matters stage.

Planning Obligations

112. The Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010 (CIL).
113. Regulation 122 of CIL imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation is-
 - (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.
114. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.
115. The application proposals when considered cumulatively with the adjacent proposals for three dwellings on the former primary school site have revealed matters which require developer contributions to be provided to public bodies in order to fund the delivery of necessary infrastructure. Furthermore, and in accordance with extant planning policies, including the NPPF, the two separate and related proposals for 10 dwellings combined qualify (in principle) for the provision of affordable housing.
116. There is presently no Agreement or Undertaking in place under S106 of the Town and Country Planning Act (1990) to secure the infrastructure necessary for the development proposals. This will need to be addressed before any positive decision notice can be issued by the Local Planning Authority. Notwithstanding the absence of such a document, the following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts) and would need to be secured:

Affordable Housing

117. The Framework states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing). Where a need for affordable housing is identified, the Framework advises that planning policies should specify the type of affordable housing required and expect it to

be met on-site.

118. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
119. The 'Vacant Building Credit' is introduced at paragraph 62 of the Framework. This confirms that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. This is expanded upon by the Planning Practice Guide which confirms that where a vacant building is brought back into use or is to be demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating the affordable housing contribution sought by the planning authority. What this essentially means is that affordable housing contributions should only be required from any increase in floorspace proposed (unless the applicant does not accept the credit offered to them).
120. Core Strategy Spatial Objective A seeks to meet the communities need for housing in a sustainable way, including specialist affordable housing, by providing an adequate and continuous supply of land for housing. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision. Policy CS5 would, in normal circumstances, require up to 3 of the 10 dwellings proposed in both related planning applications to be secured as 'affordable'.
121. The application site contains a vacant building, the former primary school building. Accordingly, the applicant has been offered and has accepted the vacant building credit equivalent to the floorspace within the existing building. The applicant has confirmed it is unlikely there would be an increase in floorspace (over and above that in the existing vacant former primary school building) when the site is planned at reserved matters stage. In order to safeguard the Council's future position (and avoiding the need for a complicated clause in a S106 Agreement) the applicant has suggested the Council imposes a condition on the outline planning permission it might consider granting in order to cap overall floor levels within the dwellings so it does not exceed the overall floorspace within the vacant building. This is considered an acceptable approach to resolving the affordable housing issue. In such circumstances, the Planning Authority would be able to secure a mechanism to deliver an element of affordable housing (most likely a proportionate financial contribution) should a future planning application be received to remove or raise the floorspace cap imposed upon the outline planning permission.

Education

122. The Framework states that strategic planning policies should make sufficient provision for (inter alia) community facilities, such as education infrastructure. It also advises on the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and should give great weight to the need to create expand or alter schools through decisions on applications.

123. Core Strategy Policy CS14(2) considers educational provision as an essential infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).
124. The Local Education Authority (LEA) has confirmed there is no spare capacity at local secondary school (including for 6th form provision) to accommodate the pupils forecast to emerge from this development and has requested developer contributions to increase pupil capacity. The contributions, which are proportionate to the pupil yields forecast to emerge from the development, would be used towards delivering additional secondary and 6th form school places to cater for the needs of the proposed development. These would need to be secured by an obligation within an Agreement under S106 of the 1990 Act.
125. Suffolk County Council has also confirmed there is sufficient capacity at the village primary school to cater for the educational needs of primary school aged children whom are forecast to reside at the development. Similarly, there is sufficient capacity within the existing 'early years' facilities (accommodating pre-school children aged 2-5).

Libraries

126. The Suffolk County Council has demonstrated a need to provide library resources for the occupiers of this development and has requested a developer contribution. This could be secured by means of a S106 Agreement before any potential planning permission is issued.

Discussion and Conclusions

127. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework.
128. The proposals would result in bringing back into use a presently vacant and deteriorating site that is no longer needed for its original use (or alternative community uses) into active use and, subject to later reserved matters submission, would achieve a safe and high quality development without leading to significantly adverse impacts upon surroundings, including the character of the conservation area and the village generally nor upon the occupiers of existing dwellings in close proximity to the site. The development complies with relevant National and Local planning policies in all respects and is therefore recommended for approval (following completion of a S106 Agreement and subject to a number of planning conditions).

Recommendation:

129. It is recommended that outline planning permission be **GRANTED** subject to:

The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following from this planning application (in combination with the related proposals for three dwellings reference DC/17/1093/FUL):

- Education contribution (as set out at paragraph 19 above)
- Libraries contribution (as set out at paragraph 19 above)

And subject to conditions, including:

- Submission of the reserved matters within three years and commencement of development within 2 years of the approval of the final reserved matter.
- Compliance with approved plans (noting that the access is included for consideration at this outline stage)
- Materials (details to be submitted with the Reserved Matters)
- As recommended by the Highway Authority (conditions are summarised at paragraph 16 of this report)
- Landscaping details provided at reserved matters to include provision of a replacement hedgerow to be planted behind the access visibility splays (and maintained outside of those areas)
- Retention and protection of those trees and other planting to be retained.
- To secure the ecological enhancement measures proposed recommended in the bat report.
- Construction management plan (to include waste minimisation and recycling, deliveries management, dust management, working hours, lighting details (if any) site compound/storage/construction staff parking provision.
- Means of enclosure (to be submitted with reserved matters)
- Compliance with Building Control Requirements for reduced water consumption
- Surface water drainage scheme, including future management and maintenance (to be submitted with the reserved matters)
- Overall floorspace cap for the dwellings not to exceed the floorspace of the existing vacant building (to allow the vacant building credit to be applied whilst protecting the affordable housing policy position should there be an increase in floorspace)
- Bat survey results (and any mitigation requirements arising) to be submitted with the first submission of the reserved matters.
- Strategy for provision of charging points for electric vehicles (to be submitted with the reserved matters).

- Lighting strategy (including no external lighting to be provided on the dwellings or their gardens unless agreed following consideration of a bat impact report).

Documents:

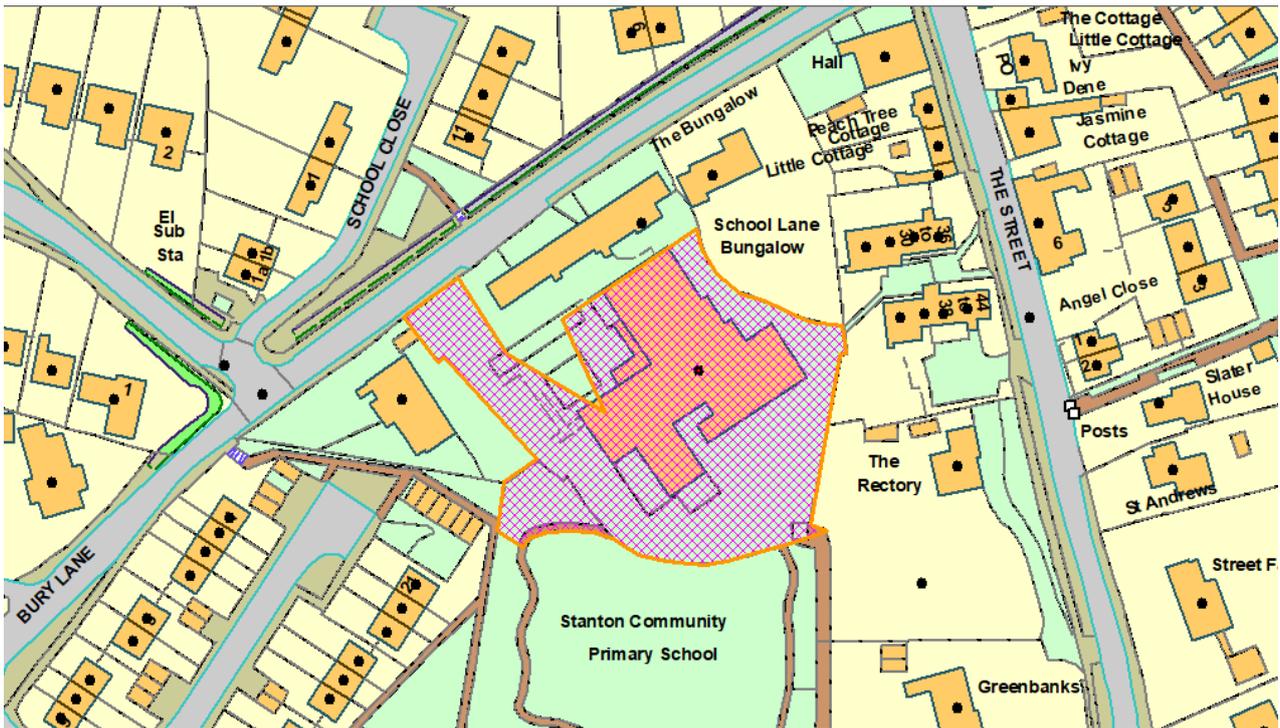
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

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

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DC/17/1087/OUT - Stanton Community Primary School, Bury Lane, Stanton, Suffolk, IP31 2DE



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KEY

-  Category B Tree (moderate quality)
-  Category C Tree (low quality)
-  RPA using formula in accordance with BS5837:2012
-  Existing trees not forming part of survey by AGB Environmental
-  Existing trees to be removed

DEVELOPMENT SUMMARY

Plot No.	Type	GIFA
Plot 1	2B4P House	79.0m ²
Plot 2	2B4P House	79.0m ²
Plot 3	3B5P House	93.0m ²
Plot 4	4B6P House	106.0m ²
Plot 5	3B5P House	93.0m ²
Plot 6	3B5P House	93.0m ²
Plot 7	3B5P House	93.0m ²

18 Parking spaces
(not including 10 spaces provided for 'Bluebells' Children's Centre)
Total site area = 0.39 hectares
Density approx. 18/ha

- + 00.00 Existing level
- +00.00 Proposed level



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REV	DATE	BY	DESCRIPTION	CHKD
A	11.09.17	BR	Parking area for 'Bluebells' amended. Visitor spaces added in service strip to shared access road.	AT
B	22.09.17	BR	Revised following Highway's comments dated 18th Sep 2017	AT
C	21.01.19	BR	Alignment revised for shared access road. Existing /proposed levels added. Car parking arrangement revised.	AT

PLANNING

Project Number
15-0136

Project
Proposed Demolition of School Building and Erection of 7 Dwellings, New vehicular Access and Associated Parking At Former Stanton Primary School, Bury Lane, Stanton, Suffolk, IP31 2DF

Drawing Title
Proposed Layout Plan

Assistant
Emma Macfarlane
email: emma.macfarlane@concertus.co.uk

August 2016

Tel: 01473 264156

Concertus
DESIGN & PROPERTY CONSULTANTS

8 Russell Road - Ipswich - Suffolk - IP1 2BX

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Development Control Committee 8 July 2020

Planning Application DC/20/0623/FUL – Milton House, Thurlow Road, Withersfield

Date Registered:	07.04.2020	Expiry Date:	02.06.2020 (EOT until 31.07.2020)
Case Officer:	Gary Hancox	Recommendation:	Approve Application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Planning Application - 6no. dwellings (following demolition of existing dwelling)		
Site:	Milton House, Thurlow Road, Withersfield		
Applicant:	Mr S Lansdown		

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 Assistant Director (Planning & Regulatory Services) has resolved to refer this planning application to the Development Control Committee meeting following prior consultation with the Delegation Panel.

The application was referred to Delegation Panel as the Officer recommendation of approval was contrary to the view of the Parish Council.

Withersfield Parish Council object to the development, which is recommended for APPROVAL.

Proposal:

1. The application proposes the demolition of a two-storey dwelling and the construction of 6 dwellings (net increase of 5 dwellings), parking and landscaping.

Application Supporting Material:

2. The application is accompanied by the following plans and supporting documents:
 - Plans and elevations
 - Arboricultural Impact Assessment
 - Ecology assessment
 - Site Investigation report
 - Design and access statement
 - Phase One Geo-Environmental Assessment
 - Flood risk & sustainable drainage statement
 - Topographical Survey
 - Heritage assessment

Site Details:

3. The 0.2 hectare site contains a two-storey dwelling known as Milton House and its associated garden land. It is located adjacent to Thurlow Road towards the north-east end of Withersfield and within the Conservation Area. The site has a significant amount of trees to its boundary, although the garden area to the rear of the site has been cleared of vegetation. Surrounding development is mixed in terms of age and appearance, but mostly is of good quality and contributing towards the character of the Conservation Area. However, some dwellings are more modern and detract from this character, including Milton House, which due to its unsympathetic design and appearance, is incongruous within the street scene.
4. The site is accessed directly onto Thurlow Road and is wholly within the settlement boundary.

Planning History:

None

Consultations:

5. SCC Highways - No objection, subject to appropriate conditions including the submission of a suitable scheme to prevent the discharge of surface water from the development, either directly or from the surface water drainage attenuation or outfall, 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.
6. Conservation Officer - Considers the proposed development to be well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area. Subject to the acceptability of loss of trees, any resulting harm of which should be weighed against the public benefits, I raise no objections.
7. Environment Team - No objection, subject to appropriate conditions to ensure a full site investigation scheme is carried out along with a verification report to be submitted following the undertaking of works.
8. Public Health and Housing - No objection. Raised potential concerns with means of escape for 5 of the plots. *(NOTE: The applicant's agent has confirmed that the dwellings will fully comply with Building Regulations in terms of fire safety and escape. The layouts are bespoke and there are areas where we have purposely left out what might otherwise have been a partition or door to create more modern and free-flowing accommodation. In no instance do such design elements contravene the Building Regulations.)* Also recommended the submission of a site management programme, restriction of the hours of demolition and construction, and the submission for approval of any external lighting.

Representations:

9. Withersfield Parish Council – Object.

The current proposal cannot be supported as:

- It does not conform with published planning policies which state that for an infill village (as Withersfield is designated), developments of new housing should be of a maximum of 5 properties the proposed development is for 6 homes. Any suggestion that as there was already a house on the site, one house is merely a replacement for the demolished house and therefore there only 5 additional houses, should be rejected as a distortion of the fact that the development proposes six new houses on a single plot.

- The development is situated in a conservation area, yet the development does not respect the style and predominate layout of the village. The style of the development with a condominium style construction (where one house overlaps the other) is not seen elsewhere in the village nor is it consistent with the conservation area status and would set a dangerous precedent.
- The developments design is a back-fill which does not respect the linear nature of the village nor of the street-scape at this part of the village.
- Houses 1 and 6 are located in positions which are too close to existing homes and will have an adverse impact on their privacy.
- The proposal would represent an over-development of the site with each home having only a small plot, much of which is taken up with parking spaces. This is out of keeping with the style of development within the village where houses are generally located on a more generous plot. Even where small clusters of homes have been developed e.g. Homestall Crescent, these have been developed with a much smaller house to acre ratio.
- A development of 2 or 3 properties would be more appropriate to the size and layout of the site and be more likely to be able to comply with Withersfield's Conservation Area status.
- The total number of bed-spaces is such that this development will have a disproportionate impact on the density of this part of the village, which as is noted in the Local Plan, has limited local facilities.
- Whilst 13 parking spaces meets the policy requirements of 2 per household, it can be expected that within a short space of time there will be far in excess of 13 cars associated with residents, not to mention visitors to the development. This is all the more inevitable because as an infill village there are no local facilities and shops etc are only accessible by private transport.
- There is likely to be an increase in parking on the street outside of the development with the associated inconvenience of existing homeowners and residents and risk of further traffic accidents.
- The access/egress from the close-style development is on a dangerous bend in the road. There have been a number of accidents at this point in recent years the most recent being earlier this year. 13 car spaces indicate that there is likely to be considerable traffic movements in and out of the development.
- Mature trees are proposed to be removed there is no evidence that these trees are diseased beyond salvage a Tree Surgeons report should be required.
- The development is located in a place where there is a history of localised flooding and inadequate drainage for rain and run-off waters from fields. 6 additional homes and the associated road and parking hard standings could exacerbate this problem significantly.

- An approval of this application would be inconsistent with refusal determination (upheld on appeal) of the application at the rear of Lilley Barn. "It is the Parish Councils view that the comments in that case sets a strong precedent against which this and future applications for backfill developments should be judged."

10. Local Residents

Original plans and information:

A total of 46 objections to the scheme were received raising the following concerns;

- Flooding issues at this point in the road
- Traffic – dangerous point in the road due to restricted sightlines (as evidenced by recent traffic accident)
- Overspill parking on Thurlow Road
- Not enough visitor parking
- Loss of trees
- Harm to the character of the village
- Off street parking will be a hazard
- Detrimental impact on amenity of neighbouring dwellings
- Increase pressure on existing infrastructure
- Contrary to Policies DM2, DM22 and DM17
- Harm to existing ecology
- Over-development of the site

Amended plans and information:

A further 7 letters of objection received to date to amended plans. No new issues raised.

(Note: the above is only a summary of the key objections to the development from local residents. The full objections can be viewed on the Council's website.)

Policy:

11. 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.
12. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:
 - Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- 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 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 DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Rural Vision 2031

- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other Planning Policy:

National Planning Policy Framework (2019)

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

Officer Comment:

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

- Principle of Development
- Impact on the Conservation Area (including design and layout)
- Impact on trees and ecology
- Parking and highway impact
- Residential amenity

15. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of development

16. The site is within the settlement boundary and infill development of up to 5 dwellings is allowed by Core Strategy Policy CS4. As the proposal is for 6 new dwellings (net increase of 5), the application is contrary to this policy. However, the principle of residential development is accepted and in this case consideration needs to be given to the benefits of the scheme and other material considerations that may indicate that the development can be approved.

Impact on the Conservation Area (including design and layout)

17. Section 66 of the Town and Country Planning (Conservation Areas and Listed Building) Act 1990 requires the LPA to have special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

18. Both of the above requirements need to be taken into account in considering the proposed development, along with the criteria set out in Joint Development Management Policies DM15, DM17, DM1, DM2 and DM22, all of which, seek to protect heritage assets and ensure good design appropriate for the character and context of the site. In this case, although there is a Listed building (The Guildhall) approximately 70 metres to the NW of the site on the other side of Thurlow Road, due to the separation distance and intervening features, it is not considered that the setting of this building would be affected by the proposed development.

19. The Conservation Officer comments that due to the irregular shape of the site and the narrow frontage (relative to the rest of the site) views from the

highway (looking towards the site) of the open countryside beyond are almost completely obscured by existing development and mature planting along the rear and neighbouring boundaries. The existing views are not considered to be significant views which contribute towards the character or appearance of the conservation area. Milton House is a modern two-storey dwelling that does not make a positive contribution towards the conservation area and there is no objection to its demolition, or the demolition of its associated outbuilding.

20. Existing planting along the front boundary helps enforce a sense of enclosure broken by a relatively narrow vehicular access extending up to the line of the principal elevation, terminated by a close boarded fence. Whilst the proposed development involves a wider highway compliant access, the proposal takes advantage of the irregular shape of the site avoiding an undesirable long and straight uninterrupted access extending to the rear of the site.
21. Proposed plot 1 will appear most visually prominent to the public realm. The proximity of plot 1 to its south western boundary is not dissimilar to the proximity of Thistledown Cottage (a relatively modern development) to its north eastern boundary. The lowered eaves height facing towards Thistledown Cottage helps to visually widen the gap between the two, despite the proximity of both to their respective shared boundaries. The narrow gable and steep pitch of the roof respects historic proportions whilst a mix of contrasting materials (an approach consistent throughout the development) adds interest and articulation to elevations. Whilst it may be possible to catch views of plot 6 from the public realm, views will be limited, partially screened by existing trees and planting, seen in context with existing development which is similarly set back from the highway.
22. Development within the site is less prominent from the public realm, however the regular arrangement of plots, shared courtyard and consistent mix of contrasting materials and detailing between plots helps create a strong sense of place.
23. Overall, the Conservation Officer considers the proposed development to be well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area. The requirements of Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 have been met and the application is considered to accord with Joint Development Management Policies DM2, DM22 and DM17 in this regard. The impact on trees within the conservation area is considered below.

Impact on Trees and ecology

24. The proposed development requires the removal of five garden trees (category C), a small group of cypress trees of poor quality, and two Ash trees (category U) adjacent to the existing access drive. All other hedgerows and boundary trees are to be retained. Small broadleaf trees will be planted as part of a landscaping scheme to mitigate against the overall tree loss. The Ecology and Landscape Officer is concerned that the proximity of the retained boundary trees to the new development may result in possible

overshadowing and overbearing leading to resentment and future pressure for tree removal. However, having regard to the fact that the majority of the trees are located to the north of the gardens and buildings, it is only plots 4, 5 and 6 that would be affected having NE facing gardens. As a result these potential impacts are reduced.

25. With only two category U trees removed at the front of the site, and almost all of the boundary trees remaining, the impact on the Conservation Area is not considered harmful or significant.
26. With respect to ecology, although the site is relatively small and of low ecological value, the boundary trees and vegetation provides a habitat for bats, amphibians and hedgehogs. By implementing the following biodiversity enhancements the development would create a net gain in terms of biodiversity, in accordance with the NPPF and the Joint Development Management Policies DM12. Enhancements include:
 - Compensatory bat roosting habitat (Schwegler bat box)
 - Four new bat boxes
 - Low level bollard lighting to reduce impact
 - Tree replacement (broadleaf tree species)
 - Hedgehog friendly boundary fencing (with gaps at intervals)
 - Bird boxes (8 in total)
 - Native soft landscaping
27. Subject to the above being required by condition of any approval, the development would have an overall net gain in terms of biodiversity and accord with Joint Development Management Policy DM12 in this regard.
28. Overall, it is felt that subject to conditions requiring tree protection measures, ecological mitigation and a landscape scheme to be submitted and agreed, the development can be accepted.

Parking and highway impact

29. The proposed access to the site is proposed directly onto Thurlow Road, utilising a new access moved slightly further to the north than the existing access serving Milton House. SCC Highways is satisfied that adequate visibility splays can be satisfactorily achieved taking into account the curvature of the road and the relocated access.
30. The significant local objection to the development with respect to highway impact is acknowledged, however the application provides off street and in curtilage parking in accordance with highway standards, as well as a small amount of formal visitor parking. (The site layout indicates 13 resident parking spaces and 2 visitor spaces.) Plans have also been submitted showing that additional 'ad hoc' visitor parking can be achieved within the site, significantly reducing the likelihood of on-street parking occurring. Furthermore, as already stated above, sufficient visibility splays can be achieved.
31. Highways Officers are aware of previous issues with highway flooding (referred to by both local residents and the Parish Council) and comment as follows:

32. *The applicant has submitted a detailed sustainable drainage statement and proposes all surface water to discharge to the existing culverted watercourse. While we accept this strategy in principle we are concerned with the condition of the culvert, the access chamber to the culvert and that plot 1 appears to be designed to be built over the culverted watercourse. We are aware of previous issues with highway flooding associated with the culvert and chamber and recommend further investigation is carried out and if necessary maintenance/improvements are undertaken to the chamber and watercourse. We are aware existing highway surface water may outfall to this watercourse via this chamber and recommend an easement is agreed as part of the access construction & stopping up.*
33. Information regarding the condition of the culvert and chamber to satisfy the highway authority that there will be no risk of highway flooding from surface water from this Development can be secured by condition.
34. Subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Joint Development Management Policies DM2 and DM45 in this regard.

Impact on residential amenity

35. Proposed plots 1 and 6 are considered to have a direct impact on the amenity of existing properties. Thistledown Cottage to the south of the site is a two-storey dwelling which shares a common side boundary. The side elevation of the proposed dwelling would have a separation distance of approximately 5 metres. Although Thistledown Cottage has ground floor side secondary windows, the proposed plot one is effectively single storey at the boundary with no overlooking windows. High-level rooflights provide light to the upper rooms on the south side of the dwelling. The residential amenity impact is not therefore considered harmful.
36. Whilst proposed plot 6 (similar in design to plot 1) would change the outlook of The Old Bakery dwelling, taking into account the lower eaves height and high level roof lights of the proposed dwelling, the impact in terms of it being overbearing will not be significantly harmful. Intervening landscaping will also help to mitigate any impact.
37. Overall, the impact on existing residential amenity is considered acceptable and in accordance with Joint Development Management Policies DM2 and DM22 in this regard.

Other matters

38. Energy efficiency – Joint Development Management 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.”

39. The applicant has set out the approach to sustainability in a Design and Access Statement, and included in the environmental measures proposed is the following:
- Water use reduction measures including airflow taps and dual flush cisterns etc.
 - All plots are to be provided with below-ground rainwater harvesting.
 - All plots are to be provided with free standing electric/hybrid car-charging points (refer to annotated site plan).
 - All plots are to be provided with 2.4 x 1.8 garden sheds for cycles and garden storage.
 - The dwellings will be fitted with Energy Efficient light bulbs.
 - The dwellings will have ample space for dry recyclables.
 - Mechanical Ventilation and Heat Recovery systems (MVHR) will be installed to each dwelling – each dwelling design incorporates dedicated space in this respect.
 - Where white electrical goods are provided these will be 'A' rated for energy efficiency.
40. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 110 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion and planning balance:

41. Although the development of 6 dwellings in an 'infill' village is contrary to policy CS4, the overall scheme brings the following material benefits:
- Efficient use of the site in accordance with the NPPF
 - A mix of dwellings, the majority being 2 and 3 bed family dwellings, contributing to the delivery of housing in the area and the five-year supply of housing land
 - A positive impact on the conservation area both in terms of bespoke designed dwellings that have regard to the context of the area, and the removal of a building that does not contribute to the conservation area.
42. The development scheme (as amended) has satisfactorily demonstrated that the proposed 6 dwellings can be accommodated without detriment to highway safety, residential amenity, and the character of the conservation area. Taking into account the material benefits set out above, the application can be accepted despite the partial conflict with policy CS4.
43. In conclusion, the principle and detail of the development is considered to be acceptable and, with the exception of St Edmundsbury Core Strategy Policy CS4, in compliance with relevant development plan policies and the National Planning Policy Framework, when read as a whole.

Recommendation:

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

1. 3-year planning permission time limit
2. In accordance with approved plans
3. No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Before any development or any demolition work hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details: -
 - (a) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
 - (b) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - (c) noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - (d) dust, dirt and vibration method statements and arrangements;
 - (e) site lighting.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

5. The hours of demolition, site clearance and construction activities, including deliveries to the site and the removal of waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No demolition, site clearance or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.

6. No security lights or street lighting 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 prevent light pollution and protect the amenities of occupiers of properties in the locality.

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

- i) A site investigation scheme,
- 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 line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

8. 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 line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170,

178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

10. The access shall be completed broadly in accordance with Drawing No.19002-22 Rev B; with an entrance width of 4.5m and be available for use before first occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

11. Prior to the development hereby permitted being first occupied, the access onto the C668 Thurlow 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 vehicular access and to reduce the risk of loose material migrating onto the highway in the interests of highway safety.

12. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing number 19002-22 Rev B 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.

13. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development, either directly or from the surface water drainage attenuation or outfall, 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.

14. 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 and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials or equipment 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:

- Routing for HGV and other construction delivery traffic.
- Means to ensure no damage will be done to the highway, including the carriageway, footway and verge, by construction and/or delivery traffic.
- Means to ensure no surface water, mud or other construction debris can flow or be deposited onto the highway.
- Means to ensure sufficient space is provided on site for the parking and manoeuvring off all construction site and delivery vehicles.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment.
- 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.

15. The use shall not commence until the area(s) within the site shown on drawing 19002-22 Rev B for the purposes of loading, unloading, manoeuvring and parking of vehicles and the secure storage of cycles 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.

16. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) on land within control of the applicant.

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

17. The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment by Skilled Ecology dated 12th May 2020.

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.

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.

- 18.No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

- 20.All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal Including a

Protected Species Assessment by Skilled Ecology (December 2019) 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.

21. The demolition of the existing dwelling on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, 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.

22. No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0623/FUL](https://www.suffolk.gov.uk/DC/20/0623/FUL)

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DC/20/0623/FUL - Milton House, Thurlow Road, Withersfield



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Schedule of Floor Areas:

Plot	Scale	Bedrooms	m ²	ft ²
1	1.5 storey	3	97	1,045
2	Single storey	2	69	745
3	1.5 storey	3	77	830
4	2 storey	4	148	1,595
5	2 storey	3	97	1,045
6	1.5 & single	3	135	1,455
Total		18	623	6,705

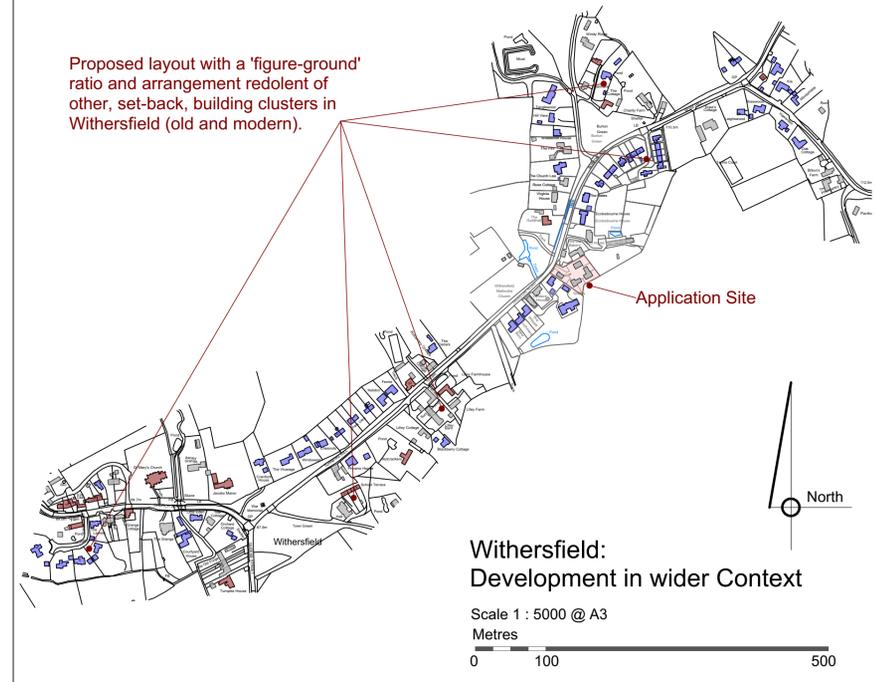
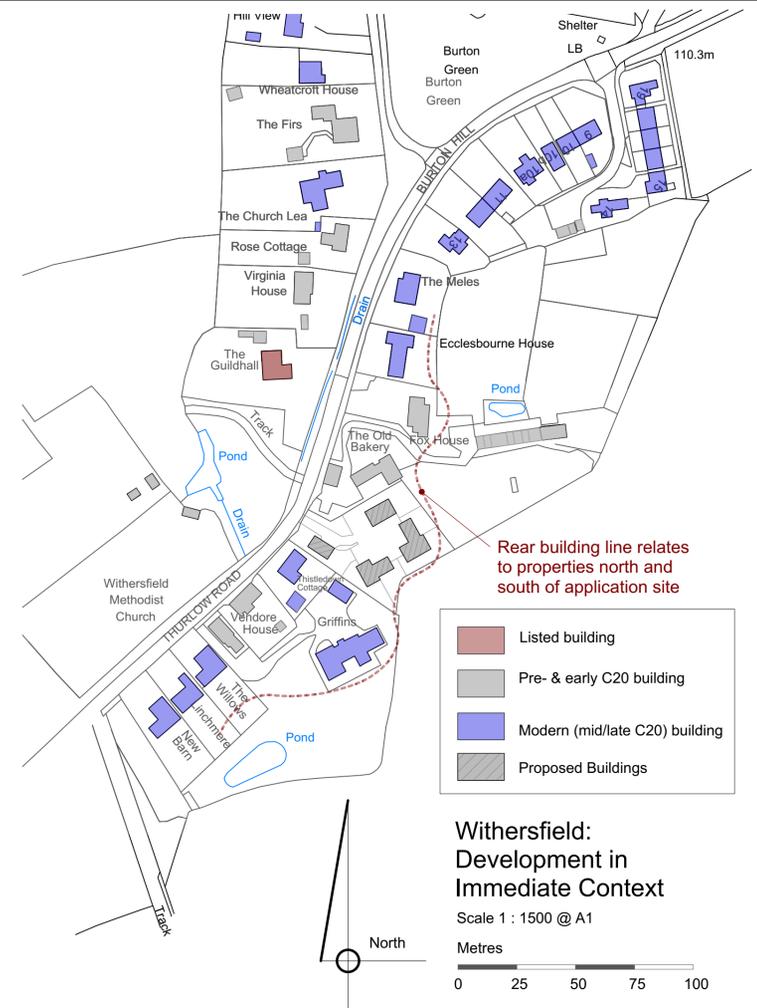
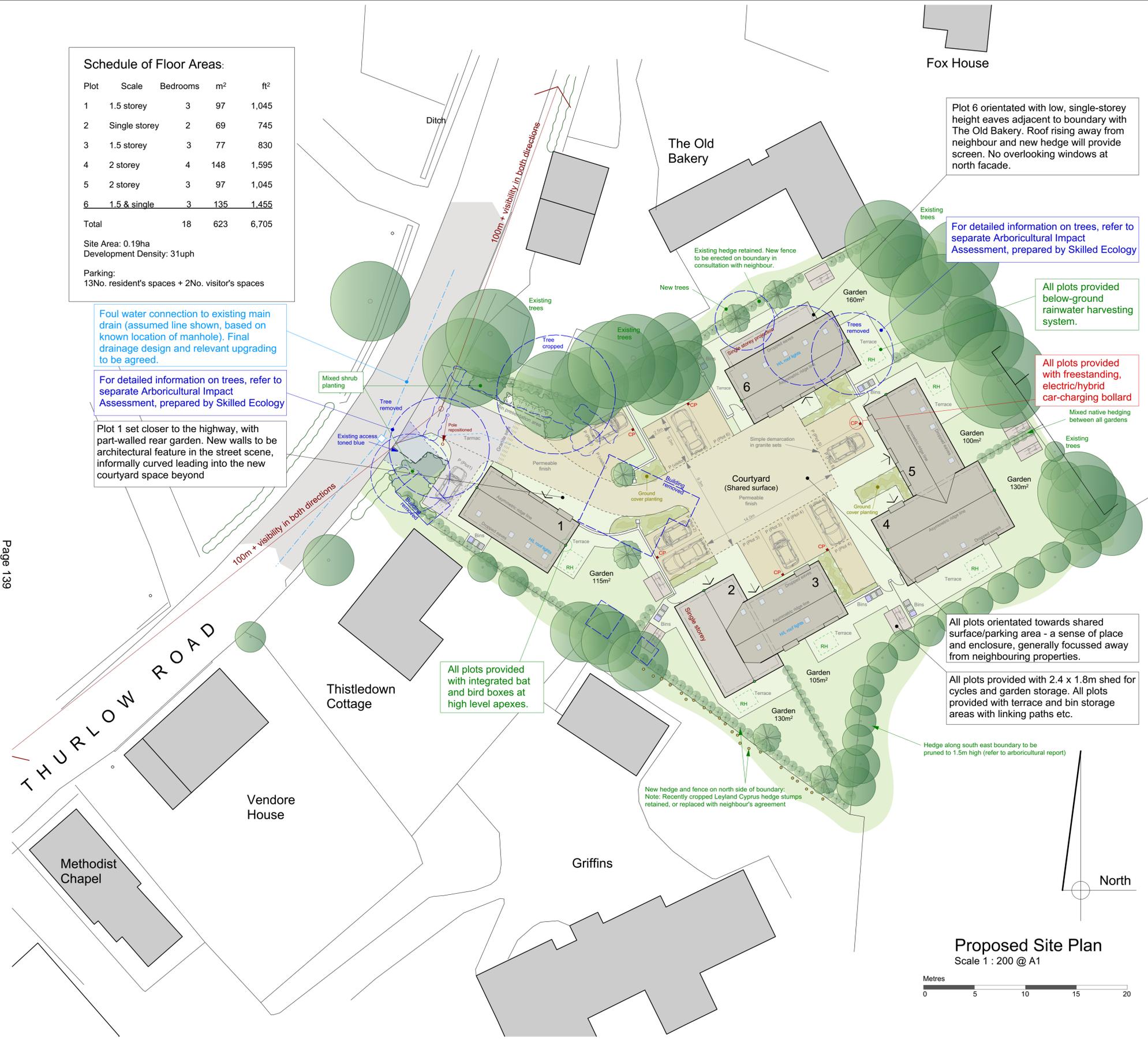
Site Area: 0.19ha
Development Density: 31uph

Parking:
13No. resident's spaces + 2No. visitor's spaces

Foul water connection to existing main drain (assumed line shown, based on known location of manhole). Final drainage design and relevant upgrading to be agreed.

For detailed information on trees, refer to separate Arboricultural Impact Assessment, prepared by Skilled Ecology

Plot 1 set closer to the highway, with part-walled rear garden. New walls to be architectural feature in the street scene, informally curved leading into the new courtyard space beyond



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Contractor is responsible for all setting out and must check dimensions on site before work is put in hand. Written dimensions only to be taken, this drawing must not be scaled.

JAP Architects to be immediately notified of suspected omissions or discrepancies. ©

Revisions		Revisions	
A	Boundary tree positions amended following additional survey.	12.05.20	
B	Access paths and bin collection amended.	20.05.20	
C	Bin collection amended and planting added.	05.06.20	

Revisions		Revisions	



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Project	Proposed Residential Development at Milton House, Withersfield for Mr P Daniels and Associates		
Title	Proposed Site Layout		
Scale	1 : 200/3000 @ A1	Date	March 2020
Drawing No.	19002 - 12		Revisions
	A	B	C

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Development Control Committee 8 July 2020

Planning Application DC/20/0682/FUL – Caravan Site South, Pigeon Lane, Fornham All Saints

Date Registered:	23.04.2020	Expiry Date:	23.07.2020
Case Officer:	Britta Heidecke	Recommendation:	Approve Application
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 holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (previous application DC/19/1700/FUL)		
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

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Telephone: 01638 719456

Background:

1. This application is a re-submission of an identical scheme previously recommended for approval but refused by committee on 05 February 2020. The application has now been submitted with the support of a visualisation, showing the expected views from Mildenhall Road, Pigeon Lane and from within the golf course when the proposed soft landscaping has reached maturity.
2. During the course of this application minor amendments have been made to the soft landscaping scheme to allow for the planned footpath widening along the A1101/ Mildenhall Road at the front of the application site.
3. 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.
4. The application is before committee because Fornham All Saints Parish Council have no objections to 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 policy conflict and the adjoining Tollgate Ward Councillor objects to the proposal. 53 representations have been received, 40 objections from nearby properties and 13 support letters from customers of the existing hotel and golf course. The Officer recommendation is, on balance, one of approval.

Proposal:

5. 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.
6. The application also proposes a private foot/buggy path from the development site to the All Saints Hotel across the golf course and river Lark to provide a link from the proposed caravans to the hotel, also linking into the existing public rights of way.

Application Supporting Material:

7. The application is supported by the same documents as previously with the addition of a visualisation;
 - Application Form
 - Proposed Plans
 - Access Plan
 - Ecology Survey
 - Ecological Addendum
 - HRA report
 - Golf Course Alteration Report
 - Landscape Impact Assessment
 - Flood Risk Assessment
 - Drainage Strategy
 - Golf Course and Footpath Statement (risk mitigation)
 - Detailed Soft Landscaping Scheme
 - Planting Schedule and Specifications

- Visualisation

Site Details:

8. 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.
9. 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.
10. 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.
11. The conservation area for Fornham All Saints is located opposite Pigeon Lane in close proximity to the site.

Planning History:

12. 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/19/0347/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	Withdrawn	30.08.2019

DC/19/1700/FUL	Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan 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)	Application Refused	07.02.2020
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Consultations:

13. Fornham All Saints Parish Council: No objection subject to consultation responses being unchanged.
14. Fornham St. Martin Cum St. Genevieve: Object on grounds of Traffic increase, Sustainability, Effect on the environment, and Loss of Residential amenity.
15. Ward Councillor: Call in from war member Cllr Rebecca Hopfensperger due to policy conflict, seconded by Cllr Broughton. Cllr Hind (Tollgate member which adjoins the Fornhams) objects to the proposals on the grounds of Traffic, Noise, Sustainability, Effect on the environment, Archaeology and Loss of Residential amenity.

Environment & Transport – Highways Authority (HA):

16. Note that the scheme has not materially changed therefore do not object subject to conditions. HA previously commented the following:
17. 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.'
18. The HA consider that the layout and access details show that a 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.
19. 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 accesses will not be built out.

20. 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.
21. Suffolk Preservation Society: No comments received.
22. Conservation Officer: Notes that there are no material changes. No objection. Previous comments:
- 'This application is for 35 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.'
23. Environment Agency: no comments received. Previously had no formal comment to make but offer standing advice on guidance for risks to controlled waters from contamination at the site.
24. 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.
25. 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:

26. 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'.
27. The Ecology and Landscape Officer notes 'that the proposed planting would take some time to mature and provide screening and softening to the lodges'.
28. 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.'
29. 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.
30. Japanese knotweed has been identified on the site (section 4.16). If planning permission is granted this would need to be dealt with by condition to prevent its spread.'
31. 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.
32. Oil and Pipeline Agency: No objection.
33. 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 Golf Course Footpath Statement received 30th December 2019.

34.Environment Team: No objection subject to conditions to secure intrusive contamination investigation and to ensure provision of electric vehicle charge points.

35.Suffolk Wildlife Trust: No comments received.

36.Leisure & Cultural Operational Manager: No comments received.

37.SCC Flood and Water Team: No objection subject to conditions.

38.National Grid Plant Protection: No comments received.

39.Sport England: No comments received.

40.Historic England: Do not wish to comment.

41.Rights Of Way Support Officer SCC: No objections.

42.Ramblers Association: No comments received.

Representations:

43.Representations have been received from 53 households, 40 objections from nearby properties and 13 support letters from customers of the existing hotel and golf course.

44.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

45. 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

Policy:

46. 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.

47. 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:

48. The 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:

49. 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

50. An application for an identical scheme for 35 caravans was considered by committee in February 2020. The previous recommendation for approval was overturned and refused by committee for the following reason:

'Paragraph 127 of the National Planning Policy Framework (NPPF) requires developments to be sympathetic to local character and history, including the

surrounding built environment and landscape setting. Paragraph 170 of the NPPF seeks decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Policy DM2 d. of the West Suffolk Joint Development Management Policies Document (JDMPD) 2015 seeks to protect important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.

Policy DM13 states that development will be permitted, taking mitigation measures into account, where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. It also 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.

Policy DM34 of the West Suffolk Joint Development Management Policies Document (DMPD) 2015 permits new tourism facilities including caravans if they meet certain criteria including; (b) that there would not be an adverse effect on the character, appearance or amenities of the area and the design is of an acceptable standard.

The Bury St Edmunds Core Strategy 2010, policy CS4 states that the coalescence of towns with surrounding settlements through new development will not be allowed to happen. This vision is also set out in the Bury St Edmunds Vision 2031, which at paragraph 1.39 states 'Existing surrounding settlements will be protected from coalescence and have green buffer zones developed between them and Bury St Edmunds to maintain their integrity.

Moreover Objective 4 of the Rural Vision 2031 seeks (inter alia) to ensure that any new development does not compromise the natural and built up character, identity and local distinctiveness of the rural area.

The application site is designated as countryside and recreational open space in the St Edmundsbury policies map (February 2015). The site is part of the Fornham All Saints golf course 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. The proposal would introduce built development and urbanising features thereby extending the urban edge which would further reduce the gap between settlements, contrary to policy DM13.

The level of tree removal is significant and would have a harmful effect on the visual amenity of the area. The proposed development would be intrusive within views from Mildenhall Road and Pigeon Lane and detract from the existing rural setting. The proposals, particularly in the short term, represent a deterioration in landscape character of the recreational open space.

Whilst the adverse effects on visual amenity would diminish as the planting proposals mature, this is not considered to overcome the harmful effects the introduction of development on this part of currently undeveloped open countryside would have by reason of coalescence between the settlements.

For the reasons set out above the proposal is considered to be contrary to policies DM2, DM13 and DM34 of the JDMPD, Policy CS4 of the Core Strategy 2010, Objective 4 of the Bury St Edmunds Vision 2031 and the guiding principles of the NPPF, notably paragraph 127 and 170.

The proposal would provide economic and social benefits from the construction and operation of the caravans and some modest additional employment, however the harm identified above is considered to significantly and demonstrably outweigh the benefits of the scheme.'

51. This re-submission is not materially different but has been submitted with additional information in the form of a visualisation.
52. The application site is designated as countryside under the current policies map (September 2014), where policy DM5 applies.
53. 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.
54. 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.'
55. 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.
56. 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 affect 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.

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 footpath 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 exhibit 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 is 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 marks 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 bordering 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 comprehensive soft landscaping scheme. In response to comments from Officers the previous scheme was amended from 37 cravens to 35, to reduce the overall number of caravan plots 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.
68. The soft landscaping scheme would extend the grass verge along the roadside, beyond which there would be a boundary hedgerow. The trees along the frontage with Mildenhall road have been moved away from the edge of the highway to facilitate planned widening of the footpath along Mildenhall Road, as advised by the HA.
69. 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.

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 where 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 lodges '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 on Landscape Impact

75. The applicant's tree consultant has advised that the visualisation now submitted in support of the application indicates the *'projected visual effects of the planting as it becomes well established, which is normally defined as 15 years. Clearly growth rates vary between species and will also be affected by growing conditions. Most of the proposed planting is native and so it is anticipated that these species should grow fairly quickly and the level of screening shown could be achieved within a period of 5-10 years. It is also possible to plant the trees and shrubs at bigger stock sizes which would also provide more instant impact, although smaller plants tend to 'catch up' quite quickly.'*

76. 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.

77. 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.

78. The Ecology and Landscape Officer considered 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.

79. 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.

80. 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.

81. 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.

82. 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 external 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.

83. 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 implementation of 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.

84. The amended proposal is considered to minimise the harm to the locality and distinctive character of the area. 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

85. Concerns have been raised by the Parish Council and 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.

86. 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.

87. 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.

88. 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.
89. The proposal is for 35 holiday caravans. On the basis of the above, in the view of officers the proposal cannot reasonably be argued to have significant transport implications such that it requires a full Transport Statement.
90. However, a statement with trip number estimates based on similar developments has been submitted with the application which shows low peak hour trip generation.
91. 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.
92. 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

93. 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.
94. 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.
95. 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.

96. 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
97. 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.
98. 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.'
99. 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 sSoprano 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.'
100. 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.
101. 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.
102. 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'.
103. 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.

104. 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.
105. 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.
106. 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.
107. All other trees present within the site were inspected and assessed as providing negligible bat roosting potential.
108. 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.
109. 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.
110. 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.'*
111. 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.
112. 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

113. 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.
114. 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.
115. The Ecology And Landscape Officer judged 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

116. 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.
117. 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.
118. 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.
119. 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 development. 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.

120. 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.
121. For the reasons outlined above the proposals are, on balance, considered acceptable when assessed against policy DM34 and all other relevant JDMPD policies and would not conflict with the strategic aims for rural areas of Core Strategy policy CS13.

Heritage Assets and Archaeology

122. 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. Section 72 (1) of the same Act requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
123. 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.
124. Historic England confirmed previously 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.
125. The Battlefield Trust suggested 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.
126. SCC Archaeology noted 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.
127. The applicant has provided an 'archaeological pre-determination evaluation' including information on the proposed ground disturbance caused by services and no dig block paving and road surface construction.

Given the limited 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.

128. The Conservation Officer had 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

129. 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.
130. 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.
131. 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

132. 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.
133. 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.
134. 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.
135. 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.

136. 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.

137. 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.

138. 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 to minimise the risk of golf balls landing within the proposed development site.

139. 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.

140. 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

141. 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

142. 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.

143. 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.

144. 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. The application was submitted in support of a FRA and drainage strategy to 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 SCC Flood and Water Management raised no objection subject to conditions. The proposal as such would comply with policy DM6.

Contamination

145. 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.

146. 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.

147. 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

148. 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.'
149. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality.
150. 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.
151. 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

152. There have been no material changes to the previously proposed scheme. 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.
153. 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.
154. 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.

155. 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.

156. 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. The visual impacts of the development are demonstrated by the submitted visualisation.

157. Until the screening matures the caravans 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.

158. 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:

159. 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:

160. 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
GUA-DR-L-001 P01 467/PH1	PLAN Parking Plan	22.04.2020 22.04.2020
GUA-DR-L-002 P04 1010044/SK001 C	Soft Landscape Proposals Access Plan	08.06.2020 08.06.2020
GUA-DR-L-003 P04 Golf Course and Footpath Statement 467/FP1/B	Detail Planting Plan FOOTPATHS Proposed Site Layout Plan	08.06.2020 28.05.2020 28.05.2020
ARCHAEOLOGICAL PRE- DETERMINATION EVALUATION GOLF COURSE ALTERATIONS REPORT 467 SL1	Archaeological report Report	 22.04.2020
467 P1 B	Location Plan Proposed Block Plan	22.04.2020 22.04.2020

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 P04 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 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.

- 17 No caravan 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 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No.'s; 1010044/SK001 Rev C and GUA-DR-L-002

Rev P04, including the relocation of affected existing highway infrastructure and with an entrance width of 6.0m and made available for use prior to first use.

Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. 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.

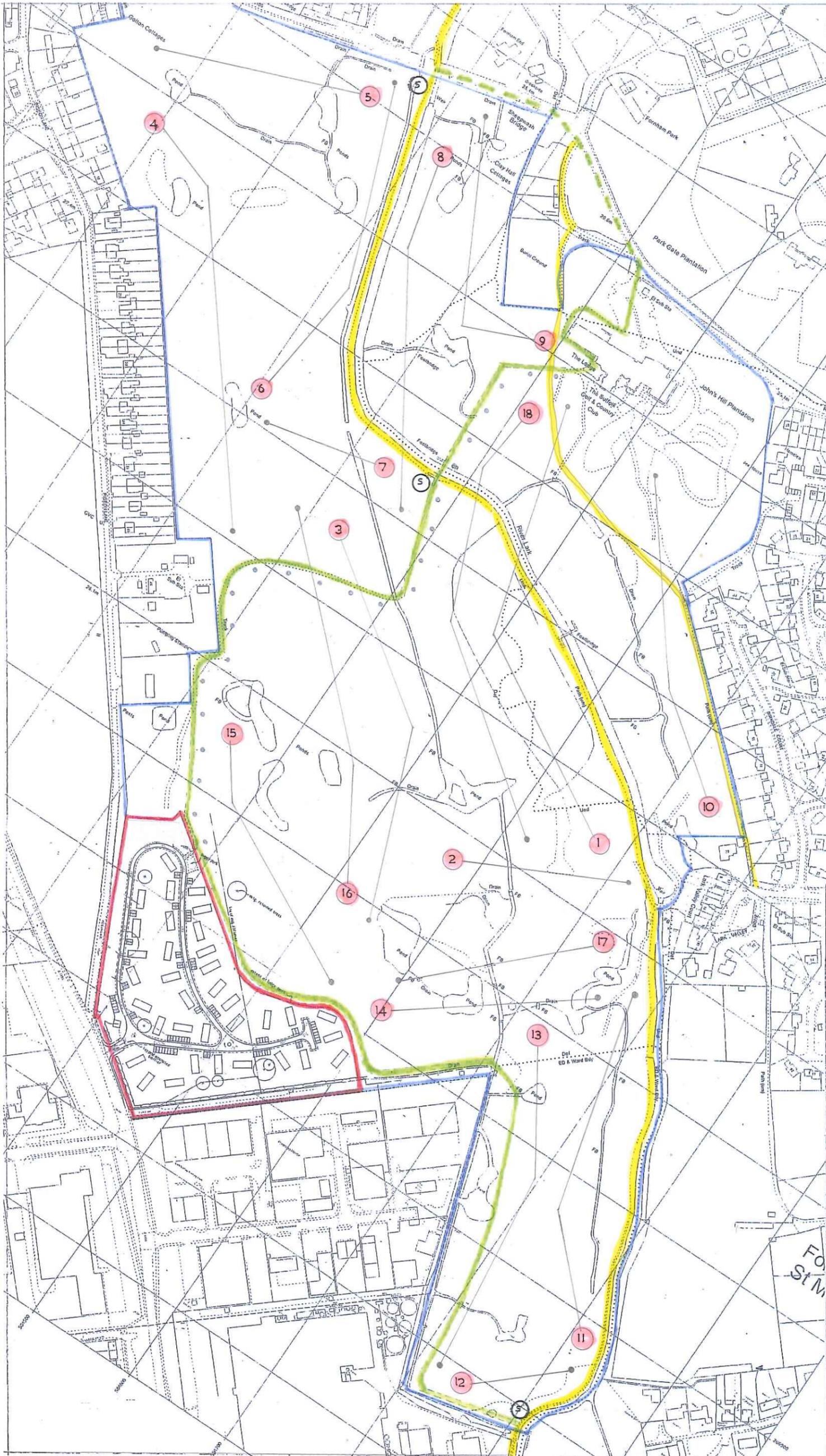
- 28 All mitigation measures as set out in the Habitats Regulations Report 1879 R3 v3 dated January 2020 shall be carried out in accordance with the details contained in paragraph 4.3.11 of the report and agreed in principle with the Local Planning Authority prior to determination.

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/20/0682/FUL](#)

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ALL SAINTS HOTEL & GOLF CLUB SITE PLAN SHOWING PEDESTRIAN ROUTES

467/FP1XB

- boundary of site
- proposed lodge site
- Lark Valley public footpath/ FP2, FP3
- Interlinking paths
- path lighting (low intensity solar bollard downlighting)
- storyboard locations
- tee
- 2 golf course layout

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Development Control Committee 8 July 2020

Planning Application DC/20/0600/TPO – 52 Street Farm Lane, Ixworth

Date Registered:	02.04.2020	Expiry Date:	28.05.2020 EOT 17.07.2020
Case Officer:	Connor Vince	Recommendation:	Refuse Application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	TPO 429 (2006) Tree Preservation Order - 1no. Maple (T1 on plan and T2 on order) fell		
Site:	52 Street Farm Lane, Ixworth, IP31 2JE		
Applicant:	Deborah Scott		

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:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 01284 757373

Background:

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

The Officer's recommendation is to refuse consent for the felling of the T5 – 1no. Field Maple for which consent is sought for.

The application was referred to the Delegation Panel as Ixworth Parish Council and a Ward Member supported the felling of the tree. The Tree Officers' recommendation is for REFUSAL.

Proposal:

1. TPO consent is sought to fell 1no. Field Maple.

Application Supporting Material:

- Application Form
- Sketch Plan
- Photographs
- Arboricultural Officer's Comments

Site Details:

2. The tree stated in the application is located within a residential cul-de-sac, situated directly south of 52 Street Farm Lane. The application tree is subject to the Tree Preservation Order 429 (2006).

Planning History:

3.

Reference	Proposal	Status	Decision Date
SE/12/1135/TPO	TPO429(2006)4 - Tree Preservation Order Application Fell one Field Maple tree (T5 on Order).	Application Refused	03.10.2012
DC/15/2385/TPO	TPO429(2006)5 - Tree Preservation Order Application - 1no Maple Tree (T5 on Order) (i) crown raise 3.5m (ii) lateral crown reduction of up to 2 metres to the south west (iii) reduce height up to 2 metres	Application Granted	19.01.2016
DC/20/0600/TPO	TPO 429 (2006) Tree Preservation Order - 1no. Maple (T1 on plan and T2 on order) fell	Pending Decision	

Consultations:

4. The Arboricultural Officer recommended refusing consent for the felling of the 1no. Field Maple on the basis that the harm to amenity is not justified by the justifications put forward by the applicant for the removal of this tree. This is discussed in more detail below.

Representations:

5. Ixworth Parish Council: The members wish to support this application due to the damage that the tree is causing to drainage in the area. The applicant also stated she would be willing to replace the tree with a more suitable species.
6. Ward Member Councillor John Griffiths: Support - Having supported the application (alongside every member of the Parish Council, and others in Ixworth, and unaware of any local objections whatsoever) I am delighted to hear that your initial recommendation was one of Approval. Having read the comments of the arboricultural officer, I am however both rather surprised and disappointed that they have caused you to reverse this recommendation to one of Refusal. For what it is worth, I have to say I and others personally find the comments rather woolly, insubstantial and certainly no reason to refuse this particular application.

Public Interest generated by the application:

7. Two comments of support from neighbours.

Policy:

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

Officer Comment:

9. The issues to be considered in the determination of the application are:
 - Reason for the works
 - Impacts on the visual amenity of the local area
 - Impacts on residential amenity
10. The tree subject to this application is a mature Field Maple. It is actually T5 of the order, not T2 as cited in the application. It is of significant age for a Field Maple and pre-dates the housing development. The tree appears to have no significant defects at this time. The tree has had previous crown reductions (*DC/15/2385/TPO*), and has a well-balanced and compact crown. It could not be described as dominating any of the properties, and is of a scale that fits in well

with the location. The tree also appears to be the only remaining tree from a group of trees protected by a TPO in 2006, and as such is more significant.

11. The tree is located at the front of properties at the end of a cul-de-sac. As such it is visible from this cul-de-sac, but also from the main road the cul-de-sac joins from. As such it does contribute significantly to the verdant character of the village, which is also adjacent to a conservation area. Removal of the tree would therefore have a detrimental impact on the amenity of the area.

Reasons cited for felling

12. The first reason cited is damage to driveways. The location of the tree adjacent to tarmac driveways has caused some moderate uplifting from surface roots and buttress incremental growth. The damage caused by the uplifting is described by the Tree Officer as 'moderate only', and typically this type of damage can be repaired. A further alternative solution would be a flexible paving solution which would cope with moderate movement more successfully over time. This would allow the tree and its amenity value to be retained but is not an option the applicant appears willing to consider. On this basis, it is not considered that this reason is sufficient to justify the removal of the tree, either alone or in combination.
13. The second reason cited in the application is blocking off and damaging drains. However, in most cases tree roots entering a drain would not justify the removal of a tree with significant amenity value, as generally tree roots will only enter an already failed drain. Removal of the tree will not prevent other roots entering a failed drain for example. Again, therefore, it is not considered that this reason is sufficient to justify a removal of the tree, again neither alone nor in combination with any other reasons.
14. The final reason cited in the application is the size of the tree, and being located in a residential area, and which is therefore not a suitable sized tree for its location. However, the tree is approximately 7-8 metres tall, and of similar height to the surrounding buildings. It is well spaced from the residential dwellings, with good levels of light and air around the properties, and it is entirely appropriate, and desirable, that residential areas benefit from tree cover, for all the amenity and environmental benefits trees provide. The majority of residential areas have tree cover similar to this, and this would not be a reasonable reason to remove a tree with significant amenity value, again, neither alone nor in combination with any other reasons.

Legal Issues

15. The application also raises the question of responsibility for the damage caused to the driveway, and blockage of drains. A Local Planning Authority, in some circumstances, can be liable for loss or damage as the result of a planning decision.
16. Having consulted Legal Services, it is confirmed that by reason of Regulation 24 of the 2012 Regulations, compensation is a possible

consequence. The relevant TPO appears to be post 1999, which means that the compensation rights are more limited than they would otherwise be. Claims have to be made within 12 months of the decision to refuse or impose conditions.

17. In the circumstances of this case, and noting the issues discussed in the preceding section, Officers remain of the opinion that, balancing all matters, refusal remains justified. Members should note that the question of liability is not a material planning consideration and their deliberations should concentrate on the amenity value of the tree and the justification for removal put forward in the application.

Response to Neighbour Comments

18. Support and comment from two adjacent properties is noted. Turning to the comments from number 50, the first point is the species of the tree, which is a Field Maple. This is a very different tree from a Sycamore. While seeds may be a minor nuisance for gardeners, this would rarely be sufficient grounds for removing a tree with significant amenity value. For example a much larger Walnut tree was noted in the neighbour's property, which will shed as much fruit. In addition, many seeds are wind borne, and the seed bank in any location will always result in vegetation growing, and this would be considered routine maintenance for a garden. The neighbours' comments then reiterate the uplifting to the driveway and blocked drains, covered above.
19. Turning to the comments from number 54, the Arboricultural Officer advises that much of the information provided by the tree surgeon, as cited, is inaccurate. It should be noted the mature tree sizes quoted do not relate to this tree. This is a mature Field Maple. The species typically has a mature height of 7 to 8 metres, very different from other members of the Acer genus, quoted in the neighbour's comments. Its age is 'mature'. This means it is in the final third of its life, which is the stage where growth slows and trees have typically reached their maximum size. In addition, the species responds well to sympathetic crown reductions, which long term will enable the size of the crown to be managed appropriately.
20. With specific reference to shading of number 54, this would not be considered significant. The tree is located a significant distance from the property, with the closest part of the crown over 10 metres from the front of the house, and there are high levels of both direct and indirect light to the property. The tree is of similar height to surrounding buildings and given the aspect, would not be described as unduly, or unreasonably shading the property. This level of shading would not generally justify removal of a tree with significant amenity value.
21. As highlighted above, there is some moderate uplifting to driveways, which has caused moderate damage. As such, this is the primary factor in considering this application.
22. It is noted that the substantive issue regarding the application concerns the damage caused to the applicant's driveway versus the

amenity value attributed to the tree. It is also noted that it is the opinion of the Tree Officer that the tree can be retained whilst there is an alternative solution to damage caused to the driveway by incorporating flexible paving to the affected area. With all the aforementioned in consideration, the proposed felling of the Maple Tree is recommended for refusal.

Conclusion:

23. In conclusion, the proposal to remove the Field Maple Tree is considered to be unacceptable

Recommendation:

24. It is recommended that consent for these works be **REFUSED** for the following reason:

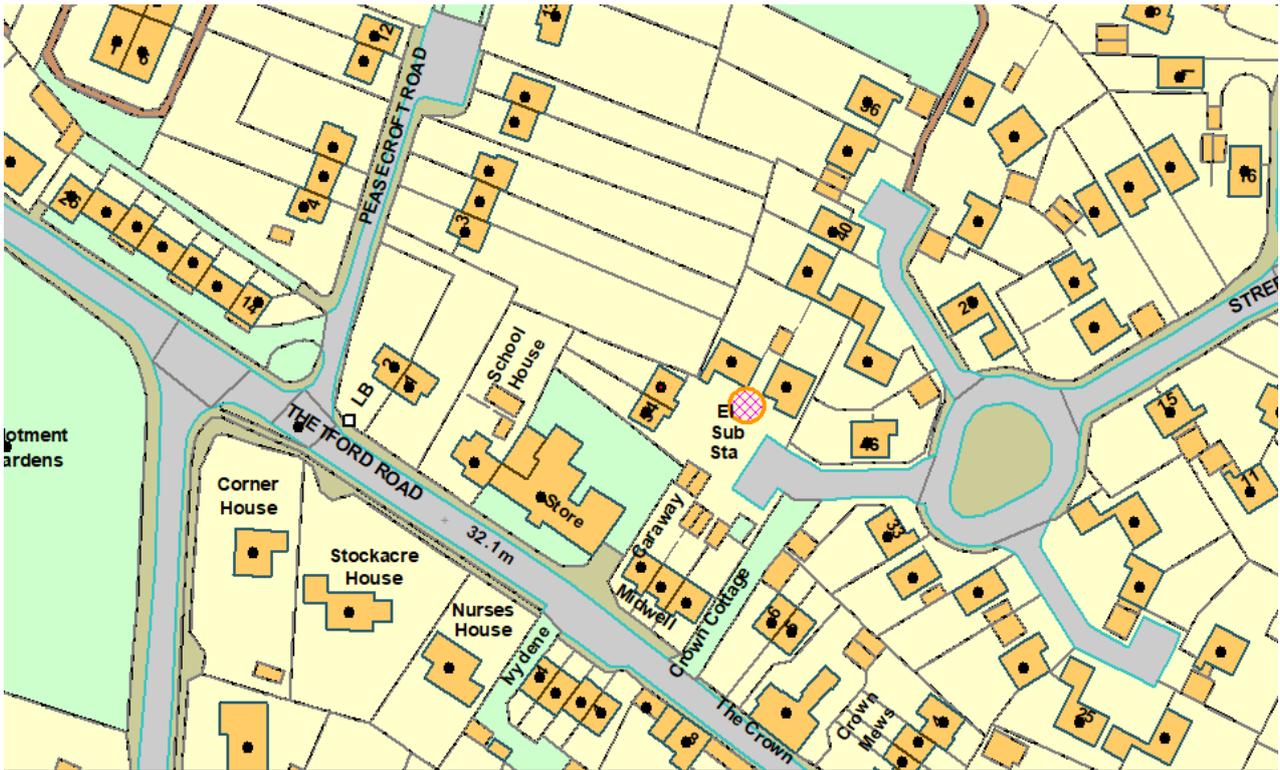
1. The tree in this application is the only remaining in what was a line of trees that were incorporated into the estate when it was developed. The tree is visible from public vantage points and forms an attractive backdrop to dwellings along this road. As such, the tree makes a positive contribution to the character and appearance of the area and is an integral feature of the mature and verdant landscape of the locality. The removal of the tree would leave a noticeable gap within the landscape and would markedly erode the mature and verdant landscape of the locality. This would give rise to considerable harm to the character and appearance of the area. Given the age and amenity value attributed to the tree and given the alternative solutions which would address the uplifting and damage to driveways, in this circumstance, it is not considered that a complete felling of the tree would be justified and would not outweigh the adverse visual impacts that would arise. As a consequence, the removal of the tree would not be justified.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0600/TPO](#)



DC/20/0600/TPO – 52 Street Farm lane, Ixworth IP31 2JE



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