

# Development Control Committee

<b>Title</b>	<b>Agenda</b>		
<b>Date</b>	<b>Wednesday 6 January 2021</b>		
<b>Time</b>	<b>10.00 am</b>		
<b>Venue</b>	<b>Facilitated by Microsoft TeamsLive virtual meetings platform only</b> <b>The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers</b>		
<b>Full Members</b>	<p style="text-align: center;"><b>Chair</b> Andrew Smith</p> <p style="text-align: center;"><b>Vice Chairs</b> Mike Chester and Jim Thorndyke</p> <p><b>Conservative Group (9)</b>      Andy Drummond      David Roach  Susan Glossop      Peter Stevens  Ian Houlder      Ann Williamson</p> <p><b>The Independent Group (6)</b>      Richard Alecock      Roger Dicker  John Burns      David Palmer  Jason Crooks      Don Waldron</p> <p><b>Labour Group (1)</b>      David Smith</p>		
<b>Substitutes</b>	<p><b>Conservative Group (5)</b>      Carol Bull      Sara Mildmay-White  Terry Clements      David Nettleton  Rachel Hood</p> <p><b>The Independent Group (2)</b>      Trevor Beckwith      Andy Neal</p> <p><b>Labour Group (1)</b>      Diane Hind</p>		
<b>Interests – declaration and restriction on participation</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
<b>Quorum</b>	Six Members		
<b>Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting</b>			
<b>Committee administrator</b>	<b>Helen Hardinge</b> – Democratic Services Officer <b>Telephone</b> 01638 719363 <b>Email</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>		

## **Development Control Committee Agenda notes**

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

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

### **Material planning considerations**

- 1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**
  
- 2. Material planning considerations include:**
  - Statutory provisions contained in planning acts and statutory regulations and planning case law
  - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
  - Supplementary planning guidance/documents eg. Affordable Housing SPD
  - Master plans, development briefs
  - Site specific issues such as availability of infrastructure, density, car parking
  - Environmental; effects such as effect on light, noise overlooking, effect on street scene
  - The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings
  - Previous planning decisions, including appeal decisions
  - Desire to retain and promote certain uses e.g. stables in Newmarket.
  - The following planning local plan documents covering West Suffolk Council:
    - Joint development management policies document 2015
    - In relation to the Forest Heath area local plan:
      - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
      - ii. Core strategy single issue review of policy CS7 2019
      - iii. Site allocations local plan 2019
    - In relation to the St Edmundsbury area local plan:
      - i. St Edmundsbury core strategy 2010
      - ii. Vision 2031 as adopted 2014 in relation to:
        - Bury St Edmunds
        - Haverhill
        - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

3. The following are **not** material planning considerations and such matters must **not** be taken into account when determining planning applications and related matters:
  - Moral and religious issues
  - Competition (unless in relation to adverse effects on a town centre as a whole)
  - Breach of private covenants or other private property or access rights
  - Devaluation of property
  - Protection of a private view
  - Council interests such as land ownership or contractual issues
  - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

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

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

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

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

## **Public speaking**

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

## Development Control Committee

### Decision making protocol

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

#### Decision making protocol

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

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

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

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

## Notes

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

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

# Agenda

## Procedural matters

### Part 1 – public

1. **Apologies for absence**
2. **Substitutes**  
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 20**  
To confirm the minutes of the meetings held on 18 November 2020 and 2 December 2020 (copies attached).
4. **Declarations of interest**  
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/20/1445/FUL - Land adjacent to Moonstone, Chilton Street, Clare** **21 - 44**  
Planning Application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping (resubmission of DC/19/0270/FUL)
6. **Planning Application DC/20/1497/FUL - Land East of Redcastle Farm Cottage, Brand Road, Great Barton** **45 - 58**  
Planning application - 1no. Holiday cottage
7. **Planning Application DC/20/1708/HH - 11 St Marys Square, Newmarket** **59 - 70**  
Householder planning application - (i) single storey rear extension (ii) conversion of garage into habitable space

# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 18 November 2020 at 10.00 am** via Microsoft Teams

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

Ann Williamson

Ian Houlder

**In attendance**

Brian Harvey (Ward Member: Manor)

74. **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.

75. **Apologies for absence**

No apologies for absence were received.

76. **Substitutes**

No substitutions were declared.

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.

77. **Declarations of interest**

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

78. **Planning Application DC/20/0615/RM - Land North of Ann Suckling Road, Little Wratting (Report No: DEV/WS/20/052)**

**Reserved Matters Application -Submission of details under SE/09/1283 - the means of access, appearance, landscaping, layout and scale for the construction of 41 dwellings with associated private amenity space, means of enclosure, car parking, vehicle and access arrangement and drainage together with proposed areas of landscaping and areas of open space for a residential development known as Phase 2A**

This application was referred to the Development Control Committee following a call-in from the local Ward Member Councillor Joe Mason (Haverhill North).

In addition, Haverhill Town Council objected to the application which was in conflict with the Officer's recommendation for approval subject to the receipt of an acceptable noise assessment and conditions, as set out in Paragraph 9.0 of Report No DEV/WS/20/052.

Members were advised that the application related to part of the wider North West Haverhill site, one of the two strategic growth sites for Haverhill identified in the adopted Core Strategy. It sought approval of the details for part of the second phase of residential development.

The Committee were informed that the site had been the subject of significant public engagement through the preparation and adoption of a concept statement and a masterplan. Outline planning permission was granted on 27 March 2015 for residential development, a primary school, local centre including retail and community uses, public open space, landscaping infrastructure, servicing and other associated works alongside full permission for the construction of a relief road.

The Principal Planning Officer explained that the application had initially sought approval for all the dwellings in phase two. However, during the course of the application, the dwellings in the southern half of the phase were removed and the red line was reduced in size to allow further work to take place on the southern parcel (phase 2b) to improve its character, layout and appearance before the submission of a new reserved matters application.

The remaining northern parcel (phase 2a) had, therefore, been amended to address concerns with the layout, house types, landscaping, and highways. The site included a section of highway connecting the parcel to the approved road network within phase one and a strip of land connecting to a proposed drainage basin to the south, which would serve all of phase two.

As part of her presentation the Principal Planning Officer made reference to the supplementary 'late papers' which had been circulated following publication of the agenda.

Lastly, reference was made to a separate ongoing enforcement matter in connection with the application site which, the Committee was reminded, was not a material planning consideration for the determination of the application.

Speakers: Anne & Brad Strachen (neighbouring resident objectors) spoke against the application  
Councillor Joe Mason (Ward Member: Haverhill North) spoke against the application  
Stuart McAdam (Applicant – Persimmon Homes) spoke in support of the application  
*(All parties listed did not connect to the meeting to personally address the Committee and the Democratic Services Officer read out pre-prepared submitted statements on their behalf)*

Considerable debate ensued with a number of comments/questions raised by Members on: the designated green spaces, hedges and green infrastructure corridors, pedestrian access and landscaping, all of which the Principal Planning Officer responded to.

Specific discussion took place in relation to sustainability aspects such as: heating, internet access and electric vehicle charging. In response to this the Officer explained that elements such as electric vehicle charging points or specific requirements in terms of heat and power would have needed to have been secured at the time of the outline consent and could not be required under a Reserved Matters application. Broadband provision and the method of heating the dwellings would therefore not be material considerations in this case.

However, Members were assured that Officers continued to have discussions with the applicant in respect of electric vehicle charging points, the inclusion of which was being increasingly influenced by the market. The Officer stated that Persimmon has advised they will be providing charging points for dwellings with garages as a first step towards increased provision.

Questions were also raised in respect of the affordable housing provision and housing mix. The Committee were advised that the affordable housing had been secured via a S106 Agreement and assured the meeting that the layout and design in the application did not in any way prejudice the delivery of the agreed provision.

Councillor John Burns addressed the meeting and briefly referenced the history of the site and the related relief road. He then moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Roach.

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

#### Decision

Planning permission be **GRANTED** subject to the receipt of an acceptable Noise Assessment and the following conditions:

1. Approved Plans and documents  
The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

2. Noise indoors

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Environmental Impact Assessment submitted by Loven Acoustics for Phase 2A, Ref: LA/1726/02aR/ML dated 11 November 2020, shall be implemented to ensure that the internal ambient noise levels within each dwelling, 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 between the hours of 23:00 to 07:00, in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

3. Noise outdoors

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Environmental Impact Assessment submitted by Loven Acoustics for Phase 2A Ref: LA/1726/02aR/ML dated 11 November 2020, shall be implemented to ensure that the noise level within the external amenity areas of each dwelling do not exceed an LAeq of 50 dB (A), in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

4. Landscape condition

Notwithstanding the details previously submitted, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of soft landscaping for the site drawn to a scale of not less than 1:200.

The details shall include buffer planting along the northern boundary as set out in the design code and compensatory hedge planting to mitigate for the loss of Hedge H2. The landscaping details shall also include the biodiversity enhancements requested by the Suffolk Wildlife trust and set out in the Great Crested Newt Survey, the Hazel Dormouse Survey Report, the Bat Activity Survey Report and the Breeding Bird Survey.

Planting details shall also include details of on plot planting and planting within the SUDS Basin, and clearly show where existing vegetation is to be maintained/enhanced.

The 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.

5. Lighting strategy for bats

Prior to any above ground construction details of a light minimization strategy, as recommended in the submitted bat activity survey report, shall be submitted to the local planning authority and agreed in writing. The strategy shall cover the construction and post construction phases

and be based on the recommendations set out in section 5.2 of the bat activity survey report.

6. Sulphur Clover method statement

Prior to the commencement of any works in areas identified as containing Sulphur Clover in the Botanical Survey (including Sulphur Clover survey)(August 2019), full details of the method of translocation of the plants shall be submitted to the local planning authority and agreed in writing. All works must be carried out in accordance with the agreed details.

7. Reptile precautionary method statement.

All work shall be carried out in accordance with the precautionary methods of working set out in the Reptile Precautionary Method Statement.

8. Tree pit condition

Notwithstanding the tree pit details submitted with this application, prior to the installation of any tree within 2.5 metres of a highway, the full details of the proposed tree pit for that tree shall be submitted to the local planning authority and agreed in writing. All work shall be carried out in full accordance with the approved details.

9. Flood resilience measures

Prior to the commencement of the dwellings on plots 8 and 9 details of the flood resilience measures incorporated into the design of those units shall be submitted to the local planning authority and agreed in writing. The dwellings shall be completed in accordance with the agreed measures.

10. Pedestrian and cycle crossing Condition

Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority for the indicative crossing shown on drawing 041-P-140 Rev B. The scheme will include, full design, location and Safety Audit (Stage 1&2). The approved scheme shall be carried out in its entirety before the first occupation of any property and shall be retained thereafter in its approved form.

11. Refuse Condition

The areas to be provided for the presentation and storage of refuse/recycling bins as shown on drawing number 041-P-130 Rev C shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

12. Vehicle parking condition

Prior to the occupation of any dwelling, the area(s) within the site shown on drawing 041-P-140 Rev B for the purposes of loading, unloading, manoeuvring and parking of vehicles in relation to that dwelling shall be provided. Thereafter that area(s) shall be retained and used for no other purposes.

13. Estate roads and footways Condition

Before the development is commenced, details of the estate roads and footpaths, (including carriageway and footway width/s, layout, levels, gradients, lighting, visibility splays, soft landscaping, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

79. **Planning Application DC/20/1222/HH - 31 Acacia Avenue, Bury St Edmunds (Report No: DEV/WS/20/053)**

**Householder planning application - Single storey detached annexe. As amended by plans received 01 October 2020 and 06 October 2020**

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 3 November 2020.

It was presented to the Delegation Panel due to the objection from Bury St Edmunds Town Council which was in conflict with the Officer recommendation of approval, subject to conditions as set out in Paragraph 43 of Report No DEV/WS/20/053.

As part of his presentation the Planning Officer outlined the Permitted Development 'fallback' position and provided videos of the site by way of a virtual 'site visit'.

Speakers: John Brabrook (neighbouring resident objector) spoke against the application (*Mr Brabrook did not connect to the meeting to personally address the Committee and instead opted to have the Democratic Services Officer read out a pre-prepared submitted statement on his behalf*)  
Councillor Kevin Hind (Bury St Edmunds Town Council) spoke against the application  
Michaela Cooper (applicant) spoke in support of the application

During the debate a number of questions were posed with regard to the parking provision.

In response, the Planning Officer explained that whilst the scheme resulted in a technical under-provision of parking, Suffolk County Council Highways had not objected as there was on-street parking available at Acacia Avenue and they did not consider that approval of the application would lead to any material harm to highway or pedestrian safety.

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

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

Decision

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

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The use shall not commence until the area within the site shown on

Drawing No. 087-20/P/01 Rev A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

4. The extension/annex hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as 31 Acacia Avenue to which it is associated and together they shall form a single dwelling house.

80. **Planning Application DC/20/1063/HH - 60 The Street, Barton Mills  
(Report No: DEV/WS/20/054)**

**Householder Planning Application - (i) Garage (ii) vehicular driveway improvements**

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 20 October 2020.

It was presented to the Delegation Panel due to the support from the Parish Council which was in conflict with the Officer's recommendation of refusal, for the reason set out in Paragraph 41 of Report No DEV/WS/20/054.

As part of her presentation to the Committee the Planning Officer drew attention to the supplementary 'late papers' that had been issued since publication of the agenda and presented videos of the site by way of a virtual 'site visit'.

Speakers: Councillor Brian Harvey (Ward Member: Manor) spoke in support of the application  
Les Belsberg (applicant) spoke in support of the application (*by way of a pre-recorded audio file*)

Councillor David Roach spoke in support of the application which he considered not to be in conflict with polices CS5, DM2, DM17 and DM24 and would not create an adverse impact on the Conservation Area.

Accordingly, he proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor John Burns.

The Service Manager (Planning – Development) addressed the meeting and reminded the Committee that the support from the community for the proposal was not a material planning consideration.

On the basis of the reasons given by Councillor Roach for approving the application she also advised that the proposal would not be 'minded to' and the Decision Making Protocol would not be invoked in this instance.

Following which, the Planning Officer verbally outlined the conditions that could be appended to a planning permission, if granted.

*(Prior to taking a vote on this item Councillor Peter Stevens raised a query with regard to the recorded vote process which the Service Manager – Democratic Services responded to.)*

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

Councillor Roger Dicker then proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Don Waldron.

Upon being put to the vote and with 9 voting for the motion and 7 against it was resolved that

### Decision

Planning permission be **REFUSED** for the following reason:

1. The pattern of development in this particular part of the conservation area comprises of large, detached properties that are set back from the highway with large front gardens which offer a sense of openness. This spaciousness is considered to contribute to the special character and appearance of the area. The proposed garage is considered to be a large, bulky and visually prominent addition that will compromise the open character of this part of the conservation area. The proposed garage is considered to be in material conflict with policy CS5 of the Core Strategy, policies DM2, DM17 and DM24 of the Joint Development Management Policies Document, and the advice contained within the National Planning Policy Framework which seeks to ensure that new development within conservation areas makes a positive contribution to the character and appearance of the area, by either preserving or enhancing its setting.

81. **Planning Application DC/20/1074/OUT - Proposed Dwelling, 9 Glebe Close, Ingham (Report No: DEV/WS/20/055)**

*(Councillor Susan Glossop addressed the meeting as Ward Member for the application and stressed that she would keep an open mind and listen to the debate prior to voting on the item.)*

**Outline Planning Application (all matters reserved) - 1no. dwelling (previous application DC/19/1273/OUT)**

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 3 November 2020.

It was presented to the Delegation Panel following a call-in from the Ward Member (Ingham) Councillor Susan Glossop and in light of the objection from Ingham Parish Council which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 55 of Report No DEV/WS/20/055.

As part of his presentation the Planning Officer outlined the planning history of the site and related appeal position and provided videos of the site by way of a virtual 'site visit'.

Speakers: Hannah Ellis (neighbouring resident objector) spoke against the application  
Councillor Adrian Dawson (Ingham Parish Council) spoke against the application (*by way of a pre-recorded audio file*)

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

Upon being put to the vote and with 8 voting for the motion and 8 against the Chair exercised his casting vote in favour and it was resolved that

### Decision

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

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:- i) The expiration of three years from the date of this permission; or ii) The expiration of two years from the final approval of the reserved matters; or, In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Prior to commencement of development details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
4. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
5. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
6. Prior to the dwelling hereby permitted being first occupied, the vehicular accesses onto the highway for the proposed dwelling and for the donor dwelling shall both 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.
7. The use shall not commence until the areas within the site shown on the Amended Block Plan for the purposes of manoeuvring and parking of vehicles have been provided and thereafter that those areas shall be retained and used for no other purposes.

8. At the time of submission of the reserve matters application details of the areas to be provided for the cycle storage for the proposed dwelling 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.
9. No construction site machinery or plant shall be operated, noise works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
10. At the time of submission of the reserve matters application details of western boundary 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.
11. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

The meeting concluded at 12.56pm

**Signed by:**

**Chair**

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# Development Control Committee



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

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

Carol Bull

John Burns

Jason Crooks

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

Andy Neal

David Smith

Peter Stevens

Don Waldron

Ann Williamson

## 82. **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.

Lastly, the Chair advised that Agenda Item 6 Applications DC/20/0506/FUL & DC/20/0507/LB Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare had been withdrawn from the agenda.

## 83. **Apologies for absence**

Apologies for absence were received from Councillors David Palmer and David Roach.

## 84. **Substitutes**

The following substitutions were declared:

Councillor Andy Neal substituting for Councillor David Palmer; and Councillor Carol Bull substituting for Councillor David Roach

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.

85. **Minutes**

The minutes of the meeting held on 4 November 2020 were confirmed as a correct record.

86. **Declarations of interest**

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

87. **Planning Application DC/20/0907/FUL - Former Hardwick Industrial Estate, Laundry Lane, Bury St Edmunds (Report No: DEV/WS/20/056)**

*(Councillor Ann Williamson addressed the meeting as Ward Member for the application and stressed that she would keep an open mind and listen to the debate prior to voting on the item.)*

**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**

This application was referred to the Development Control Committee at the request of the Ward Members (Southgate) Councillors Ann Williamson and Patrick Chung.

In addition, Officers were recommending that that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in Paragraph 92 of Report No DEV/WS/20/056, which was in conflict with the views of Bury St Edmunds Town Council who had objected to the scheme.

The Senior Planning Officer advised the Committee that 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 had been partially completed, which included 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).

Members were informed that during the course of the application amendments had been made to the layout of the scheme and additional information was submitted regarding ecology, highways and drainage.

Attention was drawn to two errors within the report:

- Condition 25 – was not required as the details had already been agreed by the Planning Authority; and
- Paragraph 93 – mistakenly made reference to Haverhill library, which should have read Bury St Edmunds library

Lastly, the Committee was informed that a further representation had been received from a neighbouring resident at 8 Lincoln Green. This was read out to the meeting and principally raised concerns with regard to overlooking.

Speaker: Laura Dudley-Smith (agent) spoke in support of the application

A number of questions were posed during the debate in relation to the flood risk of the adjacent water meadows. In response, the Senior Planning Officer drew attention to the Environment Agency conditions included in the recommendation.

Comments were also made in connection with the height of the four-storey properties; the Officer explained that the proposed buildings in question were comparable in height and massing to those previously approved and which could be implemented under the extant consent.

Lastly, a query was raised in relation to the wording of one of the conditions. The Service Manager (Planning – Development) addressed the meeting and advised of the standard wording which concerned the related Building Regulations process.

Councillor Mike Chester proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

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

### Decision

Planning permission be **GRANTED** subject to 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.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 The 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.

#### S106:

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 Bury St

- Edmunds 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.

88. **Planning Application DC/20/0506/FUL & Listed Building Application DC/20/0507/LB - Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare **\*\*WITHDRAWN FROM AGENDA 30/11/20\*\*****

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

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

This application was referred to the Development Control Committee as it did not accord with Policies CS1 of the Forest Heath Core Strategy and Policies DM5 and DM27 of the Joint Development Management Policies Document and was advertised accordingly as a Departure from the Development Plan.

Officers were recommending that the application (and related Listed Building Consent) be approved, subject to conditions as set out in Paragraph 32 of Report No DEV/WS/20/058.

The Principal Planning Officer advised of two inaccuracies within the report:

- Paragraphs 2 and 12 both incorrectly referenced the location of the Orangery, which should have read "off the lounge"; and
- The change of use of the property from its previous use as an orthodontist practice had been omitted from the planning history section.

During the debate questions were raised in relation to the application being in conflict with policy, in response to which the Service Manager (Planning – Development) drew attention to the detailed section within the report which referenced the technical departure and reasons why Officers were recommending, on balance, that the scheme be approved.

Councillor Andy Neal proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Richard Alecock.

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

Decision

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

1. 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 locations, with an electric supply to the charge point capable of providing a 7kW charge

And, Listed Building Consent be **APPROVED** subject to the following conditions:

1. 3-year permission time limit
2. In accordance with approved plans and documents
3. Schedule of works/specification for any works required in order for the proposed conversion to accord with the requirement of building regulations

The meeting concluded at 10.53am

**Signed by:**

**Chair**

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## **Development Control Committee 6 January 2021**

### **Planning Application DC/20/1445/FUL – Land adjacent to Moonstone, Chilton Street, Clare**

<b>Date registered:</b>	11 September 2020	<b>Expiry date:</b>	8 January 2021
<b>Case officer:</b>	Ed Fosker	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Clare Town Council	<b>Ward:</b>	Clare, Hundon and Kedington
<b>Proposal:</b>	Planning Application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping (resubmission of DC/19/0270/FUL)		
<b>Site:</b>	Land adjacent to Moonstone, Chilton Street, Clare		
<b>Applicant:</b>	Mr and Mrs Reynolds		

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Ed Fosker

Email: [edward.fosker@westsuffolk.gov.uk](mailto:edward.fosker@westsuffolk.gov.uk)

Telephone: 07971 534107

## **Background:**

**This planning application is a revised scheme from the previously refused application (DC/19/0270/FUL - 1no. Dwelling (ii) Garage with habitable space above and associated landscaping). The main differences are that the dwelling now has a reduced footprint of 28 metres by 8 metres (previously 34m x 8.2m), a ridge height of 10.2 metres (previously 11.2m) and will still be externally finished with a Corten steel tree canopy frame which 'envelopes' the dwelling. The reduction in footprint has allowed for the proposed dwelling to be moved slightly further away from the site boundaries and in turn the garage is set further back within the plot. The ridge height of the garage has also been reduced by 0.7 metres.**

**As with the previous application the applicants claim that the proposal should be considered as an NPPF 'Paragraph 79' proposal and as such the comments from the Suffolk Design Review Panel (SDRP) on the previous application are considered to remain relevant.**

**Having considered the range of consultee comments and advice offered by the SDRP and owing to the support offered by the Parish Council, the present application was then presented to the West Suffolk Delegation Panel on 17 November 2020 with an Officer recommendation of REFUSAL. The members of the Delegation Panel recommended that the application should be referred for consideration by the Development Control Committee.**

## **Proposal:**

1. This application seeks planning permission for a five bedroomed detached dwelling with associated garaging and & domestic landscaping.
2. The two storey dwelling has a footprint of 28 metres by 8 metres, a ridge height of 10.2 metres and will be externally finished with a Corten steel tree canopy frame which 'envelopes' the dwelling.
3. The applicant accepts that the dwelling is not proposed in a location which would otherwise justify approval. Rather, the application has been promoted by the applicant under the provisions of paragraph 79 of the NPPF. This paragraph allows the development of 'isolated' homes in the countryside where it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. It is a further requirement that any such proposal would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

## **Application supporting material:**

Planning Statement  
Structural Survey  
Landscape and Visual Appraisal  
Ecological Survey  
Design Details  
Design and Access Statement  
Location Plan

Elevations  
Block Plan  
Floors Plans  
Sections  
Context Views  
Existing Site and Contours  
Topographical Survey  
Landscape Proposals  
3D Image  
Photomontage

#### **Site details:**

4. The application site lies adjacent to an existing property known as Moonstone and is located beyond any of the Local Planning Authority's defined settlement boundaries. It is therefore in a countryside location from a land use perspective.
5. Open undeveloped fields lie to the North and West of the site whilst a modest collection of residential and agricultural buildings lie to the East. To the South there is an existing belt of trees and vegetation with Chilton Stream running parallel to the application site.
6. The application site is not located within a Conservation Area and neither is it located within the vicinity of a listed building.

#### **Planning history:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/19/0270/FUL	Planning application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping	Application Refused	19 May 2020

#### **Consultations:**

#### **Clare Town Council comment:**

7. The Council considered this application at its meeting on 17 September 2020; it was noted that the Council had considered and supported a previous application on this site; this new proposal is a refinement of the previous scheme. After consideration it was unanimously agreed to support this proposal on grounds that the design is exceptional within the meaning of para 79 in line with the reasons given for its support of the previous scheme.

#### **Public Health and Housing:**

8. No objection subject to a condition to control the hours of construction, deliveries of materials and removal of waste from site.

#### **Environment Team:**

9. Contaminated Land - Satisfied that the risk from contaminated land is low.

10. Air Quality - Recommend a condition requiring an electric vehicle charge point.

#### **Highways Authority:**

11. No objection to proposal subject to conditions to ensure a bound surface is provided for 5 metres from the edge of the metalled carriageway, that parking and manoeuvring as shown is provided, and that details of bin storage are provided.

#### **Archaeological Service:**

12. This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in close proximity to a multiperiod artefact scatter (HER ref nos. CLA MISC & CLA 019). Furthermore, the development site is situated in a topographically favourable location for buried heritage assets of all periods, overlooking Chilton Stream in a south facing position. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
13. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

#### **Urban Design Officer:**

14. Although previous design work demonstrated a good understanding of rural and agricultural buildings and vernacular, the proposal still does not reflect established scale or historic development patterns within the village, with a monolithic form which does not convey the sense of a barn set in landscape.
15. The built form of the village is linear in nature running parallel to Clare Road and the Chilton Stream. Properties range from the more intimate in scale such as Chilton Hall Cottages to larger farmhouses and remnants of the original Mott's Farm and Home Farm complexes within the historic core of the village
16. The footprint of the proposed barn and cart lodge have been reduced in height, scale and massing (with an overall reduction in mass of c.20%) with further changes to the orientation and a more organic and meandering access road. The Landscape and Visual Appraisal (August 2020) states that the layout of the buildings reflect a farm cluster or agricultural grouping as stated in the Design and Access Statement (DAS).
17. However, in terms of historical development patterns the proposed fold yard, cart lodge and barn are not considered to be reflective of a farm cluster where a loose cluster of buildings enclose a central farmyard space. The DAS also describes the development as a 'discrete residence' although

its scale is considerably larger than its nearest neighbours at Chilton Hall Cottages.

18. According to the Landscape and Visual Appraisal, the Suffolk County Landscape Character Assessment highlights that lighting and suburban features can be extremely intrusive. Although the Landscape and Visual Appraisal indicates that measures to reduce night light spill would prevent adverse effects on landscape tranquillity, the DAS states that as a modern design the ground floor will be flooded in light. This would be incongruous with the undeveloped rural setting in addition to the elevated nature and monolithic form of the main building blocking views to the wider landscape visible from Clare Road.

**Tree Officer:**

19. The application is not accompanied by a baseline tree survey. This prevents the likely impact on the existing trees from being accurately considered both during and post construction.

20. Given the visual prominence of the trees, without a tree report which conforms to the British Standard (BS 5837:2012), I cannot comment fully and until such a time as a suitably required report is available, the only conclusion that can be made is that a conflict with policy DM13 cannot be screened out.

**Ecology & Landscape Officer:**

21. The Ecology and Landscape Officer has confirmed that their previous comments remain applicable, as below.

22. The ecology report highlights the potential for impacts on bats through lighting. One of the features of the house is opacity of the panels which will give a night-time lighting effect. This does not appear to be consistent with the principles of retaining a dark site.

23. The development will clearly be located within a meadow within the river valley of the Chilton Stream, which is clearly a feature of the landscape character type. It is located on the edge of the settlement of Chilton Street, and would be set against a backdrop of mature trees which mark the river; their size and maturity will clearly provide a setting for this large building. However, the building will be clearly visible from the landscape to the north and west and the landscape proposals do little to soften or screen the effects. The building is larger than the existing residential buildings in the existing settlement. Whilst it is accepted that the building has been designed to resemble an agricultural building, it is disproportionate to the existing barn. For these reasons it is considered that it does not meet the requirements of policy DM13.

**Clare Society:**

24. Whilst we consider the building to be innovative, at least it is now in better proportion to the overall size of the site.

25. We are concerned that landscaping will be effective as many of the present trees to the road side of the site are in decline through age and disease.

26. The design of this building is, we assume, trying to be in keeping with the other buildings adjacent to the site and therefore landscaping particularly on the road side is paramount in our opinion.

27. In principle we have no objection to this development.

### **Representations:**

Comments from three neighbouring properties have been submitted. These are summarised below. Full comments can be seen on the LPA's website

28. **Ashley Cottage:** Objection on basis that proposal is too large, out of character, results in overlooking and proposes insufficient landscaping.

29. **1 Chilton Hall Cottages:** Objection on the basis that the proposal is too large and would result in unacceptable overlooking.

30. **2 Chilton Hall Cottages:** Objection on basis that it would harm residential amenity, there are insufficient boundary treatments, proposal is too large and dominates landscape, out of character and previous refusal reasons not met.

### **Policy:**

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

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

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS13 - Rural Areas

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM44 Rights of Way

Policy DM46 Parking Standards

**Other planning policy:**

33.National Planning Policy Framework (NPPF)

34.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:**

35.The material planning considerations with respect to the determination of this application are as follows:

- Policy Background and Context
- The principle of development
- Design, form, scale and impact on landscape
- Residential amenity
- Ecological implications

- Tree matters
- Highway matters

## **Policy Background and Context**

36. Before the planning merits of the application are considered in detail, it is useful to clarify the role of the National Planning Policy Framework (NPPF) in this particular decision-making process.
37. Ultimately, planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF itself reiterates the primacy of the development plan at paragraph 12.
38. 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 West Suffolk Joint Development Management Policies Document 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. Therefore the proposal will be considered against the development plan, and national policy set out in the NPPF, plus and any other material considerations.

## **The Principle of development**

39. The starting point is consideration with reference to the Development Plan.
40. 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. These are supported by Policies DM1 and RV1 which establish a presumption in favour of sustainable development. Collectively, therefore, these policies seek to resist residential development outside of settlement boundaries.
41. Furthermore, Policy DM5 (Development within the Countryside) of the Joint Development Management Policies Document 2015 (JDMPD) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of settlement boundaries. The proposal, as submitted, does not meet the provisions of DM5 or DM27 and as such, with respect to the development plan, the principle of development is not something that the Local Planning Authority can support. The proposal

therefore represents a significant and material conflict with the aforementioned planning policies and the development plan as a whole.

42. In addition, it should be noted that the Local Planning Authority are able to demonstrate a 5 year housing supply and the policies set out within the JDMP document are considered sufficiently aligned with the NPPF so as not to be considered out of date. Accordingly, the tilted balance at paragraph 11d of the NPPF is not engaged.

43. Given the nature of this application, it is for the Local Planning Authority to weigh this policy conflict against any such support as may potentially be forthcoming from the provisions set out within the National Planning Policy Framework.

44. Paragraph 79 of the NPPF advises Local Planning Authorities to avoid the development of 'isolated' homes in the countryside unless special circumstances apply. One such special circumstance is if the proposal:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; **and**
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

45. 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 definition of isolated and nor does any other published guidance by the Government or the Department for Communities and Local Government.

46. The degree or 'isolation' is an issue which has attracted attention in the court of appeal as a direct result of the 'Braintree' case. Here, Braintree District Council (Essex) claimed that an Inspector had misinterpreted the meaning of isolated as written in the then paragraph 55 of the NPPF. The case hinged on the meaning and definition of isolated within the context of the planning system.

47. Paragraph 31 of the judgment handed down by the High Court states;

- *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.*

48. The judgment went on to note that Braintree DC's suggestion that isolation should be considered in physical and functional terms was an overly onerous and "strained and unnatural" (para 39) interpretation of the policy. As a result there remains no statutory definition of an isolated home, and therefore, each case must be considered individually and will be a matter of planning judgement for decision-maker to decide whether or not a dwelling is 'isolated'.

49. In the view of the Local Planning Authority, certain principles, as a matter of fact and planning judgment, may be considered 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:
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.
50. In this regard, the proposed dwelling is located approximately 1.2 km's outside of the settlement boundary for Clare with no access to public transport and remote otherwise therefore from any local services / facilities. The site is physically distant from areas which are designated and allocated for development due to the unsustainable location and the roads which do exist are poorly lit and often narrow with limited walking and cycling options. The dwelling is also visually separate from the locality's existing development by reason of its positioning and the screening offered by the mature tree belt to the South. It is noted that the dwelling would be to the west of Moonstone and to the North of a collection of cottages but the countryside location, distance from services, degree of separation from existing built form and the singular 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.
51. 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 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 which are in accordance with paragraph 78 of the NPPF will enhance or maintain the vitality of rural communities. Furthermore, paragraph 170 of the NPPF seeks to protect and enhance valued landscapes. The list lies within the Stour Valley Project Area, which is considered to be a valued landscape.
52. Accordingly, it can be concluded that the principle of the development cannot draw support from either local or national policies, albeit such an analysis is subject to the further analysis required in relation to the design quality, as set out in paragraph 79 of the NPPF, as being a material consideration that might allow support to be given notwithstanding this conflict with the development plan.

### **Design, form, scale and impact on landscape**

53. As clarified above, given the provisions of the development plan, the principle of development is not something that the Local Planning Authority are able to support. However, this does not negate the need to consider other aspects of the proposal and consider their performance against the development plan and the NPPF.
54. The proposed development is a large building with a Corten steel skin 'tree canopy' installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m. This represents a reduction in footprint by 6m in length and 0.2m in width, and reduction in height of 1m from the previously refused scheme.
55. Policy DM2 provides that proposals for development should recognise and address the key features and characteristics of the locality within which they are proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. These considerations are particularly relevant to the current application as the site lies beyond the settlement boundary and benefits from a distinctly rural, loosely knit generally undeveloped character; particularly the immediate context of the application site.
56. During both sessions at the Suffolk Design Review Panel (SDRP), although the degree of innovation was generally accepted, the size and scale of the building was discussed at length and these are directly relevant to policy DM2/DM22. At the end of the first review panel, the panel members asked:
- *Does the building itself provide a significant enhancement of its immediate setting?*
  - *And is it 'sensitive to the defining characteristics' of this local area?*
57. These questions mirror the requirements of the second limb of paragraph 79e of the NPPF. With respect to the development plan and the relevant policies within it, it would be the Planning Authority's assertion – putting aside the SDRP's comments with respect to innovation – that due to the proposal's scale, massing, bulking and external appearance that it does not respect the character, scale and prevailing form of the locality as required by policies CS3, DM2 and DM22.
58. In light of the comments of the SDRP, and noting that the concept of the proposal, and its general appearance, remains consistent with that considered by the SDRP, other than in relation to modifications to the physical parameters of the proposal, Officers are satisfied that the conclusions remain robust when applied to the present scheme.
59. The submitted site sections illustrate that the dwelling, as proposed, would still be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's still substantial footprint and generous ridge height give rise to a proposal which is incongruent with the prevailing rural character of the application

site and wider context. Accordingly, and notwithstanding the changes made since the previous refusal, the dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, open and verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site. It should also be noted that the large bulk and mass are issues which the Local Planning Authority's Urban Design Officer raised in his comments.

60. With respect to the wider impact on the landscape, this was a key issue raised by the SDRP in their first meeting as they concluded in their formal report:

- Does the building itself provide a significant enhancement of its immediate setting?
- And is it 'sensitive to the defining characteristics' of this local area?

61. In an attempt to address these questions to the satisfaction of the panel - noting that the Local Planning Authority were still entitled to draw their own conclusions in any event - the initial proposal was considered by the panel for a second time on 9 January 2020. Some additional visuals were presented to the panel but the panel commented in their second report:

*"The panel felt it was disappointing not to have an illustration showing the screening of the proposed building from the north side, seen in context. A Landscape Visual Appraisal would identify the extent of tree planting to the northern boundary, and the levels and nature of visibility of the building could be clarified."*

62. In addition, in considering the visual impact of the scheme, towards the conclusion of their report, the panel commented that two issues remain to be satisfactorily clarified:

1. The proposal should be shown with reference to its context and local characteristics
2. The visibility of the scheme and how it will be viewed in the landscape from the north, driving down the road and from the public footpath along the west boundary should be shown clearly

63. In offering this advice, and with respect to the wider commentary offered by the panel, it would appear that they were satisfied the scheme is able to meet the requirements of the first limb of paragraph 79e with respect to innovation. However, the second limb which relates to the proposal's impact on setting and landscape, was not demonstrated to a level whereby the panel are able to confirm that in their view, it meets the requirements of the NPPF's paragraph 79e.

64. Accordingly, given the scale and potential visual impact arising, formal comments from the Local Planning Authority's Ecology and Landscape Officer were sought, after the second panel hearing. The comments

offered by the Ecology & Landscape Officer are still considered relevant in relation to this proposal, and they set out the context and potential impact of the development on the landscape as discussed below.

65. Policy DM13 states that areas of particular landscape sensitivity, including Special Landscape Areas (as defined on the Policies maps) have been identified. These areas, and other valued landscapes such as The Brecks and the Stour Valley (subject of a management and delivery plan through the Dedham Vale AONB and Stour Valley Project) have, by reason of their landform, historic landscape importance and/or condition, a very limited capacity to absorb change without a significant material effect on their character and/or condition. However, individual proposals within or adjacent to these areas will be assessed based on their specific landscape and visual impact. In this instance, the Stour Valley Project Area is considered to be a Valued landscape. Chilton Street is included in the project area; the Chilton is a tributary to the River Stour.
66. Having confirmed the value of the prevailing landscape, it is clear from the Landscape Officer's comments that she had not concluded that the scheme, either as originally submitted, nor as presently before us, "*significantly enhances its immediate setting*" as required by paragraph 79e of the NPPF.
67. As clarified in the Landscape Officer's formal comments, she concluded that the proposed new dwelling was higher than the next largest building, the barn, on the site and this remains the case notwithstanding the changes made since the previous scheme. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size.
68. In addition, the landscape Officer further outlined that the photomontage view of the building from the footpath to the north west of the site shows that the building would be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The photomontage showed proposed tree planting in front of the building to soften the building lines, however the level of planting shown does not reflect that shown in the landscape drawing.
69. With this in mind, the development will be located within a meadow within the river valley of the Chilton Stream, which is a feature of the landscape character type. It is located on the edge of the settlement of Chilton Street, and would be set against a backdrop of mature trees which mark the river; their size and maturity will clearly provide a setting for this large building. However, the building will be readily visible from the landscape to the north and west and the landscape proposals do little to soften or screen the effects. The building proposed remains larger than the existing residential buildings in the existing settlement and whilst it is accepted that the building has been designed to resemble, within reason, an agricultural building, it is disproportionate to the existing barns in situ. For these reasons the proposal is judged to conflict with policy DM13 due to its harmful visual impact on the surrounding locality.
70. The visual impact that the development will have upon the landscape during hours of darkness must also be considered because in this instance, one of the features of the house is opacity of the panels which will give a

night-time lighting effect. The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels – which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building. It is noted windows are a common feature of residential dwellings but due to the size and scale of the proposed dwelling, in this instance they are significantly more noticeable and they detract from the visual amenity on the unspoiled landscape in a way that a more modestly scaled proposal would not.

71. Accordingly, based on the above analysis, and given that the principle of development is not accepted in this location, the proposal is not judged to be able to meet the requirements of the development plan and it also conflicts with the advice contained with the NPPF at paragraph 79e.

72. In this regard, and with respect to the NPPF, paragraph 79 of the NPPF states that isolated dwellings should be refused unless the design is of exceptional quality, in that it:

1. is truly outstanding or innovative, reflecting the highest standards in architecture and would help to raise standards of design more generally in rural areas **and**;
2. would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

73. It is of course noted that the SDRP have offered their support with respect to point 1 as above, insofar as it relates to innovation. However, it is clear from both of their reports that the second element which relates to setting and characteristics remains to be demonstrated, and it is also clear, based on the considerations discussed above, that the further changes to this scheme since the previous proposal do not overcome these concerns. And, in any event, it should be noted that support from the panel does not mean that the Local Planning Authority will simply grant planning permission; the development plan remains relevant at all times with the advice from the SDRP a material consideration. Nonetheless, and in this regard, the view of the SDRP is noted, and officers are content to conclude that the design of the proposal per se offers a sufficient degree of innovation to meet the first test of paragraph 79 of the NPPF. This is therefore a factor which weighs in favour of the proposal.

74. However, in this instance, it is an accepted fact that the bar set by paragraph 79 is intentionally high; and for good reason. Proposals which secure support from it must be truly innovative **and**, at the same time, significantly enhance their setting. The proposal as submitted, whilst able to showcase an innovative construction method, does not, by reason of the very conflict with CS3, DM2, DM13 and DM22 "significantly enhance" its setting. This was confirmed through the comments made by the Local Planning Authority's landscape Officer and when the proposal is considered visually within its rural, generally undeveloped and open context.

75. This is exacerbated further by the proximity of the public footpath to the west of the application site. Views of the site, from the public footpath will be readily visible and as a result, the setting and rural nature – as experienced from the public footpath – would be severely undermined by the large, looming structure which will appear visually oppressive and dominant. The introduction of associated residential paraphernalia would further erode the rural character and sense of place which presently prevails.

76. As such, the proposal is not judged by the Local Planning Authority to be able to showcase adequate compliance with paragraph 79's requirements so that it outweighs the conflict with the relevant development plan policies.

### **Residential amenity**

77. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity. The NPPF also sets out that proposals should not harm existing levels of amenity.

78. The potential impact on adjacent properties has not necessarily been fully explored by the applicant because much of the focus has been on the requirements of paragraph 79 of the NPPF and the design credentials of the scheme.

79. Overall, however, based on the plans available to Officers, a significant or adverse impact on residential amenity is not judged to arise. Although comments from off site adjacent properties have referred to the potential negative, looming effect of the development, it must be noted that the proposed development is located some 60m north of the properties which have raised concerns. Whilst, the proposed dwelling is on ground which is at a higher elevation than the properties to the south, the large separation distance and existing tree belt prevent an undue harmful relationship from arising. This is not to say that glimpsed views will not be possible, but a substantial, irrevocable negative impact is not considered to arise with respect to policy DM2 or paragraph 127 of the NPPF.

80. A similar position arises with respect to the impact upon the Old Cart Lodge which is located to the East of the application site. Whilst comments from the Old Cart Lodge refer to a perceived adverse impact on amenity, a material conflict with DM2 has not been identified by the Local Planning Authority. The proposed dwelling is not located immediately adjacent to the Old Cart Lodge and due to the staggered, offset physical relationship, unrestricted and direct overlooking is not judged to arise. As with the above, this is not to say that the proposal will not be noticeable but unacceptable overlooking which would unduly compromise the existing dwelling's amenity is not deemed to arise.

### **Ecological implications**

81. 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 policies CS2, DM10, DM11 and DM12.
82. Given the same Ecological Survey Report from the previous application has been submitted with this current application and the proposal remains broadly similar albeit with a minor reduction in size the previous comments of the Landscape and Ecology Officer remain relevant.
83. In considering the previous application the Landscape and Ecology Officer noted that the application was supported by an Ecological Survey Report (September 2018 MHE Consulting Ltd) and she had raised no objection with respect to the report or its methodologies. However, the ecology report highlights the potential for impacts on bats through light pollution yet one of the features of the house is opacity of the panels which will give a night-time lighting effect. This did not appear to be consistent with the principles of retaining a dark site or the mitigation measures set out within the ecology survey and this is therefore something which would potentially conflict with the NPPF's advice and the Local Planning Authority's quoted biodiversity policies as referred to above. The submitted ecology survey suggested that this is a "*minor negative*" effect and whilst the impact must be considered appropriately without undue weight being added, it remains as something which weighs against the scheme in the overall balance.
84. Therefore, whilst the Landscape & Ecology Officer did not object to this element, as a matter of planning judgement, given the ease with which such harmful effects could be designed out, this is deemed to represent a conflict with policy DM11 and DM12 and the advice contained within the NPPF at paragraphs 8c, 170 and 175.

### **Tree matters**

85. As confirmed earlier in this report, a belt of mature trees lies to the South and East of the proposed dwelling. However, the application is not accompanied by a baseline tree survey. This prevents the likely impact on the existing trees from being accurately considered both during and post construction.
86. With respect to policy DM13, given the visual prominence of the trees, the Tree Officer has confirmed that without a tree report which conforms to the British Standard (BS 5837:2012), he cannot comment fully and until such a time as a suitably required report is available, the only conclusion that can be made is that a conflict with policy DM13 cannot be screened out. This, it should be noted, is entirely commensurate with the comments made by the Landscape Officer.

### **Highway matters**

87. At paragraph 109, the 2019 NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The extent to which this is

relevant in each case will of course be dependent upon and commensurate to the scale of development proposed.

88. The site is clearly large enough to provide the level of off street parking required for a dwelling of this size. The access eventually joins the highway onto the B1063, Folly Road, at a point where the speed limit is 30mph to the right of the access, toward Clare, and derestricted to the left of the access, away from Clare.

89. The Highways Authority have raised no objection to the intensification of use of the access subject to conditions to the imposition of conditions which seek to control bin/refuse collection points, visibility splays, retention of parking areas and to ensure a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway.

### **Conclusion:**

90. Overall, this is an application which must be considered against the development plan and national policy set out within the NPPF. On one side of the equation lies the development plan and the extent to which the proposal complies with it whilst on the other side lie all of the other relevant material planning considerations.

91. Essentially, where there is conflict with the development plan, this weighs against the scheme. If the material considerations cannot outweigh this conflict, the Local Planning Authority are required to refuse the application unless exceptional circumstances apply – which in this case, they simply do not. Equally, the converse is true; where the material considerations outweigh the conflict with the development plan, the Local Planning Authority may then be in a position to consider approving the application.

92. In this instance, the proposal as submitted conflicts with a range of policies within the development plan. Namely, the proposal fails to satisfy policies RV1 and RV3 of the Rural Vision, CS1, CS2, CS3, CS4 and CS13 of the Core Strategy and policies DM1, DM2, DM5, DM11, DM12, DM13, DM22 & DM27. It also, in the Local Planning Authority's view, conflicts with the second limb of paragraph 79 of the NPPF. This represents a significant degree of policy conflict and whilst the SDRP have offered their support with respect to the innovative status of the dwelling, this does not outweigh the conflict that is set out within this report.

93. In conclusion, therefore, the principle and detail of the development is not considered to be acceptable and conflicts with relevant development plan policies and the National Planning Policy Framework. The impacts arising cannot be satisfactorily mitigated through the imposition of suitably worded conditions and the application is not therefore supported.

### **Recommendation:**

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

- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of

public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS4 establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area. Policy DM13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as identified through CS4 and as is the case in this instance, will be strictly controlled. Policy RV3 of the Rural Vision Document further clarifies that the proposals for residential development will be favoured within the defined settlement boundaries. Collectively, these policies seek to resist residential development outside of settlement boundaries and instead direct it towards localities and settlements which are able to accommodate further growth in a sustainable way. Furthermore, Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The proposal does not meet the provisions of policies DM5 or DM27 or paragraph 79 of the NPPF, which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5 year housing supply and the most determinative policies for decision making are considered up to date, as such the principle of development in this location is not supported,

- 2 In conjunction with policy CS3 of the Core Strategy, policy DM2 of the Joint Development Management Policies Document provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. The proposed development is a large building with a Corten steel skin installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m.

The submitted site sections illustrate that the dwelling, as proposed, would be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's substantial footprint and generous ridge height give rise a proposal which is incongruent with the prevailing rural character of the application site and wider context. The dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site.

As a direct result of the inappropriate scale and massing of the proposed

dwelling, the development is deemed to have an adverse impact upon the prevailing landscape and thus conflicts with policy DM13 of the joint Development Management Policies Document. The proposed new dwelling is higher than the next largest building, the existing agricultural barn on the site. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size. The submitted photomontage view of the building from the footpath to the north west of the site shows that the building will be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The introduction of a hard edged, visually discordant addition to the landscape is visually intrusive and represents a visually jarring feature within an otherwise undeveloped rural setting.

The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels - which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building.

Therefore, as a result of the material conflict with development plan policies CS3, DM2, DM13 and DM22, the scheme is not considered by the Local Planning Authority to represent development which satisfactorily complies with paragraph 79 of the National Planning Policy Framework. Due to the introduction of a large, inappropriately scaled building, the scheme as proposed does not significantly enhance the immediate setting within which it is proposed and nor is it sensitive to the prevailing defining characteristics of the area.

- 3 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 policies CS2, DM10, DM11 and DM12.

The proposed dwelling will be located adjacent to an existing belt of mature trees and the submitted ecology survey confirms that these trees to the south of the site represent a moderate value to foraging bats due to the connectivity with the Chilton Stream. However, although the submitted ecology report acknowledges that additional lighting has the potential to have an adverse impact upon foraging bats, the scheme includes opaque roof and wall panels to give a night time lighting effect.

The introduction of additional light sources in close proximity to an area likely to be used by foraging bats is not consistent with the principles of retaining a dark site as alleged within the submitted ecology survey. Accordingly, due to the potential adverse impacts upon the local bat population, the scheme represents a conflict the advice contained within the NPPF at paragraphs 8c, 170 and 175 and policies DM11 and DM12 of the Joint Development Management Policies Document and policy CS2 of the Core Strategy.

- 4 Whilst the submitted landscaping proposals plan provides some detail as to the position of the boundary trees, the application is not supported by a BS5837 compliant arboricultural report. In this instance, the Local Planning Authority would maintain that such detail is required given the proximity of the development to the off-site, visually prominent tree specimens. It is accepted that the proposed development may be able to co-exist with the trees which are already in situ but the Local Planning Authority are unable to reach such a conclusion without the necessary arboricultural report being submitted. It must therefore be concluded that in the absence of information which indicates otherwise, the proposal is unable to demonstrate that it sufficiently satisfies policy DM13 which specifically aims to ensure landscape features (trees in this instance) are not unduly sacrificed or threatened.

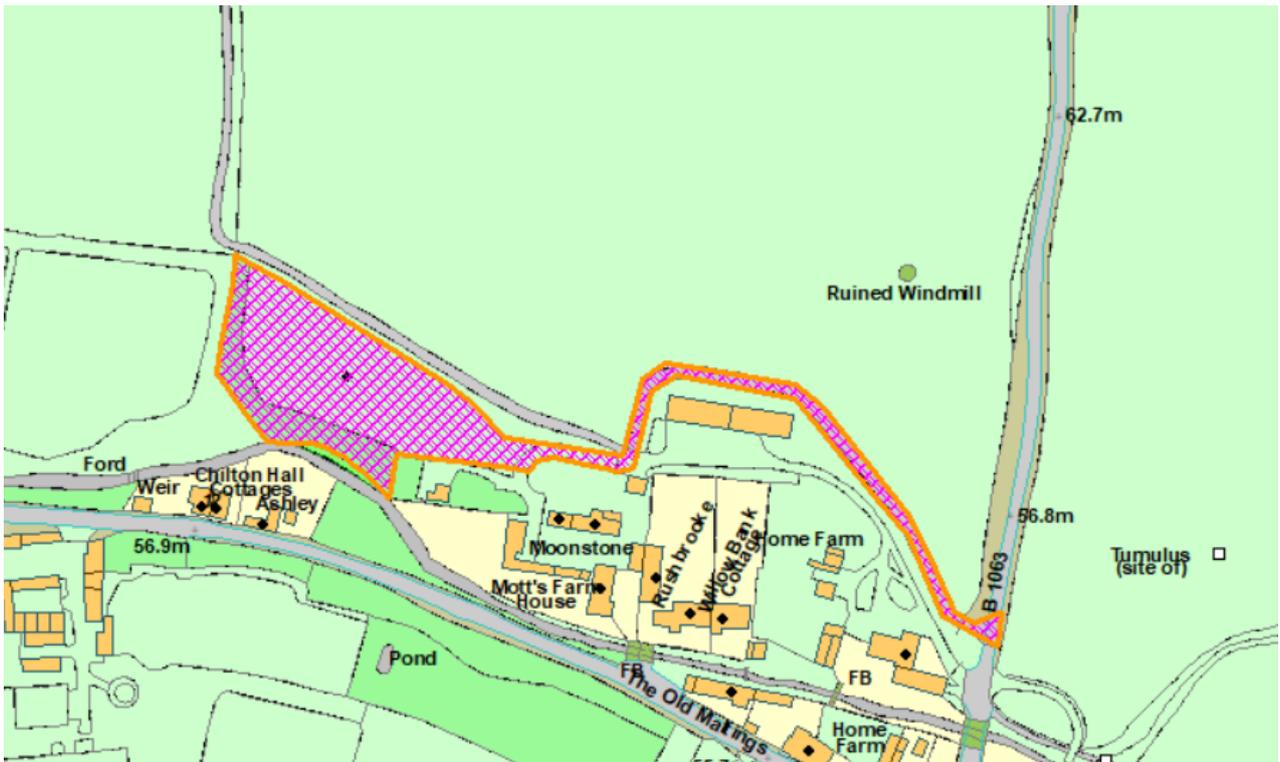
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1445/FUL](https://www.dorsetcouncil.gov.uk/Document/DC/20/1445/FUL)



DC/20/1445/FUL

Land Adjacent To Moonstone, Chilton Street, Clare, CO10 8QS



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Page 43

**Chilton Hall Cottages**  
 Chilton Hall Cottages

**Ashley**  
 Ashley

- N - 24/8/20 - Updated landscaping
- M - 26/7/20 - Walled garden reduced . Cart lodge moved North West
- L - 28/6/20 - House repositioned with cart lodge
- K - 19/6/20 - Size reduced
- J - 27/8/19 - Plans updated
- i - 7/8/19 - Plans updated
- H - 12/02/19 - Plans updated
- G - 10/11/18 - Plans updated
- F - 9/6/18 - Plans updated following pre application feedback
- E - 22/12/17 - Plans updated following client feedback
- D - 4/12/17 - Plans updated following client meeting and feedback
- C - 12/10/17 - Plans updated following client meeting and feedback
- B - 18/7/17 - Plans updated following client meeting and feedback
- Rev A - 25/6/17 - Plans updated following client feedback

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<b>PROJECT</b> Silhouette Barn - Land adjacent Moonstone Chilton Street Clare Sudbury CO10 8QS	
<b>DRAWING</b> Proposed Site	
<b>SCALE</b> 1:200	<b>DATE</b> Apr 2017
<b>DRAWING NUMBER</b> 17	<b>JOB NUMBER</b> 247
<b>STATUS</b> Preliminary	<b>REV</b> N

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## **Development Control Committee 6 January 2021**

### **Planning Application DC/20/1497/FUL – Land East of Redcastle Farm Cottage, Brand Road, Great Barton**

<b>Date registered:</b>	1 October 2020	<b>Expiry date:</b>	26 November 2020 EOT 15.01.2021
<b>Case officer:</b>	Connor Vince	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Pakenham	<b>Ward:</b>	Pakenham & Troston
<b>Proposal:</b>	Planning application - 1no. Holiday cottage		
<b>Site:</b>	Land East of Redcastle Farm Cottage, Brand Road, Great Barton		
<b>Applicant:</b>	P W Cook & Son		

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Connor Vince

Email: [connor.vince@westsuffolk.gov.uk](mailto:connor.vince@westsuffolk.gov.uk)

Telephone: 07866 913717

## **Background:**

**This application is presented to Development Control Committee following consideration at Delegation Panel on 1 December 2020. It was presented to the Delegation Panel due to the support from Great Barton Parish Council. The application is recommended for REFUSAL.**

## **Proposal:**

1. Planning permission is sought for one new build holiday cottage on land east of Redcastle Farm Cottage. The proposed holiday cottage measures 18.2m in length, 8m in width and 5.2m in height. The holiday cottage will accommodate two bedrooms and en-suites, with an open-plan kitchen/lounge and lobby. The proposal includes two car parking spaces with wheelchair access

## **Application supporting material:**

In support of this planning application, the following has been provided:

- Location plan
- Existing & proposed block plans
- Proposed elevations
- Proposed floor plans
- Land contamination report
- Design & access statement

## **Site details:**

2. The holiday cottage is proposed to be situated on land east of Redcastle Farm Cottage, Brand Road, Great Barton. The site is situated within designated countryside, approximately 3.2 KM to the west of Ixworth and approximately 1.9km north east of the Great Barton settlement boundary (both distances are 'straight line' distances, the journey on the ground is further). The site is characterised by open views allowing visibility of the site from Brand Road to the west.
3. The applicant advises that the proposed siting of the holiday cottage will be similar to a cart lodge that burned down in May 2019. Redcastle Farmhouse, a grade II listed building, is approximately 70 metres east of the proposed holiday cottage.

## **Planning history:**

4. None relevant.

## **Consultations:**

5. **Pakenham Parish Council** - Stated no objection to the application
6. **Great Barton Parish Council** - made comments in support of the application - the holiday cottage needs to be built as far away as possible from the existing 3 phase transformer. The cottage should be totally separate and secure from the working farm with hedgerow screening.

Brand Road forms the buffer between Pakenham Parish to the east, in which the site lies, and Great Barton Parish to the west.

7. **Public Health & Housing** – No objections subject to the inclusion of a condition restricting hours of site clearance, preparation and construction operations including deliveries to the site and the removal of excavated materials and waste from the site
8. **Environment Team** – No objections subject to the inclusion of a condition Requiring the provision of electric vehicle charging points at the site prior to first occupation of the holiday cottage.
9. **Conservation Officer** – No objections.
10. **Highway Authority** – No objections subject to the inclusion of two conditions requiring the submission of cycle storage details before the development is commenced and the retention of parking and manoeuvring areas as shown on the block plan
11. **Suffolk Archaeology** – No objections subject to the inclusion of two conditions requiring archaeological investigation and recording.
12. **Ward Members** – No formal comments received.
13. **Representations:** No representations received.
14. **Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
15. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:
  - Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
  - Core Strategy Policy CS2 - Sustainable Development
  - Core Strategy Policy CS3 - Design and Local Distinctiveness
  - Core Strategy Policy CS7 – Sustainable Transport
  - Core Strategy Policy CS13 Rural Areas
  - Rural Vision Policy RV1 Presumption in Favour of Sustainable Development
  - Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM15 Listed Buildings

Policy DM31 Farm Diversification

Policy DM34 Tourism Development

**Other planning policy:**

16. National Planning Policy Framework (NPPF)

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

**Officer comment:**

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

- Principle of Development
- Scale, Layout & Design
- Heritage Impacts
- Economic Impacts
- Highway Impacts & Accessibility
- Other matters
- Planning Balance
- Conclusion

19. Planning permission is sought for holiday cottage situated on land east of Redcastle Farm Cottage, Brand Road, Great Barton. The site is situated within designated countryside, approximately 3.2 KM to the west of Ixworth and approximately 1.9km north east of the Great Barton settlement boundary (both distances are 'straight line' distances, the journey on the ground is further). Firstly, the principle of development given the local context will be discussed.

**Principle of Development**

20. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. A new or extended building will be permitted, in accordance with other policies where it is for purposes directly related to agriculture or forestry. The policy also requires that all

proposed developments have no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests and seeks to ensure that there will be no significant adverse impact on the local highway network. In this regard, the building proposed is not for any of the uses specifically permitted in DM5. DM5 however does further allow proposals for economic growth, respecting also that DM5 seeks to prevent unsustainable development in the countryside. The proposal, for the provision of a dwelling, albeit one to be restricted by condition to ensure it can only be occupied as a holiday let, will generate some modest economic benefit and some support in favour of the proposal can therefore be offered in principle by DM5. Furthermore, this of course is subject to further considerations and is also dependent upon any proposal also meeting any other relevant policies, for example DM31 and DM34, as well as Core Strategy Policy CS7, which requires all development proposals to provide for travel by a range of means of transport other than the private car.

21. Policy DM31 states that proposals for farm diversification will be permitted providing they comply with a set of criteria, including that the proposal forms an integral part of the existing farming unit, that the proposal is compatible and respects the scale and context of the locality, and providing that it does not have an adverse impact on the surrounding highway network. It is also a significant requirement of Policy DM31 that where any use is likely to create significant vehicle movements to and from the site that it should be well located in relation to sustainable settlements. So, some support can be offered in principle arising from DM31, noting the proposal does seek some diversification of the farm business, subject, of course, to an assessment against, in particular, the policy test requiring proposals to be well related to sustainable settlements. Such a test only applies in relation to proposals which generate 'significant' vehicle movements. There is no further indication in the policy of what constitutes 'significant' in this regard. However, Officers are satisfied in this case that the test applies. For the reasons discussed below, Officers are satisfied that all or almost all movements to and from this site will be by vehicle. So, whilst they might not be 'significant' in number necessarily, they will certainly be 'significant' in terms of their proportion of overall movements to and from the site.
22. Policy DM34 clearly provides that planning applications for new tourism facilities, including overnight visitor accommodation (which, it is considered, includes proposals for dwellings such as this that are intended to be limited by condition so that they can only be used for holiday letting purposes), will only be permitted provided that: 'the proposals are connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users'. Furthermore, Chapter 9 of the 2019 NPPF seeks to promote the use of sustainable transport. The extent to which this is required and the significance of such will of course be dependent upon and commensurate to the nature and scale of development proposed and the context of its location.
23. Officers consider however that this test in DM34 is the crux of whether or not proposals such as this should be permitted, supported by the very clear requirements of Policy CS7 and Chapter 9 of the NPPF. This is a new

build proposal, so is not reliant on an existing building being converted, and this is material to the assessment being made. The provision of new build proposals such as this in the countryside is not necessarily precluded by Policy. As discussed, support can be offered by DM5, and also by DM31, subject to a test within DM31 that the site is 'well related' to sustainable settlements. Officers are satisfied that this test is similar to that within DM34 that requires proposals be 'located at a site that relates well to the main urban areas and defined settlements'.

24. In this respect, the proposed siting of the holiday cottage is considered to be remote in terms of its proximity to existing facilities and settlement boundaries and which therefore conflicts significantly with the requirements of policies DM31 and DM34, and by consequence also with Policy DM5 and CS7. Ixworth by road is approximately 5.5 km to the east whilst Great Barton is approximately 2.85 km (to the petrol station and shop) to the south west. Ixworth contains a reasonable range of local services, Great Barton fewer. The distance itself to Ixworth is a very clear barrier to sustainable travel. Furthermore there is no obvious cross country footpath link and walkers and cyclist would first need to use Brand Road, before travelling along the A143. Likewise, to access the nearest services in Great Barton the journey is approximately 2.85 km, and again would require pedestrian or cycle use of Brand Road. The Bunbury Arms is approximately 1.9 km from the site, again needing to travel along Brand Road in order to gain access.
25. Brand Road, which runs North/South, is a narrow country lane with no footpath, no cycle path and no lighting, and is subject to the national speed limit. Pedestrians using this road would be forced to step off the carriageway in order to allow vehicles to pass and this would act as a significant deterrent to means of travel other than by the private car. Furthermore, cycle use would also be significantly discouraged by the likely need to cross and / or use the A143. Taken together, these factors, plus the location, serve to support a conclusion that the policy tests in D5, DM31, and DM34 have very clearly not been met. There is a public footpath to the north towards Livermere but in order to get there, users would still have to walk along the aforementioned unlit B-road for approximately 1km with no available path. In any event, there are no day to day public transport services in Livermere.
26. The proposal is, to all intents and purposes, a dwelling. Albeit one which is proposed as a 'holiday let'. In order to control such occupation a condition would be necessary, and which would be reasonable in order to prevent the creation of a new dwelling in an area where planning policy would not otherwise allow such .
27. Taking all these factors into account therefore, Officers are of the opinion, that this proposal does not meet the tests set out in Policies CS7, CS13 or DM5. The location of this proposal is not considered to be a well-connected site for the purposes of walking and cycling as required by these policies and it is inevitable, in the opinion of officers, that the vast majority of journeys to and from the site would be made via the private car. Whilst it is noted that some support must be drawn from the economic benefits arising from the proposal, and from the diversification of the farm enterprise, these benefits are modest and are not considered sufficient to outweigh the considerable harm otherwise identified.

## **Scale, Layout & Design**

28. Policy DM2 states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality. Policy DM5 requires development in the countryside to have no significant detrimental impact on the historic environment, character and visual amenity of the landscape. Policy CS2 seeks to conserve the character of local landscapes, and Policy CS3 of the St. Edmundsbury Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment.
29. The proposed holiday cottage measures 18.2m in length, 8m in width and 5.2m in height. The design and detail of the proposed development to include sympathetic materials respects the adjacent buildings existing on the farming unit and are characteristic of an ancillary building, with the exception of the provision of the porch which would appear a domestic. Given the sympathetic design, scale and location of the proposed holiday cottage in relation to the existing farming unit, there will be no adverse impacts associated with residential or visual amenity attributed to the surrounding area. There is significant distance from the adjacent buildings to the holiday let for it to be considered there will no adverse effects from the development to neighbouring amenity by virtue of noise, loss of light, overlooking or overbearing effects. Further, no third-party comments have been received and Public Health and Housing have responded with 'no objections' to the proposed development.
30. Given the location of the holiday cottage, there will be limited views of the holiday cottage from the public realm. Officers are therefore content that there will be no adverse impacts associated with the cottage's construction in relation to visual amenity or the character of the immediate and wider area and the proposal is considered in accord with Policies DM2 and DM5, Core Strategy Policy CS3, and the provisions of the NPPF in relation to good design.

## **Heritage Impacts**

31. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective in this (paragraphs 7 and 8). The NPPF states that 'great weight' should be given to the conservation of listed buildings and their settings irrespective of the level of harm caused (paragraphs 193 and 194).
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. This requirement for the safeguarding of heritage assets and their settings is echoed in local policy DM15. Policy DM15 states that proposals to alter,

extend or change the use of a listed building, or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting.

33. The proposed development is located east of Redcastle Farm Cottage and replaces the remnants of a former outbuilding on a similar but slightly amended footprint. To the north east of the site sits Red Castle Farm which is grade II listed. Redcastle Farm Cottage is described as a traditional Suffolk Farmhouse of flint and render with a red Suffolk pantile roof. It is described as remaining part of Redcastle Farm.
34. If Redcastle Farm Cottage pre dates 1 July 1948, and at the time of listing (14.07.1955) sat within the curtilage of Redcastle Farmhouse and provided an ancillary function to Redcastle Farmhouse, then Redcastle Farm Cottage will be curtilage listed to Redcastle Farmhouse and the proposed development will result in development within the curtilage of a listed building.
35. Based on the information provided it has not been possible to determine the status of the building at the time of listing. In the absence of evidence to determine the status of Redcastle Farm Cottage the Conservation Officer has adopted a precautionary approach and assessed the proposal on the basis that the proposed development will sit within the curtilage of a listed building.
36. Currently, Redcastle Farm Cottage is separated from Redcastle Farmhouse by both a large modern agricultural building and a more historic barn (according to aerial photos) to the north east. Historic Maps indicate the presence of a number of additional historic barns. previously existed in the approximate location of the proposed development and the existing modern agricultural building which exists today.
37. The location of the proposed development would appear to reflect historic arrangement of buildings formerly serving Redcastle Farm. Therefore, the Conservation Officer has no objections to the principle of a replacement building in this location as it is considered that the proposed development will not adversely affect the setting of Redcastle Farmhouse.

### **Economic Impacts**

38. In addition to the previously identified criteria of Policy DM5, and notwithstanding the above, DM5 further provides that proposals for economic growth and expansion of all types of business (such as this holiday let) which recognise the intrinsic character and beauty of the countryside will be permitted if the proposal:
  - Does not result in a loss of best and most versatile agricultural land.
  - There will be no significant detrimental impact on the historic environment, landscape, ecology or highway network.
39. The proposal can demonstrate that it complies with the above points owing to the lack of excessive built development arising and the lack of identified adverse impacts on the local landscape, ecology, versatile agricultural land or the highway network via the intensification of the use

associated with the proposed holiday cottage. The site will lead to some additional economic benefit, arising from local spend by visitors, and this is a factor which, in accordance with Policies DM5, DM31 and DM34, weighs in favour of the proposal.

40. Overall, given the national and local policy position, there is a general degree of support for rural enterprises which deliver sustainable tourist-based development and do not unjustifiably or irrevocably erode existing amenity or character.

### **Other Matters**

41. The proposals utilise the existing access to the site and will result in a limited increase in traffic movements to and from the holiday cottage. 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.
42. Given the modest scale of the development, there are considered to be no adverse impacts associated with the development in relation to Ecology and Biodiversity. The holiday cottage will be situated in a similar position to the cart lodge which previously existed at the site.

### **Planning Balance**

43. It is important to note all factors in consideration for the proposal. The proposal may provide clear economic benefits via the provision of tourism accommodation in the location. No objections to the proposal have been received from consultees regarding the design and adverse impacts of the proposed holiday cottage in relation to local heritage assets and residential amenity. However, the locational unsustainability of the proposal results in a conflict with the provisions of Policies DM5, DM31 and DM34, plus CS7 and Chapter 9 of the NPPF, as previously highlighted. Therefore, notwithstanding the modest support that can be offered in principle to the provision of tourist accommodation such as this, and to the economic benefits arising, the very clear planning balance falls in favour of refusal.

### **Conclusion:**

44. In conclusion, whilst the economic benefits of the proposal are noted, and weigh in its favour, this is not a proposal to convert an existing building, which might be looked upon more favourably, noting present policy. Accordingly, , due to the relative inaccessibility of the proposed development and conflict with the provisions of Policy DM34, the proposal is recommended for refusal.

### **Recommendation:**

45. It is recommended that planning permission be **REFUSED** for the following reason:
1. Policy DM5 seeks to protect the countryside from unsustainable development. This is supported by Policy DM31, which enables the diversification of farms providing the site is 'well related' to sustainable

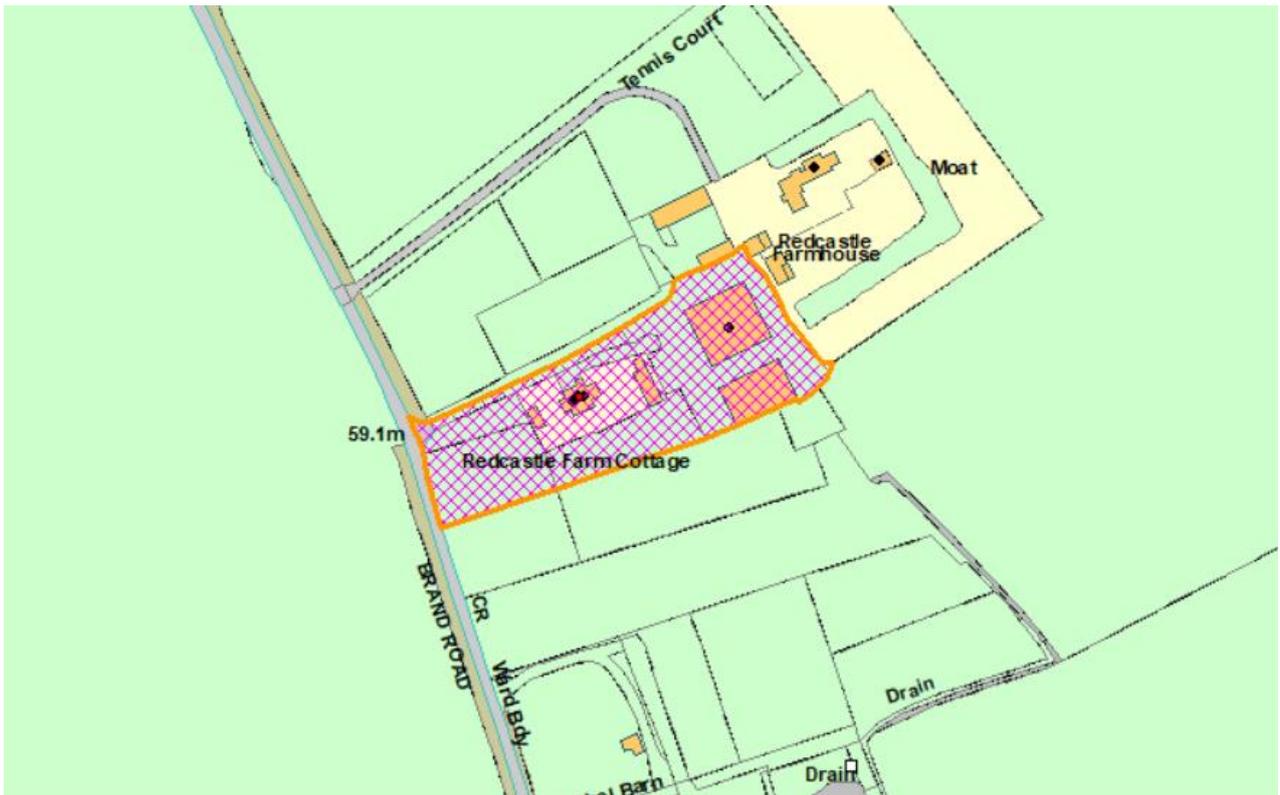
settlements and by Policy DM34 which requires sites to 'relate well' to the defined settlements. Additionally, Chapter 9 of the NPPF seeks to promote sustainable travel. The proposal for the provision of 1no. holiday cottage in this location is considered to be unsuitable with poor access by sustainable means of travel to services and facilities and would result in future occupants relying on the car for most of their journeys. In this respect the site and provision of a holiday cottage is not considered to be 'well-related' to the defined settlements of Great Barton or Ixworth. Brand Road has no footway or lighting, and is subject to the national speed limit. Further, access beyond Brand Road would rely on using the A134 and in the view of officers this locational unsuitability outweighs any economic benefit otherwise arising from the proposal. The proposal does not therefore comply with Policy DM5 or with the provisions of policies DM31 and DM34. The proposal is also contrary to the spatial strategy set out in policies CS1, CS4 and CS7 of the Core Strategy 2010 which seeks to secure sustainable development within defined settlement boundaries and to policy CS13, which promotes the sustainable diversification of the rural economy. Policy CS13 further refers to the Policies in the Development Management DPD and Rural Site Allocations DPD, which will set out detailed uses which are appropriate in rural areas.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1497/FUL](https://www.dorsetcouncil.gov.uk/DC/20/1497/FUL)

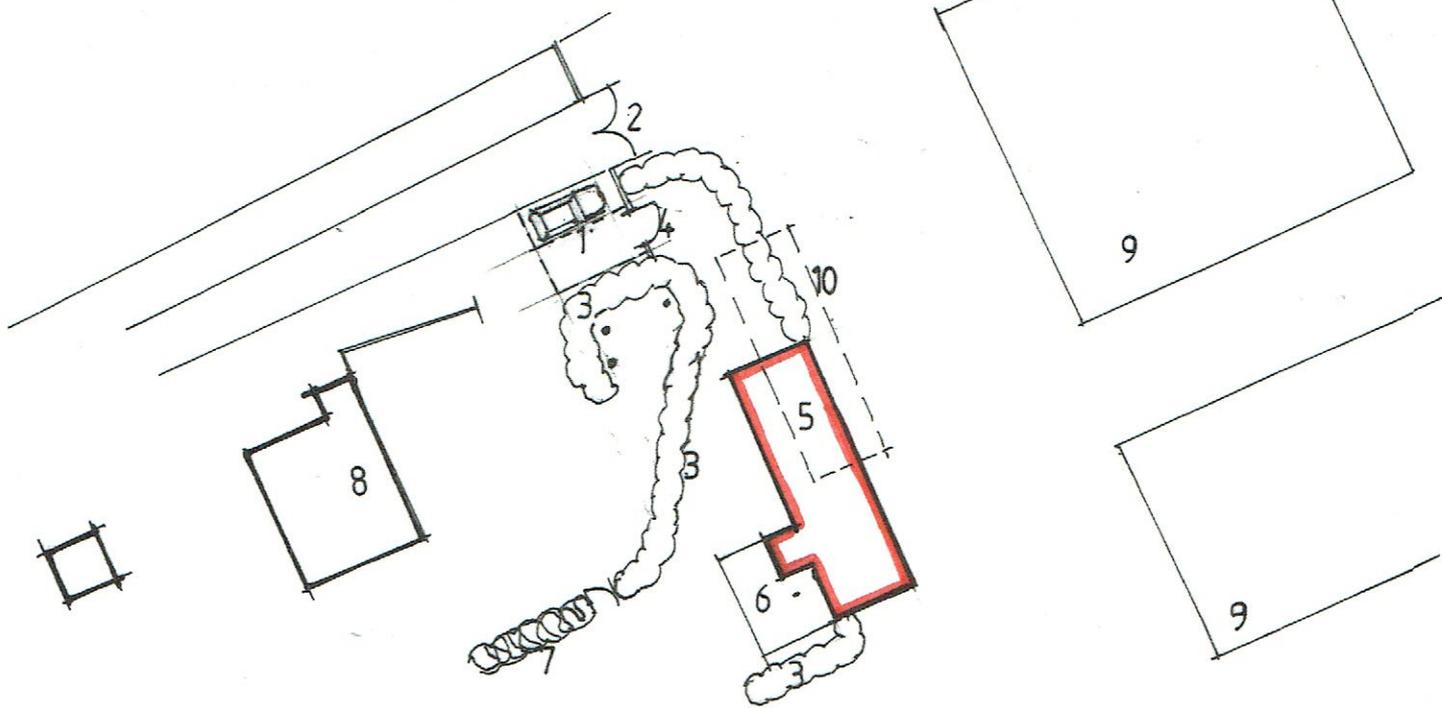


DC/20/1497/FUL - Land East Of Redcastle Farm Cottage, Brand Road, Great Barton, Suffolk



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1. Car parking spaces for holiday cottage including space suitable for wheelchair parking.
2. Existing gates to farmyard.
3. Laurel hedging trimmed to approx. 1500mm high.
4. New gate in existing fence for access to holiday cottage.
5. Holiday Cottage.
6. Paved Patio Area.
7. Existing trimmed laurel hedge.
8. Redcastle Farm Cottage.
9. Barns
10. Dotted line indicates Cart Lodge burnt down in 2019.



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REDCASTLE FARM  
 BRAND ROAD, GREAT BARTON  
 BURY ST. EDMUNDS IP31 2PZ

Proposed Holiday Cottage

Site Plan

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## **Development Control Committee 6 January 2021**

### **Planning Application DC/20/1708/HH – 11 St Marys Square, Newmarket**

<b>Date registered:</b>	14 October 2020	<b>Expiry date:</b>	15 January 2021
<b>Case officer:</b>	Adam Yancy	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket East
<b>Proposal:</b>	Householder planning application - (i) single storey rear extension (ii) conversion of garage into habitable space		
<b>Site:</b>	11 St Marys Square, Newmarket, CB8 0HZ		
<b>Applicant:</b>	Mr M Sayyad		

**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:

Adam Yancy

Email: adam.yancy@westsuffolk.gov.uk

Telephone: 07866 172894

## **Background:**

**This application is presented to Development Control Committee following consideration at Delegation Panel on 21 November 2020. It was presented to the Delegation Panel due to the objection from the Town Council. The application is recommended for APPROVAL.**

## **Proposal:**

1. Planning permission is sought for a single storey rear extension and the conversion of an existing garage to a living space. There is currently an existing extension on site without the benefit of planning permission. This application seeks for permission for retention of this structure with changes made to the external materials.

## **Application supporting material:**

2.
  - Location and Block Plan
  - Existing Floor Plans
  - Existing Elevations
  - Proposed Floor Plans
  - Proposed Elevations

## **Site details:**

3. The site consists of an end of terrace property located in the Newmarket settlement boundary. The property is visible from Mill Hill and is located outside of the conservation area which is positioned just south of the site.

## **Planning history:**

4. None relevant

## **Consultations:**

5. **Conservation officer** – The proposed development is located outside the conservation area and involves the construction of a modest single storey extension to the rear of 3 storey modern property. Located outside the conservation area, the impact of the proposed development on the setting of the conservation area is therefore considered.

Whilst the proposed extension may be visible looking towards the conservation area its modest form and scale set against a backdrop of a 3 storey modern property will have no greater impact on the setting of the conservation area than the existing building I therefore have no objection.

## **Representations:**

6. **Newmarket Town Council** - Newmarket Town Council's Development & Planning committee considered this application and agreed to object on the grounds of overdevelopment of the site and the negative impact on the conservation area. Further, the proposals do not comply with Neighbourhood Plan Policy NKT3: St Mary's Square.

7. **Ward Member** – No comments

8. **Neighbour Representations** – 46 Mill Hill. I would like to object to this application. It is retrospective as the extension is already built. The basis of my objection is that the house to which the extension is attached is in the conservation area and does nothing to enhance that, indeed because of the poor quality of the work it detracts from it. The property to which it is attached is a three storey town house and the owner has already converted its integral garage into two additional bedrooms. I have been assured by a planning enforcement officer that the house is to be occupied by one family, although I and other near neighbours believe it is being set up as an HMO. The loss of the integral garage will add to the current pressure on local parking, which is extremely limited. The owner of this property obviously had no intention of applying for planning permission for this extension and was only pressed into doing so when residents contacted the planning authority to ask whether planning permission had been granted.

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

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

DM17 - Conservation Areas

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

DM46 – parking standards

Core Strategy Policy CS5 - Design and Local Distinctiveness

Newmarket Neighbourhood Plan NTK3 (St Mary's Square)

**Other planning policy:**

11. National Planning Policy Framework (NPPF)

12. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear

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

**Officer comment:**

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

- Principle of Development
- Impact on Amenity
- Impact on character/appearance of conservation area
- Other Matters

Principle of Development

14.Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the dwelling and curtilage and scale not adversely affect the residential amenity of occupants of nearby properties.

15.In this case, the proposal is for rear extension to the property and the conversion of a garage to living space. The curtilage of the site is large enough to accommodate the proposed extension without overdevelopment occurring. Therefore, the principle of the development is considered to be acceptable, albeit further consideration is necessary in relation to the design and amenity impacts, the effects on highway safety and the effects upon the setting of the nearby conservation area.

Impact on Amenity

16.The proposed rear extension is located along the boundary of the dwelling which is adjacent to Mill Hill and is 2.8 metres in height overall. The extension will be positioned 3 metres from the neighbouring property and as such, it is not considered that it will result in any adverse impact on the amenity of neighbouring properties in terms of loss of light, overbearing impact or from any overlooking.

17.The proposed conversion of the existing garage to a living space will not result in the creation of additional floorspace for the dwelling and will not result in the creation of windows on the side elevation. Therefore, it is considered that the proposed garage conversion will not result in any adverse amenity impacts upon any nearby dwellings.

Impact on character/appearance of conservation area

18.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.

19. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 72) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
20. DM17 states that proposals within adjacent to or visible from Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. The property is not located within a conservation area, however it is located just outside and would be visible from the conservation area. Therefore, consideration will be given for the proposal and its impact on views from and into the conservation area.
21. The proposed extension will be 2.8 metres in height overall and exceeds that of the existing two metre wall on the boundary of the property. Therefore, the proposal would be visible from the conservation area and considered is given as a result to its impact on the conservation area. The extension is positioned against the backdrop of a modern three storey dwelling and in the opinion of officers the proposed extension would not have any greater impact than does the existing dwelling. The pitched metal roof will pitch away from the boundary, further limiting its visibility in the streetscene. Therefore, it is considered that the proposed extension is acceptable in this regard.
22. In addition, and importantly, it should be noted that the application proposes to replace the existing timber on the extension to a matching brickwork, which is considered to be an appropriate material for the proposal and better respects the host dwelling and views of it from and into the conservation area. As such, the conservation officer has no objections in regard to this proposal and its impact on the conservation area, which is considered to be neutral.
23. In this regard, a condition is proposed requiring the use of the proposed facing bricks within three months of the date of the decision. Noting the adverse impacts currently from the external cladding and the fact that if no condition as imposed the developer could have as long as they wished to amend the brickwork (noting that in the meantime the building would be unauthorised and subject still to enforcement action) this is considered reasonable.

#### Other Matters

24. The proposed conversion of the garage will result in the creation of two additional bedrooms for the dwellings which will take it to five bedrooms in total. The proposal would also involve the loss of a parking space. However, given its location and the fact that there are no restrictions on permitted development, the conversion of the garage itself does not require planning permission to undertake. In addition, given the town centre location of the dwelling and the existing parking restrictions on Mill Hill which already serve to restrict on street parking, it is not considered

that the proposal would result in any adverse impact on the safety of the highway and the proposal therefore conforms with policy DM46.

25. An objection was received in relation to this application from the neighbouring property at 46 Mill Hill. Their comments were in relation to the poor quality of the extension and concerns that the property is being set up as a House of Multiple Occupation (HMO) property. In addition, concerns were raised that the conversion of the garage would lead to restricted parking spaces. As discussed above, the proposal for this application is to replace the existing timber cladding with an external brick finish that matches the existing building, so although the existing structure may presently be considered to be of poor appearance as a result of the materials presently used, it does not represent what is in fact being proposed. The use of matching bricks, as now proposed, will drastically improve the appearance of the property, to the extent that in the opinion of officers concern regarding its appearance cannot be sustained.
26. The issue of the potential use of the property as a HMO is not a matter that is relevant to consideration of this proposal. Firstly, there is no indication that the property is or is otherwise proposed to be used as a HMO. Secondly, in any event, the use of a single dwelling as a HMO for up to six persons is permitted development and can be undertaken without needing planning permission. If the site was to be used as a HMO, and if it was occupied by more than six residents, then permission would be required and the matter could be considered further at that point.
27. Newmarket Town Council objected to the application with one of their reasons being that the proposal does not comply with Policy NKT3 (St Mary's Square) of the Newmarket Neighbourhood Plan. This policy relates to the Environmental Improvement Area in which the site is located. The policy also states that any significant development in the Environmental Improvement Area should be considered in the context of an overall vision for the area. The proposal for the rear extension and conversion of the garage is not considered to be a significant development in the context of the area and would not result in an adverse impact of the Environmental Improvement Area.
28. Also material to any assessment in this regard is the fact that, had it been first applied for under the correct notification procedure, an extension of this depth, in this location, and using materials that are similar in appearance to those on the host dwelling, would have been considered permitted development in the absence of any amenity related objections from adjoining properties as, it is noted in the case here. This fall back is no longer available as it can only be utilised if such notification is made before the works take place, but it nonetheless serves to indicate that this is an extension that is otherwise modest in scope with generally benign impacts arising.

**Conclusion:**

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

**Recommendation:**

30. 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:

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

3. Within three months from the date of this decision, the extension hereby permitted shall be clad in facing bricks to match the original dwelling, in accordance with the detail shown on drawing 111 (02)-02 Revision B.

Reason: In the interests of the character and appearance of the area.

**Documents:**

31. All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1708/HH](https://www.dorsetcouncil.gov.uk/DC/20/1708/HH)

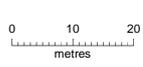
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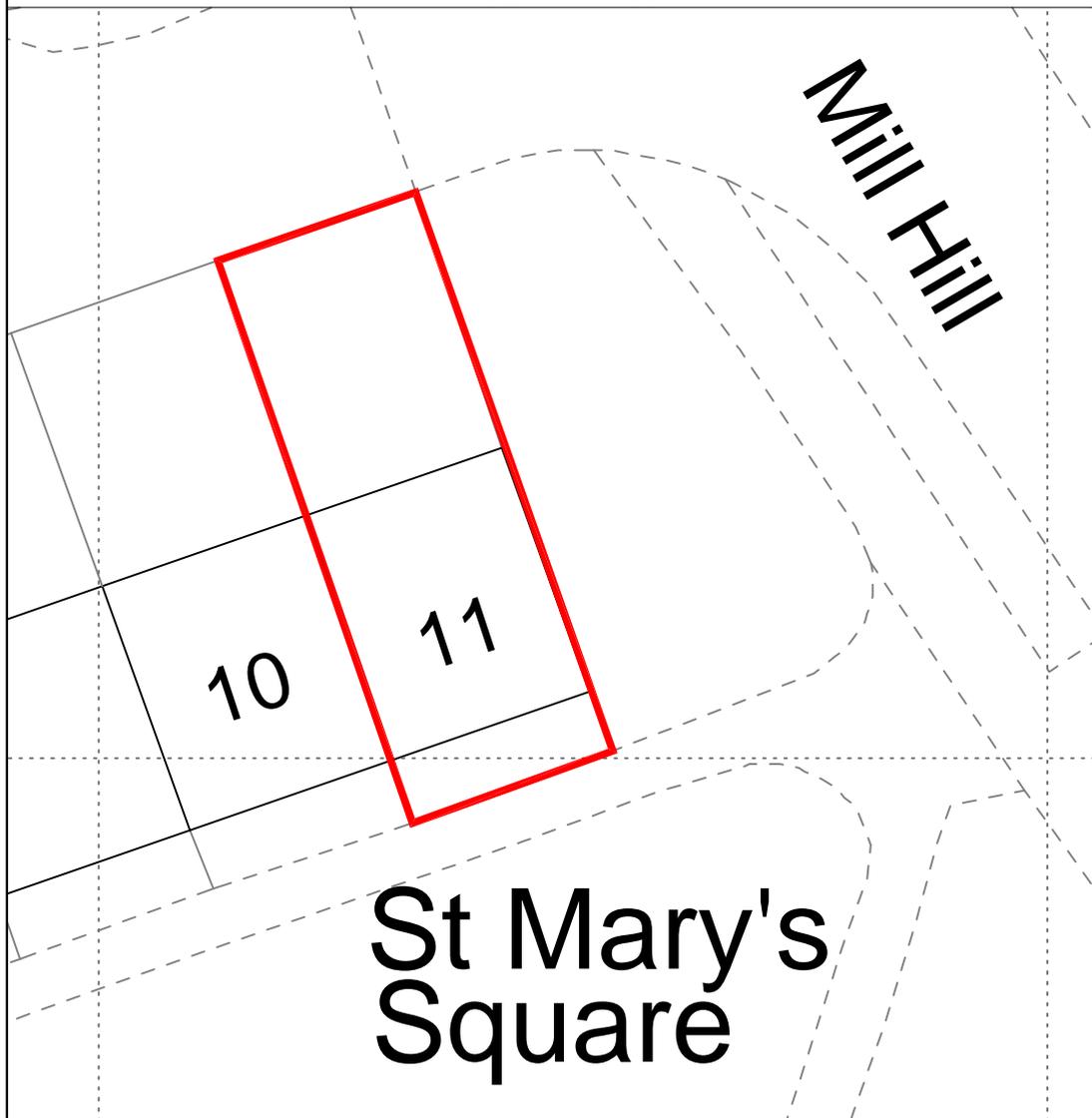
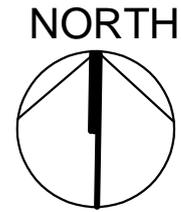
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LOCATION PLAN  
SCALE 1:1250



**St Mary's  
Square**

BLOCK PLAN  
SCALE 1:200



ISSUE	DESCRIPTION	
<b>STUDIO 11 DEVELOPMENT</b>		
Architectural Consultants		
79 ST. BARNABAS ROAD WOODFORD GREEN IG8 7BY Tel: 07940593742 Fax: 0871 266 4177 e-mail: studio11development@gmail.com		
Project:	11 St Marys Square Newmarket CB8 0HZ	
Drawing Title:	SITE & BLOCK PLAN	
Drawn: Z.D.	Date: OCT 20	Scales: 1: 200 @ A4 1: 1250 @ A4
Plan No. 111 (00)- 01	Issue: A	Status: <input type="radio"/> Preliminary drawing <input type="radio"/> Tender drawing <input type="radio"/> Working drawing

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