

# Development Control Committee

<b>Title</b>	<b>Agenda</b>											
<b>Date</b>	<b>Wednesday 4 November 2020</b>											
<b>Time</b>	<b>10.00am</b>											
<b>Venue</b>	<b>Facilitated by Microsoft TeamsLive virtual meetings platform only</b> <b>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</b>											
<b>Full Members</b>	<p style="text-align: center;"><b>Chair</b> Andrew Smith</p> <p style="text-align: center;"><b>Vice Chairs</b> Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><b>Conservative Group (9)</b></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><b>The Independent Group (6)</b></td> <td>Richard Alecock John Burns Jason Crooks</td> <td>Roger Dicker David Palmer Don Waldron</td> </tr> <tr> <td><b>Labour Group (1)</b></td> <td colspan="2">David Smith</td> </tr> </table>			<b>Conservative Group (9)</b>	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<b>The Independent Group (6)</b>	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer Don Waldron	<b>Labour Group (1)</b>	David Smith	
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<b>Interests – declaration and restriction on participation</b>	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.											
<b>Quorum</b>	Six Members											
<b>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</b>												
<b>Committee administrator</b>	<b>Helen Hardinge</b> - Democratic Services Officer <b>Telephone</b> 01638 719363 <b>Email</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>											

## 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)
  - 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.
  - The following planning local plan documents covering West Suffolk Council:
    - Joint development management policies document 2015
    - In relation to the Forest Heath area local plan:
      - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
      - ii. Core strategy single issue review of policy CS7 2019
      - iii. Site allocations local plan 2019
    - In relation to the St Edmundsbury area local plan:
      - i. St Edmundsbury core strategy 2010
      - ii. Vision 2031 as adopted 2014 in relation to:
        - Bury St Edmunds
        - Haverhill
        - Rural

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.

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 or 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 section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

## **Documentation received after the distribution of committee papers**

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- a. Officers will prepare a single committee update report summarising all representations that have been received up to 5pm on the **Thursday** before each committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- b. the update report will be sent out to Members by first class post and electronically by noon on the **Friday** before the committee meeting and will be placed on the website next to the committee report.

Any late representations received after 5pm on the **Thursday** before the committee meeting will not be distributed but will be reported orally by officers at the meeting.

## **Public speaking**

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website.

## Development Control Committee

### Decision making protocol

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

#### Decision making protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below:

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
  - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
  - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
  - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
  - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
  - Members can choose to;
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with

the Chair and Vice Chair(s) of Development Control Committee.

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

## Notes

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

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

# Agenda

## Procedural matters

### Part 1 – public

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 - 22**  
To confirm the minutes of the meeting held on 2 September 2020 and 7 October 2020 (copies attached).
4. **Declarations of interest**  
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/19/2265/FUL - Stock Corner Farm, Stock Corner, Beck Row** **23 - 56**  
Report No: **DEV/WS/20/049**  
  
Planning Application - (i) 9no. dwellings (ii) vehicular access (following demolition of existing agricultural buildings)
6. **Application for Advertisement Consent DC/20/0817/ADV - Land adjacent to Tesco Petrol Station, Willie Snaith Road, Newmarket** **57 - 76**  
Report No: **DEV/WS/20/050**  
  
Application for Advertisement Consent - 1 no. internally illuminated freestanding totem sign
7. **Planning Application DC/20/1003/FUL - Abbots Hall, Smallwood Green, Bradfield St George** **77 - 92**  
Report No: **DEV/WS/20/051**  
  
Planning Application - 1no. dwelling (following demolition of existing dwelling)

# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 2 September 2020** at **10.00 am** via Microsoft Teams

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

John Burns

Jason Crooks

Roger Dicker

Susan Glossop

Rachel Hood

Ian Houlder

Andy Neal

David Palmer

David Roach

David Smith

Peter Stevens

Ann Williamson

**In attendance**

Carol Bull (Ward Member: Barningham)

## 48. **Welcome and Remembrance**

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.

Following which, the Chair paid tribute to former West Suffolk Councillor David Gathercole who had recently passed away.

The Chair spoke fondly of Councillor Gathercole, who had served on the Development Control Committee, and asked all those present to observe a one minute silence in his memory.

## 49. **Apologies for Absence**

Apologies for absence were received from Councillors Andy Drummond and Don Waldron.

## 50. **Substitutes**

The following substitutions were declared:

Councillor Rachel Hood substituting for Councillor Andy Drummond; and 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.

51. **Minutes**

The minutes of the meeting held on 22 July 2020 were confirmed as a correct record and signed by the Chair.

52. **Declarations of Interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

53. **Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham (Report No: DEV/WS/20/041)**

**Planning Application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)**

This application was originally referred to the Development Control Committee on 22 July 2020 following consideration by the Delegation Panel at the request of the Ward Member (Chedburgh & Chevington) Councillor Mike Chester.

The Delegation Panel subsequently recommended that the application be heard before the Development Control Committee due to the site's (enforcement) history and the degree of public interest generated by the proposal.

Furthermore, Dalham Parish Council had raised objections to the scheme which was in conflict with the Officer's recommendation of approval.

However, the item was withdrawn from the 22 July 2020 Development Control Committee agenda following a third party representation which suggested that the application as submitted ought not be determined by the Local Planning Authority on the basis that planning application DC/16/1735/FUL had already been refused on the 17 February 2017.

The representation asserted that based on the advice contained within the National Planning Practice Guidance, a further application could not be submitted pursuant to S.70c of the 1990 Town and Country Planning Act.

In response to this claim, legal advice was been sought which confirmed that there were no material or legal reasons for the Local Planning Authority to refuse to determine this planning application, accordingly, it was returned to the Committee for deliberation.

Officers were continuing to recommend that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in Paragraph 115 of Report No DEV/WS/20/041.



As part of his presentation to the Committee the Senior Planning Officer drew attention to the supplementary 'late papers' which had been issued since publication of the agenda and played videos of the site which he took the Committee through by way of a virtual 'site visit'

The Officer further advised of two amendments which had been made to the scheme in respect of boundary treatments to the South of the site and a revised visibility splay drawing.

Members were also informed that additional late comments had been received from third parties on 29 August, 31 August and 1 September – all of which were summarised to the meeting.

Speakers: Rachel Mack-Smith (resident objector & on behalf of fellow neighbouring objectors) spoke against the application  
Councillor John Riddell (Dalham Parish Council) spoke against the application  
Councillor Mike Chester (Ward Member: Chedburgh & Chevington) spoke on the application

Considerable debate took place on the application, with a number of the Committee making comment with regard to the 2015 Written Ministerial Statement (which related to intentional unauthorised development) and whether the dwellings proposed were affordable.

Some Members also questioned as to whether the proposal was a rural exception site.

Councillor David Roach proposed that the application be refused, contrary to the Officer recommendation for the reasons outlined above and this was duly seconded by Councillor Roger Dicker.

In response to which, the Service Manager (Planning – Development) drew attention to the comments within the report from the Council's Strategic Housing Team. She also recommended that the query concerning a rural exception site was not used as a reason for refusal.

Accordingly, the Committee was advised that the Decision Making Protocol would be invoked and a Risk Assessment would be produced for Members to consider at a future meeting.

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

#### Decision

**MEMBERS BE MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION** due to advice contained within the 2015 Written Ministerial Statement (which relates to intentional unauthorised development) and over concerns that the dwellings proposed were not affordable. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

54. **Application for Advertisement Consent DC/20/0817/ADV - Land adjacent to Willie Snaith Road, Newmarket (Report No: DEV/WS/20/042)**

*(Councillor Rachel Hood declared a non pecuniary interest in this item in light of the fact that she had taken part in Newmarket Town Council's consideration of the application when they resolved to oppose the scheme. However, Councillor Hood stressed that she would keep an open mind and listen to the debate prior to voting on the item.)*

**Application for Advertisement Consent - 1 no. internally illuminated freestanding totem sign**

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

The proposal related to the site upon which planning permission had recently been granted by the Development Control Committee on 3 June 2020 for 2no. drive-through cafe/restaurant units (DC/18/2210/FUL).

Newmarket Town Council objected to the proposal which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 61 of Report No DEV/WS/20/042.

As part of his presentation the Senior Planning Officer made reference to the supplementary 'late papers' which had been circulated following publication of the agenda and which set out a correction in respect of the distance of the proposed advertisement from an existing dwelling.

Speaker: Douglas Hall (resident objector) spoke against the application

During the debate Councillor Rachel Hood addressed the meeting and made reference to the conflict with the Newmarket Neighbourhood Plan and the proximity of the nearby skatepark development.

A number of comments were made with regard to the design of the proposal and the Service Manager (Planning – Development) highlighted the changes that had been made to the application since pre-application enquiry discussions.

Councillor Jason Crooks proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 8 voting for the motion and 8 against the Chair exercised his casting vote against the proposal and the motion was therefore lost.

Councillor Peter Stevens then moved that the application be refused, contrary to the Officer recommendation, due to the impact the proposal would have on visual amenity. This was duly seconded by Councillor Richard Alecock.

In response to the proposal the Service Manager (Planning – Development) explained, due to the subjective nature of the concerns raised by Members about the proposed sign relating to amenity, that the Decision Making Protocol would not be invoked in this instance, meaning the motion would not be a 'minded to' refuse.

Further discussion then took place, with a number of Members voicing support for a deferral in order to allow additional time in which for the applicant to work with Newmarket Town Council on an alternative design, which was welcomed by Councillor Hood on behalf of the Town Council.

Henceforth, Councillor Jason Crooks proposed an amendment to the motion on the table in order to defer consideration of the application.

The Lawyer advising the meeting explained that the alternative proposal that had been made (but not seconded) was not an amendment to the refusal motion as it was a substantively different proposition.

*(At this point in the meeting there was a technical fault and a number of attendees lost connection. A meeting adjournment slide was displayed in the live stream whilst time was allowed for all parties to reconnect. Once present, the Democratic Services Officer undertook a roll call of attendance.)*

On resuming the meeting, Councillors Stevens and Alecock (as proposer and seconder) withdrew their motion for refusal.

Subsequently, Councillor Roger Dicker moved that consideration of the application be deferred in order to allow the applicant additional time in which to liaise with Newmarket Town Council on an alternative design proposal. This was duly seconded by Councillor Jason Crooks.

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

#### Decision

Consideration of the planning application be **DEFERRED** in order to allow the applicant additional time in which to liaise with Newmarket Town Council on an alternative design proposal.

*(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.)*

#### 55. **Planning Application DC/20/0623/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/20/043)**

#### **Planning Application - 5no. dwellings (following demolition of existing dwelling)**

This application was originally referred to the Development Control Committee on 8 July 2020 following consideration by the Delegation Panel

and in light of Withersfield Parish Council having submitted objections to the scheme which was in conflict with the Officer's recommendation of approval.

The Committee resolved on 8 July that they were minded to refuse the application, contrary to the Officer recommendation as the application was contrary to Policy CS4, drainage and flood risk, harm to the conservation area, impact on the setting of a listed building, impact on biodiversity and impact on neighbouring amenity.

Accordingly a Risk Assessment was produced for further consideration by the Committee which the Principal Planning Officer took Members through as part of his presentation, together with videos of the site by way of a virtual 'site visit'.

A typographical error was highlighted in the description of the application within the report which referred to 6 dwellings and should have read 5; as the scheme had been amended since original submission.

Speakers: Denis Elavia (neighbouring objector) spoke against the application  
Councillor Terry Rich (Chairman, Withersfield Parish Council) spoke against the application  
Lee Frere (architect) spoke in support of the application

Councillor Peter Stevens commenced the debate as Ward Member for the application (Withersfield) and continued to raise concerns with the application, primarily in relation to flooding.

These concerns were echoed by a number of the Committee, irrespective of the condition proposed to mitigate this.

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

However, further discussion took place with Members highlighting the need to give weight to the concerns raised by local residents and the Parish Council.

The Principal Planning Officer stressed the need to ensure reasonableness in relation to the scale of the development. He added that Officers considered that the scheme would actually provide a betterment by way of the proposed drainage condition.

Councillor Mike Chester then addressed the meeting and formally withdrew as seconder of the approval motion. Councillor Ann Williamson then seconded the motion.

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

Councillor Peter Stevens then proposed that the application be refused for the reasons set out in Paragraph 40 of the report. This was duly seconded by Councillor Jason Crooks.

Upon being put to the vote and with 11 voting for the motion and 5 against it was resolved that

### Decision

Planning permission be **REFUSED, CONTARY TO THE OFFICER RECOMMENDATION** for the following reasons:

1. Without full details 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 the development, it has not been demonstrated that a satisfactory drainage scheme is achievable on the site. The application is therefore contrary to the requirements of the St Edmundsbury Core Strategy Policy CS2, Joint Development Management Policy DM6 and paragraph 163 of the NPPF in this respect.
2. 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. Furthermore, Joint Development Management Policies 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. The site is wholly within the Withersfield conservation area and in this case the courtyard style layout of a group of 5 dwellings, would depart from the mainly linear form of this part of the village harming its appearance. The loss of a significant tree on the frontage of the site is also considered to be harmful to the character of the conservation area as it forms part of a group of trees contributing to its amenity. The application does not therefore preserve or enhance the conservation area and does not accord with Joint Development Management Policies DM17, DM1 and DM2. Having regard to paragraph 196 of the NPPF, the less than substantial harm to the significance of a designated heritage asset (Withersfield conservation area) is not outweighed by any public benefit.
3. Joint Development Management Policy DM12 states that for all development, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. In this case scale of development proposed, 5 dwellings including hard-surfaced areas and parking, results in very little space for new planting and biodiversity enhancements to replace the three trees and grassed areas being lost. The loss of trees also represents a loss of habitat for bats and birds. The proposed mitigation set out in the Design and Access Statement is not considered sufficient to outweigh this harmful impact representing a

net loss in biodiversity. The development does not therefore accord with Joint Development Management Policy DM12.

4. Thistledown Cottage adjoining the site to the south currently has a relatively open aspect to its northern boundary, with ground floor windows to the gable end of the dwelling. The proposed development introduces a new dwelling of significant scale and form within 5 metres of the gable end. This is considered to be overbearing and harmful to the existing amenity of this dwelling. Furthermore, the Old Bakery to the north west of the site currently enjoys a relatively verdant boundary to Milton House. Proposed plot 6 would be sited close to this existing boundary resulting in the loss of existing vegetation and trees. A two-storey dwelling would be positioned within 5 metres of the existing boundary. This would result in harm to the amenity of the Old Bakery by virtue of overbearing and additional noise disturbance. This would be contrary to Joint Development Management Policy DM2, which amongst other things, requires new development to avoid harm to existing residential amenity.

*(On conclusion of this item Councillor Andy Neal left the meeting at 2.24pm.)*

56. **Planning Application DC/20/0526/FUL - Former Council Offices, 7 Angel Hill, Bury St Edmunds (Report No: DEV/WS/20/044)**

**Planning Application - (i) Extension to second floor office space to create new office units within the roof space including 11 no. dormers (ii) secondary access and escape stair to the rear on each floor level and (ii) removal of an existing window and creation of a new doorway on north elevation**

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

Bury St Edmunds Town Council objected to the proposal which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 75 of Report No DEV/WS/20/044.

As part of his presentation the Planning Officer outlined the detailed planning history of the site and took Members through videos of the site by way of a virtual 'site visit'.

He also outlined the various changes that had been made to the application since original submission.

Lastly, the Officer proposed an additional two conditions to be included to ensure that all glazing within the roof space shall be fixed shut and non-openable and that the fire doors shall be fitted with an alarm.

Speakers: Susie Cooper (resident objector & on behalf of fellow neighbouring objectors) spoke against the application *(via a pre-recorded audio file submission)*  
Lionel Thurlow (architect) spoke in support of the application

Councillor David Smith asked if it would be possible to condition the use of the courtyard. In response, the Principal Planning Officer explained that this would not be considered reasonable due to the communal use of the area by residents. Members were also reminded of the two additional conditions in respect of the glazing and alarmed fire doors.

Some general discussion took place with regard to site visits. The Committee was advised that unless Government Covid-19 guidance changed these would continue to be provided by way of video to the Committee.

Councillor Roger Dicker proposed that the application be approved as per the Officer recommendation and inclusive of the two additional conditions as outlined. This was duly seconded by Councillor Ian Houlder.

*(During the discussion of this item Councillors David Roach (2.30pm), Ann Williamson (2.46pm) and David Palmer (2.55pm) left the meeting at the times specified and were therefore not present for the vote.)*

Upon being put to the vote and with 9 voting for the motion, 1 against and with 2 abstentions it was resolved that

#### Decision

Planning permission be **GRANTED** 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.
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, 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) Measures to control the emission of dust and dirt during construction
  - ii) Noise method statements and noise levels for each construction activity including piling and excavation operations
4. The site demolition, preparation and construction works shall only be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and 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.
5. Before the development hereby permitted is first occupied/brought into use, all the proposed doors and glazing within the roof space shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.
6. Prior to the first use of the development the noise protection measures provided by screening in association with the air condition unit detailed in plan 7360-700G shall be completed in their entirety in approved details.

7. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 7360-100D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
8. The use shall not commence until the areas within the site shown on Drawing No. 7360-100D for the purposes of secure cycle storage and thereafter that areas shall be retained and used for no other purposes.
9. Before the development hereby permitted is first brought into use, all the proposed doors and glazing within the roof space shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and which shall consist only of non-openable fixed lights and shall be retained in such form in perpetuity. Further, all glazing within the roof space shall be fixed shut and shall not be openable.
10. Before the development hereby permitted is first brought into use, all external doors hereby permitted shall be fitted with an alarm that sounds when the external door is opened, or each door shall otherwise be linked to the existing fire alarm system within the building such that the opening of any external door hereby permitted shall automatically trigger the sounding of the existing fire alarm. Any such method as may be employed pursuant to this condition shall thereafter be retained. There shall be no use of the premises for the purposes hereby permitted unless and until the doors have been linked to the existing fire alarm as so prescribed or otherwise fitted with an alarm.

*(On conclusion of this item Councillor Susan Glossop left the meeting at 3.10pm.)*

**57. Planning Application DC/20/0489/FUL - Land Rear of Springfield, The Street, Hepworth (Report No: DEV/WS/20/045)**

**Planning Application - 1no. Dwelling and detached garage**

This application was referred to the Development Control Committee following consideration by the Delegation Panel at the request of the Ward Member (Barningham) Councillor Carol Bull.

The Delegation Panel subsequently recommended that the application be heard before the Development Control Committee in light of the support from Hepworth Parish Council which was in conflict with the Officer's recommendation of refusal, for the reasons set out at Paragraph 48 of Report No DEV/WS/20/045.

As part of his presentation the Planning Officer took Members through videos of the site by way of a virtual 'site visit'.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke in support of the application  
Trevor Stimson (applicant) spoke in support of the application

A number of the Committee voiced support for the application and remarked on the lack of objection received to the scheme.



Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation, as he considered it not to be in conflict with policies DM2 and DM22. This was duly seconded by Councillor Jim Thorndyke.

Accordingly, the Committee was advised that the Decision Making Protocol would not be invoked in this instance as the judgement made was subjective.

The Planning Officer then verbally outlined the conditions that could be applied to a permission.

The Chair, therefore, put the motion to the vote and with 10 voting for and 1 against it was resolved that

### Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted application form.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above on the north western or south western elevations of the dwelling.
5. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 1946/01 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. The use shall not commence until the area(s) within the site shown on Drawing No. 1946/01 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
7. Prior to commencement of development details of the following drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority:
  - i) Existing and proposed ground levels and finished slab and floor levels,
8. Prior to the occupation of any unit/dwelling:
  - i) All of the noise protection and mitigation works associated with that unit/dwelling as detailed in the noise report No. DYN220520A Rev. 1 authored by Mr T. Stimson shall be completed in their entirety in accordance with the approved details.

- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works.

Thereafter the approved works shall be retained.

- 9. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 10. 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.

The meeting concluded at 3.50 pm

**Signed by:**

**Chair**

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# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 7 October 2020** at **10.00 am** via Microsoft Teams

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

Ian Houlder

Carol Bull

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

**In attendance**

Brian Harvey (Ward Member: Manor)

58. **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.

59. **Apologies for absence**

Apologies for absence were received from Councillor Ann Williamson.

60. **Substitutes**

The following substitution was declared:

Councillor Carol Bull substituting for Councillor Ann Williamson.

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.

61. **Minutes**

The minutes of the meeting held on 5 August 2020 were confirmed as a correct record and signed by the Chair.

62. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

63. **Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham (Report No: DEV/WS/20/046)**

**Planning Application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)**

This application was originally referred to the Development Control Committee on 22 July 2020 following consideration by the Delegation Panel at the request of the Ward Member (Chedburgh & Chevington) Councillor Mike Chester.

The Delegation Panel subsequently recommended that the application be heard before the Development Control Committee due to the site's (enforcement) history and the degree of public interest generated by the proposal.

Furthermore, Dalham Parish Council had raised objections to the scheme which was in conflict with the Officer's recommendation of approval.

However, the item was withdrawn from the 22 July 2020 Development Control Committee agenda following a third party representation which suggested that the application as submitted ought not be determined by the Local Planning Authority on the basis that planning application DC/16/1735/FUL had already been refused on the 17 February 2017.

The representation asserted that based on the advice contained within the National Planning Practice Guidance, a further application could not be submitted pursuant to S.70c of the 1990 Town and Country Planning Act.

In response to this claim, legal advice was sought which confirmed that there were no material or legal reasons for the Local Planning Authority to refuse to determine this planning application, accordingly, it was returned to the Committee on 2 September 2020 for deliberation.

At the September meeting Members resolved that they were minded to refuse planning permission due to advice contained within the 2015 Written Ministerial Statement which relates to intentional unauthorised development and over concerns that the dwellings proposed are not affordable.

Accordingly, a Risk Assessment was produced for further consideration by the Committee which the Senior Planning Officer took Members through as part of his presentation.

The Service Manager (Planning – Development) addressed the meeting and drew attention to the supplementary 'late papers', that had been issued following publication of the agenda, and the subsequent email that had also been sent out to the Committee which summarised additional representations received from third parties.

As part of his presentation the Senior Planning Officer made reference to the revised visibility splay and the third-party comments received in relation to this. He advised the Committee that the comments had been forwarded on to Suffolk County Council Highways who, in response, confirmed that they continued to be content with the scheme as proposed.

Officers continued to recommend that the application be approved subject to a S106 Agreement and conditions as set out in Working Paper 1 (with an updated drawing number for visibility splay, amended plan received 22 September 2020).

Speakers: Rachel Mack-Smith (resident objector & on behalf of fellow neighbouring objectors) spoke against the application  
Councillor John Riddell (Dalham Parish Council) spoke against the application  
Councillor Mike Chester (Ward Member: Chedburgh & Chevington) spoke on the application  
Philip Kratz (agent) spoke in support of the application (*the agent had opted not to connect to the meeting to address the Committee and had instead asked the Democratic Services Officer to read out a pre-prepared submitted statement*)

During the debate a number of the Committee continued to voice reservations with the application and the Senior Planning Officer responded on matters relating to; the S106 Agreement, the specifics surrounding the difference between rural and entry level exception sites, and considerations that could be given in the event of an appeal.

Councillor Andy Drummond addressed the meeting as Suffolk County Councillor for Dalham and endorsed the reason for refusal as set out in Paragraph 37 of the report.

In addition, he cited further reasons for refusal concerning the impact the scheme would have on the character of the area and the Conservation Area, together with its un-neighbourliness. He referenced polices CS3, CS5, DM2, DM17 and DM22.

Councillor Drummond then moved that the application be refused, contrary to the Officer recommendation, for the reason with the report and those he verbally added. This was duly seconded by Councillor Mike Chester.

*(During the debate both Councillors John Burns and Ian Houlder lost connection to the meeting, hence they were advised that they were unable to take part in the vote on this item.)*

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

#### Decision

Planning permission be **REFUSED, CONTARY TO THE OFFICER RECOMMENDATION**, for the following reasons:

1. This application seeks to retain two dwellings which are subject to an extant enforcement notice, as upheld through planning appeal APP/H3510/C/14/3000236. The development as a whole is therefore unauthorised. The application represents an attempt to retain unauthorised development which the Local Planning Authority has deemed to be unacceptable previously and this remains the case, despite the proposal now being for 2 affordable units as opposed to open market dwellings. Section 70c of the 1990 Town and Country Act is specifically designed to prevent Planning and Regulatory Services, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU repeated attempts to retain development which has already been considered as unacceptable by the Local Planning Authority. Furthermore, the Written Ministerial Statement (UIN HCWS423) Entitled "Green Belt protection and intentional unauthorised development" advises that where development is intentionally undertaken without the benefit of planning permission, this is a factor which must weigh against the proposal in the overall planning balance. In this instance, whilst the affordable status of the two dwellings is noted, this is not considered sufficient to outweigh the intentionally unauthorised nature of the development.
2. In conjunction with policy CS5 of the Forest Heath Core Strategy (2010), policy DM2 of the Joint Development Management Policies Document 2015 provides that proposals for development should recognise and address the key features, characteristics of the locality within which they are proposed. This is further supported by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. In this instance, the area benefits from a relatively loose grain owing to its location on the periphery of the settlement of Dalham. This is reflected by modestly scaled dwellings which, for the most part, share a strong linear relationship with the highway. The pattern of development in this area is generally linear in form and does not incorporate a significant number of dwellings positioned behind those already in situ. The proposed development of two dwellings would be at odds with this built form as the two units would be set behind the existing cottages which front onto Stores Hill in an unsympathetic suburban back land arrangement and result in additional, visually jarring buildings on a site that provides an important transition between this small village cluster and the wider countryside beyond to the west of the village. It would also intensify the concentration of development on the western outskirts of the village where the settlement form currently thins out. As a consequence, the proposed development would be discordant and harmful to the established character of the area. The introduction of additional built form, domestic paraphernalia and a formalised access will appear out of character and visually inappropriate. Further, the siting of two relatively large dwellings to the rear of existing modestly sized properties, notwithstanding the proposed alterations to upper level fenestration is also judged to adversely compromise existing

levels of amenity through the introduction of additional built form which appears unneighbourly and dominating from the existing private amenity space associated with the cottages which front onto Stores Hill. The proposal is therefore contrary to the provisions of policies CS5 of the Forest Heath Core Strategy (2010) and policies DM2, DM22 of the Joint Development Management Policies Document (2015). Consequently, the Planning and Regulatory Services, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU proposal is also judged to represent a material conflict with the advice contained with paragraph 12 of the 2019 National Planning Policy Framework.

3. The application site lies within the Dalham Conservation Area. Policy CS3 of the Forest Heath Core Strategy (2010) Document advises that the historic environment shall be protected, conserved and, where possible, enhanced. Where applicable, proposals for development should therefore take into account the local distinctiveness and sensitivity to change of distinctive landscape character types, and historic assets and their settings. Accordingly, Policy DM17 of the Joint Development Management Policies Document requires developments within the conservation area to preserve or enhance the character and appearance of the Conservation area. However, by virtue of the proposal's modern finishes and external design features which are not sympathetic to the character of the Conservation Area, the scheme fails to satisfy policies CS3 and DM17. This is a significant and material factor which weighs against the scheme as both policies CS3 and DM17 seek to ensure that the historic environment is preserved for future generations and the scheme fails to meet this requirement. As a result of the conflict with policies CS5 and DM17, the proposal also conflicts with the advice set out within chapter 16 of the National Planning Policy Framework (2019) and in particular, given the minimal public benefit arising, paragraph 196 of the Framework.
4. The National Planning Policy Framework (NPPF) states that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. The affordable nature of the proposed dwellings is noted however, paragraph 2.5.14 of the Core Strategy recognise Dalham as a small village with no settlement boundary and policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development. As a result of the site's location outside any of the Authority's defined settlements, the development would require future occupiers of the proposed dwellings to travel to nearby villages and beyond to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would inevitably be by private motor vehicle due to the limited public transport provisions available. Accordingly, the proposal for two new dwellings in this countryside location therefore represents an unsustainable form of development in an unsustainable location which is contrary to chapter 9 of the 2019 NPPF.

64. **Planning Application DC/20/0784/FUL - Doctors Surgery, 10 The Chase, Stanton (Report No: DEV/WS/20/047)**

**Planning Application - 1.5 storey rear extension to accommodate 4no. GP Consulting Rooms, Treatment Room, Interview Room and associated administrative and storage areas (following removal of existing portacabin)**

This application was originally referred to the Development Control Committee on 5 August 2020 following consideration by the Delegation Panel.

The application was referred to the Delegation Panel as Stanton Parish Council raised concerns, which was contrary to the Officer recommendation of approval.

At the August meeting the Committee resolved that they were 'minded to' refuse the application, contrary to the Officer recommendation, due to insufficient parking provision at the site and highway safety issues being exacerbated by surgery users parking on the neighbouring streets, primarily Parkside and Grundle Close. The proposal was also considered to be contrary to Policies DM2 and DM46.

Accordingly, a Risk Assessment was produced for further consideration by the Committee which the Planning Officer took Members through as part of his presentation together with videos of the site by way of a virtual 'site visit'.

Officers continued to recommend that the application be approved subject to conditions as set out in Paragraph 32 of Report No DEV/WS/20/047.

Speakers: Julia Hiley (NHS West Suffolk Clinical Commissioning Group – supporting body) spoke in support of the application  
Dr Nick Redman (GP, Stanton Doctors Surgery – applicant) spoke in support of the application

Councillor Jim Thorndyke, as Ward Member for Stanton, opened the debate and spoke on the history of the application.

Councillor Ian Houlder remarked on the remote consultation methods currently being operated by GP surgeries, due to Covid-19, and the reduction in footfall this resulted in.

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

*(During the debate Councillor John Burns again lost connection to the meeting, hence he was advised that he was unable to take part in the vote on this item.)*

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



## Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plan – application form.
4. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and 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.
5. The use shall not commence until the area within the site shown on Drawing No. 4735-0110 P01 for the purposes of secure cycle storage have been provided and thereafter that area shall be retained and used for no other purposes.
6. No patients shall be on site within the extension hereby approved outside of the following hours:  
Monday - Friday – 08:30 – 18:30

*(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.)*

65. **Planning Application DC/19/1577/FUL - Land Rear of 47 High Street, Tuddenham (Report No: DEV/WS/20/048)**

### **Planning Application - 1no. dwelling**

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

The application was referred to the Delegation Panel as Tuddenham Parish Council raised concerns, which was contrary to the Officer recommendation of approval.

Given the continuing level of interest in this matter from third parties as well as that of the Ward Member (Manor), Councillor Brian Harvey, the application was referred to Committee at the request of the Assistant Director - Planning and Regulatory Services.

As part of her presentation the Planning Officer made reference to an issue raised regarding the potential effects upon the nearby Special Protection Area and advised the Committee that this matter had since been resolved with Natural England having raised no objections. Furthermore, the removal of vegetation on site could be conditioned to ensure it took place outside of bird breeding season.

Members were taken through the changes that had been made to the scheme since original submission together with videos of the site by way of a virtual 'site visit'.

Lastly, attention was drawn to further correspondence that had been submitted by a neighbour which asserted that the measurements from the proposal to the adjacent property were inaccurate.

In response, the Officer drew attention to a typographical error concerning measurements within Report No DEV/WS/20/048 but assured the Committee that the application had been assessed against the correct measurements.

Furthermore, even if the measurements asserted by the neighbour were correct Officers were still of the opinion that it would afford adequate separation distances and would not change the recommendation.

Officers recommended that the application be approved subject to conditions as set out in Paragraph 70 of the report.

Speakers: Elizabeth Thomas (neighbouring resident objector at 41a, also on behalf of fellow neighbouring objector at No 49) spoke against the application  
Kevin Watts (agent) spoke in support of the application

Councillor Susan Glossop sought clarification with regard to the changes made to the design and the width of the access drive.

The Officer advised that the drive was approximately 4.5m wide and drew attention to the final proposal elevations following the large two-storey glazed element having been removed and the dormer windows having been replaced by roof lights, serving the bathroom and en-suite.

Councillor Ian Houlder spoke in support of the application and remarked on other existing back land development within Tuddenham. He proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Don Waldron.

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

### Decision

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

1. The development hereby permitted shall be commenced no 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 demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and 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. 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.
5. 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.
6. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 280/10/F for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
7. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing no. 280/10/F & shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
8. Prior to occupation details of biodiversity enhancement measures, including hedgehog holes in any fencing and integrated bird boxes on the new dwelling, to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
9. 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 vegetation to be retained, 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any of the south east, south west and / or north west elevations.
11. The fencing shown on the approved plan drawing no 280/10/F shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

12. No site clearance works shall take place within the bird nesting season (March to August, inclusive).

The meeting concluded at 12.23pm

**Signed by:**

**Chair**

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## **Development Control Committee 4 November 2020**

### **Planning Application DC/19/2265/FUL – Stock Corner Farm, Stock Corner, Beck Row**

<b>Date registered:</b>	27 February 2020	<b>Expiry date:</b>	10 November 2020
<b>Case officer:</b>	Adam Ford	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Beck Row, Holywell Row & Kenny Hill	<b>Ward:</b>	The Rows
<b>Proposal:</b>	Planning Application - (i) 9no. dwellings (ii) vehicular access (following demolition of existing agricultural buildings)		
<b>Site:</b>	Stock Corner Farm, Stock Corner, Beck Row		
<b>Applicant:</b>	Mr John Simmons - Dunroamin Developments Ltd		

**Synopsis:**

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

**Recommendation:**

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

CASE OFFICER:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 07984 468062

## **Background:**

1. This application is referred to the Development Control Committee because it represents a departure from the development plan due the proposal comprising nine dwellings beyond the settlement boundary. The Parish Council however support the proposal and there have been no Ward Member comments submitted.
2. Importantly, Members' attention is drawn to the fact that this site already benefits from planning permission which has been granted at appeal. Planning application DC/15/2456/OUT was refused by the Local Planning Authority in 2016 on the basis that the scheme represented a conflict with the adopted development plan.
3. This refusal was appealed by the applicant with a Hearing taking place on the 18<sup>th</sup> April 2018. The Inspector's decision on the 11 May 2018 confirmed that the appeal had been allowed. The Inspector therefore granted outline planning permission for the erection of nine dwellings, subject to a number of planning conditions.
4. The permission granted by the Inspector has not expired and it must therefore be taken as a material consideration within the determination of this planning application.
5. The Inspector granted outline planning permission (with means of layout and access to be considered) subject to matters of appearance, landscaping and scale being submitted as reserved matters.
6. A full planning application has been submitted rather than a reserved matters application because the layout has been altered when compared to the previous approval. As such, the applicant's preference was to seek full planning permission rather than having to submit a variation of condition application to alter the details previously approved by the Inspector.

## **Proposal:**

7. This application seeks planning permission for nine detached dwellings to the north of Beck Row, with vehicular access off the A1101. Of the nine dwellings proposed, seven are four bedroomed properties whilst two are three bedded properties. Each dwelling is afforded a private garden and off-road parking, with eight of the dwellings benefiting from purpose built garaging.
8. In terms of scale, eight of the proposed units are two-storey in design whilst one (plot 6) is a single storey bungalow. Externally, the dwellings will be finished in facing brick work and roof tiles with white fenestration detailing.

## **Application supporting material:**

9. In support of this planning application, the following has been provided:
  - Location plan
  - Layout plan

- Proposed elevations
- Ecology survey
- Planning statement
- Biodiversity questionnaire
- Garage plans
- Noise impact assessment
- Contamination information

**Site details:**

10. The site lies outside of the defined housing settlement boundary for Beck Row and forms part of Stock Corner Farm. At the southern tip of the site are two large barns which are disused and will be demolished. The site itself is predominantly grass and hardstanding with an existing access onto the A1101.

11. To the south of the site are residential properties on Louis Drive and Falcon Way, to the east is agricultural land and to the north is a residential development of three residential dwellings approved pursuant to DC/14/2293/FUL. To the west of the site on the opposite side of the A1101 are paddocks which are also understood to be used on occasions for the holding of car boot sales.

**Relevant Planning history:**

12.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/15/2456/OUT	Outline Planning Application (Access and Layout to be considered) - 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access.	Application Refused but granted at appeal	5 May 2016
DC/19/2220/CLE	Application for Lawful Development Certificate for Existing Use or operation or activity including those in breach of a planning condition - To allow occupancy of The Bungalow by persons or dependants of persons not employed or last employed in agriculture or forestry	Application Granted	24 December 2019

## **Consultations:**

13.

### **SCC Highway Authority**

- Initial comments dated 24<sup>th</sup> March – holding objection due to lack of information or policy compliant highway provision
- Updated comments dated 28<sup>th</sup> September – No objection but confirmation that proposed block plan still has shortfalls in information, but the missing elements can be addressed through appropriate planning conditions. A request for £6000 for bus stop improvements is also made.
- Further comments submitted dated 23<sup>rd</sup> October confirming no objection subject to previously mentioned conditions with the footway condition updated to include bus stop provision.

### **Natural England**

- No comments to make

### **Suffolk Wildlife Trust**

- No objection subject to planning conditions relating to mitigation measures

### **Public Health & Housing**

- No objection subject to planning conditions

### **Ministry of Defence**

- No comments submitted

### **Environment Agency**

- No comments to make

### **SCC Floods**

- No objection or detailed comments owing to site being less than 10 dwellings and less than half a hectare

### **Landscape and Ecology Officer comments**

- No objection but concerns raised over space for planting and tree protection

### **SCC Archaeology Service**

- No objection subject to conditions

### **Suffolk Fire Service Comments**

- No objection and standard advice issued

### **Environment Team**

- No objection subject to standard planning conditions

## **Representations:**

### **Parish Council**

- The Parish Council offer support to this application

### **Ward Member**



- No comments submitted

**Public comments:**

14.

**Barnbrook Hall, Great Wratting Road, Barnardiston Haverhill, Suffolk  
CB9 7TF**

- Objection on the basis the scheme is an over development, the building works would cause disturbance and there is a lack of space.

**101 Falcon Way, Beck Row, Suffolk IP28 8EL**

- Objection due to noise and dust created during construction will cause significant distress and inhibit the ability to enjoy time being in the house and garden

**99 Falcon Way, Beck Row, Suffolk IP28 8EL**

- Objection on the basis that children will not be able to play outside, the negative impact on business, adverse impact on property value and the area is over developed.

**Policy:**

15. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority.

16. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and the 2019 Site Allocation Local Plan have been taken into account in the consideration of this application:

**Site Allocations Local Plan 2019 (former Forest Heath area)**

- SA1 - Settlement boundaries

**FHDC Core Strategy 2010**

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment

- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS10 - Sustainable rural communities

### **Joint Development Management Policies Document**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

### **Other planning policy:**

### **National Planning Policy Framework (NPPF)**

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:**

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

- Legal context
- Principle of Development

- Design, scale and form
- Impact on amenity
- Noise from nearby military activity
- Ecological impacts
- Arboricultural implications
- Highway implications

## Legal context

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010).
20. National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

## The principle of development

21. The application site is located outside Beck Row's defined settlement boundary and as such, the proposal technically comprises development in the countryside from a land use perspective. As such it represents a departure from the development plan.
22. From a national planning policy perspective, the NPPF (2019) is clear at paragraph 79 that local planning authorities should avoid granting planning permission for residential development in the countryside unless material factors indicate otherwise. This position is further reflected in local planning policies (SA1, CS1, CS10, DM5 and DM27) which state that planning permission for residential development in the countryside will typically **not** be supported unless there are valid and material reasons for doing so.
23. Ultimately, proposals for residential development outside of defined settlements must be considered carefully to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, due to conflict with the development plan they should be resisted.
24. In line with policy SA1 of the 2019 Site Allocations Local Plan, Policy CS1 of the former FHDC Core Strategy confirms and clarifies that proposals for residential development should be directed towards the sustainable settlements and, where possible, away from the open countryside. This is further bolstered by policy CS10 which dictates that in villages and small settlements not identified for a specific level of growth in the Spatial Strategy, including the open countryside, residential development will only be permitted where:
- A. There are no suitable sites available inside the limits of a defined settlement boundary;

- B. It is an affordable housing scheme for local needs in accordance with Policy CS9;
  - C. It involves the appropriate re-use of a rural building;
  - D. It provides a site for gypsy and travellers or travelling show people which complies with the Gypsies and Travellers policy in Policy CS8.
  - E. It is a replacement of an existing dwelling;
  - F. It is a dwelling required in association with existing rural enterprises which complies with the requirements of national guidance in relation to new dwelling houses in the countryside.
25. In this instance, the proposal is for nine dwellings beyond the settlement boundary and on this basis, it represents a conflict with policy DM5 of the Joint Development Management Policies Document, policy CS10 of the Core Strategy and policy SA1 of the Site Allocations Local Plan document
26. However, despite this ostensible conflict with the development plan and whilst the primacy of the development plan is acknowledged, if material planning considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 the LPA may grant planning permission for development which does not strictly accord with the development plan.
27. This is relevant to the proposal under determination because the site in question already benefits from an extant outline permission, for a very similar scheme, as granted at appeal (APP/H3510/W/17/3189496). The previously approved scheme has not expired and is therefore a relevant and material consideration in the determination of this planning application.
28. It is noted that national and local policy aim to prevent unsustainable development from taking place and that policies such as DM5 and CS10 aim to retain the intrinsic beauty of the countryside. However, whilst the application site technically sits outside of the settlement boundary, significant weight must be ascribed to the prevailing outline planning permission which remains capable of implementation through the submission of a reserved matters application. It already contains a lawful bungalow and planning permission has been granted for its re-development through recently approved planning applications. The site is also sustainably located given its proximity to the settlement boundary.
29. As illustrated by the submitted plans, the site lies in between two existing pockets of residential development and is presently occupied by a single storey bungalow and disused barns. The site already benefits from an extant outline planning permission which could be developed through the submission of a reserved matters application. In addition, given the area's existing built form and the way in which the site would positively relate to the existing off site dwellings by creating a coherent street scene despite the proposed comprising a departure from the development plan, the principle of development on this site for nine further houses is something which can be supported, subject to other material planning considerations.

## **Layout, design, scale and form**

30. With the principle of development established as being something that can be supported, albeit representative of a conflict with the development plan, consideration must next be given to the overall layout, design, form and scale of the proposed development. In considering the below, the relevance of the existing approval granted at appeal is an important material factor.
31. In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
32. In this instance, the existing site is flanked by residential developments to its North and South. The sense of place is, as a result, broken by the existing disparity in dwelling type and the inclusion of the further nine proposed dwellings represents a visual enhancement to the locality which gives rise to a stronger, more prominent sense of place by essentially stitching together the existing pockets of residential development.
33. The scheme has been amended since the initial submission with the overall scale of the dwellings reduced and the layout amended to ensure that the scheme does not appear as being cramped or contrived. In its current form, the layout respects that which has already been approved at appeal and it is not materially different to what has already been considered by the Inspectorate.
34. Five of the nine dwellings (plots 1 - 5) are positioned on the southern boundary of the site, each with off road parking and rear private gardens. Three dwellings (plots 7 - 9) are positioned along the Western boundary with off road parking and private amenity space whilst a single dwelling (plot 6) is located to the East. This too has off road parking and a private rear garden. The layout as proposed has been reviewed by Officers and following alterations to allow a more spacious, well considered layout the scheme is considered to represent a development which respects the wider character to the south of the development site whilst also not adversely impacting the more rural sense of place which prevails beyond the application site.
35. The site has been laid out to ensure that the dwellings do not appear as visually jarring additions and each dwelling has been positioned within its plot so a good degree of space is afforded to each unit. Plots 1 to 5 are set out in a linear style whilst plots 6 - 9 are a little more organic in their positioning and relationship with each other. In addition, plots 6 - 9 have been amended when compared to the initial submission, to prevent the existing bungalow which is to be retained from being adversely impacted with respect to over shadowing or a sense of harmful enclosure. The dwellings to the North of the internal access road are positioned away from the existing dwelling and this serves to ensure that the both developments are able to co-exist without a harmful relationship arising.

36. During the application, officers raised concerns that a number of the units had inactive elevations fronting onto the shared areas of the site. This resulted in a poor sense of place and a scheme which failed to secure adequate compliance with policies CS5, DM2, DM22 or the advice contained within the NPPF.
37. However, in response to these concerns amended plans have been submitted which show each dwelling as having an 'active' frontage, even if the main entrance is not necessarily on the same elevation. For example, the entrance to plot 1 is on its Western elevation but it is the Northern elevation which faces 'into' the site. Accordingly, rather than design a blank facing gable with no architectural merit, the Northern elevation is articulated with design features to prevent the dwelling from feeling isolated and removed from the wider development. The same is also true of plot 5 which employs the same design principle.
38. Plot 7, which is a prominent corner dwelling is laid out to ensure that it has an active frontage which faces the public highway to the West but it also avoids a bland brick elevation on its southern elevation through the installation of two windows. Plot 8 is also designed with a well-articulated front elevation to continue the design and style of the development's frontage, but it purposely omits openings on its southern elevation due to the proximity of plot 7.
39. Plot 9 continues the design and form introduced through plots 7 and 8; it is essentially a mirror image of plot 8. This further reiterates the sense of place and character through the use of forms which relate well to each other and reinforce the sense of place as required by policies DM2 and DM22.
40. The proposed dwellings are commensurate in scale and form with the locality's prevailing development and they do not present as a jarring or visually incongruent addition to the area's character. The ridge height of the dwellings has been designed so that they do not significantly exceed the developments which flank the application site and following negotiation with the applicant, the scale and height of the proposed dwellings have been reduced so that the proposal better integrates with the wider area. As a result, the dwellings complement and harmonise with the existing built form and do not appear as being out of character or visually inappropriate. Given the development and layout approved at appeal, this positive contribution to the existing but fragmented vernacular represents a material factor in favour of the proposal despite the technical conflict with the plan.
41. The prevailing vernacular is strengthened and enhanced as a result of the development's sympathetic and responsive design which allows it to present as a continuation of the existing development without appearing as a dull precise copycat style development. Accordingly, the design form and scale of the proposal is judged to be at a level which satisfies policies DM2, DM22 and CS5, such that it represents a significant benefit to the locality's character and visual profile. A stronger, more coherent sense of place is created, as required by DM2 and DM22 and this weighs considerably in favour of the proposal.

42. With respect to landscaping, at paragraph 26 of the appeal which relates to previous application (DC/15/2456/OUT) the Planning Inspector commented as follows:

*"I consider that a well-designed and landscaped residential scheme would be a visual improvement over the existing situation. The appearance and landscaping of the development could be addressed at the reserved matters stage."*

43. With respect to this proposal, the LPA's Ecology and Landscape Officer has reviewed the proposal and her comments, dated 8<sup>th</sup> June 2020 are as follows:

*"Based on the layout plan submitted, it does not appear to me that this matter has been addressed in this new application. Of concern would be the retention and protection of existing vegetation, which has the potential to reduce the impact of the proposals on the surrounding countryside, the A1101 and the adjacent neighbours. The existing layout leaves little room for meaningful tree and shrub planting which will be necessary to assimilate the development in this countryside location."*

44. The comments from the Landscape Officer are duly noted, however, from a recent visit to the site, the unprotected trees which were to the north of the site at the time of the appeal have been removed and the application form confirms that the existing vegetation on the site perimeters is to be retained, although it is noted that the plans do not necessarily make this clear. Furthermore, although the countryside location is appreciated, with additional approved development to the North of the application site, the lack of a verdant landscaping scheme on a site which is essentially an extension to the settlement boundary is not considered to be something which weighs heavily against the scheme.

45. As such, given the space which is available, albeit not necessarily as generous as would be secured on a rural scheme, and given the approach taken by the Inspector in considering the related appeal, in the event that planning permission is granted, officers recommend the imposition of a landscaping condition to secure the required planting and visual softening. This condition will require the submission of all proposed planting whilst further confirming what is to be retained. The layout plan includes indicative tree canopies, but a planning condition will allow a detailed and technical planting schedule to be reviewed.

### **Amenity impacts**

46. In conjunction with paragraph 127 of the NPPF, both policies DM2 and DM22 seek to secure development proposals which do not have an undue adverse impact on residential amenity. This requirement is particularly relevant to the proposal under consideration as the application site is adjacent to existing dwellings and existing private amenity space.

47. With respect to the overall scale and massing, the proposed dwellings do not appear as inappropriately large and they are not positioned in such a way that they loom over existing boundary treatments. The application site is separated from offsite dwellings to the south and north by existing

boundary treatments although due to the lack of a plan confirming these details, a condition will be imposed requiring the submission of all proposed boundary treatments and those to be retained.

48. With respect to overlooking, no adverse or unacceptable impacts have been identified; the nine dwellings are located on their own pocket of land, and whilst plots 1 – 5 are located adjacent to offsite dwellings, this distance is a minimum of 20m when measured from the rear elevation of the proposed dwellings to those of the existing. The distance between plot 1 and number 1 Louis Drive is, it must be noted, less than 20m at the eastern edge of the plot. However, this is due to the northern projecting element of 1 Louis Drive and, in any event, there are no windows installed to this elevation of the dwelling. Accordingly, amenity is not considered to be unduly compromised on the basis that there will not be back to back windows capable of compromising privacy.
49. It is noted that the rear elevation of plot 1 is populated with a modest number of upper floor windows. However, due to their central location, they do not facilitate or allow unacceptable views into the garden of plot 2. Views will be obscured by the proposed garage building and the flank elevation of plot 2.
50. Plots 2, 3, 4 and 5 are also orientated so that unacceptable views into the gardens of the adjacent proposed dwellings are not possible. This is achieved by ensuring that the dwellings are relatively uniform in their layout and this prevents one dwelling being able to seemingly or unreasonably see into the private amenity space of the adjacent units.
51. Plots 6, 7, 8 and 9 have also been positioned and designed with the amenity of each other and existing bungalow in mind. The dwellings which share a boundary with the existing bungalow are set away from the property and there are no upper floor windows which afford views into the most sensitive private amenity space of the existing bungalow. Plots 8 and 9 which are located 20 metres away from the front western elevation of the bungalow are designed with upper floor windows. However, given the separation distance and the fact that they only allow views of the front of the dwelling, this is not considered to give rise to an unacceptable impact on the existing amenity.
52. The submitted block plan shows indicative landscaping and although these details have not been shown in sufficient detail to enable its implementation to be conditioned, as vegetation matures and thickens, this too serves to combat potential concerns with respect to overlooking and loss of amenity as it offers additional screening which can obscure views from windows which may otherwise be able to look across the rear elevations and 'in' to potentially affected gardens. As already set out, to address the shortcoming in the submitted landscaping details, a condition which requires the submission of an accurate landscaping scheme will be imposed, as per the conditions section below.
53. The layout has also been designed to prevent there being dwellings at the immediate end of either access road. With respect to policy DM2, this is important because it means that as cars turn off of the highway and into the development site, their headlights (in hours of darkness) do not shine directly into ground floor windows and disturb the potential occupants.



54. In considering the long-term amenity of the potential occupants, the space attributed to the proposed gardens has been considered in detail. The gardens which are provided - whilst not necessarily generous in all instances - are deemed to be an appropriate size for the dwellings they serve. However, regard must also be had to the permitted development rights which, upon completion, *would* be afforded to the dwellings by virtue of the General Permitted Development Order (2015).
55. In this instance, if any of the proposed dwellings were to be extended under permitted development, the plots would potentially appear cramped & squeezed and it is certainly fair to note that the initial units were larger with bigger footprints and amendments were sought to reduce the footprints of the proposed dwellings. Larger sprawling footprints in this instance would likely be harmful to amenity and result in a development which is too contrived to meet the requirements of CS5, DM2 or DM22. Accordingly, to prevent the scheme from being undermined in this way, given the positive discussions and amendments which have allowed officers to recommend this scheme for approval, it is proposed to impose a condition which removes permitted development rights to extend, enlarge or alter each unit. This is not to say that the permission would be refused, but it allows any such enlargement to be appropriately considered through a planning application with respect to its impact on prevailing residential amenity and thus within the confines of CS5, DM2 and DM22.
56. Overall, whilst it is noted that some infrequent views into the gardens of the proposed dwellings by their counterparts may be possible and the new units will be 'noticeable' additions to the landscape (particularly to those dwellings which have had not had dwellings positioned behind them previously) this is not judged to represent a significant or substantial conflict with DM2, DM22 or paragraph 127 of the NPPF.

### **Noise from nearby military activity**

57. The application site is close to an operational airfield, being located within the 66db noise contour for RAF Lakenheath (as set out in "A Report on a Military Aviation Noise Contour of F15MK/C and F15MK/E Aircraft Activity at RAF Lakenheath January 2017" (Report: OEM/08/17)).
58. The application site is therefore located within an area affected by noise generated by military aircraft operating from an MOD establishment operated by the United States Air Force (USAF).
59. Paragraph 182 of the National Planning Policy Framework (2019) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted" before going on to require the applicant or agent of change to "provide suitable mitigation before the development has been completed."
60. Despite being consulted on multiple occasions, the MOD have not provided a formal response to this application. The submitted Noise Impact Assessment (NIA) also sets out how the development will mitigate against the locality's aircraft noise and this has been reviewed by the Public Health and Housing Officer who has raised no objection to the submitted content. As such, given the requirements of policy DM2, a condition requiring

compliance with the measures set out within the NIA, prior to occupation, will be imposed.

## **Ecological impacts**

61. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the local planning authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through Core Strategy policy CS2, and policies DM11 and DM12 of the Joint Development Management Policies Document.
62. The National Planning Policy Framework (2019) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
63. In this instance, the proposal seeks to demolish two redundant agricultural barns and develop a site which is semi wild, albeit located between two residential developments and on the periphery of an established settlement boundary. Accordingly, the application is accompanied by a protected species survey and a bat survey.
64. The submitted bat survey confirms that without any mitigation measures, the proposed demolition of the buildings may disturb bats if they are present when dismantling works are carried out and will therefore potentially result in the loss of bat roosting sites.
65. Any such disturbance is most likely during any removal of the cladding and roofing of the buildings. However, bats and their roosting sites are strictly protected by law and a development licence issued by Natural England is required to carry out the proposed demolition works legally.
66. Works affecting bats & their roosting sites must only be carried out once the necessary licence has been obtained. Appropriate bat mitigation and compensation measures are suggested within the submitted report. The report further advocates the provision of replacement bat roosting sites to ensure the maintenance of bat populations at the site and to prevent a net loss of species and habitats and provide net gains in biodiversity. With the imposition of a planning condition to require the recommended mitigation measures and the enhancements, from a bat perspective, the scheme is able to meet the requirements of policies DM11 and DM12. Formal comments from the Suffolk Wildlife Trust confirm they have no objection to the scheme provided such planning conditions are imposed.

67. In addition to the submitted bat survey, a protected species survey has been provided and this considers the impact of the development upon the following:

- General habitat
- Birds and owls
- Great Crested Newts
- Other protected species

68. The site consists of former agricultural buildings standing within an area of concrete hard standing, bare ground, some ruderal vegetation, semi improved grassland, some scattered trees and hedgerows with large areas of arable farmland and residential dwellings and associated gardens in surrounding areas. The site is of relatively low ecological value and no changes appear to have taken place since the initial Extended Phase 1 Ecological Scoping Survey carried out by Anglian Ecology in October 2015 in support of the initial outline application.

69. The submitted report confirms that no evidence of nesting birds was identified within any of the three buildings inspected but the large barn and the piggery, as well as the trees and shrubs within and at the site edges were noted as suitable nesting bird habitat.

70. However, a variety of bird species are likely to use the trees and shrubs within and bordering the site, as well as the existing buildings, as nesting sites during the bird nesting season, March to August (inclusive). The proposed development of the site, particularly any cutting or removal of any of the existing shrubs and trees and the demolition of the buildings may disturb nesting birds if they are present when any such works are carried out. It may be necessary to restrict certain works between the months of March and August if nesting birds are found and a planning condition will be attached to this effect. It should be noted however that no evidence of barn owls was found and as such, the proposed barn demolition is unlikely to disturb nesting barn owls.

71. No suitable habitat for great crested newts is present at the site but a pond is present 62 metres to the northeast where a very small population of the species was found during surveys carried out in 2014 (Anglian Ecology, 2015). Despite this, however, great crested newts are unlikely to be adversely affected by the proposed development but a precautionary approach to ground disturbing works should be taken. Some great crested newt mitigation / avoidance measures are suggested within the report.

72. Suffolk Wildlife Trust have confirmed that they have no objection subject to the imposition of planning conditions to secure the mitigation and enhancement measures set out within the submitted ecology survey.

73. Given the conclusions and recommendations with the submitted bat survey and protected species survey through the use of appropriately worded planning conditions, the scheme is judged to be one which satisfies paragraphs 8c, 170 and 175 of the NPPF and policies DM11 and DM12 of the Joint Development Management Policies Document.

## **Arboricultural implications**

74. The application site is enclosed by a boundary hedge with a number of trees located either within or adjacent to the red line of the development site. In such instances, given the advice contained within the NPPF and policy DM13, the local planning authority would typically require the submission of an arboricultural impact assessment (AIA) prior to the granting of planning permission. This is referenced by the Ecology and Landscape Officer in her formal response.
75. However, the site benefits from an outline planning permission, as granted at appeal, which is subject to a condition requiring the submission of arboricultural impact assessment. In this regard, it would be unreasonable to insist upon an arboricultural impact assessment being submitted now, although this is indeed what the local planning authority would typically require.
76. In the event that the reserved matters route were to be pursued instead, the local planning authority would still only be in a position whereby a tree assessment is required by condition, albeit on the outline permission.
77. Accordingly, in light of the fact that permission already exists subject to the submission of an AIA, the local planning authority's position is not unduly compromised by re-imposing the same planning condition as imposed by the Inspector. The following will therefore be required by condition, before development may commence:
- Measures for the protection of those trees and hedges on the application site that are to be retained;
  - Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height
  - of 1.5m above ground level) of those trees on the application site which are to be retained. The details shall specify the position, depth, and method of
  - construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
  - A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
78. The most prominent tree is located to the west of the application site and this is adjacent to the proposed internal access road. The submission of the above information will allow consideration of the proposed measures with respect to tree preservation and, crucially, if the details are not deemed appropriate, the local planning authority reserve the right not to discharge the condition until such a time as the proposed arboricultural mitigation is considered appropriate.

### **Highway implications**

79. The 2019 NPPF at paragraphs 108- 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.

80. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network. Accordingly, given that this proposal connects to the public highway (A1101), formal comments from the Highway Authority have been sought.

81. In response to this application, the Highway Authority submitted a holding objection on the basis that development proposes a new access on the A1101 which is a major distributor road and inadequate information had been submitted. However, following the submission of an amended layout plan (2158/SK4N) the Highway Authority have provided further comments dated 8<sup>th</sup> October 2020. Within these comments, the Highway Authority have raised the following concerns:

- We note the applicant has addressed most of our concerns on drawing 2158/SK4N, but has not provided visibility splays.
- We note the addition of a turning head at the end of the site but no corresponding swept path analysis for refuse trucks. While the proposed bin presentation points are acceptable, they will only be suitable if there is sufficient turning space for refuse vehicles and it meets the approval of West Suffolk Waste Services.
- We note the inclusion of a parking layby, but no details are given of the visitor parking spaces.
- We advise that that should the applicant offer the roads and footways for adoption by the highway authority further details and potential minor layout changes may be required to meet our adoptable standards. This will include the rearrangement of the parking to provide 3 parking spaces which are not nose-to-tail. Should the roads and footways be privately maintained an Advance Payment Code notice may be issued.
- We note construction details of the access are not provided.

82. However, these are issues that the Highway Authority believe can be satisfactorily addressed through the imposition of suitably worded planning conditions. This, it must be noted, introduces a degree of risk for the applicant because if the details submitted through the discharge of condition process are not deemed acceptable, further amendments and scheme wide changes may be necessary. This has been set out to the applicant and no further information has been submitted. On this basis, the local planning authority must take a pragmatic approach and proceed on the basis that the applicant is therefore content with the potential risk presented.

83. The conditions required by the Highway Authority therefore seek to control the following:

- Details of the proposed access onto the highway
- Bin collection area
- Control of surface water
- Roads and footway details
- Construction and deliveries management plan
- Provision of parking areas
- Cycle storage details
- Grampian condition showing the proposed connection with Louis Drive

- Visibility splays

84. In addition, policy DM46 requires proposals to comply with the latest adopted parking standards as may prevail at the time of determination. The 2019 Suffolk Guidance for parking document (SCC) must therefore be considered. The below table sets out how many bedrooms are within each plot, what the parking standards require and what the scheme proposes.

<b>Plot number</b>	<b>Total bedrooms</b>	<b>Car parking spaces proposed</b>	<b>SCC requirement</b>	<b>Parking standards compliant?</b>
1	4	3	3	yes
2	4	3	3	yes
3	4	3	3	yes
4	4	3	3	yes
5	3	3	2	yes
6	3	4	2	yes
7	4	3	3	yes
8	4	3	3	yes
9	4	3	3	yes
<b>TOTALS</b>	N/A	<b>28</b>	<b>25</b>	<b>Yes -over provision of 3 spaces</b>

85. In addition, the parking standards require a visitor allocation of 0.25 spaces per dwelling. This amounts to  $9 \times 0.25 = 2.25$  which is rounded to 3 visitor spaces. The submitted block plan does not include dimensions on the proposed layby to the south of the site but it is clear that this area would be large enough to accommodate three average sized vehicles parked nose to tail.

86. Accordingly, the scheme is considered to be able to meet the parking standards with respect to the allocated off-road parking for the proposed dwellings and the required visitor spaces.

87. Finally, with respect to the Highway Authority's comments, in their response dated 29<sup>th</sup> September 2020, a request for £6000 (secured as a planning obligation) was made to support the delivery of bus stop infrastructure. This request is made within the context of Chapter 9 of the NPPF which seeks to encourage and promote sustainable forms of transport.

88. The access that this proposal for nine dwellings will utilise has already been approved pursuant to DC/16/2652/OUT, without any requirement for a bus shelter contribution. In that context, the request from the Highway Authority could potentially be seen as unreasonable. Planning obligations must meet the tests summarised in the Planning Practice Guidance (paragraph: 002 Reference ID: 23b-002-20190901), and they must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

89. These tests are set out as statutory tests in regulation 122 of the CIL Regs (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework (paragraph 56).
90. However, paragraph 110 of the 2019 NPPF is very clear that applications for development, where appropriate, should encourage and allow access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
91. It is the applicant's assertion that because an outline approval already exists, without a requirement for bus stop provisions, it would be unreasonable to now require it. The local planning authority are sympathetic to this position but it should be remembered that the appeal decision which granted the outline consent is now over 2.5 years old. In conjunction with the UK Government's 'Gear Change Document' the revised NPPF places a greater focus on the provision and delivery of public transport when compared to the version which would have been in place at the time of the appeal taking place.
92. As such, given that the NPPF is a material consideration, whilst a planning obligation requiring a financial contribution is not to be pursued, the planning condition as requested from the Highway Authority relating to the delivery of an offsite footpath has been strengthened to also ensure the condition secures the delivery of bus stop signs and associated kerbing. This is reflected in the most recent comments from the Highway Authority as dated 23<sup>rd</sup> October.
93. As evidenced within the appeal decision which relates to this site, the Inspector imposed three conditions (18, 19 and 20) which required access details to be agreed. Accordingly, whilst the outline consent as granted by the Inspector is acknowledged, the Highway Authority have advised that if this application is granted, a condition should also be imposed which seeks agreement for the access details before it is installed. Given the requirements of policy DM2 and the advice contained within paragraph 55 of NPPF, the LPA deem this to be a reasonable condition.
94. Finally, with respect to the Highway Authority's comments, visibility splays of 215m had been requested in each direction. However, this is an error as confirmed by the Highway Authority on the 23<sup>rd</sup> October 2020 and 90m in each direction is considered acceptable.

### **Electrical Charge Points for vehicles**

95. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.
96. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and paragraph 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document

seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.

97. On this basis a condition will be attached to the permission to ensure an operational electric charge point is delivered to each dwelling.

### **Conclusion and planning balance:**

98. In conclusion, whilst the proposal represents a technical conflict in principle due to the site's location beyond the settlement boundary of Beck Row, and therefore a departure from the development plan, significant harm does not arise from the proposal to warrant a refusal and the site already has the benefit of outline planning permission for residential development. As set out above, the re-development of the plot represents an opportunity to enhance the existing character and sense of place which is presently undermined due to a visual break in the built form. This enhancement, in combination with the connecting footpath required by condition, weigh in favour of the development.

99. The proposed development, as submitted, does not comply with policies SA1, CS1, CS10, DM5 or DM27 owing to the fact that it proposes residential development beyond the LPA's adopted settlement boundary. However, the site benefits from an extant outline permission which is capable of implementation through the submission of a reserved matters application. This is a material factor which weighs heavily in favour of the scheme and must therefore be factored into the overall planning balance. Therefore, given the site's extant permission for a similar development granted at appeal, its context, the proximity to the settlement boundary, the lack of visual harm arising and the benefit with respect to the continuity of the built form, the conflict with the development plan is judged to be sufficiently outweighed in this particular instance to enable a recommendation that planning permission be granted.

100. In conclusion, despite the proposal comprising a departure from the development plan, for the reasons outlined, the principle and detail of the development is considered to be acceptable

### **Recommendation:**

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

- 1 The development hereby permitted shall be begun not later than three 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.



<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
2158 SK10A_Garage plans	Proposed elevations & floor plans	26 October 2020
2158/SK4N	Proposed block plan	10 September 2020
2158/SK51 PLOT 1	Proposed elevations & floor plans	10 September 2020
2158/SK6E PLOTS 2 AND 3	Proposed elevations & floor plans	10 September 2020
2158/SK21 PLOT 4	Proposed elevations & floor plans	10 September 2020
2158/SK17B PLOT 5	Proposed elevations & floor plans	10 September 2020
2158/SK16A PLOT 6	Proposed elevations & floor plans	10 September 2020
2158/SK20A PLOT 7	Proposed elevations & floor plans	10 September 2020
2158/SK19 PLOT 8	Proposed elevations & floor plans	10 September 2020
2158/SK15C PLOT 9	Proposed elevations & floor plans	10 September 2020
Protected Species Survey August 2019	Ecological survey	10 March 2020
Bat Survey, August 2019	Bat report	10 March 2020

- 3 No development above slab level shall take place until samples of all external facing materials to be used on plots 1,2,3,4,5,6,7,8 and 9 as approved by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 4 The site preparation and construction works, including road works, shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays  
08:00 - 13.30 Saturdays

And at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

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

- 5 Prior to the occupation of any unit/dwelling approved by this planning permission, all of the noise protection and mitigation works relevant to the application site which are detailed in the noise report dB/Stock Corner/10125/ML/001; shall be completed in their entirety in accordance with the approved details.

The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq (16hrs) of 35 dB (A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq (8hrs) of 30dB (A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: to protect the amenity of future occupiers in accordance with DM2 of the Joint Development Management Policies Document

- 6 No development above ground level shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- Width/s
- Surfacing
- Visibility splays
- Position of any gates
- Radii
- Kerbing
- Position of existing highway and utility infrastructure and means to manage/move/mitigate
- Surface Water Drainage

The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

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

- 7 No development above ground level shall take place until the areas to be provided for storage and presentation of Refuse/Recycling bins and refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 8 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway. This condition requires details to be submitted before development commences so that the Highway Authority may be satisfied

in the proposed methods to prevent the discharge of water or ice onto the public highway

- 9 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public before other works and to facilitate off street parking for site workers in the interests of highway safety.

- 10 All HGV and construction traffic movements to and from the site over the duration of the 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. The Plan shall include:

Routes to and from the site for all construction traffic

Means to ensure sufficient off-road space is provided for the parking and turning of delivery and other associated construction vehicles

Means to ensure sufficient space is allocated on-site for the storage of materials and equipment and siting of welfare and office units.

Means to ensure no mud, water or other debris will flow onto the highway

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 on sensitive and residential areas.

- 11 The dwellings hereby approved shall not be occupied until the area(s) within the site shown on drawing 2158/SK4N for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 12 No dwellings hereby approved by this planning permission shall be occupied until details of the areas to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the cycle storage in accordance with Suffolk Guidance for

Parking (2019) to promote and encourage the use of sustainable travel options.

- 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 provision of a suitable footway with appropriate bus stops to connect the development to the existing footway south of Louis Drive. The approved footpath and bus stops shall be carried out and installed in their entirety before the first occupation of any dwelling.

Reason: To provide a safer pedestrian route from the development towards Mildenhall and the settlement of Beck Row in accordance Chapter 9 of the NPPF and policy DM2 of the Joint Development Management Policies Document.

- 14 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

- 15 Prior to first occupation, all each of the nine dwellings hereby approved shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

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

- 16 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.

- 17 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.

- 18 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.

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

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint

- 20 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.

- 21 Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwellings hereby approved shall not be extended or altered in any way without the prior written agreement of the Local Planning Authority.

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

- 22 The development hereby approved shall be carried out in full accordance with the mitigation recommendations set out within chapter 8 of the submitted protected species survey (authored by Chris Vine BSc (Hons), MCIEEM, MRSB and dated August 2019) and chapter 8 of the submitted bat survey (authored by Chris Vine BSc (Hons), MCIEEM, MRSB and dated August 2019)

Reason: To ensure minimal impacts on ecology, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

- 23 The development hereby permitted shall be carried out in accordance with mitigation measures in the Bat Activity Survey Report dated 25 October 2016. The demolition of the Large Barn, Piggery and Tool Shed or any works likely to cause disturbance to the identified bat roosts shall not commence unless the Local Planning Authority has been provided with either:

a) 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

b) 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 development is carried out 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.

24 No development shall commence until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of the following:

a) Measures for the protection of those trees and hedges on the application site that are to be retained;

b) Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained. The details shall specify the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,

c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless the prior written consent of the Local Planning Authority is obtained for any variation.

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

25 Prior to the dwellings hereby approved being occupied, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

- 26 No development shall take place within the area indicated [the whole 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. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS3 of Forest Heath District Council Core Strategy Development Plan Document (2010) and the National Planning Policy Framework (2012).

- 27 No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition [1] and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS3 of Forest Heath District Council Core Strategy Development Plan Document (2010) and the National Planning Policy Framework (2012).

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



in accordance with the approved details.

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

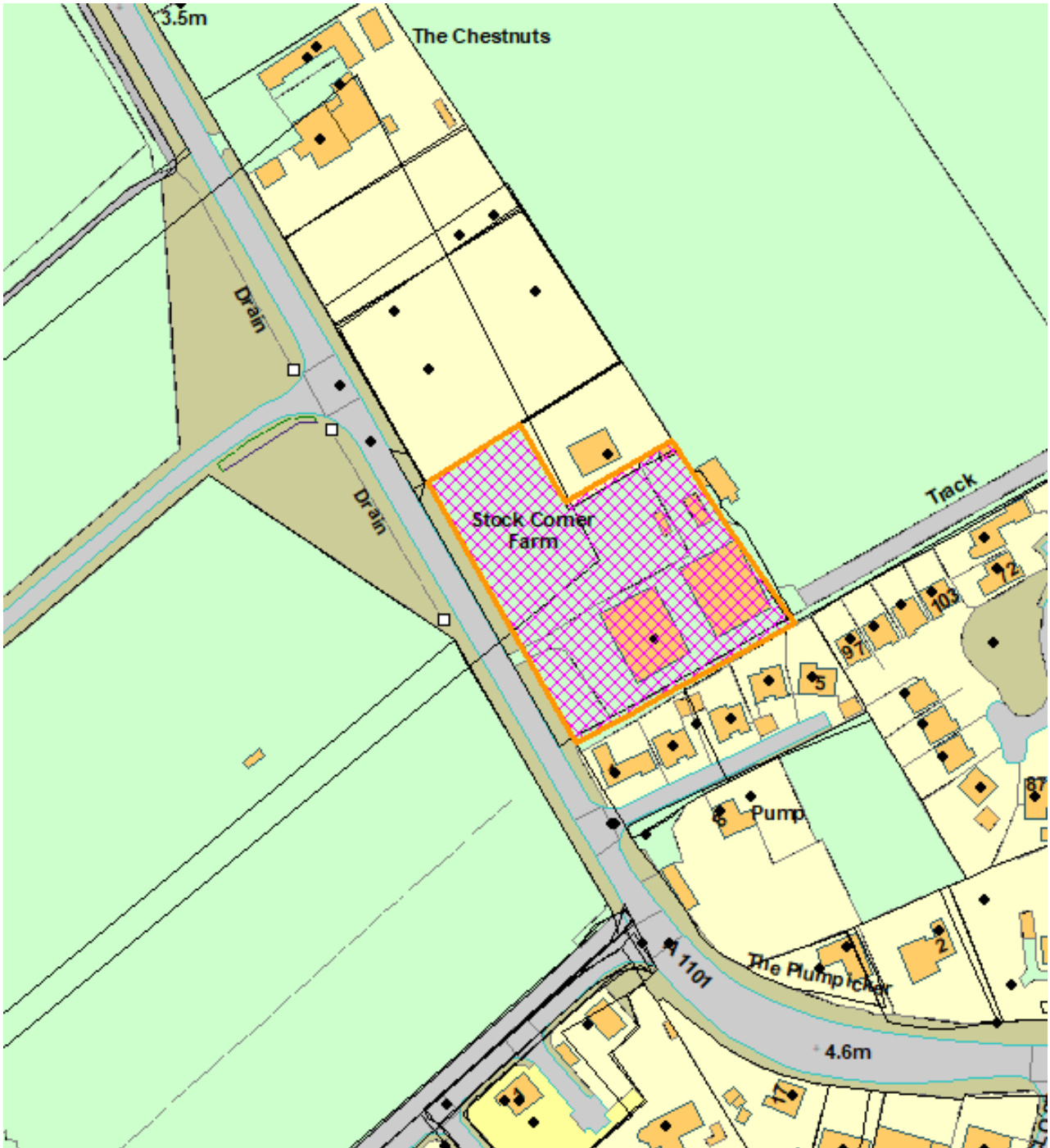
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/2265/FUL](#)

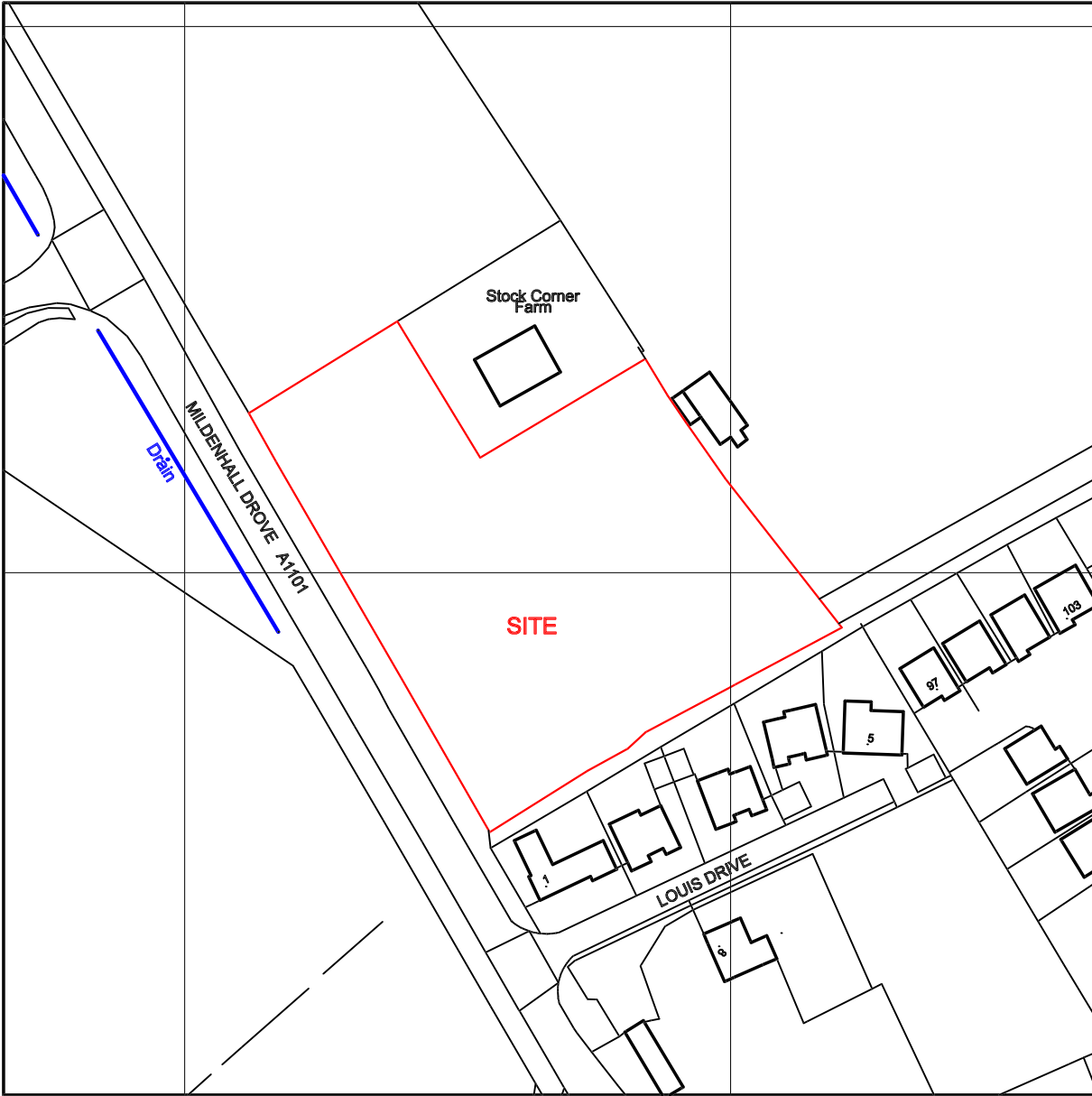
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DC/19/2265/FUL – Stock Corner, Beck Row



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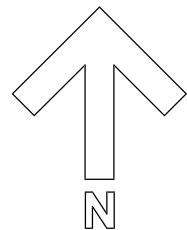
LOCATION PLAN scale 1:1250

STOCK CORNER

BECK ROW

BURY ST EDMUNDS IP28 8DR

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## **Development Control Committee 4 November 2020**

### **Application for Advertisement Consent DC/20/0817/ADV – Land adjacent to Tesco Petrol Station, Willie Snaitth Road, Newmarket**

<b>Date registered:</b>	1 June 2020	<b>Expiry date:</b>	06 November 2020
<b>Case officer:</b>	Adam Ford	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket North
<b>Proposal:</b>	Application for Advertisement Consent - 1 no. internally illuminated freestanding totem sign		
<b>Site:</b>	Land Adjacent To Tesco Petrol Station, Willie Snaitth Road, Newmarket		
<b>Applicant:</b>	McDonald's Restaurants Ltd		

**Synopsis:**

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

**Recommendation:**

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

CASE OFFICER:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 07984 468062

## **Background:**

1. This application was presented to the West Suffolk Development Control Committee on the 2<sup>nd</sup> September 2020. Members resolved to defer the item to allow an opportunity for the applicant to address the objections of Newmarket Town Council.
2. Accordingly, on the 15<sup>th</sup> September a virtual meeting between the Town Council and the applicant took place via Zoom. During this meeting, the Town Council reiterated their belief that the proposal failed to meet policy NKT32 of the Newmarket Neighbourhood plan. The applicant advised that their ability to entirely redesign the advertisement is limited although the comments from the Town Council would be considered.
3. Following the virtual meeting, amended plans have been submitted to the Local Planning Authority which seek advertisement consent for a re-designed proposal. The amended plans which are visible online are as follows:
  - Amended elevations: 6929\_SA\_8361\_SK20E
  - Amended site layout: 6929\_SA\_8361\_P022N

## **Proposal:**

4. Following the submission of the amended plans referred to above, the application seeks advertisement consent for a 5m tall totem pole with McDonald's and Costa branding. The totem pole will be internally illuminated with a maximum luminance of 300 candela per metre squared.
5. The proposed advertisement is 1.44m wide and 0.32m deep; the former proposal was 2.8m wide and 0.48m deep. The current proposal, whilst remaining at 5m tall has been reduced in width by 1.4m and has reduced in depth by 0.16m.
6. Visually, the totem pole will comprise four main panels as set out below.
  - Top advertising panel: green background with yellow illuminated 'M' for McDonald's measuring 1.44m x 1.48m
  - Middle advertising panel: red background with white illuminated 'Costa' text measuring 1.44m x 1.14m
  - Bottom advertising panel: green background with white and yellow illuminated McDonald's 'Drive Thru' branding measuring 1.44m x 0.64m
  - Base timber panel with no advert: 1.44m x 1.34m

## **Site details:**

7. The site is located on the corner of Willie Snaith Road and Fordham Road, north of the town centre. The site is presently empty and has been for several years. Surrounding uses comprise Tesco superstore and Wickes



with other office and employment uses in the close vicinity. Planning permission under DC/18/2210/FUL has recently been granted for 2no drive-through cafe/restaurant units (DC/18/2210/FUL).

**Planning history:**

8.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/18/2210/FUL	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	Application Granted	9 June 2020
DC/18/2211/ADV	Application for Advertisement Consent - (i) 3no internally illuminated fascia signs, (ii) 1no internally illuminated height barrier, (iii) 2no internally illuminated key seller boards, (iv) 1no double menu board, (v) 1no banner, (vi) 1no totem (vii) parking signs and (viii) 2no directional signs	Application Withdrawn	15 April 2020
DC/19/0021/ADV	Application for Advertisement Consent - 7no. internally illuminated fascia signs	Application Granted	9 June 2020
DC/19/0031/ADV	Application for Advertisement Consent - Various site signage including - (i) 17 no. non illuminated Directional signs (ii) 5no. internally illuminated Digital screen signs (iii) 1no. internally illuminated Playland sign	Application Granted	22 February 2019
NMA(A)/18/2210	Non Material Amendment - to amend Condition 8 to read "at least 2 publicly available electric vehicle charge points ..."	Application Granted	18 June 2020

## **Consultations:**

### **SCC Highway Authority**

9. The Highway Authority initially responded to this application on the 15<sup>th</sup> June 2020 confirming they had no objection.

In response to the amended plans, the Highway Authority's updated comments dated 20<sup>th</sup> October confirm that they still have no objection to the proposal.

### **Public Health and Housing**

10. Public Health and Housing initially responded to this application on the 10<sup>th</sup> June 2020 confirming they had no objection.

In response to the amended plans, Public Health and Housing's updated comments dated 19<sup>th</sup> October confirm that they still have no objection to the proposal.

## **Representations:**

### **Newmarket Town Council**

11. The Town Council have submitted one set of formal comments on this application dated 29<sup>th</sup> June 2020.

Summary of comments made on 29<sup>th</sup> June – initial proposal:

The Town Council have submitted an objection to this proposal on the basis that they feel it does not comply with NKT32. The objection states that the Town Council feel the advertisement will be prominent and visible, dominating the landscape along the A142.

Following the submission of amended plans, a re-consultation was issued to the Town Council on the 8<sup>th</sup> October 2020. This afforded the Town Council with 14 days to respond.

As of the 23<sup>rd</sup> October 2020, the Town Council have not provided further comments.

### **Ward Member**

12. The comments below represent those submitted by Councillor Karen Soons in response to the original application. No comments have been submitted in response to the amended plans.

I am opposed to the application of a 5 metre (16 and a half foot) luminous yellow 'M' in the sky over Newmarket. There is no planning precedent for such a sign any-where in Newmarket. This is why I feel it should be refused:

- It contravenes policy 32 of the Newmarket Neighbourhood plan
- It is out of step with existing signage in Newmarket (no 5m sign exists in the town even at the nearby Burger King).

- It goes against government advice on obesity. Fast food advertising should not appear on television before 9pm so why is it ok to erect a 5m advertising sign adjacent to the George Lampton (Children's) Playing fields?
- We as a nation are in the midst of a global Pandemic, (Covid 19) that has fatal consequences for those classified as obese.
- We are, as of now also in the midst of a nationally recognised obesity epidemic. The combination of D & E could prove fatal for the future of our children and residents in Newmarket.

Please refuse this application as being against government advice on fast food advertising, planning precedent, Newmarket Neighbourhood plan and at variance to health advice in an obesity epidemic and health pandemic made worse by obesity.

### **Public comments**

13. Neighbour notification letters were issued to 3, 4 and 5 Hatchfield Cottages on the 6<sup>th</sup> June 2020 and again on the 8<sup>th</sup> October 2020 following the submission of amended plans.

14. However, no public comments were received in response at the time of writing this report.

### **Policy:**

15. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

#### **Newmarket Neighbourhood Plan**

- NKT32 – Gateways into the Town

#### **Forest Heath Core Strategy Document**

- Core Strategy Policy CS5 - Design quality and local distinctiveness

#### **Joint Development Management Policies Document**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness

- Policy DM38 Shop Fronts and Advertisements

## **Other Planning Policy / legislation**

### **16.The Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

17.It should be noted that this is not an application for planning permission. It is an application for advertisement consent only.

18.Regulation 3 of the 2007 Advertisement Regulations requires that local planning authorities control the display of advertisements in the interests of **amenity** and **public safety**, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

19.Unless the nature of the advertisement is in itself harmful to amenity or public safety, consent cannot be refused because the local planning authority considers the advertisement to be misleading (in so far as it makes misleading claims for products), unnecessary or offensive to public morals.

## **National Planning Policy Framework (2019)**

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

21.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:**

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

- Regulation 3 of the 2007 Advertisement Regulations
- Impact on amenity: scale and form
- Impact on amenity: illumination
- Impact on public safety

## **Regulation 3 of the 2007 Advertisement Regulations**

23.The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

24. As clarified above, regulation 3 of the advertisement regulations state that in determining applications for advertisement consent, local planning authorities may only consider **amenity** and **public safety**, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. Other matters such as misleading claims or potential offence to public morals are not relevant in the determination of such applications.

### **Impact on amenity: scale and form**

25. "Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It does, however, include aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

26. In practice, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. It is, however, a matter of judgement by the local planning authority as it applies in any particular case.

27. Therefore, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. In this instance, the advertisement is proposed in an area which is dominated by commercial and functionally styled / scaled buildings with associated advertisements common.

28. With respect to the development plan, Policy DM38 (Shop Front and Advertisements) states that proposals for advertisement must preserve or enhance the character and appearance of the building or location of which it forms a part, and the street scene in which the proposal is located, and must not adversely affect amenity and/or public safety. In addition, Policy DM2 also seeks to ensure advertisements are not unduly large or visually jarring and it also requires that such proposals do not undermine the prevailing or existing amenity.

29. Policy NKT32 of the Newmarket Neighbourhood plan is also relevant in that the site is identified as being a gateway into the town. Specifically, NKT32 states that *"any new development or re-development at the gateways to the town (as identified on Policies Map 1) and in particular along the A142, should be of high quality and sympathetic to the locality."*

30. In this instance, the proposed advertisement, as amended, is relatively modest in scale with a height of 5m and a width of 1.4m. This will be read and interpreted within the context of the wider, commercially styled locality, including the recently consented restaurants and drive thru facilities, and, as a result, the free-standing advertisement is not considered to represent a departure away from the area's existing vernacular or character. The advertisement would be positioned in-front of the approved drive-thru units and it will not therefore be seen in isolation

or presented in a way which is considered to be harmful to the street scene or character of the area. Given the existing advertisements and developments already in situ (Tesco totem poles: 5.7m and 7.1m and Wickes totem pole: 6m for example), the modestly scaled totem pole is not considered to be an addition which would be visually jarring or out of character. As such, the advertisement is not considered to represent a proposal that the Local Planning Authority could justify recommending for refusal.

31. The detailed objection (dated 29<sup>th</sup> June 2020) from the Town Council is noted but in considering the application, it must be understood that the advertisement cannot be assessed against policy NKT32 in isolation. The proposal is considered against the advice within the NPPF and the development plan as a whole (insofar as it is relevant to advertisements). The advertisement is considered to comply with policies DM2 and DM38 with respect to its scale and siting.
32. As noted, policy NKT32 specifically states "*any new development or re-development at the gateways to the town (as identified on Policies Map 1) and in particular along the A142, should be of high quality and sympathetic to the locality*". Accordingly, given the locality within which the advertisement is proposed and the prevailing commercial, functional form, although the objection from the Town Council is noted, officers do not concur that the proposal conflicts with NKT32. By virtue of its relatively modest scale and non-intrusive colour scheme, the proposed advertisement is considered to be suitably and aesthetically sympathetic to the locality.
33. It should be noted that the proposed advertisement represents a *significantly* smaller version than the applicant had initially planned for the site. Officers gave pre-application advice to the applicant and this has resulted in a potential 12m totem pole being reduced to what is presently proposed; being 5m in height. Members are also reminded that the applicant has reduced the width of the advertisement from 2.8m to 1.4m in a further attempt to satisfy the initial objection from the Town Council. This represents a 50% reduction in overall width and should be considered as a significant and material alteration given the concerns raised by the Town Council.
34. This is a substantial reduction compared to what was initially proposed at pre-application stage and what was then considered by Members at the September Development Control Committee. That said, the application should be considered on its merits in terms of the details now proposed. For the reasons set out above, to require a further reduction, given the requirements of DM2, DM38 and NKT3, would in the opinion of officers be unreasonable and not something that would withstand scrutiny at appeal should the advertisement to be refused on the grounds of scale or appearance.

#### **Impact on amenity: illumination**

35. In addition to the scale and form of the advertisement, in considering the amenity impacts, the Local Planning Authority must also have regard to the degree of illuminance. The development to which the advertisement

relates (presently a Costa and a McDonalds) is permitted to trade on a 24hour basis. The proposed advertisement is therefore intended to be illuminated during night-time hours of trade although the applicant has not stated specific hours. It is therefore appropriate for the LPA to consider the illumination and its impact pragmatically.

36. Within this section of the report, the extent of the illumination has been considered within the context of relevant legislation and lighting guidance.

37. The advertisement as proposed comprises three areas of illumination; the 'M' for the McDonalds and the white Costa text and the white/yellow drive thru car. The drawings indicate that the illumination will be static (i.e. no flashing or strobing) and that the maximum luminance shall be 300 candela per square metre.

38. To understand how 'bright' 300 candela is, reference should be made to two documents:

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Guidance Notes for the reduction of obtrusive light GN01:2011 (as produced by the institute of lighting professionals)

39. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 set out when advertisements do and do not require consent. Although this advertisement requires consent, classes 2B, 2C, 4A, 4B and 5 allow a number of illuminated advertisements without requiring consent. This offers a useful reference point as the regulations state that where an advertisement does not require consent and it is to be illuminated, the following restrictions on illumination shall be relevant:

- where the illuminated area is not more than 10 square metres, 600 candela per square metre; and
- where the illuminated area is more than 10 square metres, 300 candela per square metre.

40. In this instance, the proposed advertisement does not exceed the level of illuminance which is considered acceptable in the national regulations for those advertisements which do not require consent – this nationally prescribed level being 600 candela per sqm. In this respect, the advertisement, which has an illuminance value of 300 candela per sqm, is not therefore considered to represent an unacceptably visually obtrusive design which would give rise to unacceptable amenity impacts.

41. In addition, the guidance notes for the reduction of obtrusive light GN01:2011 (as produced by the institute of lighting professionals) offer a useful point of reference in considering the degree of illumination as proposed. As noted, this is a technical document, but it offers a simple explanation for general consumption.

42. The guidance note is designed to illustrate what levels of lighting are appropriate in particular locations. To do this, table 1 splits land uses into 5 typologies depending on their characteristics:

<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

43. In this instance, the application site would be considered as being within the E3 zone given the location with respect to the main settlement and the presence of the existing 'out of center' commercial units. It is not deemed to be within E2 as the area is well lit by lighting columns and is not in a rural location.

44. Having established that the site lies within what could reasonably be described as zone E3 (as confirmed through comments from the Highway Authority on other, adjacent applications), the guidance note then enables users to consider what lighting levels are appropriate by stating what would be considered as excessive in both pre curfew conditions (non-sensitive times; daylight, early evening) and post curfew conditions (sensitive time; 11pm onwards).

45. The important column within table 2 to look at is therefore the one highlighted blue; this shows what level of illuminance in candela would be considered intrusive in the E3 zone, during hours of darkness:

<b>Environmental Zone</b>	<b>Sky Glow ULR [Max %]<sup>(1)</sup></b>	<b>Light Intrusion (into Windows) E<sub>v</sub> [lux]<sup>(2)</sup></b>		<b>Luminaire Intensity I [candelas]<sup>(3)</sup></b>	
		<b>Pre-curfew</b>	<b>Post-curfew</b>	<b>Pre-curfew</b>	<b>Post-curfew</b>
E0	0	0	0	0	0
E1	0	2	0 ( 1*)	2,500	0
E2	2.5	5	1	7,500	500
<b>E3</b>	<b>5.0</b>	<b>10</b>	<b>2</b>	<b>10,000</b>	<b>1,000</b>
E4	15	25	5	25,000	2,500

46. The table above illustrates that when located in zone E3, after the 'curfew' (when it is reasonable to expect less light and darker conditions), an illumination value of 1000 candela would be considered as visually obtrusive. However, the advertisement as proposed has a value of 300 candela. Therefore, given the extent to which this is *below* what the institute of lighting professionals prescribe as being visually obtrusive, a conflict with policy CS5, DM2, DM38 or NKT32 has not been identified by the Local Planning Authority.



47. Although the above illustrates that the proposed advertisement is not considered as excessively bright, how long the advertisement will be illuminated must also be considered. In doing this, it should be noted that under DC/19/0021/ADV, advertisement consent has already been granted for a number of fascia signs to be illuminated without restrictions on times; they are permitted to be 'on' 24 hours.
48. Accordingly, taking policies DM2 and DM38 into account insofar as they relate to residential amenity, the nearest dwelling is located approximately 53m to the South of the totem pole. It is noted that the area is already dominated by a proliferation of illuminated advertisements and street lighting. However, the proposal results in an illuminated advertisement being closer to a private residential dwelling and there is limited screening between the proposed dwelling and the site of the proposed totem pole. It is noted however that no public comments have been submitted in response to the application.
49. Therefore, given the degree of illuminance already permitted under DC/19/0021/ADV and noting the need to protect residential amenity, although the advertisement is not considered to be excessively bright, it will emit a visual glow, the impact of which must be considered.
50. The submitted application form does not clarify when the applicant wishes for the advertisement pole to be illuminated although it is understood, based on discussions with the agent that the intention is for it to be illuminated during all hours of darkness. Public Health & Housing have also not suggested any restriction on hours although this does not preclude the further consideration of the potential impact on amenity, taking into account any cumulative impacts as may arise.
51. As such, given the proximity of the dwelling to the south, the existing degree of illuminance and the need to curtail unrestricted proliferation of advertisements, when the original totem pole was proposed as being illuminated to 600 candela per sqm the Local Planning Authority considered it reasonable to condition the hours of illuminance as follows:
- Monday: 6am until midnight
  - Tuesday: 6am until midnight
  - Wednesday: 6am until midnight
  - Thursday: 6am until midnight
  - Friday: 6am until midnight
  - Saturday: 6am until midnight
  - Sundays / bank holidays: 6am until 10pm
52. However, this would have resulted in a position whereby the advertisement was not operational during the night and it is noted that a 24hour convenience offering such as this will, to an extent, likely rely on a degree of 'after dark' trading. Instead of the above restriction, the applicant has volunteered that the illuminance will be reduced by 50% from 600 candelas per sqm to 300 candelas per sqm. This represents a significant reduction in illuminance and, on balance, given the context of the site, would enable support of the 24-hour illumination sought by the applicant. This positively negotiated outcome offers a compromised position in which the illuminance has been reduced by half without the need to impose further conditional control over the advertisement.

53. Following the significant reduction in the illuminance levels, and given the above discussion with respect to amenity, a specific condition which requires the advertisement to be switched off is not considered to be required. Accordingly, a conflict with policies CS5, DM2, DM38 or NKT32 has not been identified by officers.

### **Impact on public safety**

54. In assessing the impact of an advertisement on public safety, a Local Planning Authority is expected to have regard to the effect upon the safe use and operation of any form of traffic or transport on land including the safety of pedestrians. The proposed totem pole will be positioned on land owned by the applicant and will not therefore cause any obstruction to pedestrians or impede the adjacent footpath. Whilst the signs will be illuminated and visible from the adjacent roundabout, the Highway Authority is satisfied that they will not cause such a distraction to motorists to be considered dangerous and as such, the signage would not have any adverse effects in terms of public safety. The Highway Authority have not altered their position with respect to the application and raise no objections.

55. The advertisement is also positioned so that it is not immediately adjacent to the roundabout; it is set back away from the junction with Willie Snaith Road by approximately 26m. This serves to prevent motorists being potentially distracted whilst on the roundabout which is something that the Highway Authority would seek to avoid in the interest of highway safety.

56. Given the lack of an objection from the Highway Authority, the proposed advertisement is not judged to conflict with policies DM2(L), DM38 or paragraph 110 of the National Planning Policy Framework.

### **Other matters**

57. Within the 'consultation' section of this report, comments as provided by the Ward Member, Cllr Soons have been reproduced. The concerns raised with respect to the scale and physical presence have been addressed above with direct reference to relevant planning policy and technical guidance.

58. However, the comments made with respect to obesity, Covid-19 and televised advertising are not relevant to the determination of an application for advertisement consent.

59. Regulation 3 of the 2007 Advertisement Regulations very clearly states that in determining applications for advertisement consent, Local Planning Authorities may only have regard to amenity and public safety. In this context, public safety includes all of the considerations which are relevant to the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water or in the air.

60.It does not, however, include issues such as a perceived increased propensity for obesity; it would therefore be unlawful to base a decision on matters which the legislation specifically excludes from being material.

### **Conclusion & planning balance**

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

62.As set out within this report, when determining applications for advertisement consent, local planning authorities may, given the provisions of the 2007 Advertisement Regulations, only consider amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

63.In this instance, the relevant policies against which the proposal should be considered are CS5, DM2, DM38 and NKT32. Whilst the initial objection from the Town Council and elected ward member are respectfully noted, no further objection has been submitted in response to the amended plans and the advertisement as proposed is not judged to conflict with the aforementioned policies insofar as they relate to amenity and public safety.

64.Accordingly, no material reasons have been identified which would otherwise outweigh the relevant policy support, and subject to the conditions below, the illuminated totem pole is considered to represent a policy compliant proposal.

### **Recommendation:**

65.It is recommended that advertisement consent be **GRANTED** subject to the standard advertisement conditions as set out in appendix 1 and the following bespoke 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:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
6929-SA-8361-AL01A	Location plan	21 May 2020
6929 SA 8361 P022 N	Layout	01 October 2020
6929_SA_8361_SK2 0E	Sign details	01 October 2020

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

- 2 The maximum luminance from the freestanding 5m totem sign shall not exceed 300 candela/m<sup>2</sup> unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in order to avoid disability or discomfort glare for either pedestrians or motorists.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/20/0817/ADV>

Case officer: Adam Ford Phone: 07984 468062

**Standard conditions which apply to all advertisements as prescribed by Regulation 2 of the 2007 Advertisement Regulations**

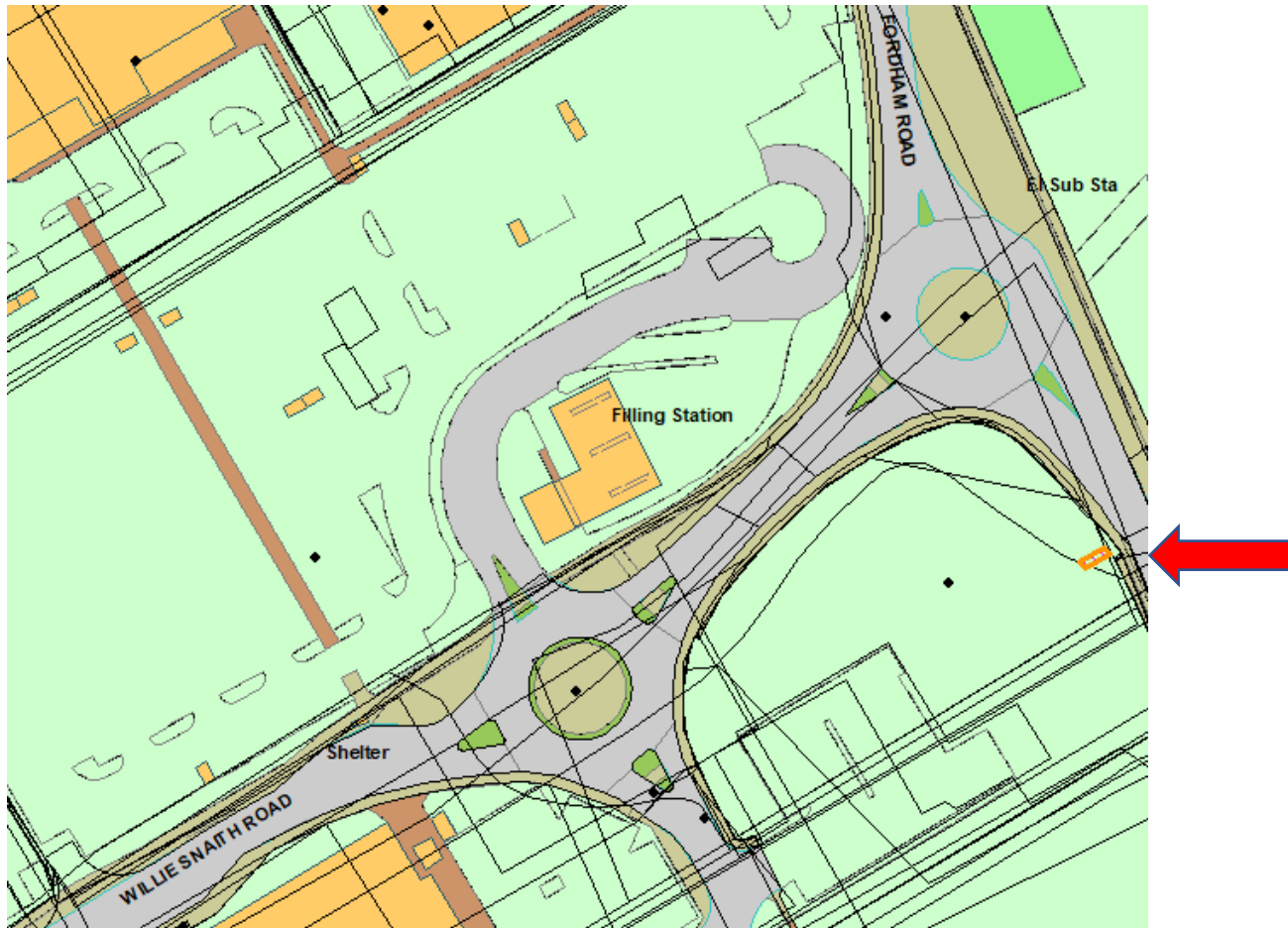
1. no advertisement is to be displayed without the permission of the owner of the site on which they are displayed (this includes the highway authority, if the sign is to be placed on highway land);
2. no advertisement is to be displayed which would obscure, or hinder the interpretation of, official road, rail, waterway or aircraft signs, or otherwise make hazardous the use of these types of transport;
3. any advertisement must be maintained in a condition that does not impair the visual amenity of the site;
4. any advertisement hoarding or structure is to be kept in a condition which does not endanger the public; and
5. if an advertisement is required to be removed, the site must be left in a condition that does not endanger the public or impair visual amenity.

Source: <https://www.legislation.gov.uk/ukxi/2007/783/schedule/2/made>

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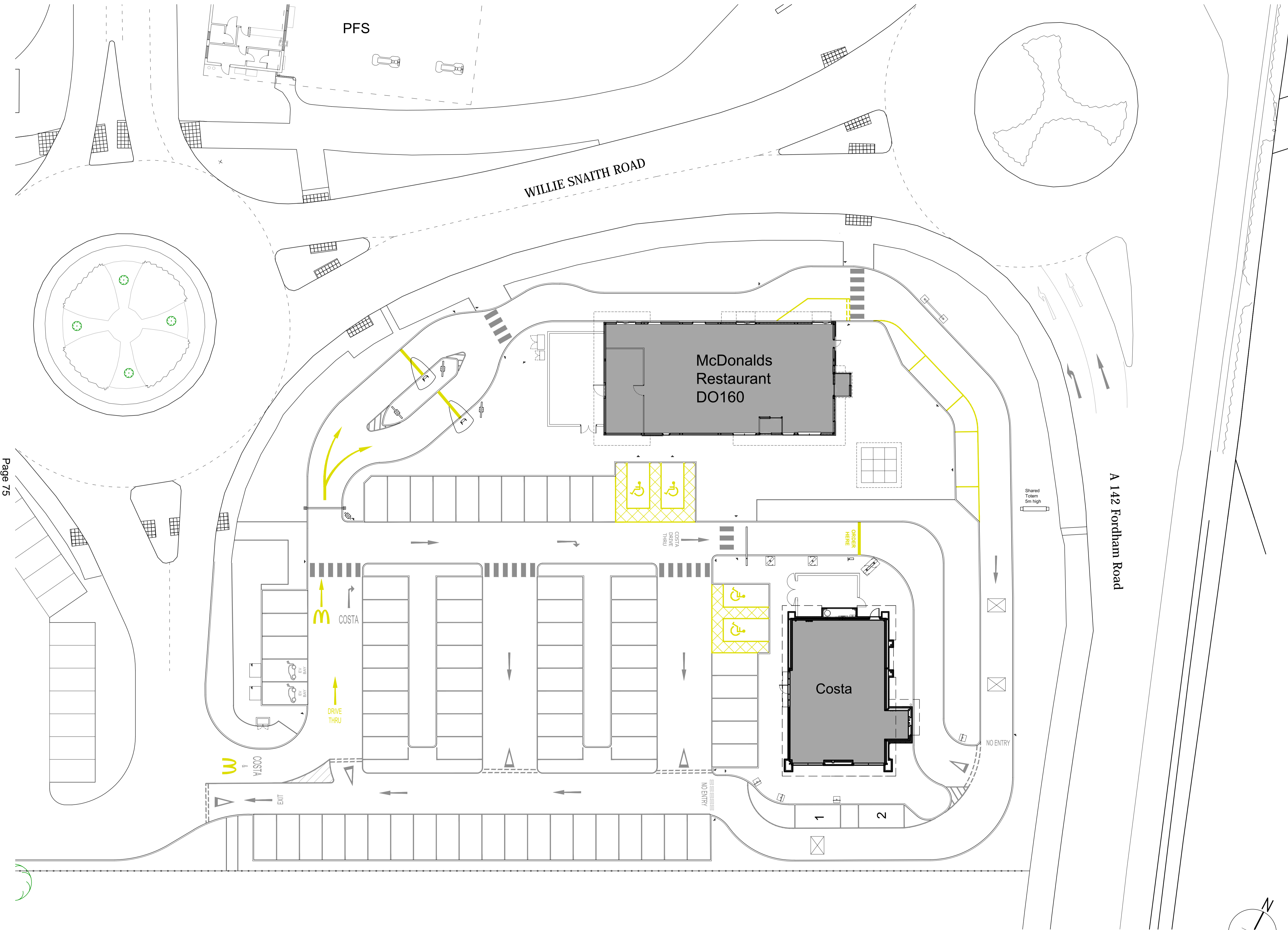


DC/20/0817/ADV – Land adjacent to Tesco Petrol Station, Willie Snaith Road, Newmarket



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ADVERT REF	SIGN TYPE	QTY	SIZE (mm)	MATERIALS	COLOUR	HEIGHT (mm) ABOVE GROUND	EXTENT (mm) OF PROJECTION	HEIGHT (mm) OF TEXT	ILLUMINATION
Shared Totem (5m)	N/A	1	3127W x 480D x 5000H	Timber effect over-clad steel frame with internally illuminated PCC Aluminium individual tenant signs: McDonald's Golden Arch - moulded acrylic. Costa - Acrylic letters	Khaki Green RAL 6015, Timber, Yellow, Opal White and Costa Red.	5000	N/A	N/A	(STATIC - Max. 600cd/m <sup>2</sup> )

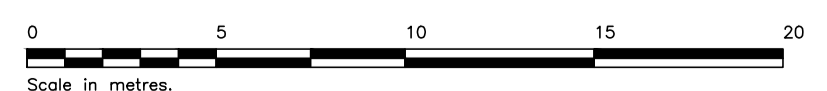
REV.	DATE	DESCRIPTION	BY	CHECKED
L	28.04.2020	Totem height reduced.	JK	
K	04.03.2020	Pedestrian access amended to Highways Officer's and Highways Consultant's comments. External lobby indicated.	JK	
J	27.06.2019	Updated to include Highways Officer's and Highways Consultant's comments and amendments.	JK	
H	13.12.2016	Drive thru lane signage updated.	JK	
G	17.07.2016	Totem location amended.	JK	
F	04.04.2016	Proposed 5m Shared Totem Sign.	BV	
E	01.10.2015	OT line amended to accommodate Adopted Highway line. Corral size spotted.	BV	
D	17.07.2015	Layout amended to match the developer.	BV	
C	08.05.2015	Accessible bays relocated.	BV	
B	23.03.2015	Costa layout updated to the latest drawings.	BV	
A	06.03.2015	PLANNING ISSUE	BV	

**GENERAL NOTES:**  
 All works are to be undertaken in accordance with the Building Regulations and the latest British Standards.  
 All proprietary materials and products are to be used strictly in accordance with the manufacturer's recommendations.  
 All dimensions to be checked on site prior to construction.  
 All risks assessed to comply with the designer's responsibility under the Construction (Design Management) Regulations 2015.

PROPOSED DEVELOPMENT AT: Willie Snaith Road, NEWMARKET, NEWMARKET  
 STORE No: NB8361

ON BEHALF OF: McDonald's Restaurants Ltd  
 DRAWING TITLE: Site Layout Plan  
 Drive Totem

DRAWN BY: BV  
 SCALE & DATE: 1:200@AT (Dec 2016)  
 DESIGNED BY: JK  
 DRAWING No.: 6929-SA-8361-P022 L



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## **Development Control Committee 4 November 2020**

### **Planning Application DC/20/1003/FUL – Abbots Hall, Smallwood Green, Bradfield St George**

<b>Date registered:</b>	3 July 2020	<b>Expiry date:</b>	28 August 2020
<b>Case officer:</b>	Alice Maguire	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Bradfield St. George	<b>Ward:</b>	Rougham
<b>Proposal:</b>	Planning Application - 1no. dwelling (following demolition of existing dwelling)		
<b>Site:</b>	Abbots Hall, Smallwood Green, Bradfield St George		
<b>Applicant:</b>	Mr & Mrs Wright		

**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 Development Control Committee determine the attached application and associated matters.

CASE OFFICER:

Alice Maguire

Email: [alice.maguire@westsuffolk.gov.uk](mailto:alice.maguire@westsuffolk.gov.uk)

Telephone: 07904 389982

## **Background:**

**This application is presented to the Development Control Committee following consideration at Delegation Panel on 22/09/2020. It was presented to the Delegation Panel due to the support from the Parish Council. The application is recommended for REFUSAL.**

## **Proposal:**

1. Planning permission is sought for 1 dwelling. The proposed dwelling is two storey in height, and would have 3no. bedrooms. It would measure approximately 4.200 metres to the eaves, 7.800 metres to the ridge, with an overall depth of 15.300 metres, and an overall width of 11.100 metres at its widest point.
2. The proposed dwelling would be a replacement of the existing dwelling on the site. It does not extend the residential curtilage. It does not propose a new access and would utilise the existing access.
3. The external footprint of the existing dwelling measures 80.86 square metres and the proposed external footprint measures 130.70 square metres (representing a 49.84 square metre increase). The ridge height of the existing dwelling measures 5.41 metres, and the ridge height of the proposed dwelling measures 7.83 metres; an increase of 2.42 metres.
4. Amended plans were provided by the agent on 26/08/2020 showing an amended block plan and elevations. The amended plans substitute the original drawing submitted on 03/07/2020. They were amended to show the omission of the detached cart lodge, following concerns raised by officers. The amended submitted elevation drawings also show an orange line, whereby the agent has indicated what they could achieve through permitted development.

## **Application supporting material:**

5.
  - Location Plan
  - Proposed location plan
  - Covering Letter
  - Application Form
  - Existing block plan
  - Proposed block plan
  - Planning, Design and Access Statement
  - Biodiversity survey Phase 1
  - Biodiversity survey Phase 2
  - Tree Categorisation Report
  - Front Perspectives
  - Rear Perspectives
  - Land contamination assessment
  - Land contamination questionnaire
  - Ground floor plans
  - First floor plans
  - Roof plan
  - Proposed elevations (east and west)
  - Proposed elevations (north and south).

**Site details:**

6. The application site is outside of any settlement boundary, and in policy terms is therefore within designated countryside. It is within the parish of Bradfield St George, and the settlement boundary is approximately 2.40km to the north-west. The site is relatively isolated in nature, with no residential dwellings within close proximity. There are some other buildings adjacent to the plot, however these are in agricultural use. The site is to the east of Smallwood Green, where there is an existing access from the highway serving the site.

**Planning history:**

7. There is no relevant planning history on the application site.

**Representations:****Parish Council:**

17.07.2020 –

8. The Council makes no comment on the various footprint and internal volume calculations which form part of this application – it is assumed these will be checked by WS planning officers. This Council, having considered the FH and St Eds JDMP 2015 and in particular policy DM5 (development in the countryside) had no objections to the proposals, which it was considered represented an improvement to the current design.

10.09.2020 –

9. The Parish Council considered the amended proposals at its meeting on 9 September and resolved to (i) reiterate the comments it had previously made in relation to this application in July 2020 and (ii) continue support in principle for the amended scheme.

**Environment Team:**

10.07.2020:

10. The Environmental Team commented on the application stating that based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low. The environmental team offered the following notes;  
If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

The Environmental Team suggested that a condition for the provision of electric vehicle charge points should also be attached to any permission granted.

01.09.2020:

11. Environment Team comments from the 10 July 2020 remain valid and unchanged.

### **Ward Member**

12. Cllr Sara Mildmay-White requested that the application was referred to Development Control Committee at Delegation Panel on 22.09.2020.

### **Public Health and Housing**

23.07.2020:

13. Whilst Public Health and Housing would not wish to raise any objections to this proposal, it is recommended that the following conditions are included in any consent granted.

Suggested conditions or amendments:

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

Reason: to protect the amenity of occupiers of properties in the vicinity.

2. Any waste material arising from the demolition, site clearance and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.

Reason: To ensure that the development will not have a negative impact on ground and surface water and to protect the amenity of adjacent areas.

07.09.2020:

14. Public Health and Housing would not wish to make any further comments following the submission of amended plans on 26<sup>th</sup> August 2020.

### **Suffolk Fire and Rescue Service**

27.07.2020:

15. No objections however comments made regarding the standard access and fire fighting facility requirements, and the location of the closest water supplies, and suggested that consideration is given to a fire sprinkler system.

## **Natural England**

28.08.2020:

16. No comments to make on this application. Natural England has not assessed this application for impacts on protected species, therefore the published standing advice should be used to assess impacts or consultation can be carried out with ecology services for advice.

## **WS Ecology & Landscape Officer**

27.08.2020:

17. Further reports are required, in line with the recommendations within the phase 1 survey submitted

15.10.2020:

18. The preliminary ecological appraisal (PEA) requires that habitats of higher value, i.e. the pond, hedgerow, and trees, within the site should be protected. You should therefore ensure that the retention of these is included in the proposals and should secure protection through tree/hedgerow protection measures (British Standard for trees in relation to construction BS 5837:2012) to be installed in the pre-construction phase and maintained throughout construction.

I have reviewed the Bat and Great Crested Newt survey and would recommend that you condition that the applicant submit a Natural England European Protected Species (EPS) Licence prior to the commencement of any part of the demolition of the bungalow – there is a standard condition.

You should also condition that the measures set out in section 3 of this report are implemented and that the bat mitigation strategy, including any amendments required to comply with the Natural England EPS License are also implemented in full.

Please also condition ecological enhancements as detailed in section 3.2.1 of the PEA report.

## **Highways Authority**

19. The County Council as Highway Authority recommend that any permission which the Planning Authority may give, should include the following conditions:

P 1 - Condition: The use shall not commence until the areas within the site shown on Drawing No. 2010385.WRI-04 for the purposes of manoeuvring and parking of vehicles and for the purposes of cycle storage have been provided and thereafter those areas shall be retained and used for no other purposes.

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

G 1 - Condition: Gates shall be set back a minimum distance of 5 metres from the edge of the surface carriageway.

Reason: In the interests of road safety.

**Policy:**

20. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Mitigation against Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS3 - Design and Local Distinctiveness



- Core Strategy Policy CS4 – Settlement Hierarchy and Identify
- Policy RV1 Presumption in Favour of Sustainable Development
- Policy RV3 Housing Settlement Boundaries

**Other planning policy:**

National Planning Policy Framework (NPPF)

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

**Officer comment:**

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

- Principle of Development
- Impact on character of the area / street scene
- Design and Form
- Impact on neighbour amenity
- Ecology impacts
- Parking and access
- Other matters

**Principle of Development**

24.The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires 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'.

25.The proposed dwelling is a replacement of an existing dwelling. The site is not within a housing settlement boundary and is within designated countryside. It does not seek to extend the existing residential curtilage. Policies DM5 and DM27 of the Joint Development Management Policies Document seek to protect the countryside against unsustainable development. Policies CS1 and CS4 of the Core Strategy detail where support may be offered to new development within rural areas. RV3 from the Rural Vision Document further states where applications for dwellings

will generally be supported within housing settlement boundaries, subject to other, relevant planning considerations. Accordingly, consideration must also be given to the other adopted policies and the provisions of the National Planning Policy Framework.

26. Given that this is for a replacement of an existing dwelling, consideration has been given to Policy DM5 of the JDMP (development in the countryside). Paragraph G of this policy states that:

'A new or extended building will be permitted, in accordance with other policies in this plan, where it is for (inter alia):

The replacement of an existing dwelling on a one for one basis where it can be demonstrated that:

- i. The proposed replacement dwelling respects the scale and floor area of the existing dwelling, and,
- ii. The curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM5'.

27. The proposed replacement dwelling does not meet criterion i. of this policy. The existing dwelling on the site is a modest, single storey building. The proposed new dwelling is two storey in scale, and measures significantly larger than the existing dwelling on the site.

28. The proposal would result in a 49.84 metre squared increase to the external footprint, and a 133.89 metre squared increase to the internal footprint (with the addition of the first floor). The existing external footprint is 80.86 metres squared, and the proposed external footprint is 130.70 metres squared. The existing internal footprint of the building is 70.807 metres squared, and the proposed internal footprint is 204.70 metres squared. The existing ridge height of the bungalow is 5.41 metres, and the proposed ridge height is 7.83 metres. The height of the proposed dwelling would be 2.42 metres higher than the height of the existing bungalow.

29. It is therefore considered that the proposal does not respect the floor area or scale of the existing dwelling and as a result fails to comply with Policy DM5. This is an important consideration since it can be objectively concluded that the scale and floor area of the dwelling is not respectful to that which it replaces. This is only part of the considerations however, since it must also be considered how much weight must be attached to this conflict with policy. The greater the degree of harm arising from the increased scale parameters then the greater weight can be attached to this policy conflict. In this regard, officers consider that the key consideration is the open and rural nature of the site and surroundings and the likely impacts arising from the considerably increased height of the building as will be discussed in the following section.

### **Impact on the character / street scene**

30. Policy DM2 states that proposals for all development should recognise and address the key features and the character of the areas within which they

are to be based. Policy DM22 further states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.

31. Given that there is an existing dwelling of residential use on this site, the position of the dwelling would not appear out of character with the surrounding area.
32. The pattern of development in the area is of relatively isolated and sporadic dwellings in the countryside. The existing property on the site is of a simple design and of a modest scale and is not considered to be of any particular historic or architectural merit. Given that the proposed dwelling is of a significantly and materially larger scale and form, it is considered that it will appear dominant and visually prominent within the open, rural street scene. In particular, the scale, height and massing of the building would have an urbanising effect on the rural location, to the detriment of the character and appearance of the area. The proposed dwelling is therefore considered to be contrary to Policy DM2 criteria j which requires new development to 'produce designs that respect the character, scale, density and massing of the locality'.
33. The agent submitted revised elevation drawings which show an orange line, highlighting the extent of development that they argue can be carried out under permitted development Class AA (enlargement of dwelling house by construction of additional storeys). This class states that the development will be permitted for the enlargement of a dwelling by the construction of:  
  
'(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.'
34. The proposed dwelling is of a significantly larger scale with a 60% increase in the footprint, so taking into consideration the potential fallback of permitted development, it is not considered that the scale of the dwelling proposed could be achieved. Notwithstanding this, Class AA requires the submission of a prior notification application. No such application has been made to the Council to show this is a realistic prospect as the applicant is clearly wanting something much larger than Class AA could achieve. On this basis, it is not considered that the application benefits from a permitted development fallback position.

## **Design and Form**

35. Policies DM2 and DM22 state that proposals for all development should produce designs that respect the character of the area, respond to the locality, are based on analysis of existing buildings / topography, and utilise characteristics of the locality.
36. The existing bungalow is a late 20<sup>th</sup> century building of a simple design, and not considered to have any significant historic or architectural merit. The proposed replacement dwelling is considered to respond to the rural

character of the area with regards to the use of traditional materials which are considered acceptable. It is however considered to be of an overall design and form does not respect the character of the area, nor respond to the locality, given its excessive scale within a prominent location, which is considered to have a urbanising effect on the rural character.

37. On balance, the proposal is not considered to be in accordance with policy DM2 (particularly criterion j).

### **Impact on neighbouring amenity**

38. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity. The proposed dwelling benefits from being in a relatively isolated plot, with the closest residential property approximately 240 metres to the south.
39. As such, notwithstanding the height increase and first floor windows of the proposed dwelling, it is not considered that the proposal would result in detrimental impacts to neighbouring amenity, by virtue of overlooking, being overbearing or resulting in loss of light. With regards to potential impacts from noise and pollution, Public Health and Housing have recommended conditions which restrict the demolition/construction hours, and also prohibit the burning of waste on the site.
40. The proposal is therefore considered to accord with Policy DM2 in relation to neighbouring amenity.

### **Ecology Impacts**

41. Policy DM11 states that development will not be permitted unless suitable and satisfactory measures are in place to reduce the disturbance to protected species and which 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.
42. 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.
43. The proposed dwelling is located within an existing residential curtilage and does not result in the loss of any valued landscapes or agricultural land.
44. A Phase 1 desktop biodiversity survey was submitted with the application and is dated 27<sup>th</sup> May 2020. This survey assessed the value of onsite and adjacent habitats and draws upon the conclusion that Great Crested Newts and Bats have the potential to be affected by the development, and that a further survey (eDNA test to confirm the absence of newts, and B1 and B2 bat survey) should be carried out in order to determine whether the development can proceed with mitigation and enhancement measures, or if the development is unacceptable.

45. A Phase 2 survey was subsequently submitted on 14<sup>th</sup> September (referenced 17349), whereby the recommended surveys had been carried out. This report confirms that the eDNA result was negative, confirming that Great Crested Newts were not present in the pond. There is however potential for other amphibians within the pond therefore precautionary measures should be adopted. It did however confirm that the bungalow is used as a roost by Common Pipistrelle (two individuals) and a brown long eared (one individual) bats. The proposed demolition works would therefore result in the destruction of a known roost, and the proposed development required a European Protected Species (Bats) Mitigation License.
46. The Ecology Officer provided further comments on 15 October to confirm recommended conditions, should any permission be granted.
47. On this basis, the application is therefore considered to be in accordance with policies DM10, DM11 and DM12.

### **Parking and Access**

48. Paragraphs 108 - 110 of the 2019 NPPF provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. Policy DM2 requires that development accords with highway standards and maintains or enhances the safety of the highway network. Policy DM46 requires that proposals accord with adopted parking standards.
49. There is no conflict with DM46 or the NPPF. The Highway Authority were consulted on the application and confirmed there were no objections subject to the conditions of refuse/recycling bins and manoeuvring and parking, which would have been considered reasonable if the application was recommended for an approval.

### **Other Matters**

50. Section 3.4.2 of the Suffolk Guidance for Parking provides that "*Access to charging points should be made available in every residential dwelling.*" Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (e) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution. The Environmental Team commented on the application stating that the risk from contaminated land is low. The Environmental Team then recommended some advice notes and that if permission were to be granted then an electric vehicle charging point condition should be added.

51. DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in relation to water consumption. Therefore, if approval was recommended a condition should be applied ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

### **Conclusion:**

52. In conclusion, Policy DM5 does permit replacement dwellings within the countryside, so in principle this is considered to be an acceptable proposal. However, the proposed dwelling is considered to be of an excessive floor area and scale, as it does not respect the existing dwelling on this site, contrary to Policy DM5. The dwelling is of a significantly larger scale and form, which would appear out of keeping and visually intrusive within the rural setting. In particular, the combined scale, height and massing of the building would have an urbanising effect on the rural location, to the detriment of the character and appearance of the area. The proposed dwelling is also therefore considered to be contrary to Policy DM2.

53. As the proposal is contrary to the relevant policies within the development plan, core strategy and rural vision, as well as the provisions of the National Planning Policy Framework (2019) as set out above, the recommendation is one of refusal.

### **Recommendation:**

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

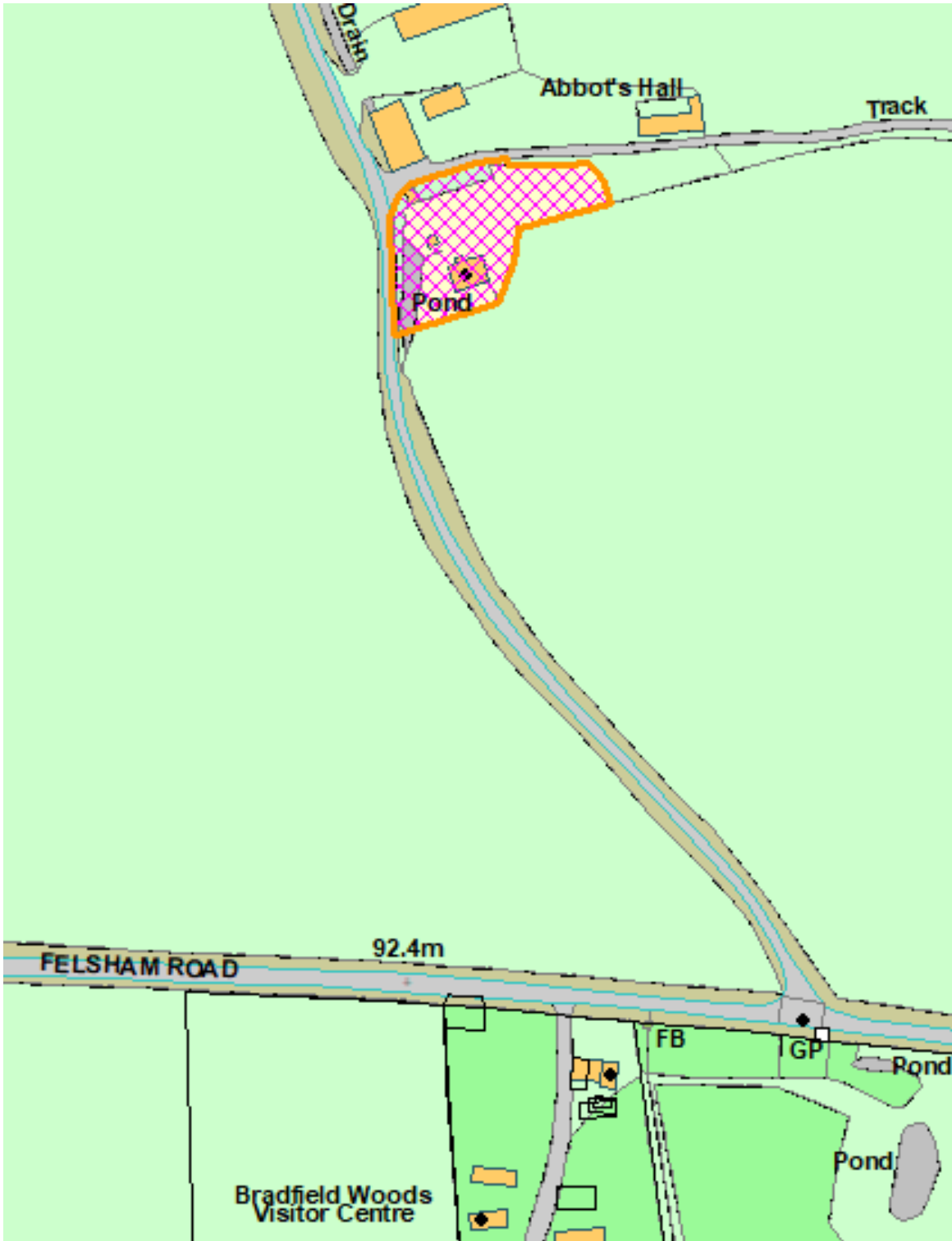
1. The pattern of development in the area is of relatively isolated and sporadic dwellings in the countryside. The existing property on the site is of a simple design and of a modest scale and is not considered to be of any particular historic or architectural merit. Given that the proposed dwelling is of a significantly and materially larger scale and form, it will appear dominant and visually prominent within the open, rural street scene. In particular, the combined scale, height and massing of the building would have an urbanising effect on the rural location, to the detriment of the character and appearance of the area. Overall The proposed dwelling is judged to be in material conflict with policy CS4 of the Core Strategy Document, policies DM1, DM2 and DM5 of the Joint Development Management Policies Document, and the advice contained within the National Planning Policy Framework which seeks to ensure that new development is sensitive to the defining characteristics of the local area.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1003/FUL](#)






DC/20/1003/FUL - Abbots Hall, Smallwood Green, Bradfield St George

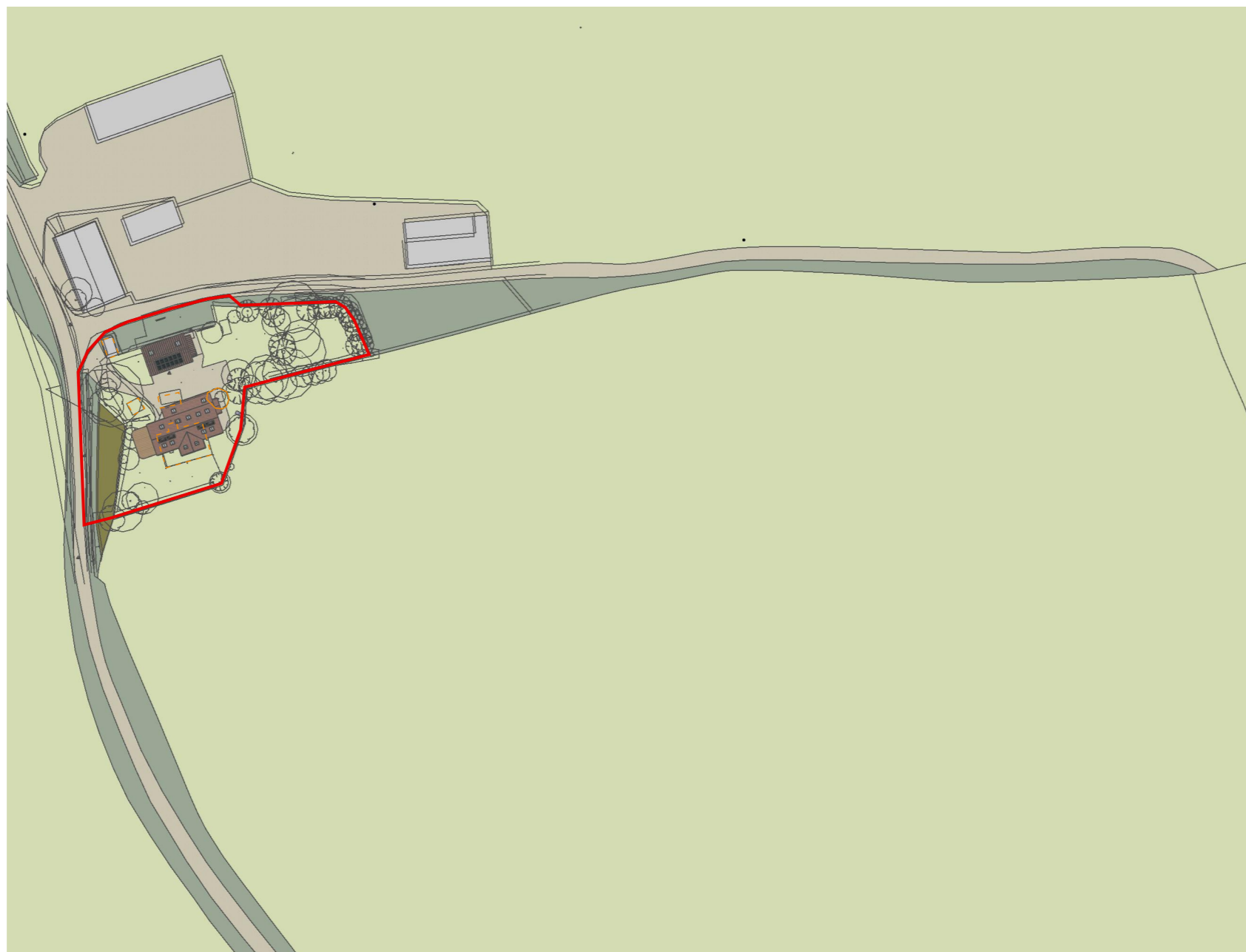


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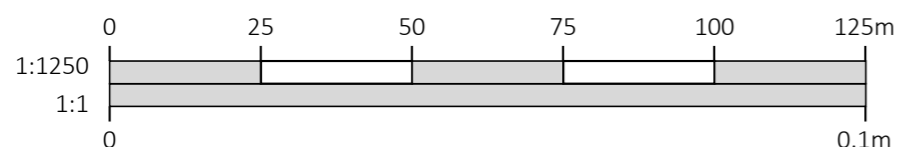
KEY

	Application boundary
	Existing building for removal
	Tree for removal



LOCATION PLAN

Proposed  
Scale 1:1250



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CLIENT

Mr & Mrs Wright

SITE ADDRESS

Abbot's Hall, Smallwood Green,  
Bradfield St George, Bury St  
Edmunds, Suffolk, IP30 0AL

PROJECT

Proposed Replacement Dwelling

DEPARTMENT

ARCHITECTURE

DRAWING

LOCATION PLAN

SCALE

1:1250 @ A3

DATE DRAWN

20.05.20

DATE ISSUED

26.05.20

DRAWN

DR

CHECKED

CA HN

ISSUE STATUS

PLANNING

DRG. NO.

2010385.WRI-03

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