

Development Control Committee

Title	Agenda		
Date	Wednesday 2 December 2020		
Time	10.00 am		
Venue	Facilitated by Microsoft TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers		
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <p>Conservative Group (9) Andy Drummond David Roach Susan Glossop Peter Stevens Ian Houlder Ann Williamson</p> <p>The Independent Group (6) Richard Alecock Roger Dicker John Burns David Palmer Jason Crooks Don Waldron</p> <p>Labour Group (1) David Smith</p>		
Substitutes	<p>Conservative Group (5) Carol Bull Sara Mildmay-White Terry Clements David Nettleton Rachel Hood</p> <p>The Independent Group (2) Trevor Beckwith Andy Neal</p> <p>Labour Group (1) Diane Hind</p>		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
Quorum	Six Members		
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting			
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Development Control Committee Agenda notes

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

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

Material planning considerations

- 1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**
- 2. Material planning considerations include:**
 - Statutory provisions contained in planning acts and statutory regulations and planning case law
 - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
 - 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 - 10

To confirm the minutes of the meeting held on 4 November 2020 (copy 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/20/0907/FUL - Former Hardwick Industrial Estate, Laundry Lane, Bury St Edmunds

11 - 46

Report No: **DEV/WS/20/056**

Planning Application - 66 no. residential units with parking, garaging and landscaping (to complete Phase 2 of approved development (SE/06/2414)) as amended by drawings received on 29th September and 5th October 2020

6. Planning Application DC/20/0506/FUL & Listed Building Application DC/20/0507/LB - Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare

47 - 76

Report No: **DEV/WS/20/057**

Planning Application - Conversion of barns to form 3no. dwellings with ancillary accommodation and associated demolition, landscaping and access works (previous application DC/19/0503/FUL)

Application for Listed Buildings Consent - Conversion and refurbishment of existing agricultural buildings to form 3no. dwellings and associated ancillary accommodation, with associated demolition, landscaping and access works (previous application DC/19/0504/LB)

7. Planning Application DC/19/2447/FUL & Application for Listed Building Consent DC/19/2448/LB - The Manor, Newmarket Road, Barton Mills

77 - 90

Report No: **DEV/WS/20/058**

Subdivision of existing unit to create 2 no. self-contained flats (providing 3 apartments in total) and (ii) orangery on west elevation

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 November 2020** at **10.00 am** via Microsoft Teams

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Andy Neal

Jason Crooks

David Roach

Roger Dicker

David Smith

Andy Drummond

Peter Stevens

Susan Glossop

Don Waldron

Ian Houlder

Ann Williamson

In attendance

Sara Mildmay-White (Ward Member:Rougham)

66. **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.

67. **Apologies for absence**

Apologies for absence were received from Councillors John Burns and David Palmer.

68. **Substitutes**

The following substitution was declared:

Councillor Andy Neal substituting for Councillor David Palmer.

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.

69. **Minutes**

The minutes of the meetings held on 2 September 2020 and 7 October 2020 were both confirmed as a correct record.

70. **Declarations of interest**

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

71. **Planning Application DC/19/2265/FUL - Stock Corner Farm, Stock Corner, Beck Row (Report No: DEV/WS/20/049)**

Planning Application - (i) 9no. dwellings (ii) vehicular access (following demolition of existing agricultural buildings)

This application was referred to the Development Control Committee because it represented a departure from the development plan due the proposal being beyond the settlement boundary.

The Senior Planning Officer drew Members' attention to the fact that the site already benefitted from planning permission granted at appeal, following refusal by the Local Planning Authority in 2016.

The Committee was advised that the permission granted by the Inspector had not expired and it was therefore to be taken as a material consideration within the determination of the planning application before them.

The Parish Council offered support to the application, which Officers were recommending for approval subject to the conditions set out in Paragraph 101 of Report No DEV/WS/20/049.

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

Councillor Don Waldron addressed the meeting as Ward Member (The Rows) for the application and stressed that he would not wish for any further development to take place in that area of Beck Row beyond the application site and thus yet further from the settlement boundary.

During the debate Members posed questions in relation to the relevant policies concerned in the determination of the application; together with highways/access matters. All of which the Officer responded to.

Lastly, some comments were made with regard to the objections raised in the third party representations concerning construction. In response to which the Service Manager (Planning – Development) reminded Members that this was a material consideration.

It was proposed by Councillor Mike Chester that the application be granted, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 14 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 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 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.
- 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.
- 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.
- 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 DrainageThe 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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)
- 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.
- 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.
- 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.
- 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
- 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.
- 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.

72. **Application for Advertisement Consent DC/20/0817/ADV - Land adjacent to Tesco Petrol Station, Willie Snaith Road, Newmarket (Report No: DEV/WS/20/050)**

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

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

This application was originally referred to the Development Control Committee on 2 September 2020 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).

At the September meeting the Committee resolved to defer the item to allow an opportunity for the applicant to address the objections of Newmarket Town Council.

Following liaison with the Town Council amended plans were submitted to the Local Planning Authority by the applicant which sought advertisement consent for a re-designed proposal.

Newmarket Town Council continued to object to the proposal which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 65 of Report No DEV/WS/20/050.

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.

The Committee was further advised that since the late papers were produced the Town Council had submitted further comments reiterating that they would prefer no totem pole signage at all. But, if granted, would ask that it was made no taller than 3m and to be designed in the same way as the Ely (Cambridgeshire) McDonalds totem pole sign. The details of the Town Council's comments were summarised in the Officer's PowerPoint presentation to the meeting which, for Members' benefit, included images of said signage.

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

Councillor Andy Drummond drew attention to the concerns raised by Newmarket Town Council in respect of the sign's design and proposed that the application be refused, contrary to the Officer recommendation. However, this motion failed to achieve a seconder.

During the continuation of the debate a number of Members remarked on the changes that had been made and the efforts the applicant had taken to work with the Town Council on the matter.

Councillor David Roach asked if it would be possible to condition the height of the signage to 3m but was advised by the Service Manager (Planning – Development) that it was not possible to change details of an application by way of conditions.

Councillor Andy Neal proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

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

Decision

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 The maximum luminance from the freestanding 5m totem sign shall not exceed 300 candela/m² unless otherwise agreed in writing by the Local Planning Authority.

73. **Planning Application DC/20/1003/FUL - Abbots Hall, Smallwood Green, Bradfield St George (Report No: DEV/WS/20/051)**

Planning Application - 1no. dwelling (following demolition of existing dwelling)

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

The Parish Council supported the proposal which was in conflict with the Officer's recommendation of refusal, for the reason set out in Paragraph 54 of Report No DEV/WS/20/051.

A typographical error was highlighted in Paragraph 28 of the report, where all references to 'metres squared' should have read 'square metres'.

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

Speakers: Councillor Sara Mildmay-White (Ward Member: Rougham) spoke in support of the application
Jonny Rankin (agent) spoke in support of the application

Councillor Peter Stevens voiced support for the application and stated that he did not consider that the proposal would have an adverse impact on its surroundings.

Accordingly, he moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor David Roach.

The Service Manager (Planning – Development) addressed the Committee and explained that the Decision Making Protocol would not be invoked in this instance; meaning that the motion would not be 'minded to'.

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

Upon being put to the vote and with 7 voting for the motion and 8 against, the Chair declared the motion lost.

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

Upon being put to the vote and with 8 voting for the motion, 6 against and with 1 abstention it was resolved that

Decision

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.

The meeting concluded at 11.54am

Signed by:

Chair

Development Control Committee 2 December 2020

Planning Application DC/20/0907/FUL – Former Hardwick Industrial Estate, Laundry Lane, Bury St Edmunds

Date registered:	15 June 2020	Expiry date:	14 September 2020 – EOT 4 December 2020
Case officer:	Kerri Cooper	Recommendation:	Approve
Parish:	Bury St Edmunds Town Council	Ward:	Southgate
Proposal:	Planning Application - 66 no. residential units with parking, garaging and landscaping (to complete Phase 2 of approved development (SE/06/2414)) as amended by drawings received on 29th September and 5th October 2020		
Site:	Former Hardwick Industrial Estate, Laundry Lane, Bury St Edmunds		
Applicant:	C/o Agent - Strutt and Parker Propiteer Abbots Gate Limited		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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Background:

The former Hardwick Industrial Estate was allocated in the former St Edmundsbury Borough Council, Replacement Local Plan 2016 under Policy BSE1 (f), as a brownfield site for residential development. A Masterplan for the site was adopted in June 2006, which was then followed by an approved and partially implemented planning permission SE/06/2414.

Planning permission was granted in August 2007 for the construction of 125 residential units, 38 retirement units, replacement of Headway offices (B1 use class) following the demolition of all existing buildings and for the provision of public open space, vehicular and pedestrian accesses, garaging and parking, including underground parking.

This development has been partially completed, which includes the completion of Phase 1 to provide 68 residential units including Affordable Housing Provision, 38 retirement units and the replacement of the Headway offices (Class B1).

During the course of the application amendments were made to the layout of the scheme and additional information was submitted regarding ecology, highways and drainage.

The application is before the Development Control Committee at the request of the local Ward Members; Councillor Ann Williamson and Councillor Patrick Chung and, as the Officers' recommendation is one of APPROVAL, contrary to the view of Bury St Edmunds Town Council.

Proposal:

1. Full planning permission is sought for a residential development comprising 66 dwellings (one being affordable), together with associated infrastructure including vehicular and pedestrian accesses, parking and garaging. An area of public open space is proposed to the north of the additional housing.
2. The proposal is a revised scheme of Phase 2 of planning permission SE/06/2414. The approved Phase 2 was for 57 residential units, and which remains extant and capable of implementation.
3. The proposal comprises 25 x four bedroom townhouses, 8 x three bedroom townhouses, 20 x two bedroom flats and 13 x one bedroom flats.

Application supporting material:

4. Information submitted with the application as follows:
 - Application Form
 - Design and Access Statement
 - Planning Statement
 - Tree Survey and Topographic Survey
 - Arboricultural Report
 - Ecological Reports
 - Surface Water Drainage
 - Landscape Details

- Highways Strategy
 - Parking, Cycle and Footpath Details
 - Materials
 - Visuals
 - Site Location and Layout
 - Elevations, Floor Plans and Sections
5. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

Site details:

6. The application site measures 2.5 hectares of undeveloped brownfield land, formerly used as Hardwick Industrial Estate.
7. The site is located within the settlement boundary to the south of Bury St Edmunds approximately 1 mile from the town centre and within the former Hardwick Industrial Estate. The site lies adjacent to existing residential development at the eastern, southern and western boundaries. The site adjoins the water meadows to the north of the site, which is a designated local wildlife site.

Planning history:

Reference	Proposal	Status	Decision date
DC/17/1089/VAR	Planning Application - Variation of Conditions 16 and 21 of SE/06/2414 to enable Condition 16 to apply to undeveloped parts of Phase 2 only and to enable Condition 21 to be discharged by the use of the submitted 'Remediation Implementation Plan for Erection of (i) 125 no. residential units, (ii) 38 no. retirement units, (iii) replacement of Headway offices (B1 use class) following demolition of all existing buildings and (iv) provision of public open space, vehicular and pedestrian accesses, garaging and parking, including underground parking	Application Granted	8 March 2018
DC/18/2276/COMP LI	Compliance of Conditions for SE/06/2414	Complied with Conditions	23 January 2019
SE/06/2414	Planning Application - Erection of (i) 125 no.	Application Granted	23 August 2007

residential units, (ii) 38 no. retirement units, (iii) replacement of Headway offices (B1 use class) following demolition of all existing buildings and (iv) provision of public open space, vehicular and pedestrian accesses, garaging and parking, including underground parking (amended description) as amended by i) revised plans received 9th March 2007, ii) by Brown and Scarlett letter dated 17th May 2007 and accompanying revised plans, and iii) revised landscaping proposals received 17th May 2007, and supported by i) Brown and Scarlett letter dated 22nd May 2007 and accompanying plans indicating areas for adoption and proposed contours for area of open space, ii) plan accompanying Land Charter e-mail dated 5th July 2007 indicating development phases, and iii) information contained in Land Charter e-mails dated 17th and 27th July 2007 relating to floor levels

Consultations:

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

Suffolk County Council Highways

Comments 1 July 2020:

- Holding objection until acceptable details are submitted;
- Concerns regarding parking, tracking, surface water drainage, access road and pedestrian and cycle routes.

Comments 26 August 2020:

- Some concerns have been addressed and there are matters which remain outstanding.

Comments 17 September 2020:

- Some concerns have been addressed and there are matters which remain outstanding as set out in comments of 26 August 2020.

Comments 16 October 2020:

- Comments reiterated regarding existing parking situation;
- No objection, subject to conditions and S106 contributions.

Suffolk County Council Floods and Water Team

Comments 8 July 2020:

- The Lead Local Flood Authority object as no drainage strategy has been submitted.

Comments 1 September 2020:

- Maintain a holding objection until a new drainage statement or similar which provides an overview of the proposed drainage is submitted so that the service can assess its credentials.

Comments 16 November 2020:

- The LLFA accepts that the applicant has endeavoured where possible to meet the national and local requirements with regard to the design of the surface water drainage system;
- No objection, subject to conditions.

Suffolk Wildlife Trust

Comments 8 July 2020:

- Holding objection until a further bat emergence survey has been carried out

Comments 17 July 2020:

- No objections subject to recommendations of the reports and conditions regarding lighting and hedgehog holes.

Anglian Water

Comments 29 June 2020:

- The site falls within a Source Protection Zone, we have assessed the potential impact of the site and have concluded that there is no risk to our potable water source;
- The site appears to fall inside the SPZ 1 boundary of another groundwater user, we would recommend that the developer contacts the relevant groundwater user for their feedback.

Comments 26 August 2020:

- The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station;
- Surface water and foul water acceptable

Comments 13 November 2020:

- No further comments to add from 26 August 2020;
- No objection, recommend condition and advice note.

Suffolk County Council Archaeology

Comments 14 September:

- No further archaeological conditions required.

Public Health and Housing

Comments 25 June 2020:

- No objections.

Comments 26 August 2020:

- No objections.

Environment Team

Comments 1 July 2020:

- No objection, subject to conditions.

Waste Team

Comments 8 October 2020:

- No objection.

Environment Agency

Comments 14 July 2020:

- The site is located in a groundwater source protection zone (SPZ), namely SPZ1 (Inner Zone).
- We consider that planning permission could be granted to the proposed development if the following planning conditions are included,

Strategic Housing

Comments 16 July 2020:

- The Strategic Housing Team supports the above application in principle as it will deliver 30% affordable housing on site in accordance with Policy CS5 of St Edmundsbury's area Local Plan;
- The proposal is to deliver an additional nine dwellings to the existing planning application (SE/06/2414) which secured 125 dwellings. As a result this would see delivered an addition 2.7 affordable dwellings;
- Taking into account the housing needs of West Suffolk we would be looking to secure 2 x 2 bedroom houses on site and 0.7 delivered as a commuted sum in lieu of onsite provision.

Comments 27 August 2020:

- The Strategic Housing Team supports the above application in principle as it will deliver overall 30% affordable housing on site. Following our previous response we would now be seeking to secure 1.2 affordable dwellings on site in line with Policy CS5 of the former St Edmundsbury Local Plan.

Suffolk County Council Planning Obligations Officer

Comments 17 July 2020:

- Contributions towards primary school, secondary school and sixth forms in the catchment area are sought as there is forecast to be surplus capacity to accommodate pupils anticipated from this scheme. A contribution of £1,944 towards the development of library services is sought. Consideration will also need to be given to adequate play space provision, health, supported housing, transport issues, waste management, surface water drainage, fire safety and broadband.

Suffolk Fire and Rescue

Comments 2 July 2020:
- Sprinklers are recommended.

Representations:

Town Council:

Comments 25 June 2020

- Objects to application on grounds of access, design, lack of outside space, density, mass and height of dwellings (being 4 storey dwellings which are out of keeping with the 3 storey dwellings on Phase 1 of the development).

Comments 27 August 2020

- Upholds previous objections made and reserves the right to make further comment on highways issues subject to the Highways Authority's own report and the report of Anglian Water.

Comments 15 October 2020

- Upholds previous objections made.

Ward Members:

Comments 23 June 2020 from Councillor Williamson and Councillor Chung

- In theory we would support this application, however there are issues that are of concern to us and to some residents;
- Concerns over possible overlooking to 20 Canterbury Green and the impact on western boundary and bank;
- Existing access road can be congested, proposed development will add further access and parking issues

Comments 9 October 2020 from Councillor Williamson

- Will Suffolk County Council adopt the roads?;
- Is the existing water meadows and pipes adjacent to the site going to be affected?;
- Some residents are concerned regarding parking;

There has been further dialogue between the officer and Ward Members however since the last comments, no additional formal comments have been submitted.

Neighbours:

9. 125 nearby addresses were notified of the application via post and two site notices were displayed.

10. Representations have been received by the owners/occupiers of 15 properties, which are summarised as follows:

3 Abbots Gate

- 4 storey buildings inappropriate;
- Impact on existing access roads;
- Note concerns raised by consultees

5 Abbots Gate

- Amount of dwellings far exceed original plans;
- Substantial increase in traffic;
- Impact on highway safety

22 Abbots Gate

- Access should be via Cullum Road;
- 4 storey buildings inappropriate;
- Loss of privacy and sunlight;
- Concerns raised by Anglian Water

23 Abbots Gate

- Block B will affect the enjoyment of my property;
- Impact on highway safety;
- Buildings should be reduced in height

24 Abbots Gate

- Concerns over increase in number of units;
- Height of buildings exceed the height of the existing development;
- Increase in traffic;
- Construction access should be carefully considered;
- Lack of parking spaces

25 Abbots Gate

- Block B will affect the enjoyment of my property through loss of light;
- Height of buildings exceed the height of the existing development;
- Has the site been assessed for wildlife and will this be taken into account for proposed development?

28 Abbots Gate

- An increase of 18% units from original scheme;
- Impact on traffic and parking;
- It is unclear of the existing and proposed landscaping;
- Construction should be carefully considered;
- Light for pedestrians is not included

32 Abbots Gate

- Support this application
- No provision for water butts or EV charging points

34 Abbots Gate

- Support this application
- Concern over traffic from construction

38 Abbots Gate

- Concerns regarding increase in traffic
- No provision made for construction traffic;
- Do not consider the proposed access is safe;

48 Abbots Gate

- Concerns regarding increase in traffic

20 Canterbury Green

- Block F will overlook our property;
- The bank and hedge should be retained to preserve our privacy;
- Trees to the east of 21 should be removed;
- Confirmation that the foul water junction in the middle of our property won't be used

21 Ely Close

- Block B will result in overlooking to my property;
- Concerns over removal of trees;
- Increase in traffic movements and noise

7 Lincoln Green

- Block F will overlook our property;
- Amount of tree felling will reduce privacy to our property

8 Lincoln Green

- Block F will overlook my property and affect my privacy;

11.All representations can be viewed online in full.

Policy:

12.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.

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

St Edmundsbury Core Strategy 2010

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS5 - Affordable Housing

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS11 - Bury St Edmunds Strategic Growth

Bury St Edmunds Vision 2031

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV2 - Housing Development within Bury St Edmunds

Vision Policy BV10 - Housing on Brownfield Sites - Bury St Edmunds

Joint Development Management Policies Document 2015

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM42 Open Space, Sport and Recreation Facilities

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Other planning policy:

National Planning Policy Framework (NPPF)

14. 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.

Supplementary Planning Documents:

- St Edmundsbury Borough Council Supplementary Planning Document for Open Space, Sport and Recreation Facilities (2012)

- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (2013)

Officer comment:

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

- Legislative Context
- Principle of Development
- Layout and Design
- Amenity
- Highways Impact, Sustainable Transport and Connectivity
- Public Open Space, Landscape, Ecology and Drainage
- Contamination
- Affordable Housing
- Air Quality and Sustainability
- Heritage Impacts
- Planning Obligations
- Other Matters

Legal Context

15. 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 West Suffolk Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the St Edmundsbury Core Strategy Development Plan Document (2010) and the three St Edmundsbury Vision 2031 Area Action Plans. National planning policies set out in the National Planning Policy Framework (NPPF) (2019) are also a key material consideration.

16. Case law reaffirmed that proposals that do not accord with the development plan should not be seen favourably unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.

Principle of Development

17. The site was allocated in the former St Edmundsbury Borough Council, Replacement Local Plan 2016 under Policy BSE1 (f), as a brownfield site for residential development. The site lies within the designated Housing Settlement Boundary of Bury St Edmunds.

18. Approved planning permission SE/06/2414 has been partially completed, which includes the completion of Phase 1 to provide 68 residential units including Affordable Housing Provision, 38 retirement units and the replacement of the Headway offices (B1 use class).

19. Phase 2 of approved planning permission SE/06/2414 was for 57 units and the scheme under consideration proposes 66 units. The increase in nine dwellings in principle is not unacceptable, provided that development is otherwise acceptable in terms of all other development plan policies. It is

also material that the original consent for 57 units remains extant, albeit it has been for many years. Officers understand that many prospective developers have had concerns about the costs associated with bringing forward the extant scheme, including the underground car parking included within that scheme.

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

Layout and Design

21. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

22. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.

23. Policy DM22 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.

24. The proposed site layout and design of the proposals have been developed through pre-application discussions and having regard to what was approved on site. The wider site was approved for a total of 125 residential units and 38 retirement units under planning permission SE/06/2414. The proposed scheme results in an overall increase of nine units. The development proposes a mix of 1, 2, 3 and 4 bedroom dwellings. The majority of the dwellings are of a three and a half/four storey scale, however some are two and a half storey dwellings and three storey dwellings. The dwellings have continued to be situated in blocks (A, B, C, D, E, F and G). The layout of these blocks remains similar to those previously approved and the proposed buildings are comparable in height and massing to those previously approved. The main changes to the scheme are the addition of nine units, the design of units, as well as amendments to the layout of the eastern area of the site through the removal of subterranean accommodation and car parking.

25. Blocks A, B and C have been re-designed from what was previously approved due to the underground car parking previously approved being unviable, as is clear from an application that was approved in 2007 and

had not been fully implemented. To accommodate all of the car parking above ground level, a central courtyard has been created between Blocks B and C. It has been sensitively designed as to be integrated well into the site, through the use of attractive surface materials, through the way the buildings have been positioned to frame this area and through the provision of soft landscaping.

26. Through a change to the overall building length by 1.5 metres (from 60.5 metres to 62 metres), Blocks D and E have been designed to achieve a terrace of eight houses, where the previous approved scheme had seven houses. Block G has been changed from a large dwelling to two semi-detached dwellings, with only modest changes being made to Blocks F and G.
27. The buildings are of a scale, form and position so as to command and address the street scene in a positive manner. This feature creates a visually interesting development when appreciated from the entrance of the site, with trees located between parking spaces. The road runs along the north of the site, with building lines shaping the road and following this form creating a strong sense of enclosure, and with buildings that also address views from Cullum Road across the open space in a highly positive manner leading to a considerable enhancement to the urban form of Bury St Edmunds in this location. The proposed dwellings incorporate a mix of design and architectural features drawn from the local area. The detailing and mix of buildings creates attractive street scenes visible from many aspects of the site and surrounding area. The buildings' position and overall formation frame key views and create a sense of place in these areas of the site in particular, developing a long under-utilised brownfield site in a positive way which officers consider leads to a substantial enhancement of the site and wider area.
28. It is considered that the layout and design of the scheme results in an attractive, high quality and well-designed development.

Residential Amenity

29. Policies DM2 and DM22 of the Joint Development Management Policies Document also seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. The protection of residential amenity is a key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
30. The properties benefit from a sufficient amount of outdoor amenity space, which in the context of the size of the properties and the urban location is considered to be positive. The orientation and position of the dwellings, along with their designs ensures that the relationship between the properties is one that is satisfactory with no unacceptable or overbearing impacts.
31. The most sensitive areas of the site, when considering the potential impact on residential amenity of existing dwellings, are the east, south and west of the site given the existing residential development that adjoins on Canterbury Green, Barons Road, Ely Close and the existing Phase 1 known

as Abbots Gate. The properties along the southern and western boundary either face rear or side onto the site.

32. Blocks A, B, C and F are proposing an additional floor level as to make some of the units three and a half/four storey buildings. As detailed in the previous section of the report, the proposed buildings are comparable in height and massing to those previously approved and which can be implemented under the extant consent. This is an important material consideration in assessment of this present matter. The application site sits at a lower level than those properties adjacent on the southern and western boundary. The main consideration to be given is whether the additional windows proposed in the buildings result in harm to the residential properties, in particular along the east and western boundaries.
33. Along the eastern boundary of the site is the access road serving the proposed development, with Block B fronting onto Abbots Gate and the end terrace of Block A. The properties along the adjacent side of Abbots Gate also front onto the road, as to have a front to front relationship. The siting of Block A and Block B and the relationship to existing dwellings reflects and respects that which was previously approved as part of application SE/06/2414, with a conclusion therefore being drawn that this relationship will be satisfactory.
34. Along the immediate southern boundary of the site is existing landscaping, parking and cart lodges serving the proposed dwellings. The southern boundary is staggered due to the elements of Phase 1 which have been implemented. As with Block A and B, the siting of Blocks C, D E, F and G reflects that which was previously approved as part of application SE/06/2414. The minimum distance between the side elevations of the proposed dwellings to the south of the site and the boundary of the site is approximately 12.5metres, which reflects the previous approval.
35. The properties along Canterbury Green to the western boundary which in particular require careful consideration with regard to the effects of the proposed development are numbers 20 and 21. The majority of the trees in the south west corner of the site are to be retained. The minimum distance between the rear elevations of the proposed dwellings to the west of the site and the boundary of the site is approximately 15metres. Along the western boundary of the site is a graded supporting bank and conifer hedge located along the entire boundary. Whilst the supporting bank in the curtilage of 20 Canterbury Green is to be retained, there are to be changes to ground levels and the removal of the conifer hedge in the application site. A new evergreen hedge is to be provided along the west boundary and due to this taking some time to establish, a 2 metre high close boarded fence is also to be provided.
36. Concerns have been raised by residents of Canterbury Green, Lincoln Green, Ely Close and Abbots Gate regarding impact on amenity to their properties from overlooking. However, for the reasons cited above, it is not considered that the proposed development will result in an unacceptable level of impact on residential amenity to the properties by reason of overlooking, loss of light or disturbance otherwise as to cause material harm. In reaching this conclusion Officers have also been mindful of the fallback offered by the extant consent.

Highways Impact, Sustainable Transport and Connectivity

37. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the types of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and,
 - c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
38. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
39. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.
40. The proposed development is to be served by the existing vehicular access to the site from Abbots Gate. The proposed scheme largely constitutes the same layout as the extant permission and as a result there has been minimal impact on the access and highways routes. The applicant confirmed during the course of the application that they wish for the road serving Phase 2 to be privately owned and maintained.
41. National and Local Policy and Guidance has changed since the approved scheme, and further details, evidence and amendments were required to be submitted during the course of the application to address the comments raised by the Highway Authority. This included vehicle tracking, cycle and pedestrian routes and refuse collection points.
42. The scheme has evolved from the pre-application discussions and details to the plans that are currently being considered, to now create strong permeability throughout the site, maximising connectivity to and from the site to Phase 1 and the open space and the wider area. A cycle and pedestrian link is provided from east to west, to the north of the site.
43. The proposed development provides 166 parking spaces. This quantum of parking is in accordance with Suffolk County Council Parking Standards. The Highway Authority raised concerns initially in respect of the approved and built cart lodges along the southern boundary of the site, due to these being occupied at the time of their site visit. The cart lodges that have been built are in the applicant's ownership and is parking associated with Phase 2. The position the Local Planning Authority have taken is that it is not possible to resolve an existing parking situation under a new application. However, the Highway Authority and Local Planning Authority

do consider that the imposition of a Traffic Regulation Order (TRO) is appropriate to prevent obstructive parking on Abbots Gate. This matter will be discussed in more detail later in this report.

44. Following the amendments to the scheme, the Local Highway Authority's concerns have been addressed. Subject to appropriate conditions as recommended by the Highways Officer, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users.

Public Open Space, Landscape, Ecology and Drainage

45. The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.
46. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
47. Policy DM13 states that proposals will be permitted where they will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
48. The proposed development site is an area of land previously cleared for development supporting hardstanding connected road links, with a mosaic of scrub, improved grassland, and bare (disturbed) ground, supporting ruderal herbaceous plants and grasses. The water meadows to the north of the application site is designated as a Local Wildlife Site.
49. The application has been supported by a range of Ecological Surveys including Preliminary Ecological Report and Further Bat and Reptile Surveys. Reptiles and roosting bats were not discovered on the site. The reports concluded that development could proceed with a minimal risk of significant impact to protected, priority and rare species such as reptiles and bats. As bats have been shown to use the site for foraging and commuting, a lighting strategy in accordance with Bat Conservation Trust Guidance Note 08/18: 'Bats and artificial lighting in the UK' is required for the site. It is considered that the proposed development could provide a range of biodiversity enhancement opportunities through the provision of bat and bird boxes and that the boundaries of the site are permeable to hedgehogs, and which are to be secured by a condition.

50. Suffolk Wildlife Trust considers that provided the recommendations and precautionary methods are carried out, it is considered that all significant impacts upon biodiversity, including any potential adverse impacts upon specific protected species, will likely be able to be wholly mitigated and appropriate enhancements secured, in accordance with policies DM11 and DM12 of the Joint Development Management Policies Document, the guidance contained in the NPPF and in line with relevant wildlife legislation.
51. In order to demonstrate that the proposed layout would allow for an acceptable drainage and landscaping scheme, whilst preserving biodiversity, detailed landscaping drawings have been produced and drainage details have been prepared. It is important for these three elements to be considered together as the location of drainage infrastructure within the development will have an impact on the delivery of the proposed trees, other planting and ecological mitigation and enhancements.
52. There are trees to be removed along the boundaries of the site and maintenance to existing trees to facilitate the proposed development. Most of the trees which are to be removed are low category trees or of a poor quality. The remaining trees on site are to be protected in accordance with the submitted Arboricultural Impact Assessment. The proposed soft landscaping across the site is sympathetic and is considered to positively contribute to the development and wider setting.
53. Initially the application was not accompanied by any drainage details. Detailed discussions took place during the course of the application between the Local Planning Authority, Lead Local Flood Authority and Anglian Water. This resulted in drainage details being submitted which provided details of the existing and proposed drainage for the site.
54. Reference has been made in the comments received by the Town Council and residents to Anglian Water raising concerns and objecting to the application. Anglian Water have no objection regarding foul or surface water. The comments they make in respect of Assets Affected are as follows:
55. "The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created."
56. The proposed dwellings are located more than 15 metres away from the sewage pumping station and located adjacent to the public open space

and highways infrastructure in accordance with the site layout comments they make above.

57. Suffolk County Council Flood and Water Team and Anglian Water have reviewed the submitted details and are now satisfied that the latest drainage layout and details are acceptable, subject to detailed and appropriate conditions. It is therefore considered in principle that sufficient space has been dedicated to drainage infrastructure and an appropriate scheme can be achieved.
58. The layout of the site allows for sufficient space to provide the necessary additional soft landscaping and the position of essential drainage infrastructure. The detailed scheme will therefore provide the appropriate screening where this is required for amenity purposes, biodiversity enhancements and to enhance the appearance of the development.
59. The area of Public Open Space (POS) is located in the northern area of the site and measures just under 1 hectare and forms an important element and feature of the development. A modest amount of POS, compared with that originally agreed under SE/06/2414, is to be lost to provide the required amount of on-site parking. This does not affect how the remainder of the open space will be delivered. The parcel of open space creates an effective use of the land from the continuation of the natural green space north of the development, between the application site and Cullum Road.
60. Overall, it is considered that the proposed development provides sufficient space for high quality soft landscaping that will enhance the development and which will substantially improve the quality of the built environment. There are strong and attractive links to the adjoining open spaces, which have appropriate levels of surveillance, creating opportunities for circular walks within the wider development. The scheme also allows for an appropriate surface water drainage scheme. The application is therefore considered to be fully in accordance with Development Plan Policies and the NPPF in terms of the provision of open space, landscaping and drainage.

Contamination

61. The application is not supported by any contaminated land documents, although sections 5.61 and 5.62 of the submitted planning statement deal with land contamination. A Section 73 application was submitted in 2018 under application DC/17/1089/VAR to vary the wording of conditions 16 and 21 of planning permission SE/06/2414, in respect of timings and phasing of contamination.
62. The planning statement advises that there has been no change to the site's risk of contamination since the previous application (DC/17/1089/VAR) and the applicant expects the same conditions to be applied to any subsequent planning permission. It is recognised that the site has been investigated from a contamination perspective on a number of occasions and the current application is welcomed to ensure that the site can be fully and appropriately remediated. However, as advised by the Environment Agency and the Environment Team, it should be noted that the wording of that condition was tailored specifically to refer to Phases 1

and 2 of the original development approved under SE/06/2414, and therefore would not be appropriate in the context of the current planning application where no phasing is proposed.

63. Based upon this, the Environment Agency and Environment Team do not object to the proposed development subject to the imposition of relevant and necessary conditions, which are worded as to properly reflect the proposed development being considered.

Affordable Housing

64. Policy CS5 of the Council's Core Strategy requires developers to integrate and provide affordable housing within sites where housing is proposed. Where a site is 0.3 hectares and above 10 no. or more dwellings, 30% affordable housing shall be provided.

65. Planning permission SE/06/2414 secured affordable housing for the whole site, across Phase 1 and 2 through a S106 agreement. The affordable housing units were delivered as part of Phase 1.

66. The proposed scheme seeks to provide nine additional dwellings. On this basis, where there is an intensification of a site, the approach is for a Local Planning Authority to consider the combination of the entire site. Due to the extant S106 for the existing number of units, the Local Planning Authority only require S106 obligations for the increase in dwellings, in this case nine dwellings. The affordable housing requirement for this scheme equates therefore to 1.2 dwellings.

67. Plot 61 is to be a three-bedroom, affordable rented unit provided on site, with the developer providing a 0.2 equivalent commuted sum. The affordable unit complies with National Space Standards and is located as to be integrated positively within the development.

68. The Strategic Housing Team supports the application in principle as it will deliver overall 30% affordable housing on site, in accordance with Policy CS5.

Air Quality and Sustainability

69. The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments (in terms of planning – i.e. greater than 10 dwellings or greater than 1000m² of commercial floorspace) are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.

70. The NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

71. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural

resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Furthermore, section 3.4.2 of the Suffolk Parking Standards states that 'access to charging points should be made available in every residential dwelling.'

72. Therefore, to enhance the local air quality through the enabling and encouraging of zero emission vehicles in accordance with policy, all dwellings with off street parking should be provided with an electrical vehicle charging point, which has been agreed by the applicant to be provided as part of the scheme.
73. The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
74. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
75. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Heritage Impacts

76. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
77. The water meadows to the north of the application site form part of an area of archaeological importance and comprise extremely important survivals from the medieval period and are crucial to the setting of the medieval town and historic landscape. As such, a coherent programme of archaeological work was carried out for the consented scheme, SE/06/2414. This included desk-based assessment, building recording of the former flax factory buildings, archaeological evaluation and archaeological monitoring. The Archaeological Service then recommended conditions to be imposed.
78. The Archaeological Service have further reviewed the proposed scheme and based on the changes and the previous work they would not recommend a need for any conditions for archaeological work for the current proposal. Furthermore, the northern boundary of the site is similar

to the approved scheme, with retained planting and bank. Therefore, it is considered that the proposed scheme has been designed sensitively as to conserve the significance of the heritage asset.

Planning Obligations

79. The NPPF sets out how conditions and planning obligations can be secured for a development to make an unacceptable impact to one which is acceptable. 'Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.'
80. Where there is an intensification of development on a site, the approach is for a Local Planning Authority to consider the combination of the entire site. The site as a whole triggers s106 obligations, but due to the extant S106 for the existing number of dwellings (57 units), there is only a requirement in s106 obligations for the increase in dwellings. In this case there is an increase of nine dwellings. This approach is well recognised. It ensures that Local Planning Authority's safeguard the necessary essential infrastructure, if and when developers choose to intensify development on a site, through multiple applications on the same site. As such, the Local Planning Authority are required to consider the site as a whole.
81. Suffolk County Council as the highway authority have requested a financial contribution of £11,500 to process a Traffic Regulation Order (TRO) to prevent obstructive parking on Abbots Gate. This contribution is for the legal procedure, formal consultation and updating of the GIS mapping and the installation of the relevant signs and lines.
82. Suffolk County Council as the education authority has also identified a shortfall in the number of available primary, secondary and sixth form places and requests a financial contribution of £123,069. A contribution of £1,944 towards the library provision within the area is requested.
83. Whilst the provision of public open space was secured under the S106 associated with SE/06/2414, along with the maintenance of it, this point in the original S106 becomes moot as Phase 2 of the approved scheme is not to be implemented. West Suffolk Council has agreed to adopt the public open space and seeks a maintenance contribution of £60,000.
84. Policy CS5 of the Council's Core Strategy and the National Planning Policy Framework requires scheme of more than 10 units to provide up to 30% affordable housing. As set out in the affordable housing section, the proposed development is policy compliant.
85. The contributions sought, which have been agreed by the applicant, are considered reasonable and necessary to mitigate the impact of the proposed development.

Other Matters

86. Concerns were raised as to how the water meadows and the existing features on the water meadows may be unaffected as a result of the

proposed development. As a result of the biodiversity enhancement measures recommended in the ecological reports and the careful consideration which has been given to drainage matters, the water meadows will not be adversely impacted from the proposed development.

87. In addition, concerns have been raised in respect of construction traffic. To reduce as far as is reasonably possible the effects of HGV and traffic movements during construction, a construction management plan is recommended to be conditioned.

Summary and Conclusion:

88. 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.

89. As a result of the amendments made to the scheme and the additional information, it is considered that the proposed development creates a well laid out and visually attractive scheme which provides key and important features throughout the development. The layout of the scheme allows for soft landscaping to be incorporated, a large area of open space and good connectivity. The proposed dwellings are considered to be well designed, and with the use of quality materials create an interesting series of street scenes with safe access for vehicles and pedestrians. The development would not give rise to any unacceptable adverse effects on amenity. Additional information submitted in respect of ecology and protected species has also demonstrated that there would be no adverse impacts in this regard subject to appropriate precautionary measures, mitigation and enhancements.

90. Furthermore, the delivery of housing, including affordable housing that would be facilitated by this application, should lend significant weight in support of the development. Officers also consider that the length of time this site has lain vacant, despite the presence of an extant consent, is a further fact that weighs in favour of the scheme.

91. In conclusion, subject to the imposition of conditions and a S106 agreement, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

92. It is recommended that planning permission be **APPROVED** subject to the following conditions and S106 agreement:

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.

Reference number	Plan type	Date received
03	Open space	3 June 2020
19032-01 REV D	Topographic survey	29 September 2020
19032-02 REV A	Site analysis	29 September 2020
19032-03 REV B	Previously approved plan	3 June 2020
19032-04 REV A	Previously approved plan	3 June 2020
19032-09 REV N	Proposed site plan	5 October 2020
19032 - 10 REV A	Proposed floor plans	3 June 2020
19032 - 11 REV A	Proposed elevations	3 June 2020
19032 - 12 REV A	Proposed floor plans and sections	3 June 2020
19032 - 13 REV B	Proposed elevations	3 June 2020
19032 - 14 REV A	Proposed floor plans and sections	3 June 2020
19032 - 15 REV B	Proposed elevations	3 June 2020
19032 - 16 REV S	Proposed floor plans and sections	3 June 2020
19032 - 17 REV A	Proposed elevations	3 June 2020
19032 - 18 REV A	Proposed floor plans and sections	3 June 2020
19032 - 19 REV A	Proposed elevations	3 June 2020
19032 - 20 REV B	Proposed floor plans	3 June 2020
19032 - 21 REV B	Proposed elevations & sections	3 June 2020
19032 - 22 REV C	Proposed elevations & floor plans	11 June 2020
19032 - 23 REV B	Proposed plans	3 June 2020
19032 - 24	Illustration	3 June 2020
19032 - 25	Illustration	3 June 2020
19032 - 26	Massing plan	3 June 2020
613-01	Tree survey	3 June 2020
613-02	Tree constraint plan	3 June 2020
PR189-01 REV F 1 of 2	Landscape plan	3 June 2020
PR189-01 REV F 2 of 2	Landscape plan	3 June 2020
Ardent Consulting - Constraints Notes	Other statements	13 November 2020
19032-28 Rev B	Site levels	5 October 2020
19032-30	Housing plan	20 October 2020
19032-29 Rev A	Boundary treatment	20 October 2020
19032-27 Rev G	Highway plan	5 October 2020
19032-01 Rev D	Location plan	29 September 2020
(-)	Design and access statement	3 June 2020
(-)	Landscape strategy	3 June 2020
(-)	Schedule of trees	3 June 2020
(-)	Planning statement	3 June 2020

(-)	Arboricultural impact assessment	8 June 2020
Pre-liminary ecological survey	Ecological survey	8 June 2020
(-)	Ecological survey	9 June 2020
Reptile and bat survey	Ecological survey	9 July 2020
(-)	Ecological survey	10 August 2020
(-)	Drainage strategy	2 November 2020
Vision 1	Visuals	3 June 2020
Vision 2	Visuals	3 June 2020
Vision 3	Visuals	3 June 2020
(-)	Application form	3 June 2020

- 3 The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated Oct 2020, ref: 2004400 - 01) shall be implemented. There shall be no occupation of the site unless and until the strategy has been implemented.. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded in accordance with the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act, policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

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

construction.

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

- 6 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.

- 7 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.

- 8 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.

- 9 (i) No occupation of the permitted development shall take place until the agreed remediation system in the Phase 1 development has been installed and commissioned in accordance with the approved Remediation Implementation Plan (RIP), Arcadis ref: 3286210044_02, December 2015. (ii) Following the completion of the first phase of works, post-remediation-implementation sampling and monitoring shall be carried out for 6 months in accordance with the approved RIP. A Cost Benefit Analysis, to include a Detailed Quantitative Risk Assessment as necessary, shall be undertaken to assess if any contingency remediation is required. If required based on the results of the Cost Benefit Analysis and associated works, the contingency remediation will be implemented in accordance with the approved RIP.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 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.

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

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

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of

the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 Prior to first occupation of the development hereby permitted, the area(s) within the site shown on drawing No. 19032-27 Rev G for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

- 14 The development hereby permitted shall not be brought first occupied until the cycle storage facilities indicated on Drawing no. 19032-27 Rev G have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

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

- 15 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, lighting, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved details.

Reason: To ensure that roads/footways are constructed to an acceptable standard, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

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

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

- 18 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.

- 19 All ecological measures and/or works shall be carried out in accordance with the details contained in Further Bat and Reptile Survey Report (Skilled Ecology Ltd, June 2020 and Preliminary Ecological Appraisal (Skilled Ecology Ltd, June 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 20 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

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

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

Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

- 22 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

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

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

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

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

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

Policy Framework and all relevant Core Strategy Policies.

- 25 No development above ground level until details of the areas to be provided for the presentation and storage of refuse/recycling bins shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To ensure that refuse/recycling bins are not presented or stored on the highway causing obstruction and dangers for other users and to ensure the incorporation of waste storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

S106:

93.The following is to be secured by S106:

- The delivery of 1 affordable rent home on site.
- An affordable housing contribution of £41,200 is required to make the total provision up to 30%. The contribution is in lieu of 0.2 units.
- The funding of additional Primary School expansion at Guildhall Feoffment CP School. The required contribution is £51,804.
- The funding of additional Secondary School expansion at King Edward School. The required contribution is £47,510.
- The funding of additional Sixth Form places, such as Abbeygate. The required contribution is £23,755.
- The funding for the provision of additional lending stock at Haverhill Library. The required contribution for this is £1,944.
- The provision of public open space on site that is to be offered to the Council for adoption. A contribution of £60,000 which includes maintenance of public open space.
- A contribution of £11,500 to process a Traffic Regulation Order (TRO) to prevent obstructive parking on Abbots Gate.

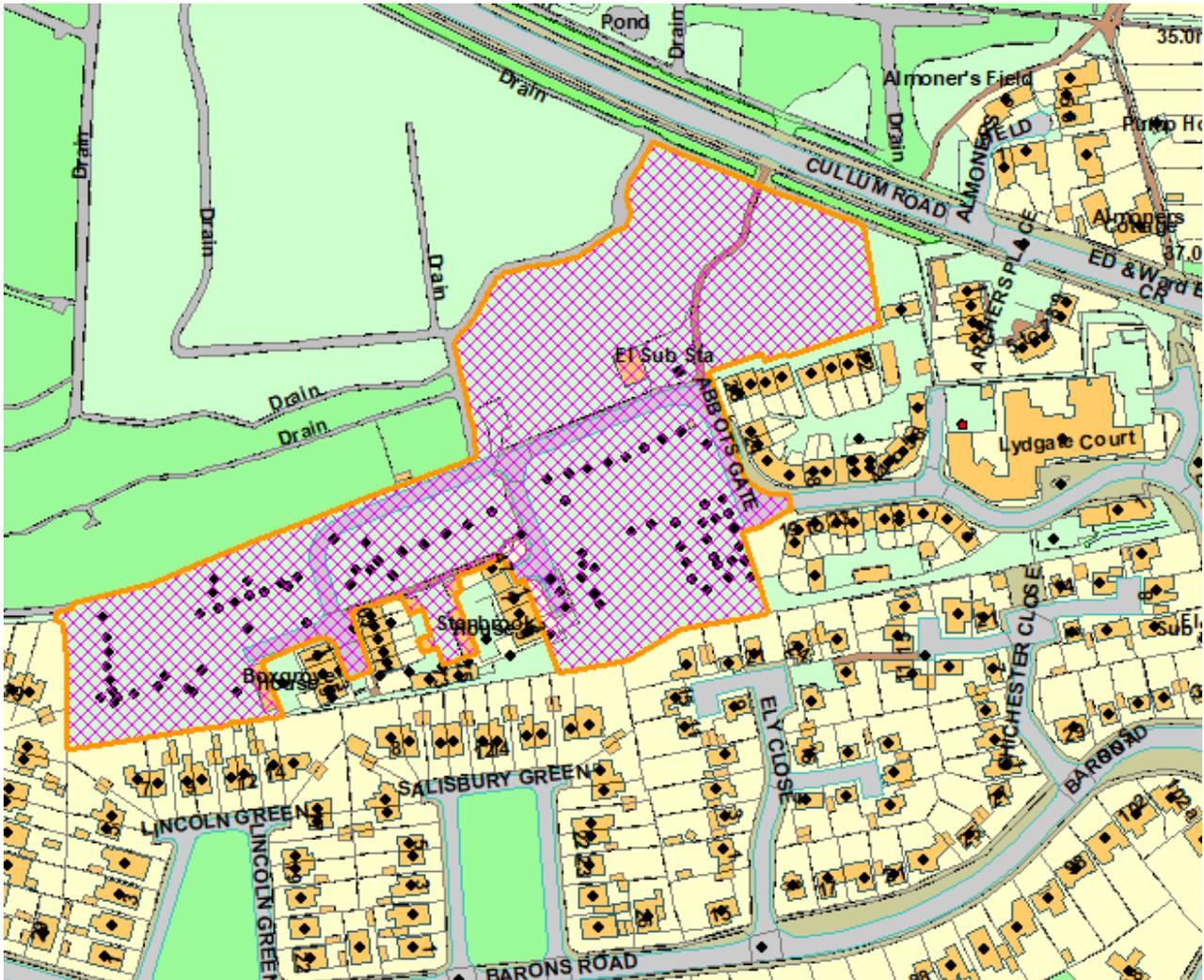
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0907/FUL](#)

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DC/20/0907/FUL – Hardwick Industrial Estate



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Context Location Plan

Scale 1:1250 @ A1



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Contractor is responsible for all setting out and must check dimensions on site before work is put in hand. Written dimensions only to be taken, this drawing must not be scaled. JAP Architects to be immediately notified of suspected omissions or discrepancies. ©

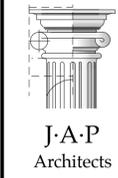
Revisions	
A	Block footprints updated following plot design. 18.05.20
B	Red Line amended. 20.05.20
C	Tree survey information add, west of site revised following meeting with design team. 26.05.20
D	Finalised for Planning Application. 29.05.20
E	Red line amended. 11.06.20

Revisions	
F	Block Plan red line amended to show public open space. 15.06.20



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Project	Site at Abbots Gate, Bury St. Edmunds			
Title	Proposed Site Plan & Context Location Plan			
Scale	1 : 500/1250 @ A1	Date	May 2020	Revisions
Drawing No.	19032 - 09			A B C D E F

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Development Control Committee 2 December 2020

Planning Application DC/20/0506/FUL & Listed Building Application DC/20/0507/LB - Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare

Date registered:	19 March 2020	Expiry date:	14 May 2020
Case officer:	Adam Ford	Recommendation:	Approve application
Parish:	Bradfield St. Clare	Ward:	Rougham
Proposal:	<p>Planning Application - Conversion of barns to form 3no. dwellings with ancillary accommodation and associated demolition, landscaping and access works (previous application DC/19/0503/FUL)</p> <p>Application for Listed Buildings Consent - Conversion and refurbishment of existing agricultural buildings to form 3no. dwellings and associated ancillary accommodation, with associated demolition, landscaping and access works (previous application DC/19/0504/LB)</p>		
Site:	Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare		
Applicant:	Mr Julian Armitage		

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 applications and associated matters.

CONTACT CASE OFFICER:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 07984 468062

Background:

1. These applications were taken before the Delegation Panel on 3 November 2020 following an objection from the Parish Council, conflicting with the Officer recommendation of 'minded to approve'. It was concluded by the Panel and at the request of the Assistant Director, Planning and Regulatory that the applications should be referred to the Development Control Committee given the local interest.

Proposal:

2. The applications propose the conversion and renovation of existing agricultural barns to form 3 dwellings (1 x 2 bed and 2 x 3 bed one with an annexe). This involves a degree of demolition of modern and lean-to extensions. In addition, two vehicular accesses will be upgraded to serve the development site and existing farmhouse.

Application supporting material:

- Site location plan
- Site layout plan
- Soft landscaping details
- Existing elevations and site layout
- Proposed elevations and floor plans
- Structural reports for each barn
- Viability assessment
- Heritage assessment
- Schedule of works
- Design and Access Statement
- Planning statement
- Ecology report

Site details:

3. The barns are within the curtilage of and located to the West of Pitchers Green Farmhouse which is grade II listed. As such, the barns themselves are curtilage listed.
4. The site sits to the South of Felsham Road between the settlements of Bradfield St. George and Bradfield St. Clare. The site is outside of any designated Housing Settlement Boundary and therefore, classified as Countryside for Local Plan purposes.

Planning history:

5.

Reference	Proposal	Status	Decision date
DC/19/0503/FUL	Planning Application - Conversion of barns to form 3no. dwellings with ancillary accommodation and associated demolition, landscaping and access	Application Refused	18 November 2019

works (Amended plans and additional information received 26/09/19)

DC/19/0504/LB	Application for Listed Buildings Consent - Conversion and refurbishment of existing agricultural buildings to form 3no. dwellings and associated ancillary accommodation, with associated demolition, landscaping and access works	Application Refused	18 November 2019
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Consultations:

6.

Suffolk County Council Highway Authority

- No objection to proposal subject to conditions

Public Health and Housing

- No objection to proposal subject to conditions. Advice offered with respect to means of fire escape.

LPA Ecology and Landscape Officer

- No objection to proposal subject to conditions securing ecological mitigation & enhancement

LPA Environment Officer

- No objection to scheme subject to conditions

LPA Conservation Officer

- No objection to scheme subject to conditions

Representations:

7. The Parish Council object to the proposal on the basis that it conflicts with policies DM28 & DM33, includes unacceptable visibility splays and causes harm to listed buildings.
8. Nineteen properties have submitted representations with the following main themes referenced:
 - No change from the previously refused scheme
 - Proposal represents overdevelopment
 - Proposal would negatively impact the peaceful rural setting through noise, light and traffic pollution
 - Harmful impact on the existing rural character of the area
 - Scheme fails to comply with DM28 and DM33
 - Site has not been marketed enough
 - Increase in traffic on narrow lane with tight bends and few passing places
 - Risk to Highway safety
 - Harm to residential amenity

- Loss of hedging/vegetation
- Replacement hedge planting would not provide suitable nesting sites for birds
- Harm to listed buildings
- Harm to biodiversity
- Loss of a working farm
- Retirement of previous tenant proves the sites viability (however, this is rebutted by the previous tenants who relinquished the tenancy based on the viability of the business)
- Existing site layout not conducive for pig farming and would require remodelling and investment – soil type is also not suitable for a significant heard of outdoor pigs.
- Query land ownership where visibility splays shown
- There are no local amenities that this development would contribute to.

Full details of addresses and representations received are available on the application file on the website.

Policy:

9. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
10. 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:

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

St Edmundsbury Core Strategy 2010

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS13 - Rural Areas

Joint Development Management Policies Document 2015

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM18 New Uses for Historic Buildings

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM28 Residential use of Redundant Buildings in the Countryside

Policy DM33 Re-Use or Replacement of Buildings in the Countryside

Policy DM46 Parking standards

Other planning policy:

11.National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Impact on Listed Buildings
- Impact on amenity
- Biodiversity
- Landscape and tree impacts
- Highway safety

Principle of Development

13.As noted above, the application site is located outside any defined settlement boundary and as such, the proposal comprises development in the countryside from a planning land use perspective.

14. From a national policy perspective, the revised NPPF is clear throughout that unsustainable development in the countryside should be avoided. Accordingly, proposals for new development and changes of use outside of the Local Planning Authority's (LPA) defined settlements must be considered carefully as it is incumbent upon the Local Planning Authority to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Where material planning considerations indicate that proposals in the countryside are unacceptable, they will be resisted by the Local Planning Authority. National and local policies therefore broadly aim to direct development to locations which are both sustainable and will not result in the loss of unspoiled rural landscapes.
15. Paragraph 79 of the NPPF advises LPAs that they should resist residential development in the countryside, and this is bolstered by the Local Planning Authority's own development plan policies which restrict and control development beyond the adopted settlement boundaries. Policies CS1 and CS4 of the St Edmundsbury Core Strategy between them establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area, whilst policy CS13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as is the case here, identified through policy CS4 will be strictly controlled. Collectively, therefore, these policies seek to resist residential development outside of settlement boundaries.
16. Furthermore, Policy DM5 (Development within the Countryside) of the Joint Development Management Policies Document 2015 state that areas designated as countryside will be protected from unsustainable development and prescribes strict criteria for when new buildings will be permitted in the countryside.
17. However, this application seeks to convert a number of existing (redundant) agricultural barns in the countryside and as such, in considering whether or not the principle of development is acceptable, policies DM28 and DM33 must be referenced.
18. Policy DM28 of the Joint Development Management Policies Document 2015 advises that proposals for the conversion of redundant or disused barns or other buildings in the countryside into dwellings will be permitted where:
 - a. alternative uses for employment/economic development, tourist accommodation, recreation and community facilities, in accordance with Policy DM33, have been fully explored to the satisfaction of the local planning authority and can be discounted.
 - b. the building is structurally sound and capable of conversion without the need for extension, significant alteration or re-construction.
 - c. the proposal is a high-quality design and the method of conversion retains the character and historic interest of the building. In the case of barns the single open volume should be retained with minimal change to the external appearance. (Discussed later in report)

- d. the proposal would lead to an enhancement to the immediate setting of the building, and the creation of a residential curtilage and any associated domestic paraphernalia would not have a harmful effect on the character of the site or setting of the building, any wider group of buildings, or the surrounding area. (Discussed later in report)

With respect to limb a of the policy, the application is supported by a formal viability assessment which sets out and discounts why other uses in the countryside (employment, tourism, recreation and community) are not viable options for the site. The submitted viability assessment has been undertaken in accordance with the RICS (Royal Institute of Chartered Surveyors) guidance.

19. At section 5.5.1, the submitted viability report confirms that the buildings would not meet current agricultural standards and it concludes as follows:

"It is not commercially viable to bring the buildings back to agricultural use. Historically the buildings were used as part of a dairy business. The cost of bringing the milking parlour, bulk tank and animal housing up to current welfare and hygiene standards would be uncommercial. When considered along with the condition of the other animal housing and the location of the site anyone potentially interested in investing in such a venture would conclude that a new greenfield development would be a more attractive and viable investment. Other livestock uses such as pigs, poultry or beef cattle would also be unviable. Given the size and condition of the buildings in respect of agriculture there is no viable future as set out in paras 4.4.1"

20. Sections 5.2 and 5.3 of the submitted assessment further sets out why office / commercial uses have been discounted and this amounts to the uses being unviable with significant cost to bring them up to standard but with limited return. Section 5.4 clarifies that a retail use would not be appropriate due to the countryside location and lack of prominence whilst a community use would also be inappropriate given the site's rural location away from the settlement.

21. Finally, with respect to tourism-based development, the assessment concludes the following:

"This (tourism) is likely to be the most attractive of the alternative uses but is also comparatively high risk because there are no recognised attractions for tourist purposes in the immediate area. This does not mean however that there would be no demand but the cost of construction which would need to be to a high standard in order to attract the discerning customer rules out a return acceptable to a developer. Raising funding on this type of project is extremely difficult on the basis when the re-developed barn is offered as collateral because of the uncertain income"

22. Taking the above into account, policy DM28 requires alternative uses to be considered to the satisfaction of the Local Planning Authority and the submitted information illustrates that sufficient exploration has been undertaken. The LPA are not in possession of information which would suggest that the submitted assessment is incorrect or misleading. It is noted that a number of the public objections refer to the lack of marketing, however, policy DM28 does not require marketing to be

undertaken. The policy requires alternative uses to be "*fully explored to the satisfaction of the local planning authority*". It is not therefore correct to assume that the lack of a marketing assessment results in a scheme which conflicts with policy. A requirement for marketing is referenced at paragraph 5.20 of the Joint Development Management Policies Document which forms part of the preamble to policy DM28. It is acknowledged that no marketing has been carried out to further discount the above alternative uses, but officers consider these have been fully explored in the viability report to the satisfaction of the local planning authority as required by DM28 and it is agreed that they can be discounted. It is not therefore considered necessary to market the site in this case. And, crucially, interest from a third party does not verify that the site is viable to such a degree that the conclusions from the professionally commissioned viability report should be discredited.

23. Policy DM28 also requires that where proposals seek to convert existing buildings in the countryside, they must be structurally sound and capable of conversion without the need for significant alteration or re-construction. The application is supported by structural surveys for each building to be converted which conclude as follows:

- **Barn 1:** subject to basic plinth and timber frame repairs, main structure is suitable for conversion
- **Barn 2:** a degree of repair is required but significant portion of the building can be converted with minor repair.
- **Barn 3:** structure can be successfully converted to a domestic use
- **Barn 4:** subject to minor wall repairs, main structure suitable for conversion

The basic principle of development with respect to converting the existing agricultural barns is therefore considered acceptable given the provisions of policies DM28 and DM33.

Paragraph 79 of the NPPF

24. In addition to the above considerations concerning the principle of development, paragraph 79 of the NPPF advises Local Planning Authorities to avoid the development of 'isolated' homes in the countryside unless special circumstances apply. Two such special circumstances are if the proposed development:

- a) would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- b) the development would re-use redundant or disused buildings and enhance its immediate setting;

25. In this regard, before engaging paragraph 79, the Local Planning Authority must first consider the extent to which the site is 'isolated'. However, the NPPF offers no statutory definition of isolated and nor does any other published guidance by the Government or the Department for Communities and Local Government.

26. The degree of 'isolation' is an issue which has attracted attention in the high court ¹ and, more recently, the court of appeal². Braintree District Council (Essex) attempted to argue that an Inspector had misinterpreted the meaning of isolated as written in the then paragraph 55 of the NPPF (2012). The case hinged on the meaning and definition of isolated within the context of the planning system.

27. In handing down the ruling of the Court of Appeal, at paragraph 31 Lindblom LJ commented as follows:

• In my view, in its particular context in paragraph 55 of the NPPF, the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.

28. As a result, the advice is clear that each case must be considered individually on its facts and will be a matter of planning judgement for the decision-maker to decide whether or not a dwelling is 'isolated'.

29. When seeking to understand if a dwelling can be treated as an "isolated home" and therefore, whether paragraph 79 can be applied to a case, the following matters must be considered:

1. whether or not it is located within the settlement boundary;
2. proximity to other dwellings;
3. proximity to local services and facilities;
4. access to public transport services;
5. physical and visual separation from the settlement.

30. In this regard, the proposed dwelling is located approximately half a mile outside of the settlement boundary for Bradfield St George with no access to public transport and remote from any local services and facilities. The site is physically distant from areas which are designated and allocated for development. The application site is also visually separate from the locality's existing development by virtue of its degree of set-back from the road. It is noted that two dwellings (Pitchers Green Cottage and Oakapples) could be reasonably described as 'neighbouring' properties but the countryside location, distance from services, degree of separation from existing built form and the informal access to the development result in a site that the Local Planning Authority view, on balance and as a matter of planning judgement, as being isolated for the purposes of paragraph 79 of the NPPF.

31. As such, given the proposal seeks to re-use existing agricultural buildings which are curtilage listed (and thus, given the content of the viability assessment represent the optimum viable use), the principle of development is further supported by the provisions of paragraph 79 of the NPPF.

¹ Braintree District Council v Secretary of State for Communities and Local Governments and Others [2017] EWHC 2743

² Braintree District Council v Secretary of State for Communities and Local Government and Others [2018] EWCA Civ 610

Impact on Listed Buildings

32. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
33. Chapter 16 of the NPPF sets out the ways in which LPAs should deal with and consider applications which have the potential to impact and influence heritage assets. Ultimately, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
34. In addition, policy DM15 of the Joint Development Management Policies Document seeks to ensure that proposals to alter listed buildings contribute to the preservation of the building, are not detrimental to the character of the asset, use appropriate materials and do not undermine the setting of the building.
35. In this instance, the application does not seek to erect or install additional buildings within the site but instead seeks to convert 4 pre-existing barns into residential use. Accordingly, formal comments from the LPA's Senior Conservation Officer have been sought and, as can be seen online, when initial comments were offered, a number of concerns were raised.
36. Specifically, the Conservation Officer requested that an overlay drawing be submitted to illustrate whether unnecessary new openings would be inserted and if so, whether there was potential to relocate them to areas of the building where there would be less harm. In response, a frame overlay was submitted to the LPA and in revised comments dated 23 July 2020, the Conservation Officer confirmed that subject to some further minor clarification, the scheme was likely to be acceptable.
37. On the 20 August 2020, further comments from the LPA's Conservation Officer were submitted and these raised no objection whilst requesting three conditions be imposed on any consent as may be issued. The three conditions requested require samples of all external materials, all windows and all doors to be submitted to and approved in writing before their use on/within the buildings.
38. Accordingly, in light of the no objection comment from the Conservation Officer, the proposed conversion works are not judged to undermine the historical significance of the existing buildings. Upon completion, the barns which are currently relatively dilapidated will have a reformed aesthetic, but the use of traditional materials and minimal external openings retain the historic character of the barns. Such works also seek to ensure that the proposal satisfies criterion C of policy DM28 which requires conversion schemes to be sympathetic and respectful of relevant historical features. Furthermore, criterion D of policy DM28 also requires such proposals to enhance the setting of the buildings. In this instance, this objective is achieved through the removal of recent additions to the buildings which fail to preserve or enhance their historic character. The proposed works

are set out within a schedule of works and through the use of appropriate conservation methods and appropriate materials, the scheme is able to enhance the setting of 4 listed buildings which are, at present, undermined by their less than optimal surroundings.

39. In planning terms, if there is only one viable use for a heritage asset or listed building, that use is the optimum viable use. If, however, there are a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.
40. The optimum viable use may not necessarily be the most economically viable one, but crucially, it also does not need to be the original use. However, if from a conservation point of view there is no difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.
41. In this case, the application is supported by an accepted viability assessment which confirms that the only viable use is that of residential. Therefore, given that the buildings are not currently in use and the lack of other identified viable options, the optimum viable use for site in question is the proposed one of residential conversion.
42. This is an important point of clarification because paragraph 79 of the NPPF makes it very clear that applications for dwellings in the countryside, whilst not necessarily always sustainably located, may be supported where such proposals allow the optimum viable use of the heritage asset to be secured. The scheme as submitted is therefore, on this basis, able to demonstrate compliance with this requirement of the NPPF and this is a significant material factor which must weigh in favour of the scheme.

Impact on amenity

43. 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. In addition, the amenity of potential occupants of the new development must also be considered.
44. Given the site's current arrangement and layout and degree of separation from off-site developments and dwellings, an adverse impact upon amenity has not been identified. As illustrated by the submitted location plan, the application site borders open countryside to its west and north with two residential dwellings located to the east separated by the public highway. Accordingly, the new residential use of the site is not considered to give rise to unacceptable or harmful impacts upon existing residential properties due to the lack of shared boundaries or an otherwise close relationship.
45. There is, however, an existing property to the south of the application site (Bishops Farmhouse) and an objection has been submitted by this property citing adverse amenity impacts by way of overlooking. However, the LPA do not consider a harmful impact to amenity has been identified.

Whilst there are roof lights installed to the southern facing roof slope (single storey) of barn 4, they do not allow overlooking or direct views into the objecting property due to the single storey nature of the barn conversion. The roof windows do not facilitate undue overlooking and unrestricted views into the off-site dwelling's private amenity space are not achieved. As such, a conflict with policies DM2, DM22 or paragraph 127 of the NPPF has not been identified.

46. Amenity impacts have also been taken into account when considering the placement of proposed openings and windows through the development. With respect to barn 1, although there are upper floor windows on the rear elevation, two of them are installed over the stairs and do not therefore enable direct overlooking to arise. The double window which serves the bathroom on the upper floor of barn 1 will be subject to a planning condition which requires it to be obscured and retained as such. Finally, the upper floor windows on the south east elevation do not serve any rooms as the roof space is a void; accordingly, undue overlooking does not and cannot arise.
47. A similar position arises with respect to barn 2 in that it is considered acceptable from an amenity perspective. The private space afforded to it is not overlooked and the building itself is only single storey in itself and as such, no undue overlooking out of the property is possible. The building which is denoted as being 'barn 3' will function as an annexe to barn 2 and as such, the amenity of its occupiers within must also be considered. Those utilising barn 3 will have access to the private amenity space afforded to barn 2 on the basis the two buildings will form one dwelling. In addition, barn 3 is a detached unit which sits to the South East of Barns 1 and 2. Accordingly, undue overlooking does not arise and whilst the ground floor flank windows will be adjacent to openings on Barn 2, given that the two buildings form the same dwelling, the relationship is not considered to be an adverse one from an amenity perspective.
48. Barn 4, whilst appearing to be a two-storey design only has a ground floor. The external staircase is to be improved and retained but as the floor plans illustrate, the upper floor door will not be openable (this will be conditioned accordingly), and no living accommodation is installed at first floor level. From an amenity perspective, this prevents undue overlooking from arising and renders the conversion of barn 4 as compliant with the relevant amenity considerations set out within policy DM2.
49. It is however considered necessary to impose further conditional control to prohibit the insertion of additional openings and windows in the south west elevations of barns 2 and 4 and the north west elevation at first floor of barn 4, to safeguard amenity after permission has been granted.
50. With respect to the amenity considerations, whilst it is noted that the officer report for the previously refused application (DC/19/0503/FUL) referred to a potential harmful impact on amenity due to the proximity of nearby working farms, no such concern has been raised through the determination of this application. The formal comments from Public Health and Housing confirm that provided the buildings are constructed with appropriate insulation measures such that noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of

30dB(A) within bedrooms between the hours of 23:00 to 07:00 they would wish to raise no objection.

51. Given that this can be effectively controlled through the use of a planning condition, although such details have not been clarified within the planning application, the use of such a condition is deemed to be reasonable in this instance.
52. It should be further noted that the formal response from Public Health and Housing outlines concerns with respect to means of escape during a potential fire. Ultimately, this is not a planning matter and despite the comments being publicly visible for over 7 months, the applicant has not sought to address them through the submission of amended plans or additional clarification. This therefore represents a degree of risk for the applicant; if the scheme cannot secure compliance with the relevant building control regulations, the planning application may need to be re-submitted so that an alternative internal layout may be considered.

Biodiversity

53. 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.
54. 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.
55. The submitted application is supported by an updated ecology report which is essentially an addendum to the report which was submitted with the previously refused application.
56. This updated report concludes that bats are using/roosting in up to 4 of the barns and a license will be required by Natural England as well as further surveys for the conversion work to take place. The LPA's Ecology Officer has reviewed this conclusion and is satisfied that it can be controlled through the imposition of a suitably worded planning condition.
57. Birds are also using the barns and surrounding trees and work should take place outside of nesting season to avoid any harm; this may also be controlled by a planning condition. An inspection of the farmyard is also recommended prior to work commencing to check for reptiles and small mammals, notably hedgehogs and brown hares.

58. In the event that planning permission is granted, all of the mitigation measures and ecological enhancements recommended in the original and updated ecology reports will be controlled by way of a planning condition.

59. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site subject to the implementation in full of the mitigation and enhancement measures within the ecology report.

Landscape and tree impacts

60. As illustrated by the submitted plans, presently, the site frontage benefits from mature vegetation which contributes to the rural setting and character of the site and wider locality. However, as set out within the formal comments from the Highway Authority, in order for the scheme to provide a safe, NPPF compliant access onto the public highway, a degree of vegetation removal is necessary; and this is something that the vast majority of public objections cite in their comments.

61. At the time of DC/19/0503/FUL being refused, the adverse impact upon the landscape and removal of mature vegetation was cited as a specific refusal reason. However, in response to this application, the LPA's Ecology and Landscape Officer has raised no objection to the scheme subject to the imposition of suitable conditions.

62. Furthermore, every application must be considered on its own merits and whilst the previous refusal is noted, on balance, the same degree of harm has not been identified by officers. In total, as evidenced by the submitted updated ecology survey, nine trees and assorted undergrowth are to be removed from the frontage of the site. Given the provisions of policy DM13 and the NPPF, these works ultimately weigh against the proposal.

63. However, this harm must be weighed against the significant elements which weigh in favour of the scheme. In this instance, the scheme is able to demonstrate compliance with policies DM2, DM15, DM18, DM28 and DM33. In addition, the scheme benefits from support provided by two specific limbs of paragraph 79 of the NPPF; the conversion of buildings in the countryside and the retention of heritage assets for their optimum viable use. In addition, the scheme proposes the following new planting:

- Planting of 20 new trees within the application site to create new boundaries and verdant frontage
- Planting of 39 new low level shrubs
- 169m of double staggered native hedgerow planting

64. Therefore, whilst the removal of nine existing trees weighs against the scheme with a moderate degree of weight, the proposed planting scheme seeks to compensate for the loss of the mature vegetation as set out above. With respect to policy DM13, whilst it is noted that there will be a short term visual impact arising from the loss of the existing vegetation, given the significant proposed planting which offers a revised screen frontage and appropriate screen, a refusal on the basis of vegetative loss is not considered to be something that would withstand scrutiny at appeal; particularly given the degree of local and national policy support that the

scheme is able to illustrate and given the requirement of the Highway Authority to secure the necessary visibility splays.

65. The most notable tree that may be affected by the proposal is an oak situated in the north western area of the application site. It is a healthy attractive specimen providing many eco-system services and contributes to the rural character of the area. It is not considered to be an ancient or veteran tree but one which is mature or over-mature, and its removal should still carry weight in the decision making process. The existing access to the north of the site would indicate that the area to the east of the tree has a historic use for vehicle traffic, although this appears to be grassed vegetation at present. Concerns have previously been expressed by the Tree Officer with respect to construction and construction related activities involved with the reinstatement of the track/conversion to driveway which may fall within the root protection area of this tree. However, no further comments in respect of this re-submission have been made.
66. Ideally, this access way would be amended to provide the tree a greater separation distance to the proposed hardstanding, however, given that the access is extant and historic, it would be unreasonable for the LPA to require this; particularly given the adverse impact it may subsequently have upon the required visibility splays. Any such encroachment would need to be of a 'no-dig' construction type and implemented in an arboriculturally sensitive manner. In responding to the previous application, the Tree Officer advised that any negative impacts could be suitably controlled through appropriate planning conditions and raised no objections subject to a pre-commencement condition requiring the submission and approval of a detailed tree protection plan and arboricultural method statement. The same approach is adopted here and the relevant condition is recommended to be imposed.

Highway safety

67. 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.
68. 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 (Bradfield St George Road), formal comments from the Highway Authority have been sought.
69. In their initial comments dated 17 April 2020, in response to this application, the Highway Authority commented as follows:
- *"The Highway Authority's recommendation to the earlier three dwelling application at this site (DC/19/0503/FUL) was revised from refusal to approval with conditions, when visibility splay distances were improved by the removal of significant amounts of vegetation around the accesses.*

- *It is noted that the vegetation removal required, was considered in the LPA's refusal as it would have had a detrimental impact on the visual amenity of the area. In reviewing this current application, the Highway Authority notes that the visibility splays being proposed will, like the earlier application, require the removal of significant amounts of vegetation. We reiterate that this is necessary for highway safety because of the inner bend location of the site and the unrestricted speed limit in the area. Improved visibility will ensure that future residents would be able to enter and leave the highway safely. Without vegetation removal the visibility splay distances are significantly below standards and any intensification of use of the accesses would create a severe highway risk"*

70. In the same response, the Highway Authority advised that a number of standard conditions aimed at delivering visibility splays, off road parking, water discharge and surface finishing should be imposed onto any permission as may be granted by the LPA.

71. Following the submission of the amended landscaping plan, additional comments were sought from the Highway Authority to ensure that their requirements could still be achieved. A written response on the 20 October 2020, as visible online, demonstrates that the Highway Authority's position remains unaltered and that they wish to raise no objection subject to their full suite of conditions being imposed.

72. The scheme must also be considered against the adopted Suffolk Parking Standards. The submitted plans do not show specific parking spaces associated to each dwelling. However, from the submitted plans, it is evident that the site is large enough to provide the required spaces for each dwelling:

- Barn 1: 3 bedrooms and thus requires 2 parking spaces.
- Barn 2 (including annexe): 4 bedrooms and thus requires 3 parking spaces
- Barn 4: 2 bedrooms and thus requires 2 spaces

The proposal is therefore considered to be compliant with policies DM2 and DM46.

Electric vehicle charging points

73. 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.

74. 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.

75. On this basis a condition will be attached to the permission to ensure an operational electric charge point is delivered to each dwelling. However, due to the buildings all being curtilage listed, the condition will be worded so as to require the submission of details prior to their installation.

Conclusion & planning balance

76. Collectively, these two applications seek consent to convert a number of existing agricultural barns which are curtilage listed and within the countryside to residential dwellings. As submitted, the scheme is judged to comply with policies DM1, DM2, DM15, DM18, DM28 and DM33 on the basis that the principle of converting buildings in the countryside to residential uses is acceptable subject to specific criterion being met. The application has demonstrated that the relevant criteria have been met. The conversions are not judged to give rise to any harm to the listed buildings and no objections from any statutory consultees have been submitted.

77. Furthermore, the NPPF which is a material consideration provides additional support to the scheme at paragraph 79 on the basis that the proposal would not only re-use existing buildings in the countryside but also secure the optimum viable use for a number of existing curtilage listed buildings.

78. The scheme does, however, represent a technical short-term conflict with policy DM13 due to the proposed loss of existing vegetation and this weighs against the scheme. To compensate for the loss, the scheme seeks to deliver a significant amount of replacement planting which, over time, will mature to deliver an attractive verdant frontage to the site.

79. On balance therefore, given the degree of policy support that the scheme is able to demonstrate, from both a national and local perspective, whilst the short term conflict with policy DM13 is noted, no material or significant reasons to recommend this application for refusal have been identified.

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

Recommendation:

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

Reference number

Plan type

Date received

302917-10-507-E	Visibility splays	26 August 2020
Ecological survey: Protected species and habitats	Ecological survey	19 March 2020
302917 - Durrants	Schedule of works	19 March 2020
Updated Ecology Report	Ecological survey	19 March 2020
302917 10-005 E	Proposed elevations & floor plans	14 July 2020
302917 10-006 E	Proposed elevations & floor plans	14 July 2020
302917 10-500	Existing elevations	14 July 2020
302917 10-506 D	Proposed block plan	14 July 2020
302917-10-505-D	Layout	14 July 2020
10-200	Existing plans	19 March 2020
10-300	Existing plans	19 March 2020
10-400	Existing plans	19 March 2020
10-500	Existing plans	19 March 2020
302917	Existing plans	19 March 2020
PPS19-1806-B1FS	Existing plans	19 March 2020
PPS19-1806-B2FS A	Existing plans	19 March 2020
19/089-01 Revision 1	Soft landscape proposals	18 October 2020
19/089-02 Revision 1	Soft landscape proposals	18 October 2020
302917-10-004-G	Proposed elevations & floor plans	27 August 2020
302917-10-010-B	Details	27 August 2020
302917-10-011-D	Details	27 August 2020
PPS19-1806-B3FS1 A	Existing plans	19 March 2020
PPS19-1806-B3FS2	Existing plans	19 March 2020
PPS19-1806-B3FS3	Existing plans	19 March 2020
PPS19-1806-B4FS1 A	Existing plans	19 March 2020
PPS19-1806-B4FS2 A	Existing plans	19 March 2020
PPS19-1806-ES2 A	Existing plans	19 March 2020
Barn 1	Structural inspection	19 March 2020
Barn 3	Structural inspection	19 March 2020
Barn 4	Structural inspection	19 March 2020
Barn 2	Structural inspection	19 March 2020

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

- 3 No development above slab level shall take place until samples of all external facing materials to be used on Barns 1, 2, 3 and 4 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 dwellings hereby permitted being first occupied, both of the vehicular access onto the highway as shown on plan 302917-10-507-E shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety by preventing loose material from being brought onto the highway by vehicles.

- 6 The dwellings hereby approved shall not be occupied until the areas within the site shown on Drawing No. 302917-10-505-D for the purposes of manoeuvring and parking of vehicles have been provided and thereafter that 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.

- 7 Before the dwellings hereby approved are occupied, details of the areas to be provided for secure cycle storage 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 secure cycle storage in accordance with Suffolk Guidance for Parking (2019).

- 8 The vehicular accesses hereby permitted as shown on plan 302917-10-507-E shall be a minimum width of 4.5 metres for a distance of 5 metres measures from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

- 9 The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drawing No. 302917 10-506 D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 10 No development above slab level shall take place until the areas to be

provided for the presentation of Refuse/Recycling bins for collection have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 11 Before the any above slab level development takes place, 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.

- 12 Before the vehicular accesses are first used, visibility splays shall be provided as shown on Drawing No. 302917-10-507-E with an X dimension of 2.4 metres for each access and Y dimensions as shown and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

- 13 The acoustic insulation of each barn hereby converted shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

Reason: To protect the amenity of occupiers of the property.

- 14 The ancillary accommodation, Barn 3, hereby permitted shall be occupied only in conjunction with and for purposes ancillary to, the residential use of Barn 2 to which it is attached, and together they shall form a single dwelling. At no time shall the building referred to as barn 3 operate as a self contained residential dwelling without the prior written agreement of the Local Planning Authority

Reason: To enable the Local Planning Authority to regulate and control the Development.

- 15 Prior to the dwellings hereby approved being occupied, details of the operational electric vehicle charge points to be installed for each dwelling at reasonably and practicably accessible locations, with an electric supply

to the charge point capable of providing a 7kW charge shall be submitted to and approved in writing by the Local Planning Authority.

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 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.

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

- 19 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.

- 20 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

- 21 The development hereby approved shall be carried out in full accordance with the mitigation recommendations set out within chapter 6 of the submitted protected species survey (authored by John Parden dated October 2018)

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

- 22 The development hereby approved, including any works to the oak tree (North of site) as identified in the ecology reports (J Pardon June 2020 and October 2018) shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by the relevant licensing body 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

- 23 Unless otherwise agreed in writing by the Local Planning Authority, no works to remove or uproot existing vegetation shall take place during the UK's Bird Nesting season (1st February until 31 August inclusive).

Reason: to avoid unnecessary harm to birds which may be nesting prior to development commencing

- 24 Before the building referred to as 'Barn 1' is first occupied, the first floor bathroom window in the South West elevation 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.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 25 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure including walls and fences; hard surfacing materials; minor artefacts and structures (for example lighting and similar features). The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period

as may first be agreed in writing with the Local Planning Authority).

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

- 26 The approved scheme of soft landscaping works as shown on drawings 19/089-01 and 19/089-02 shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

- 27 Unless otherwise agreed in writing by the Local Planning Authority, no external lighting shall be installed within the site as edged in red on drawing 10-507 Revision E.

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

- 28 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 ground floor level or above in the south west elevations of barns 2 and 4 and at first floor level in the south east (front) elevation of barn 4. The first floor door shown on the front elevation of barn 4 shall remain fixed shut.

Reason: To safeguard 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.

82. It is recommended that Listed building Consent be **APPROVED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than three years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings

and Conservation Areas) Act 1990.

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

Reference number	Plan type	Date received
302917 - Durrants	Schedule of works	19 March 2020
19/089-01 Revision 1	Soft landscape proposals	18 October 2020
19/089-02 Revision 1	Soft landscape proposals	18 October 2020
302917-10-004-G	Proposed elevations & floor plans	27 August 2020
302917-10-010-B	Details	27 August 2020
302917-10-011-D	Details	27 August 2020
302917 10-005 E	Proposed elevations & floor plans	14 July 2020
302917 10-006 E	Proposed elevations & floor plans	14 July 2020
302917 10-506 D	Proposed block plan	14 July 2020
302917-10-505-D	Site plan	14 July 2020
302917 10-500	Existing plans	14 July 2020
10-200	Existing plans	19 March 2020
10-300	Existing plans	19 March 2020
10-400	Existing plans	19 March 2020
302917	Existing plans	19 March 2020
PPS19-1806-B1FS	Existing plans	19 March 2020
PPS19-1806-B2FS A	Existing plans	19 March 2020
PPS19-1806-B3FS1 A	Existing plans	19 March 2020
PPS19-1806-B3FS2	Existing plans	19 March 2020
PPS19-1806-B3FS3	Existing plans	19 March 2020
PPS19-1806-B4FS1 A	Existing plans	19 March 2020
PPS19-1806-B4FS2 A	Existing plans	19 March 2020
PPS19-1806-ES2 A	Existing plans	19 March 2020

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

- 3 The relevant works shall not take place/no development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority. :

i) Sample of external materials to include bricks and coping detail to new brick walls, pantiles and metal profile sheet cladding

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

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

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

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

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

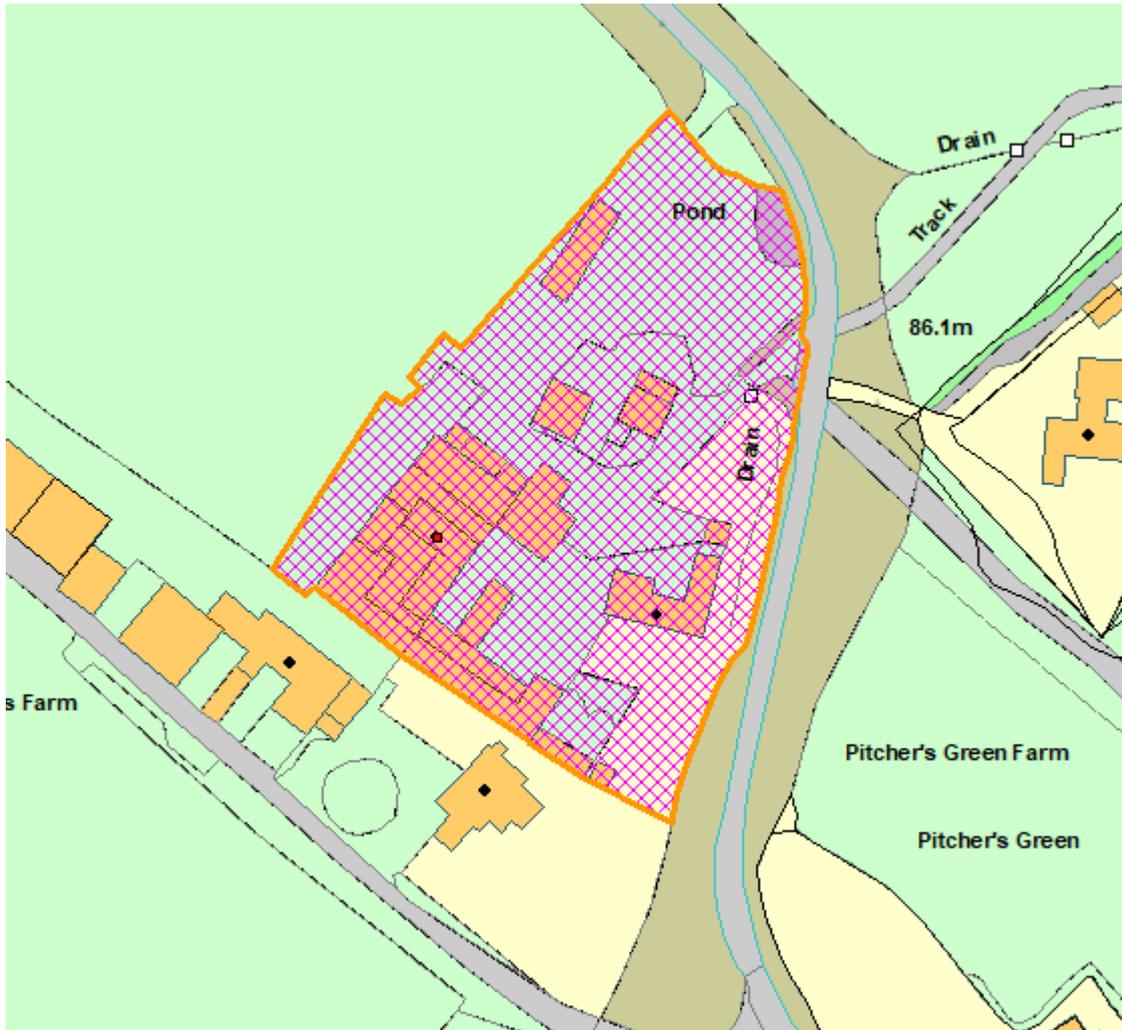
Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0506/FUL](#) & [DC/20/0507/LB](#)



DC/20/0506/FUL – Pitchers Green Farm
DC/20/0507/LB



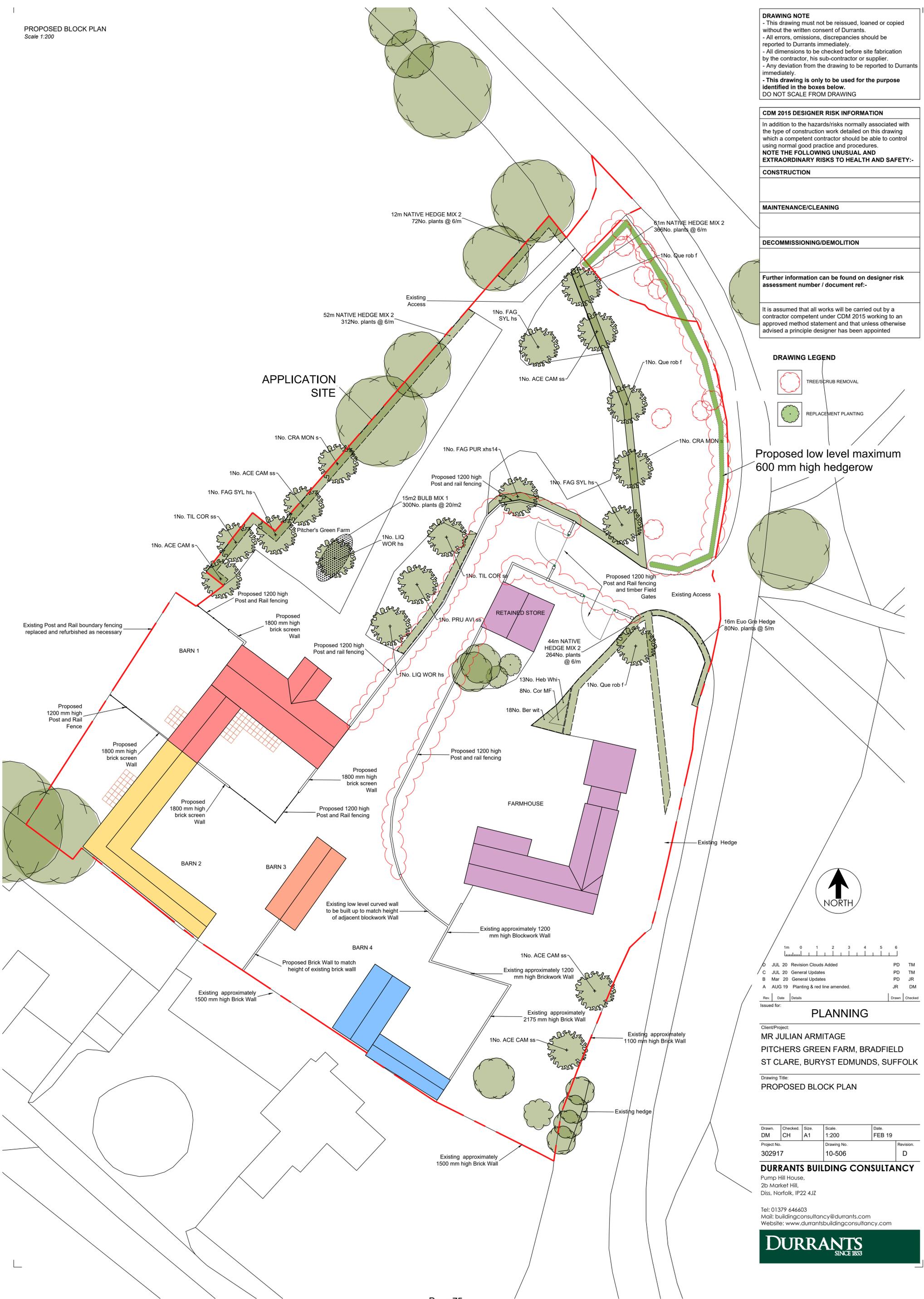
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DRAWING NOTE
 - This drawing must not be reissued, loaned or copied without the written consent of Durrants.
 - All errors, omissions, discrepancies should be reported to Durrants immediately.
 - All dimensions to be checked before site fabrication by the contractor, his sub-contractor or supplier.
 - Any deviation from the drawing to be reported to Durrants immediately.
- This drawing is only to be used for the purpose identified in the boxes below.
 DO NOT SCALE FROM DRAWING

CDM 2015 DESIGNER RISK INFORMATION	
In addition to the hazards/risks normally associated with the type of construction work detailed on this drawing which a competent contractor should be able to control using normal good practice and procedures.	
NOTE THE FOLLOWING UNUSUAL AND EXTRAORDINARY RISKS TO HEALTH AND SAFETY:-	
CONSTRUCTION	
MAINTENANCE/CLEANING	
DECOMMISSIONING/DEMOLITION	
Further information can be found on designer risk assessment number / document ref:-	
It is assumed that all works will be carried out by a contractor competent under CDM 2015 working to an approved method statement and that unless otherwise advised a principle designer has been appointed	

DRAWING LEGEND

	TREE/SCRUB REMOVAL
	REPLACEMENT PLANTING



Proposed low level maximum 600 mm high hedgerow

NORTH

1m 0 1 2 3 4 5 6

D	JUL 20	Revision Clouds Added	PD	TM
C	JUL 20	General Updates	PD	TM
B	Mar 20	General Updates	PD	JR
A	AUG 19	Planting & red line amended.	JR	DM

Rev. Date Details Drawn Checked

Issued for:

PLANNING

Client/Project:
MR JULIAN ARMITAGE
PITCHERS GREEN FARM, BRADFIELD
ST CLARE, BURYST EDMUNDS, SUFFOLK

Drawing Title:
PROPOSED BLOCK PLAN

Drawn:	Checked:	Size:	Scale:	Date:
DM	CH	A1	1:200	FEB 19
Project No.:	302917	Drawing No.:	10-506	Revision:
				D

DURRANTS BUILDING CONSULTANCY
 Pump Hill House,
 2b Market Hill,
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 Website: www.durrantsbuildingconsultancy.com



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Development Control Committee 2 December 2020

Planning Application DC/19/2447/FUL & Application for Listed Building Consent DC/19/2448/LB - The Manor, Newmarket Road, Barton Mills

Date registered:	3 January 2020	Expiry date:	28 February 2020 (EOT to 04.12.2020)
Case officer:	Gary Hancox	Recommendation:	Approve application
Parish:	Barton Mills	Ward:	Manor
Proposal:	Subdivision of existing unit to create 2 no. self-contained flats (providing 3 apartments in total) and (ii) orangery on west elevation		
Site:	The Manor, Newmarket Road, Barton Mills		
Applicant:	Mr & Mrs Knight		

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 applications and associated matters.

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Background:

The application comes before the Development Control Committee as it does not accord with Policies CS1 of the Forest Heath Core Strategy and Policies DM5 and DM27 of the Joint Development Management Policies Document, and is recommended for APPROVAL by Officers. The application for full planning permission has been advertised accordingly as a Departure from the Development Plan.

Proposal:

1. The applications seek planning permission and listed building consent for the internal subdivision of the main residential unit of the Manor to form two self-contained flats (resulting in a total of 3no. residential units on the site with the existing flat unaffected).
2. The application also seeks consent to construct an orangery/conservatory connected to Bedroom two of Flat 2.

Site details:

3. The Manor is a large C19th two-storey house located immediately off Newmarket Road, to the south of Barton Mills, within an area designated as countryside in the Local Plan. The building is Grade II listed. The Manor is set back from the main road and located in a large curtilage. Newmarket Road borders the site to the north and an access track serving Hall Farm runs east. The building was previously an orthodontist practice, with associated residential use.
4. The Manor currently comprises two residential units, a self-contained flat and the main residential unit occupying the remainder of the house. (The site having had a 2016 approval (DEV/FH/16/017) for a change of use from orthodontic practice (Class D1) to self-contained flat (Class C3).

Planning history:

Reference	Proposal	Status	Decision date
F/2013/0154/LBC	Alterations to boundary wall to create a new gateway	Approve with Conditions	10 June 2013
F/2013/0134/FUL	Creation of a new access onto Newmarket Road to serve the Orthodontic Practice, including a new gateway in existing boundary wall. Creation of a new parking area.	Approve with Conditions	10 June 2013
F/2009/0196/LBC	Internal alterations - division of first floor bathroom to form bathroom and en-suite and insertion of monodraught sunpipe to provide natural sunlight	Approve with Conditions	8 June 2009

F/2005/0755/LBC	Erection of portico and two balconies on North elevation and changing of two first floor windows to French doors (Amended plans received 30/9/05)	Approve with Conditions	4 November 2005
F/2005/0754/FUL	Resubmission: amendments to that approved under F/2004/0708/FUL: Erection of portico and two balconies on North elevation and renovation and alterations to outbuildings (Amended plans received 30/9/05)	Approve with Conditions	4 November 2005

Consultations:

Barton Mills Parish Council – No objection.

Ward member - No comments.

Conservation Officer – No objection to amended plans and additional information.

SCC Highways – No objection.

Representations:

5. None received.

Policy:

6. 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.

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

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS3 Landscape Character and the Historic Environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Core Strategy Policy CS10 - Sustainable Rural Communities

Policy DM5 Development in the Countryside

Policy DM15 Listed Buildings

Policy DM22 Residential Design

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

Other planning policy:

National Planning Policy Framework (NPPF)

8. 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:

9. The issues to be considered in the determination of the application are:
 - Principle of Development (CS1, CS10, DM5, DM27, and NPPF paragraph 79)
 - Highway impact
 - Impact on amenity
 - Impact Listed Building
10. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of development (DM5, DM27 and NPPF paragraph 79)

11. The application seeks consent for the internal subdivision of the main residential unit of the Manor to form two self-contained flats (resulting in a total of 3no. residential units on the site with the existing flat unaffected).
12. The application also seeks consent to construct an orangery/conservatory connected to Bedroom two of Flat 2. The orangery will be modest in size and occupy an existing area of patio and external pathway. The addition of the orangery on the western elevation will be the only external change to the building. All subdivision will be internal, with no additional openings or built form proposed.
13. The subdivision of the existing residential unit to create 2no. flats would constitute the creation of a new planning unit. This would be a new dwelling in the countryside in a site and location that would be contrary to Forest Heath Core Strategy Policy CS1 and Joint Development Management Policies DM5 and DM27.

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, or at least in the case of SA1 indicate, that planning permission for residential development in the countryside will typically not be supported unless there are valid and material reasons for doing so.

14. 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 then they should be resisted.
15. 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:

There are no suitable sites available inside the limits of a defined settlement boundary;

It is an affordable housing scheme for local needs in accordance with Policy CS9;

It involves the appropriate re-use of a rural building;

It provides a site for gypsy and travellers or travelling show people which complies with the Gypsies and Travellers policy in Policy CS8.

It is a replacement of an existing dwelling;

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.

16. In this instance, the proposal is for one dwelling beyond any 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. Where it may draw some support from CS10 is in relation to the fact that this is the change of use of an existing building. However, CS10 dates from 2010 so any support, or conflict, must be given careful consideration as to the weight that should be attached to it. That all said, the conflict with DM5 and DM27 is clear, and offers weight in favour of a refusal.
17. 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. In this regard paragraph 79 of the NPPF is also highly material since this dates from 2019 and therefore post dates the DM Policies Document, which itself, in part, superseded the 2010 Core Strategy. Paragraph 79 (d) of the NPPF allows for the sub-division of an existing dwelling in the countryside, even if it would result in an isolated dwelling. In this case the site is considered to be in an isolated location away from existing development, and it triggers paragraph 79 as a subdivision as there is already a residential use within the building. The development would create a group of three flats (compared to two existing units) within a large residential building. This paragraph of the NPPF supersedes the development plan having been introduced more recently, and is a significant material consideration in this case.
18. The provisions of paragraph 79 will only apply if the site is considered to be in an isolated location. Consideration of whether or not a site is isolated was the subject of a decision in the Court of Appeal recently. The judge in that case concluded that an isolated dwelling would be

"... a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand"
19. In this case, the building in question is 'separate' from any nearby dwellings, for example Hall Farm, as well as being physically separate from other dwellings on Church Lane and also from the defined settlement boundary of Barton Mills. Officers are satisfied that, insofar as paragraph 79 of the NPPF is concerned, this site is 'isolated' and that therefore paragraph 79 is engaged. This is important for consideration of this matter. Because it is engaged, Officers consider that considerable weight should be placed upon it, as a material consideration, and as a factor that otherwise weighs in favour of approval. Given that it dates from 2019 officers are satisfied that significant weight should be attached to it, as superseding the provisions of the DM Policies (which themselves have in part superseded elements of the

2010 Core Strategy) such that support can be offered in principle to the subdivision of this building to create an additional dwelling.

20. Officers are therefore of the opinion that these factors mean that the principle of the further sub-division of the property can be accepted notwithstanding the identified conflict with Policies DM5 and DM27.

Highway Impact

21. The proposals utilise the existing access to the site and will result in a limited increase in traffic movements to and from the property. No objection has been received from SCC Highways and the scheme is not considered to have a detrimental impact on highway safety. There is also adequate parking available on site. The application therefore accords with Joint Development Management Policies DM2 and DM46 in this respect.

Impact on amenity

22. The sub-division of the building to create the additional flat would not result in significant changes to the internal or external appearance of the building. With the exception of a single storey orangery, no external alterations to the building are proposed. There are no impacts created in terms of overlooking or neighbouring amenity issues. The application therefore accords with Joint Development Management Policies DM2 and DM22 in this respect.

Impact on Listed Building

23. Section 66 of the Town and Country Planning (Conservation Areas and Listed Building) Act 1990 requires the LPA to have special regard to the desirability of preserving the setting of listed buildings. These need to be taken into account in considering the proposed replacement building, along with the criteria set out in Joint Development Management Policies DM15, DM17, DM18, and DM2, plus CS3, which all seek to protect heritage assets and ensure good design appropriate for the character and context of the site.
24. Furthermore, paragraph 193 of the NPPF states that

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
25. In this case the impacts on the historic fabric, appearance and significance of the building are limited, and the Conservation Officer has confirmed that there would be no harm caused. The proposed minor internal works to the building and the addition of an orangery retain the relevant historical features and do not harm the historic fabric of the building. The application is therefore considered to accord with the NPPF and Joint Development Management Policy DM15 in this regard. Paragraph 193 of the NPPF is not applicable in this instance.

Other matters

26. In respect of water efficiency, Joint Development Management Policy DM7 requires all new residential development to demonstrate a water consumption level of no more than 100 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.
27. Air Quality - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'
28. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Furthermore, Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
29. In order for the development to accord with the above, an appropriately worded condition will need to be attached to any permission requiring the new dwelling to be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.

Conclusion:

30. The proposals will not harm the character and appearance of the area or the building itself and will not have a detrimental impact on amenity or highway safety. Nonetheless, analysis of this matter does identify some conflict with the spatial policies of the development plan. These are inevitably factors which weigh against the proposal. However, the proposal involves the subdivision of an existing dwelling, with no adverse impacts upon character or amenity, within walking distance of Barton Mills and the, albeit limited, services available there. The proposal also provides for a more effective use of the building and adds to the range and mix of housing available in the area. These are factors which weigh in its favour.
31. Accordingly, for the reasons set out above the proposal is acceptable and can be approved contrary to Forest Heath Core Strategy CS1 and Joint Development Management Policies DM5 and DM27 but in accordance with the more recently published NPPF paragraph 79.

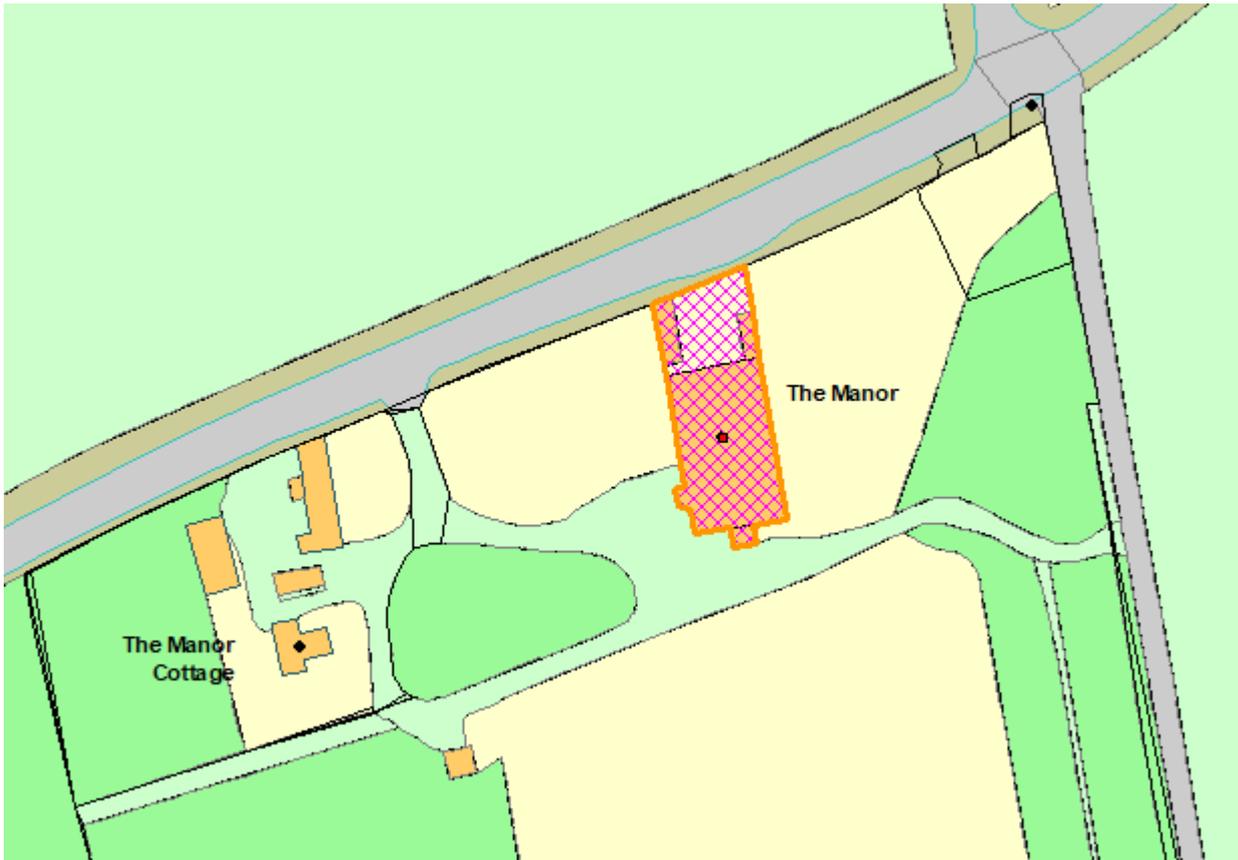
Recommendation:

32. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. 3-year permission time limit
 2. In accordance with approved plans
 3. Water, energy and resource efficiency measures
 4. Prior to first occupation, all dwellings shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible

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DC/19/2447/FUL – The Manor, Barton Mills
DC/19/2448/LB



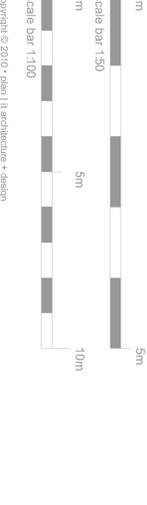
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existing ground floor plan
 scale: 1:100 @ A1

proposed ground floor plan
 scale: 1:100 @ A1

os location plan
 scale: 1:1250 @ A1



note:
 internal pictures taken by client due to lockdown requirements. the photos are taken in areas where proposed works are to take place. the photos are not to be used for any other purpose. the photos are of a standard style and ones that are off the shelf from the likes of howdens/B&Q etc. any mouldings that are to be built against or removed could easily be replicated should that be needed. the internal 6 panelled door and ironmongery again can be purchased from any good diy or builders merchants.
 you will also see that in some areas we have changed the plans to retain taller joining doors, additionally other rooms in the house have been blocked off in the past the provide closed off self containing rooms.
 the property has gone through many changes up to modern day, although the property is a listed building the interior in our opinion retains no historical architectural merit as the materials have been applied and changed over the years.



existing dwelling accommodation	
building areas	m ²
ground floor gross internal area	391
first floor gross internal area	391
total building area	782
existing flat gross internal area (assumed ?)	116

proposed dwelling accommodation	
building areas	m ²
ground floor gross internal area	382
first floor gross internal area	382
total building area	764
existing flat gross internal area (assumed ?)	116
proposed new apartment 2 (area assumed)	336
proposed new apartment 3	332

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