

Development Control Committee

Title	Agenda		
Date	Wednesday 7 April 2021		
Time	10.00am		
Venue	Facilitated by Microsoft TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers		
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Mike Chester and Jim Thorndyke</p> <p>Conservative Group (9) Carol Bull Ian Houlder Andy Drummond David Roach Susan Glossop Peter Stevens</p> <p>The Independent Group (6) Richard Alecock Roger Dicker John Burns David Palmer Jason Crooks Don Waldron</p> <p>Labour Group (1) David Smith</p>		
Substitutes	<p>Conservative Group (5) Terry Clements Sara Mildmay-White John Griffiths David Nettleton Rachel Hood</p> <p>The Independent Group (2) Trevor Beckwith Andy Neal</p> <p>Labour Group (1) Diane Hind</p>		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
Quorum	Six Members		
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting			
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Development Control Committee Agenda notes

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

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

Material planning considerations

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

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

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

Documentation received after the distribution of committee papers

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

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

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

Public speaking

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

Development Control Committee

Decision making protocol

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

Decision making protocol

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

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

Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or officers attending Committee on their behalf);

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

Notes

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

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

Agenda

Procedural matters

Part 1 – public

1. **Apologies for absence**
2. **Substitutes**
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 4**
To confirm the minutes of the meeting held on 3 March 2021 (copy attached).
4. **Declarations of interest**
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/21/0016/FUL - Liberty House, Hepworth Road, Market Weston** **5 - 26**
Report No: **DEV/WS/21/006**

Planning application - change of use from single dwelling house (C3) to a holiday let property (sui generis)
6. **Planning Application DC/17/2269/FUL - 27 Old Clements Lane, Haverhill** **27 - 48**
Report No: **DEV/WS/21/007**

Planning Application - 3no dwellings and access (following demolition of existing dwelling and garage)
7. **Planning Application DC/20/1729/HH - Welham House, South Street, Risby** **49 - 66**
Report No: **DEV/WS/21/008**

Householder planning application - a. Two bay car port/wood store b. brick enclosure for heat pump c. outdoor swimming pool d. rebuilding of front wall

**8. Planning Application DC/20/2197/HH - Holly Bungalow,
Stow Road, Ixworth**

67 - 76

Report No: **DEV/WS/21/009**

Householder planning application - single storey side extension to
create an annexe following demolition of existing garage

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 March 2021** at **10.00 am** via Microsoft Teams

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Ian Houlder

Carol Bull

David Palmer

John Burns

David Smith

Jason Crooks

Peter Stevens

Roger Dicker

Don Waldron

Andy Drummond

Ann Williamson

Susan Glossop

106. **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.

107. **Apologies for absence**

Apologies for absence were received from Councillor David Roach.

108. **Substitutes**

The following substitution was declared:

Councillor Carol Bull substituting for Councillor David Roach

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

109. **Minutes**

The minutes of the meeting held on 3 February 2021 were unanimously confirmed as a correct record subject to the following amendment:

"105. Planning Application DC/20/1816/HH - 6 Nethergate Street, Hopton (Report No: DEV/WS/21/003)

Speakers: Councillor Carol Bull (Ward Member: Barningham) ~~spoke on behalf of the applicant, in support of the application~~
made a statement on behalf of the applicant
Lee Brewer (agent) spoke in support of the application"

110. **Declarations of interest**

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

111. **Planning Application DC/20/1782/HH - 7 Bury Road, Hengrave (Report No: DEV/WS/21/004)**

(On commencing this agenda item it became apparent that the registered speakers were experiencing difficulty in connecting to the meeting. The Chair therefore asked the Case Officer to postpone their presentation until all external parties had successfully connected.)

Householder planning application - detached garage

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the Parish Council having objected to the scheme, which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 29 of Report No DEV/WS/21/004.

As part of the Case Officer's presentation attention was drawn to the supplementary 'late papers' that had been circulated following publication of the agenda and which set out further comments from the Parish Council and the Highways Authority. The Officer also provided videos of the site by way of a virtual 'site visit'.

Speakers: Janet Davies (neighbouring objector) spoke against the application
Councillor David Bambury (Flempton cum Hengrave Parish Council) spoke against the application
(Councillor Bambury 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 Susan Glossop (Ward Member: Risby) spoke on the application
Warwick Lowe (applicant) spoke in support of the application

A number of questions were posed by the Committee which the Case Officer and Service Manager (Planning – Development) responded to as follows:
Shading assessment report – this was not considered necessary in connection with the application in view of the height, location and position of the existing boundary fence and vegetation;
Previous dormer window application/emergency access – emergency egress/use of the previously approved dormer window, was a Building Regulations matter and not a material planning consideration; and

Size of garage – Officers confirmed that the garage could accommodate two cars and the Highways Authority considered there to be sufficient manoeuvring space to allow a vehicle to leave the site in a forward gear.

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

Upon being put to the vote and with 13 voting for the motion, 1 against and with 2 abstentions it was resolved that

Decision

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

- 1 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 relevant works shall not take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
 - i) Samples of external materials and surface finishes
 - ii) Details of the materials, colour/finish and means of opening of the garage doorsThe works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
- 4 No development above ground level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) Sample panel(s) of all new facing brickwork shall be constructed on site showing the proposed brick types, colours, textures; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority;
 - (ii) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.
- 5 Prior to first use of the development hereby permitted, the area(s) within the site shown on the submitted block plan (received 9th February 2021) 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.

112. **Planning Application DC/20/2244/FUL - Brandon Sports Centre, Church Road, Brandon (Report No: DEV/WS/21/005)**

Planning application - a. insertion of two external doors and seven windows to north elevation b. replacement of external condensation units on north elevation c. external door to south elevation

This application was referred to the Development Control Committee as the applicant was West Suffolk Council.

No objections had been received to the scheme, Officers were recommending that the application be approved subject to conditions as set out in Paragraph 24 of Report No DEV/WS/21/005.

As part of her presentation the Case Officer provided videos of the site by way of a virtual 'site visit'.

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

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. 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.

The meeting concluded at 11.13am

Signed by:

Chair

Development Control Committee 7 April 2021

Planning Application DC/21/0016/FUL – Liberty House, Hepworth Road, Market Weston

Date registered:	21 January 2021	Expiry date:	18 March 2021 EOT 23 April 2021
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Market Weston	Ward:	Barningham
Proposal:	Planning application - change of use from single dwelling house (C3) to a holiday let property (sui generis)		
Site:	Liberty House, Hepworth Road, Market Weston		
Applicant:	Ms J Hargrave		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 07866 913717

Background:

Due to the recent planning history and the level of local interest in the site the application has been referred directly to the Development Control Committee at the request of the Assistant Director, Planning and Regulatory.

Proposal:

1. Following the lapse of a 12-month conditional restriction applied to planning application DC/19/0344/FUL which granted permission for Liberty House to function as a holiday-let (Sui Generis), this planning application seeks planning permission to continue to use the property as a holiday-let, therefore changing from a single C3 dwellinghouse to a Sui Generis holiday let.
2. Liberty House is an eight bedroomed property spread across the ground floor, first floor and the attic, which can be booked throughout the year and, save for sporadic periods when the applicant may wish to use the property for personal holiday purposes, there are no periods in which the property is 'off-line'. No other external operational development or alterations to the property are proposed as part of this application
3. Liberty House is a large dwelling set within a spacious plot of approximately 3 acres. Vehicular access is achieved via an unmade lane onto Hepworth Road to the north east.
4. As a holiday let, the property is only available as a whole unit and the application does not seek a mixed use. Therefore, in the event that planning permission is granted, a position in which residential use takes place alongside holiday lets is not envisaged, and in fact would be a breach of planning control, noting the conclusions reached below that this proposed use falls within a sui generis use class rather than within a C3 use class.

Application supporting material:

5. In support of the applicant, the following have been provided:
 - Application Form
 - Location Plan
 - Floor Plan
 - Planning Statement
 - Noise Management Plan
 - DC/18/2137/HH – Committee Report
 - DC/19/0344/FUL – Committee Report
 - DC/19/0344/FUL – Decision Notice
6. A record of bookings has also been provided by the applicant. These record date from August 2019 to 22 February 2021. The bookings sheet contains sensitive information, including names, from customers using Liberty House and is therefore not available for public viewing, albeit data extracted from the records is provided below, and a redacted version of the booking sheet is available for public viewing.

7. The documents, other than those stated, are available for public viewing on the Council's website.

Site details:

8. Liberty House has a lawful use as an existing eight bedrooed residential dwelling, set within approximately 3 acres of associated amenity grounds and gardens.

9. Due to its location outside of the Market Weston settlement boundaries, the property lies within what is defined as open countryside from a land use perspective. The closest residential dwellings to the site, Three Waters, Stone Cottage and Wellfied, are also situated within designated countryside. These neighbouring dwellings are generously separated from the application site and are located to the south east, north east and north respectively.

10. Undeveloped, open countryside lies to the north, west and south of the application property with fields and open space also located to the east.

Planning history:

Reference	Proposal	Status	Decision date
DC/16/1930/HH	Householder Planning Application - Single storey extension to south east elevation (following demolition of existing conservatory)	Application Granted	4 November 2016
DC/18/2137/FUL	Planning Application (i) single storey side extension (following demolition of existing conservatory) (ii) install sound attenuation fence (Previous Application DC/16/1930/HH)	Application Granted	9 August 2019
DC/19/0344/FUL	Retrospective Planning Application - Change of use from single dwelling house (use Class C3) to a holiday let property (sui generis).	Application Granted	22 August 2019
DCON(A)/19/0344	Application to Discharge Condition 3 (noise management plan) and 5 (bin area) of application DC/19/0344/FUL	Application Refused	11 December 2019
DC/20/2097/FUL	Planning application - installation of attenuation wall	Application Granted	22 February 2021

Consultations:

SCC Highway Authority

- The Highway Authority notes the grant of DC/19/0344/FUL for a 12 month period. During that consultation we recommended that there were no highway reasons to object to the application. Our recommendation included a B2 bin storage and presentation condition. We are unsure if a bin presentation area has been constructed during the intervening period of time, so we maintain that recommendation for the current application.

Public Health & Housing

- Public Health and Housing have received a total of six complaints (from two separate neighbours) of noise from the residents of Liberty House, of which were a mixture of amplified music and loud speech/shouting, and two other complaints (from the two same complainants) of smoke from bonfires during the periods from August 2018 up until November 2020. None of the noise complaints were substantiated. Comments relating to the original application were submitted to the LPA in April and June 2019 and these still remain the opinion of the Public Health and Housing Section. With that in mind we do not object to the application.

Environment Team

- Thank you for consulting the Environment Team on the above application. We do not have any comments in relation to contaminated land or air quality.

Suffolk Fire & Rescue Service

- Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.
- Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.
- Water Supplies - Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 180m from the proposed build site and we therefore recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Representations:

Parish Council

- Market Weston Parish Council object to the above application on the basis of the number of complaints that have been received from residents, regarding noise nuisance and antisocial behaviour. We also consider that the last year has not been truly reflective of a normal trading year.

Public Comments

11. In response to this application, 12 public comments have been submitted to the Local Planning Authority, all of which object to the application. Whilst all 12 representations can be seen on the website they can be broadly summarised as follows:

12.

- The noise generated from the holiday-let is too much and detrimental to the residential amenity of neighbouring dwellings.
- The application is retrospective
- Non-compliance with conditions attached to previous planning permission DC/19/0344/FUL.
- Use of holiday-let during national lockdown will not accurately reflect the impacts associated with the use of the building.
- Noise and disturbance generated is at unsociable hours
- Proposed use is inappropriate for locality
- The application is disingenuous as the intended use is for parties
- Proposed use creates additional traffic and poses a risk to highway safety
- Guests unfamiliar with the area trespass on land they are not familiar with
- Previous refusals for planning permission should be upheld
- The proposal fails to meet relevant planning policy requirements

Planning Policy:

13. 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.

14. 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:

National Planning Policy

National Planning Policy Framework (NPPF) 2019

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

16. 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.

17. 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.

SEBC Core Strategy 2010

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 CS9 - Employment and the Local Economy

Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Joint Development Management Policies Document 2015

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places – Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

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

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

Policy DM34 Tourism Development

Policy DM46 Parking Standards

Officer comment:

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

- Legal Background
- Principle of Development
- Impact on Residential Amenity
- Highway and Traffic Implications
- Other Matters

Legal Background

18. Planning permission is sought to change the use of the property from a dwelling (C3) to a sui generis holiday let. In many cases, the use of a residential dwelling for holiday let purposes would not trigger a material change of use and would not, therefore, require planning permission. However, where the nature of a use changes so as take it outside of the scope of the use class it was in, then it amounts to a 'material' change of use. The view of the Authority in this regard, on the basis of a 'fact and degree' judgement, is that the size of the property, the nature of its accommodation, and the impacts arising from its use in terms of activity and vehicular movements etc, take it outside the scope of the C3 residential dwelling use class. It is for this reason that planning permission is required.

Principle of Development

19. The application site is located outside any of the Local Planning Authority's (LPA) defined settlements and as such, the proposal comprises of development within designated countryside.

20. From a national policy perspective, the revised NPPF is clear, at paragraph 83 that LPAs should seek to support, subject to material planning considerations, applications which propose sustainable rural tourism. The proposal seeks planning permission for the conversion of the existing residential dwelling (C3) to a holiday-let (Sui Generis) outside of a designated settlement.

21. Proposals for new development and changes of use outside of the LPA's defined settlement boundaries must however be considered carefully as it is incumbent upon the LPA to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development.

22. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, they should be resisted. National and local policies therefore broadly aim to direct development to locations which are both sustainable and will not result in the loss of unspoiled rural landscapes.

23. With all of the aforementioned points considered, whilst the countryside location of the site is duly noted, policy CS9 of the SEBC Core Strategy Document supports rural tourism facilities. Furthermore, policy DM5 of the Joint Development Management Policies Document provides that proposals for new buildings (and changes of use) related to new tourism facilities, and which preserve the openness of the countryside, will also generally be supported.

24. The proposal does not seek to add to the built environment and it therefore does not prejudice the openness of the rural locality. It should

also be noted that, whilst the site is located outside of any defined settlement boundary and within designated countryside, the site is not within the open countryside as intended by DM5. The property is an existing residential dwelling, having most recently been lawfully used as a holiday-let for a temporary period, and is set within landscaped gardens. It does not therefore represent the open countryside that DM5 fundamentally endeavours to preserve.

25. In addition, and notwithstanding the above, DM5 further provides that proposals for economic growth and expansion of all types of business (such as Liberty House) 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

26. The proposal is able to demonstrate compliance with the above points owing to the lack of built development arising and the lack of identified adverse impacts on the local landscape or the highway network.

27. Overall, given the national and local policy position, there is a general degree of support for rural enterprises which deliver sustainable tourism-based development and do not unjustifiably or irrevocably erode existing amenity or character. By its very nature, the use for a holiday let is an end use which preserves the openness of the semi-rural landscape as required by DM5.

28. Paragraph 83 of the NPPF and policy DM5 are broad in their remit. However, in this instance, the proposal must be considered in detail against DM33 (Re-use of buildings in the countryside) and DM34 (Tourist Development) with respect to its wider impact and relationship with the existing locality. Both of these policies provide a presumption in favour of the proposed development and offer support to the intended use as a holiday let subject to certain criteria.

29. Therefore, given the site's context, subject to compliance with policies DM33 and DM34, the principle of development in this location is something that officers can support.

Compliance with Policies DM33 (Re-use of buildings in the countryside) and DM34 (Tourism Development)

Policy DM33: Re-use of buildings in the countryside

30. Having established the principle of development is acceptable, the proposal will now be considered in relation to its compliance with Policies DM33 and DM34.

31. Although the site does not sit within the designated countryside as DM5 intends, Liberty House remains outside any of the defined settlements and the proposed use therefore represents the re-use of an existing building in the countryside.

32. Policy DM33 provides that the re-use, conversion and alteration or extension of buildings in the countryside for tourist accommodation will be permitted, provided such proposals comply with other relevant planning policies which comprise the LPA's Development Plan. In this instance, the most notable and relevant policies with respect to Liberty House are DM2, DM5, DM33, DM34 and DM46.
33. Policy DM33 states that proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria:
- A. the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction;*
 - B. any proposed alterations to the building, its proposed use, its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance or adversely affect the setting of the building in the rural locality;*
 - C. the nature and intensity of the proposed use would be compatible with its rural location. Proposals for employment uses will be required to provide a sustainability assessment (which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
 - D. proposals which would be likely to create a significant number of jobs should be well located in relation to towns and villages or be reasonably accessible by public transport;*
 - E. in the case of tourist accommodation there is no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area;*
 - F. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area*
34. In response to the above criterion, the application currently under consideration is able to clearly demonstrate compliance to enable the LPA to deem the policy as being accorded with. Given that the proposal seeks a change of use only, point A is not relevant and the proposed use for holiday lets does not result in visual harm or affect the prevailing semi-rural setting of the property or wider locality, therefore demonstrating compliance with criterion B.
35. Moving on to point C of the policy, the nature and intensity of the proposed holiday let use is considered appropriate for the locality. The setting of the dwelling is not compromised as a result of the property being used as a holiday-let and given that a large dwelling such as Liberty House would likely have multiple vehicle movements per day, the increased activity associated with the intended holiday let, whilst being sufficiently material to support the conclusion that this is a change of use requiring planning permission, does not represent a level of activity which the LPA consider unacceptable or inappropriate for the locality. Furthermore, the property is an eight bedroomed dwelling and given the scale and spacious setting of the plot and wider area, the proposal does not give rise to a use which is incompatible with the site.

36. With reference to point E, there is, as a result of this application, no creation or installation of private curtilages and domestic paraphernalia which would have a harmful effect on the character of the site or the surrounding area.
37. Point F relates to the highway implications of the proposal and will be discussed in the 'Highway and Traffic Implications' section of this report. That said, it is asserted that no adverse impact with respect to the operation of the existing highway network has been identified.

Policy DM34: Tourism Development

38. Policy DM34 of the Joint Development Management Policies Document aims to ensure that proposals for tourist based development are appropriate and well considered for the locality within which it will be based. With Liberty House functioning as a Holiday Let, the provisions set out within DM34 are therefore relevant to the proposal under consideration.
39. However, in considering DM34, it should be remembered that this policy relates to "new tourism facilities" and as such, the wording of the policy is generally geared towards those proposal which seek to create new buildings or tourism complexes, and in particular those at the more intensive end of the spectrum. It remains relevant to the Liberty House application nonetheless as the underlying principles remain the same.
40. Policy DM34 states that planning applications for new tourism facilities, or improvements and extension to existing facilities, will be permitted provided that:
- A. *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;*
 - B. *it would not adversely affect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority;*
 - C. *vehicle access and on-site vehicle parking would be provided to an appropriate standard.*
41. In addition to the above, proposals for tourist accommodation in rural areas must also seek to support the existing local community services and facilities, and:
- D. *have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;*
 - E. *be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.*

42. Liberty House is an existing dwelling which sits outside any of the defined settlement boundaries and the locality does not benefit from a large range of facilities, as those in a key service centre would, which the property could benefit from. However, it relates to the area's fragmented settlement boundaries well by not proposing additional intrusive development which would be discordant and out of keeping with the wider character of the area. In addition, although the locality benefits from few amenities and services, it is possible to walk the approximately 800 metres / 0.5 mile route from the property to the local public house (the Mill Inn) on footpaths and wide verges, as well as along public rights of way to the south and north of the site, providing access to the Hepworth and Market Weston Church Road settlement boundary respectively.
43. Point D of policy DM34 refers to the need to preserve local biodiversity. This point was considered in relation to the previous planning application DC/19/0344/FUL, where ecological enhancement measures were conditions as part of the temporary approval. The proposal relates to an existing dwelling and proposes no additional building or operational development. As such, given the lawful use of the site for purposes which are directly incidental to the enjoyment of the dwelling, a materially adverse impact on the local biodiversity credentials, above and beyond that which might naturally occur as a result of a large dwelling being occupied at full capacity in the countryside, has not been identified. A substantial conflict with this element of the policy is not therefore likely to arise.

Impact on Residential Amenity

44. The preceding sections of this report have exhibited the extent to which the LPA are able to support the principle of development with respect to the proposed holiday let use.
45. However, despite this degree of support and the subsequent weight to be attached by the LPA in the overall planning balance, policies DM5, DM14, DM33 and DM34 (in conjunction with DM2) state that amenity should not be materially and adversely impacted by any such proposal.
46. 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.
47. As this application seeks only to change the use of Liberty House, there are limited opportunities for a materially adverse impact (upon residential amenity) to arise. However, it is duly noted by the LPA that a large number of public objections have been submitted which suggest that the use of the property for holiday lettings has resulted in noise disturbances to nearby dwellings.
48. Whilst these concerns with respect to noise are acknowledged, given the site's context and the degree of separation between Liberty House and the off-site dwellings, the proposal is not judged to give rise to such severe amenity impacts that it should be refused. In order for the LPA to

recommend refusal of the application, the use itself would need to give rise to activities and noise which generate unrelenting, irrevocable harm to the area's amenity.

49. In reaching this conclusion, formal comments from the LPA's Public Health and Housing Officers have been sought and these are reproduced within the consultations section of this report. As can be seen, Public Health & Housing have responded to this application stating they wish to raise no objections to the proposal. Public Health & Housing received a total of six complaints from two separate neighbours of noise from the residents of Liberty House, of which were a mixture of amplified music and loud speech/shouting, and two other complaints from the same complainants, of smoke from bonfires during the periods from August 2018 up until November 2020. Public Health & Housing have confirmed that none of the noise complaints were substantiated, such that any formal action could be taken. Comments relating to the original application were submitted to the LPA in April and June 2019 and these still remain the opinion of the Public Health and Housing Section.
50. The LPA note that there may, on occasion, be times when noise is audible from Liberty House and its grounds; but this is true of most development proposals and it is not sufficient to recommend an application be refused based on the hypothetical eventuality that noise may be created to the detriment of the locality.
51. The noise concerns as raised by those objecting to the proposal remain relevant however, although when the separation distances between Liberty House and the off-site dwellings are considered, the LPA are unable to substantiate a claim that the proposed use would have such an adverse impact on residential amenity that it should be refused.
52. For example, the closest residential dwelling to Liberty House is Stone Cottage, which is situated approximately 113 metres north east of the dwelling itself, which now has a sound attenuation wall constructed, as granted planning permission under planning application DC/20/2097/FUL.
53. Significant separation distances are also observed from Liberty House to Rose Cottage, Hartmoor, Three Waters for example. In light of the above, whilst all objections from residents to the application have been carefully considered Officers are unable to conclude that the application be refused on this basis. Liberty House does not share intimate boundaries with off-site dwellings and ample screening and vegetation exists between the host property and off-site dwellings to ensure residential amenity is not so unduly threatened that the LPA can justify recommending the application be refused.
54. Notwithstanding points made in paragraphs 69 and 70, as detailed within the committee report for the previous planning application DC/19/0344/FUL, (included as Working Paper 1) it is understood by the LPA that the owner has already made significant amendments to the way in which bookings are made and managed so as to ensure unacceptable noise impacts do not arise. A noise monitoring system, which displays real time noise levels being generated by guests has been installed. If the noise level generated exceeds a pre-defined set level of 85 decibels – which Public Health and Housing confirm is a reasonable and appropriate

level in this instance - the applicant / owner is notified and is then able to make contact with the guests directly. Failure to then reduce the noise as may have triggered the alert system, is then subject to the potential loss of a £1000 deposit that shall have been made prior to booking. Whilst the LPA cannot impose such controls through the use of a planning condition, this approach could act as a useful measure between the owner and their guests that the LPA would welcome but do not deem essential to the granting of the permission.

55. In this instance, the control of potential and sporadic noise emanating from the property, given the human element of the proposal is something which is more appropriately addressed, should it be necessary, under the Environmental Protection Act 1990.
56. The Environmental Protection Act 1990 places a duty on the local authority to investigate complaints of noise nuisance made by a person living within its area. Where the local authority is satisfied that a statutory nuisance exists or is likely to occur or recur it must serve an abatement notice requiring abatement of the nuisance. The Act does not define nuisance. The law only requires the investigating officer to be of the opinion that the effect of the noise on the average reasonable person would cause a nuisance or be prejudicial to health, e.g. preventing restful sleep. There is no set level above which an intrusive noise may be considered a statutory nuisance and each case must be considered on its merits. Matters to be considered include the level of the noise, its character, frequency of occurrence, time of occurrence and duration.
57. A record of bookings from August 2019 to February 2021 has been submitted to the LPA for consideration. During this time, 47 bookings have been made with a stay duration ranging from two to 16 nights, and over a total of 191 nights occupation between 16 August 2019 and 20 December 2020 out of a total of 492 days (and noting that during March, April, May, June and November no holiday bookings were possible). The premises were also occupied on a short term rental basis between 18 March 2020 and 8 June 2020, a period of almost four months when holiday lettings were not possible due to the national lockdown in force at that time. The records indicate therefore that the only period without any form of regular occupation appears to be November 2020, during the second national lockdown period, with bookings commencing briefly again in December 2020.
58. These records show a very clear picture, of regular bookings right through the relevant period, affected only for a modest period of time during the first and second national lockdowns.
59. The use of the holiday-let during the previously granted temporary permission for 12-months is therefore considered to illustrate a regular turnover of guests. This, combined with the relatively low number of unsubstantiated noise complaints received, as confirmed by Public Health and Housing, therefore provides sufficient justification as to the suitability of the property for use as a holiday-let. These figures are considered helpful and sufficiently material in number, nature and extent, notwithstanding any periods of closure owing to the Covid-19 pandemic, so as to amply demonstrate that the noise effects arising from this use are not sufficiently material to justify a refusal, and that on this basis officers

do not therefore consider that a further temporary approval would be justified.

60. The previous approval included a condition limiting it for a 12 month period. An appeal was lodged against this condition. The Inspector concluded that it was a reasonable condition, stating '...it was prudent for the Council to issue permission on a temporary basis to allow noise levels from the use of the property as a holiday let to be monitored and to provide an information source should a further application be submitted. Monitoring the situation would have provided an indication as to whether the intended noise management measures were effective'.
61. It is important to note that the Inspector's conclusions here did not make a judgement on whether or not the noise and amenity effects were or would be acceptable (see Inspector's Decision Letter at Working Paper 2). Rather, the judgement of the Inspector turned simply on whether or not it was reasonable of the Authority to impose a temporary permission, in order to monitor the noise effects. The Inspector concluded that it was. Having monitored those effects during the temporary period (periods of 'lockdown' notwithstanding), and noting the comments from Public Health and Housing, Officers can be satisfied that not only is a further temporary period not necessary, but neither is it necessary to include any further requirement for noise monitoring. The objective evidence available points to the effects arising from this sui generis use as being otherwise acceptable.
62. To conclude therefore, given the degree of policy support afforded to this proposal, the change of use is judged not to give rise to such an adverse impact on amenity that Officers can recommend the application for refusal. The site is considered to be sufficiently large and spacious with very generous distances and extensive screening between it and off-site dwellings. The proposed change of use to a holiday let, is not therefore deemed to be something which adversely impacts residential amenity to such an extent that the proposal should be refused.
63. It is also the case that the previous 12 month temporary consent that was granted in such a manner so as to allow a 'trial period' where the noise implications arising from the use could be assessed has demonstrated no statutory nuisances arising from the use. The records provided by the applicant of the number and nature of stays booked during the time when the temporary permission was being operated also indicate a sufficient extent of bookings, notwithstanding any Covid-19 enforced closures, in order to render the conclusion of limited noise and amenity impact a robust one.

Highway and Traffic Implications

64. This application represents a change in the use of an existing property and as such, formal comments from Suffolk County Council Highway Authority have been sought.
65. In addition to the noise concerns raised by multiple objectors, a second source of concern is the perceived adverse impact on the safety of the highway network. A number of the submitted objections refer to road

users not being familiar with the road network and driving at inappropriate speeds.

The National Planning Policy Framework outlines, at paragraph 109 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. Given that the Highway Authority have raised no such concerns, Officers do not consider the proposal to represent a material conflict with National Policy in this regard.

Other Matters

Electric Vehicle Charging Points

66. Section 3.4.2 of the Suffolk Guidance for Parking advises that for sui generis uses an individual assessment will be made of the need for electric vehicle charging points. Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.
67. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and paragraph 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.
68. The requirement for a C3 dwelling is one EV charging point. Noting the nature of this use, and its scale, and the present lawful use of the premises as a dwelling, it is considered reasonable to require a single EV charging point, and this can be required by condition.
69. Such a condition was attached to the previous granting of permission (DC/19/0344/FUL) but such was never provided. On this basis a condition will be attached to the permission to ensure an operational electric vehicle charge point is provided for the holiday let property.

Ecological Enhancements

70. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA 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, CS3, DM10, DM11 and DM12. Policies DM5, DM33 and DM34 also seek to ensure proposals for conversion and/or tourism schemes do not unduly harm local ecological credentials.
71. The National Planning Policy Framework (2019) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph

175). This is underpinned by Paragraph 8 of the NPPF, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.

72. In this instance, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective.

73. It is not anticipated that the proposal would have a harmful impact on biodiversity interests in this case. Nonetheless, noting the need to secure biodiversity enhancements in any scheme, a condition which requires the submission of basic ecological enhancement measures is recommended.

Conclusion:

74. Having considered the above matters, a material change in the use of Liberty House is judged to have taken place; from a C3 residential property to a sui generis holiday let property.

Despite being outside of the LPA's defined settlement boundaries, the principle of a holiday-let property, in this location is deemed to be acceptable and is supported by the provisions of policy CS9 of the St Edmundsbury Core Strategy and policies DM5, DM33 and DM34 of the Joint Development Management Policies Document (2015).

75. Residential amenity is judged not to be unduly or adversely impacted by the proposal and no other material factors which would require the LPA to consider the refusal of this application have been presented; no objection has been submitted by the LPA's Public Health and Housing service and as such, the proposal is judged not to conflict with policy DM2 of the Joint Development Management Policies Document (2015). Records indicate a sufficient extent of occupations during the period since the temporary consent was granted, notwithstanding any period of Covid-19 enforced closure, to robustly conclude that a further temporary consent is not justified in the circumstances of this case. In addition, the proposal has been considered against paragraph 109 of the National Planning Policy Framework (2019) and policy DM2 / DM46 of Joint Development Management Policies Document (2015) with no material conflict or severe implications with respect to highway safety identified.

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

Recommendation:

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

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

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

- | Reference number | Plan type | Date received |
|------------------|---|---------------|
| 2 | Details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. | |
| | Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users. | |
| 3. | Within 6 months from the date of this planning permission, the holiday let property hereby approved shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge. | |
| | Reason: to promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards. | |
| 4. | Within 3 months from the date of this permission, 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. | |
| | Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. | |

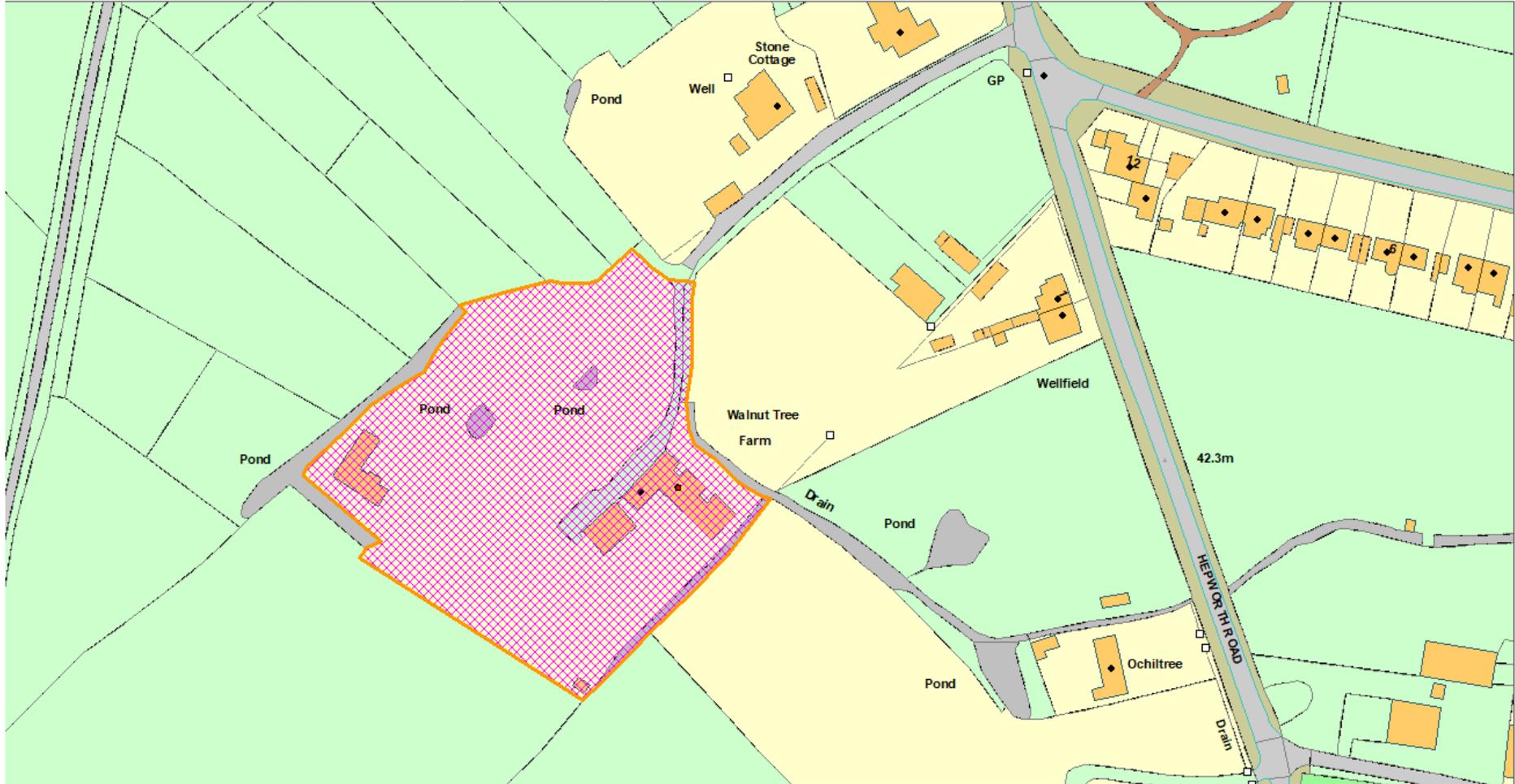
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0016/FUL](https://www.suffolk.gov.uk/DC/21/0016/FUL)

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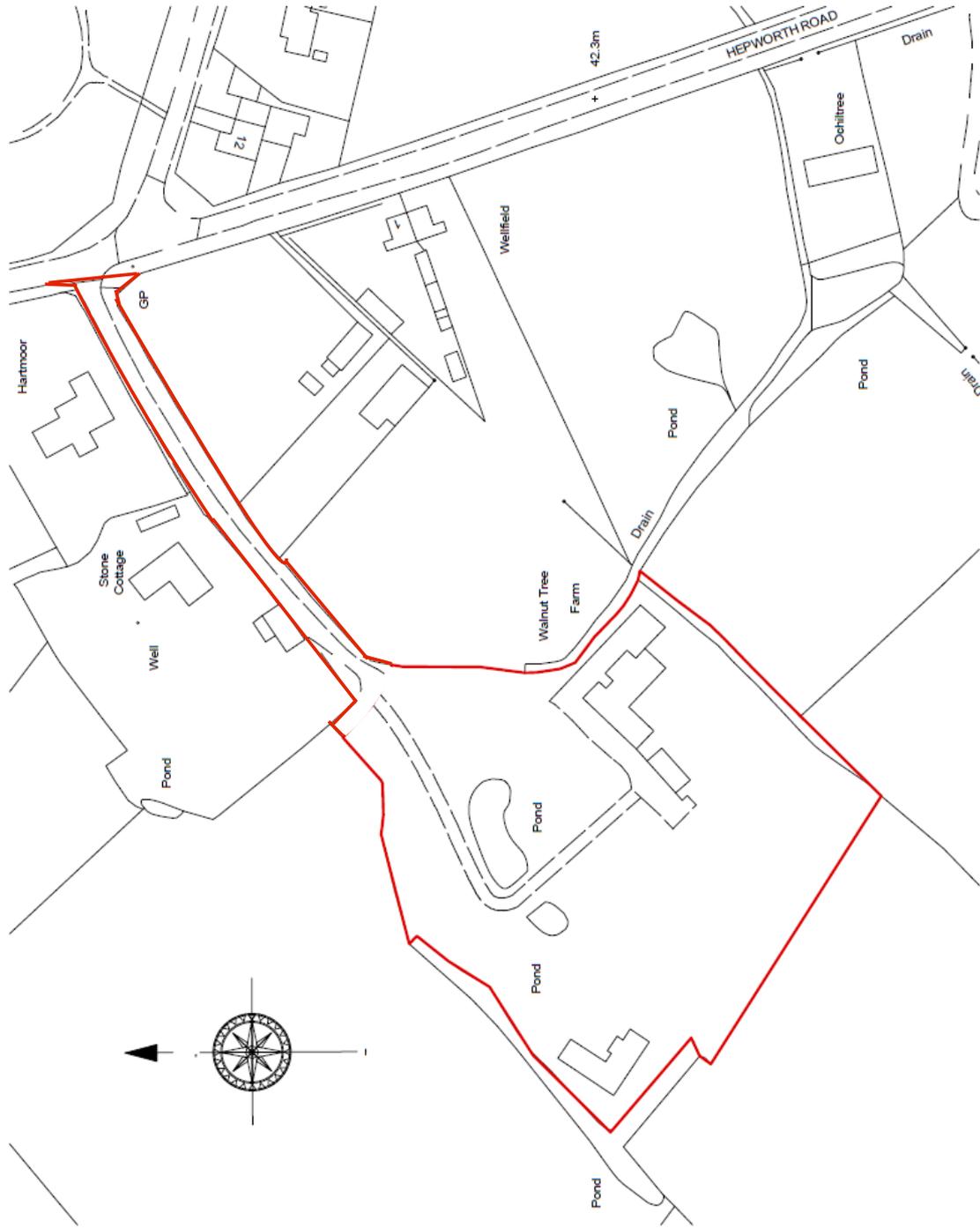


DC/21/0016/FUL – Liberty House, Hepworth Road, Market Weston



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APPENDIX A – Site Location Plan



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Site Location Plan 1:1250

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Development Control Committee

7 April 2021

Planning Application DC/17/2269/FUL - 27 Old Clements Lane, Haverhill

Date registered:	1 November 2017	Expiry date:	27 December 2017 EoT: 10 January 2019
Case officer:	Ed Fosker	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - 3no dwellings and access (following demolition of existing dwelling and garage)		
Site:	27 Clements Lane, Haverhill, Suffolk		
Applicant:	Mrs Susan Franks		

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

Telephone: 07971 534107

Background:

This application is presented to Development Control Committee following consideration at Delegation Panel on 20/10/2020. It was presented to the Delegation Panel due to the objection from Haverhill Town Council and at the request of Councillor Aaron Luccarini as Ward Member.

The application has been delayed since consideration at the Delegation Panel while biodiversity matters were further considered.

The application is recommended for APPROVAL.

Proposal:

1. Planning permission is sought for three dwellings and associated additional vehicular accesses, following the demolition of the existing dwelling and garage.
2. The application proposes three detached dwellings which are three storey at the front with the third storey accommodated within the roof space and two storey at the rear, due to the sloping nature of the site, with the second storey at the rear being accommodated within the roof space.

Application supporting material:

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

- Location plan
- Site plan
- Topographical survey
- Existing elevations
- Proposed elevations
- Site access strategy
- Parking layout
- Planning statement
- Heritage appraisal
- Structural appraisal
- Costing assessment
- Drainage strategy

Site details:

3. The proposed development site is located on Old Clements Lane which is a cul-de-sac and runs off the eastern side of Clements Lane, situated within the housing settlement boundary of Haverhill. The site currently comprises one dwelling (27 Old Clements Lane) with associated detached single garage and sits within a large curtilage. The dwelling which itself predates the Edwardian period is double fronted, two storey, narrow span (single room deep) and rendered with a hipped roof and basement.
4. The wider site comprises the curtilage to the dwelling which is elevated from Old Clements Lane and contains a number of fruit trees. The site is not located in a conservation area and does not contain trees which are subject to a Tree Preservation Order. There are a number of dwellings in

Orchard Close to the east of the site which back onto the garden. Old Clements Lane is not a through road and only accommodates domestic traffic which gains access to the dwellings along the east side of the lane.

Planning history:

No relevant planning history

Consultations:

Environment Team

Land Contamination

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

Air Quality

6. Recommend a condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

Public Health & Housing

7. Would not wish to object to this amended application, it is recommended that the following conditions are included in any consent granted to minimise the impact of the development, during construction, on the existing residential occupiers in the vicinity of the application site and to ensure that the internal ambient noise levels of the proposed dwellings comply with current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

Highway Authority

8. Original comments: The proposal in its current form is unacceptable because it does not include the provision of any secure cycle storage for future residents. Suffolk Guidance for Parking recommends a minimum cycle storage capacity of 2 cycles per dwelling. House 1 includes a garage with internal dimensions of 3090 x 5000. A garage of this size is not considered large enough to count as both a vehicle parking space and as secure cycle storage. Cycle parking provision should be secure, covered and lit. The applicant should consider how this development can accommodate the appropriate cycle storage and should demonstrate that on a revised plan please. The topography of this site is likely to lead to surface water run off onto the highway. I note that drainage channels are

shown on Drawing No. 826/17/01 Rev C but there is no indication of where the water will drain to.

9. The agent has since provided a revised plan to show secure cycle storage in the form of a shed within the rear garden of house one and it is clear that secure cycle storage could also easily be accommodated within the garden areas afforded to houses two and three, this is to be required by condition. Also a drainage strategy was provided which details the most sustainable and suitable option for this site. The Highway Authority has confirmed that no objection is raised to this approach.

Conservation Officer

10. Despite the early changes the building is still considered to meet the criteria of a non-designated heritage asset worthy of retention. Based on the information provided the proposed demolition would prove contrary to policy DM16, in particular insofar as the proposal to demolish the building will entail an unacceptable loss. In cases where the works would cause harm to a local heritage asset clear justification for the works must be provided so that the harm can be weighed against any public benefits. I would suggest the additional information regarding costs, to include the value of the property following completion of the works, is relevant when assessing the acceptability of the application.

Floods and Water

11. As the proposed built environment (dwellings and other hardstanding) is less than 10 we have no formal comments to make.

Ecology comments

12. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.
13. The mitigation measures identified in the Preliminary Ecological Appraisal (Small Ecology Ltd, December 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.
14. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] and 175[d] of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured prior to slab level. This should include the provision of appropriate native species planting, bird & bat boxes or integrated bricks and hedgehog friendly fencing (13 x 13cm holes at the base of fencing).
15. Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

Representations:

Ward member

16. Councillor Aaron Luccarini: This is a historically significant local landmark. Further to this access leading to the development is poor and not suitable for any more dwellings.

Town Council

17. Object, there is insufficient parking. The Town Council ask whether the application complies to Policy DM 2 Character of the Area, as the buildings are out of keeping with existing cottages and the one being demolished. Additionally, access to the site is too narrow and this is made worse by existing residents using the drive to park their vehicles.

Public comments

18. A total of seven letters received with some support and some areas of concern:
 - Principle of development appears sound
 - Possible overdevelopment
 - Need to ensure neighbour privacy remains intact
 - Parking issues
 - Highway safety due to increased vehicular movements
 - Clements Lane highway itself needs improvement and has for some time
 - 27 Clements Lane makes a positive contribution to the character of the area and is a non-designed heritage asset
 - Potential construction traffic

Policy:

19. 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.
20. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM7 Sustainable Design and Construction

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM16 Local Heritage Assets and Buildings Protected by an Article 4 Direction

Policy DM22 Residential Design

Policy DM46 Parking Standards

Vision Policy HV1 - Presumption in Favour of Sustainable Development

Vision Policy HV2 - Housing Development within Haverhill

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Other planning policy:

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

Officer comment:

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

- Statutory Context
- Principle of Development
- Visual amenity
- Residential amenity
- Local Heritage Assets
- Impact on Highway safety

- Planning Obligations
- Other issues

Statutory Context

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

Principle of Development

26. The site is located within the Haverhill Housing Settlement Boundary where there is a presumption in favour of development. Policies DM1, CS2, HV1 and HV2 support sustainable development where it is not contrary to other policies. Furthermore, the NPPF encourages the efficient re-use of brownfield land. The siting of the development is considered appropriate given the existing facilities nearby with the site is in a highly sustainable location. It is therefore, considered that the principle of development of this site is acceptable.

Visual amenity

27. Policy DM2 Creating Places - Development Principles and Local Distinctiveness and Policy DM22 Residential Design provide that proposals for all development should, recognise and address the key features, characteristics, landscape/townscape character and local distinctiveness. In addition, proposals should maintain or create a sense of place and/or local character, particularly restoring or enhancing localities where strong local characteristics are lacking or have been eroded.
28. The surrounding area is a mix of properties which are predominantly two-storey and three-storey. The dwellings along Old Clements Lane are of traditional design with pitched roofs and are either semi-detached or in short terraces.
29. During the course of this application the agent has amended the design of the dwellings to reduce the overall height and better reflect the existing character of the surrounding area.
30. The proposed dwellings are three storey in height with the third floor within the roof space which is in keeping with the character of the site and scale of dwellings in the wider area. House 1 (located adjacent to 26, Old Clements Lane) has an two storey side projection with a garage at ground floor on its northern side to provide a 'stepped' transition between the existing and proposed dwellings on the eastern side of the Lane. The proposed dwellings take advantage of the sloping topography at the site, which means that, at the rear, they are two-storey, with the second floor within the roof space. The proposed materials include brickwork, rendering

and pantiles which would complement the existing dwellings along Old Clements Lane.

31. The proposed development would result in the loss of a number of trees, located in the curtilage of the existing house. The effect arising from the loss of these trees is minimal, and it should be noted that they are fruit trees and are not subject to a Tree Preservation Order. The trees contribute little to the character of the site and wider area and the loss of a small number of fruit trees is therefore afforded limited adverse weight in determining this application.
32. The scale, form and design of the development is considered acceptable and appropriate, given the site context. On this basis, the proposal is considered to comply with policies DM2 and DM22.

Residential amenity

33. 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.
34. With regard to residential amenity, the flank of house one is 3m away from the extended side elevation of the off-site property to the north (26 Old Clements Lane) with the site being 0.8m higher at this point, the only windows on the north facing flank elevation being velux and located within the roof slope with no windows to the extended element of 26 Old Clements Lane facing house one. It is considered reasonable to remove permitted development rights for windows to the north facing elevation of plot one and require existing, proposed ground levels, finished slab and floor levels given the existing relationship with 26 Old Clements Lane.
35. There are no residential properties to the southern or western side of the site and a good degree of separation, some 20 metres window to window, to the properties at the rear (1, 2 and 3 Orchard Close) which are also positioned at a notably higher level, with an acceptable interrelationship therefore.
36. Given the characteristics of the site and the fact that the proposed dwellings are set back from the neighbouring property to the north it is considered that the proposal would not have an adverse impact on the residential amenity currently enjoyed by any of the surrounding properties by reason of overlooking or overbearing impact. Furthermore, the positioning, orientation and various degrees of separation of the dwellings within the site provide a satisfactory relationship between the proposed dwellings. It is therefore considered that the proposal is in compliance with policies DM2 and DM22.

Local Heritage Asset

37. Policy DM16 Local Heritage Assets and Buildings Protected by an Article 4 Direction provides that proposals for the demolition, extension or

alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will be permitted where they:

- a. demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;*
- b. respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;*
- c. will not entail an unacceptable level of loss, damage or covering of original features; and*
- d. have regard to the setting, plot layout and boundary features.*

38. 27 Old Clements Lane is a double fronted two-storey house with a modified rear 'outshut' most likely dating from the early part of the 19th century. A semi-basement extends below both the main and rear range and its separate access may have provided access to a workshop possibly associated with some parts of the textile industry. The front elevation is largely symmetrical benefitting from a shallow pitched hipped, slate roof. The windows at ground and first floor have both changed although the bays are thought to have been an early alteration. The proportions of the original windows at both ground and first floor to the front elevation have been respected.
39. Access is via a short flight of steps protected by an open fronted steeply pitched gabled porch with finial, which it would appear has altered little in appearance since the late 19th century/original construction. A pebble dash render encases the entire building where previously the flank walls were, at one stage, fair faced brickwork. The original 'outshuts' have been modified to provide first floor accommodation and the interior has been significantly altered.
40. With regard to policy DM16, whilst the property is not in an area covered by an Article 4 Direction and despite the early changes, and noting its current poor state of repair, 27 Old Clements Lane is still considered to meet the criteria of a non-designated heritage asset potentially worthy of retention.
41. In the case of works which would cause harm to a Local Heritage Asset, or building protected by an Article 4 Direction or its setting, clear justification for the works must be provided so that the harm can be weighed against any public benefits. The level of detail of any supporting information should be proportionate to the importance of the asset, the works proposed and sufficient to understand the potential impact of the proposal on its significance and/or setting.
42. In this instance a fully detailed additional costing assessment was requested and subsequently provided by the agent. Due to the nature of this costing it has been considered by Officers on a confidential basis. Included within the costing assessment were all repair works required to bring the property to a mortgageable standard of accommodation. Officers have accepted that the cost of these works would be considerable. In particular, the costs required to put the property into reasonable repair could not be recouped by its resale value, therefore it would be unviable with the prospect of renovation otherwise coming forward being highly unlikely.

43. This conclusion alone is considered sufficient to justify the demolition of a building which is not considered worthy of listing. However, it should also be noted as being highly material in this respect that Schedule 2, part 11, Class B (demolition of buildings) of the Town and Country General Permitted Development Order allows applicants to apply to the LPA for the Prior Approval for demolition of residential dwellings. with The exceptions being the demolition is proposed or has been granted as part of a wider planning application for the redevelopment of the site, Listed Buildings and non-Listed Buildings in Conservation Area, Pubs and other drinking establishments (Use Class A4) or it is deemed that the owner has rendered the building unsafe by their action or inaction.
44. The consideration of a prior-approval application relates only to the impact of the proposal (demolition) on local amenity. Meaning the Council can only consider whether the prior-approval of the authority is required in relation to the method of demolition and any proposed restoration of the site, not in relation to the principle of demolition.
45. It is therefore further considered that the public benefit of the provision of three new dwellings, also noting the permitted development 'fall back' would very clearly outweigh any harm associated with the loss of 27 Old Clements Lane.

Impact on Highway safety

46. The 2019 NPPF at paragraphs 108-110 provides that applications for planning permission should, where it is possible to do so, enable the safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
47. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network.
48. Aspiration 2 of the Haverhill Vision 2031 is to provide walkable neighbourhoods to enable communities to meet their day-to-day needs without necessarily requiring them to drive, also good access to local centres. This site is less than a mile from the centre of Haverhill, with a stop on the Haverhill Town (Parkway and Clements) bus service within close proximity of the site.
49. It is noted that concerns have been raised by third parties with regard to parking issues and highway safety. The properties provide two off street parking spaces each. In response to the Highway Authority comments with regard to the garage to house one not being large enough to accommodate a vehicle and secure cycle storage the agent has provided a revised plan to show secure cycle storage in the form of a shed within the rear garden, it is clear that secure cycle storage could also easily be accommodated within the garden areas afforded to houses two and three.
50. Concern was also raised by neighbours with regard to surface water run off onto the highway. The agent has since supplied a drainage strategy which details that the most sustainable and suitable option would be to

construct a new 150mm diameter surface water sewer along Old Clements Lane prior to a final gravity connection to the existing 375mm diameter surface water sewer located in Clements Lane. This would require an agreement from Anglian Water who can requisition the sewer on the developer's behalf. Anglian Water have provided initial comments and in principle agree to the proposed drainage strategy and proposed outfall rate.

51. It is proposed to manage all roof area and surface water runoff from the rear patio and driveways via a linear drain at the front of the site which is connected to an attenuation tank with a restricted outfall of 1.0l/s via a hydrobrake for all events up to and including a 1 in 100 year plus 40% climate change event, final detail of which will be required by condition. The proposed drainage features are to remain private and the responsibility of a dedicated management company.
52. Details of cycle storage (to plots two and three), refuse storage, soakaway positions and the provision of electric charging points are to be required by condition and given it would appear that there is sufficient space within each plot to accommodate these, the scheme it is considered to comply with policy DM46 and Aspiration 2 of the Haverhill Vision 2031 with the Highways Authority raising no specific objection to the intensification of use of Old Clements Lane.

Planning Obligations

53. Paragraph 63 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not 'major' developments. Major housing developments are defined within the Framework as developments where ten or more homes will be provided, or the site has an area of 0.5 hectares or more. Policy CS9 states that on all schemes of 10 or more dwellings or sites of more than 0.33 hectares a target of 30% of the number of net new dwellings will be sought as affordable.
54. The application on the site proposes three dwellings, which in accordance with the NPPF does not trigger the requirement for affordable housing.

Biodiversity

55. 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.
56. The Landscape and Ecology Officers have reviewed the Preliminary Ecological Appraisal (Small Ecology Ltd, December 2020), supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, and identification of proportionate mitigation which enables the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

57. The Ecology officer is satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures such as the provision of appropriate native species planting, bird & bat boxes or integrated bricks, hedgehog friendly fencing and the mitigation measures identified in the Preliminary Ecological Appraisal shall be secured by condition, the development can be made acceptable with the enhancements contributing in terms of biodiversity net gain.

Other issues

58. Policy DM7 provides that all proposals for new development will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the design, layout, orientation, materials and construction techniques. In particular proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed to ensure water consumption is no more than 110 litres per person per day (including external water use).
59. The water consumption of each individual dwelling is subject to condition and also all dwellings with off street parking are required to provide an operational electric vehicle charge point by condition. It is considered that these measures will ensure compliance with policy DM7.
60. Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should be designed to enable charging of plug-in and other ultralow emission vehicles in safe, accessible and convenient locations.'
61. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling."
62. Therefore, a condition requesting electric vehicle charge points is recommended, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.
63. Given the location in relatively close proximity to Clements Lane, to ensure that the internal ambient noise levels within the proposed dwellings comply with current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings it is considered reasonable to require by condition that the acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms

between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

64. Whilst the rear gardens of the proposed dwellings are of a relatively generous size, all being over seventeen metres in length at least given the fact that the ground level of house one is 0.8 meters higher than the neighbouring property to the northern side (26 Old Clements Lane) it is considered reasonable to remove permitted development rights to control any adverse impact to residential amenity from future extensions or outbuildings for this plot.
65. It is noted that potential construction traffic was raised as a concern by neighbouring residents. However the impacts in this regard, noting the nature and location of the proposal, is not considered sufficient to justify conditional control.

Conclusion:

66. Overall, this is an application which must be considered against the development plan whilst on the other side lie all of the other relevant material planning considerations including the NPPF.
67. 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. 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 – which is considered to be the case.
68. In this instance harm is identified with the loss of the non-designated heritage asset and the conflict with policy DM16. However given that fact that the costs required to put the property into reasonable repair could not be recouped by its resale value, it would be unviable, with the prospect of renovation otherwise coming forward therefore being considered highly unlikely. It is therefore considered that the public benefit of the provision of three new dwellings, also noting the permitted development 'fall back', would outweigh the harm associated with the loss of 27 Old Clements Lane.
69. In conclusion, therefore, the principle and detail of the development is considered to be acceptable and complies with relevant development plan policies and the National Planning Policy Framework to an extent that the benefit outweighs the harm identified. Any impacts arising can be satisfactorily mitigated through the imposition of suitably worded conditions and the application is therefore supported.

Recommendation:

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

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), house one shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) the garage to house one shall be used solely for the garaging of private motor vehicles and for ancillary domestic storage incidental to the occupation and enjoyment of the associated dwelling and shall be used for no other purpose.

Reason: To ensure continued compliance with adopted parking standards in the interests of highway safety, in accordance with policy DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north facing side elevation of plot 1.

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

8. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. H07183/15/001; for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

9. Before the access is first used, visibility splays shall be provided as shown on Drawing No. H07183/15/001; and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

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

11. The details within the strategy for the disposal of surface water run off

(dated 9 December 2019) shall be submitted to, approved in writing and implemented as approved by the Local Planning Authority thereafter. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

12. The development hereby permitted shall not be brought into use/first occupied until details of refuse storage for all dwellings and secure cycle storage facilities for houses two and three have been submitted to the local authority and approved in writing. These shall be then provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

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

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

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

14. Prior to first use of the development hereby permitted, the vehicular accesses onto the site shall be properly surfaced with a bound impervious material for a minimum distance of five metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To secure appropriate improvements to the existing vehicular access and to prevent hazards caused by loose materials being carried out into the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies

15. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

16. The site demolition, preparation and construction works, including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

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

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

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

18. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Small Ecology Ltd, December 2020). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species).

19. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve and enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

20. Prior to commencement of development details of the following drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority:
- i) Existing and proposed ground levels and finished slab and floor levels,

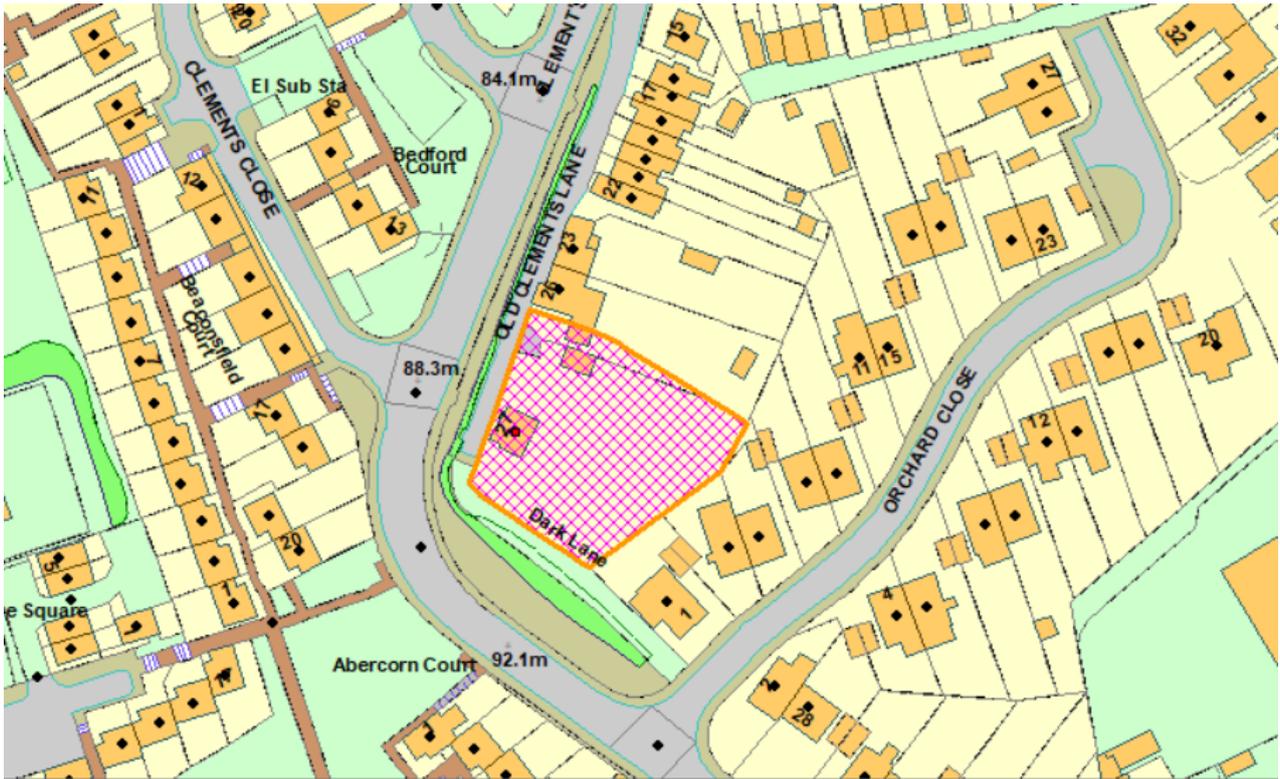
Reason: To ensure control in relation to the final finished floor level of the building, noting the levels changes within the site, in the interests of residential amenity and the character and appearance of the area, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

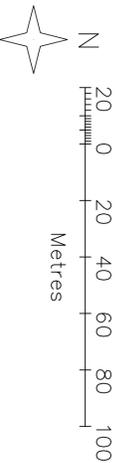
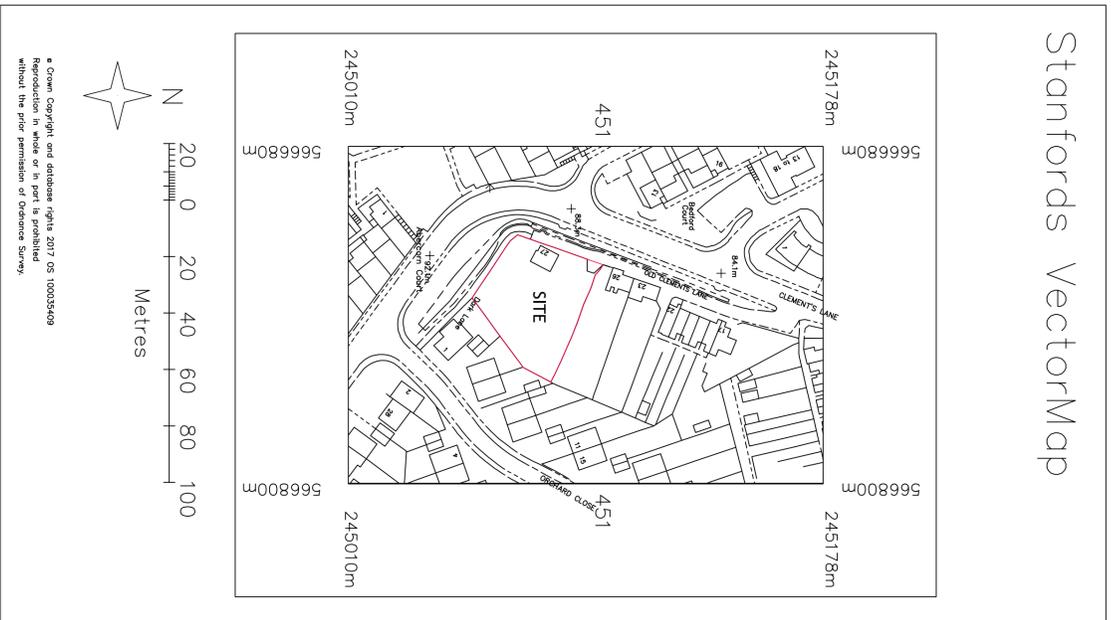
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2269/FUL](https://www.westsuffolk.gov.uk/DC/17/2269/FUL)



DC/17/2269/FUL - 27 Clements Lane, Haverhill CB9 8JR



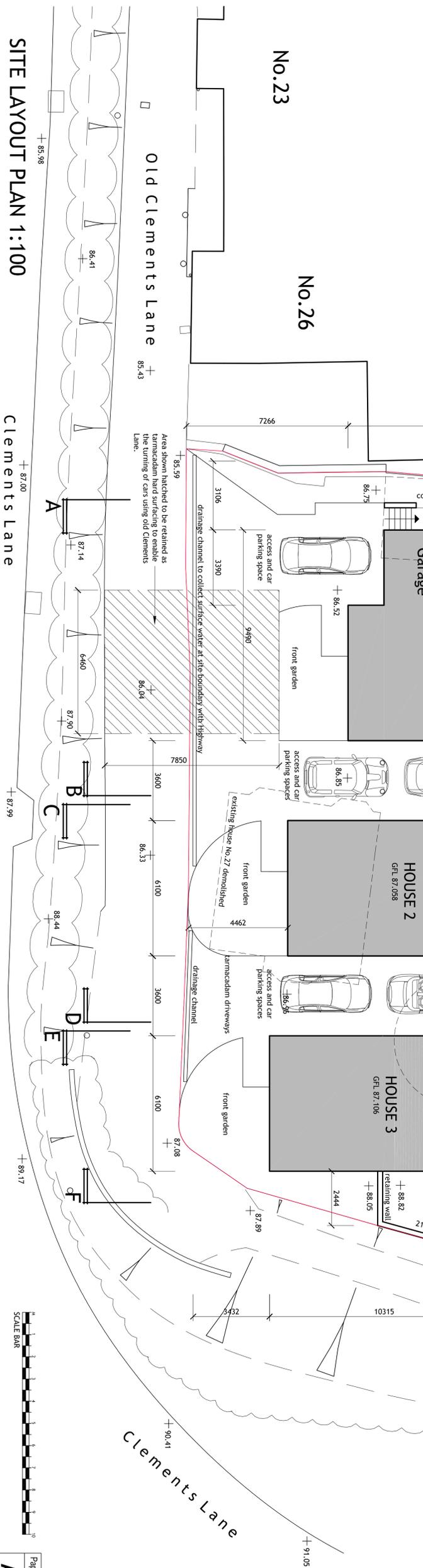
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SITE LOCATION PLAN 1:1250

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SITE LAYOUT PLAN 1:100

Clements Lane



No.1 Orchard Close

Dark Lane

General Notes:

Do not scale from these drawings. The Contractor is responsible for checking all dimensions on site prior to commencement of the works with any errors being reported to Neil Cutforth & Associates as soon as possible. Any construction work carried out prior to receiving all necessary approvals is entirely at the householders / clients risk.

All building work to be carried out to the satisfaction of the Local Authority Building Control Officer and in accordance with the current Building Regulations and as such additional unforeseen building works may be required on site.

The Contractor shall inspect all adjoining properties which may be affected by the works prior to commencement or works and record and report with the owner any defects.

The Contractor shall be entirely responsible for the security, strength and stability of the building during the course of the works.

Drawings produced for the purpose of obtaining Building Regulations approvals only and do not constitute full working drawings.

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Notes:

Rev	Description	Date	By
REVISIONS			

Neil Cutforth & Associates

Architectural Consultants

1A CENTURY PARK, LYNN ROAD, CHETTISHAM,
 ELY, CAMBRIDGESHIRE, CB8 1SA
 Tel: 01353 661212 Fax: 01353 661212
 Email: neil@neilcutforth.co.uk

Architectural Services - Local Authority Approval - Project Management
 Extensions - Loft Conversions - Flat Conversions - Housing Developments

Client
 MRS SUSAN FRANKS

Drawing Title
 PROPOSED HOUSING DEVELOPMENT
 27 OLD CLEMENTS LANE, HAVERHILL

Drawing Status
PLANNING

Paper Size	Date	Drawn By
A1	JUL 20	826/17/01D
Scale	1:100	
Drawn	NMC	

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Development Control Committee 7 April 2021

Planning Application DC/20/1729/HH - Welham House, South Street, Risby

Date registered:	23 November 2020	Expiry date:	09 April 2021
Case officer:	Nicholas Yager	Recommendation:	Approve application
Parish:	Risby	Ward:	Risby
Proposal:	Householder planning application - a. Two bay car port/wood store b. brick enclosure for heat pump c. outdoor swimming pool d. rebuilding of front wall		
Site:	Welham House, South Street, Risby		
Applicant:	Mr Jonathan Wooldridge		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Nick Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 07415 271989

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel on 23 February 2021. It was referred to the Delegation Panel following a request from Ward Member Councillor Susan Glossop. The officer recommendation is for APPROVAL.

Proposal:

1. Planning permission is sought for the following elements:
 - Two bay car port/woodstore measuring 5.3 metres in depth, 9.5 metres in width, 2.4 metres for the height of the eaves and 4.8 metres in height.
 - Outdoor Swimming Pool measuring 4.5 metres in depth and 10 metres in length.
 - Brick Enclosure for heat pump
 - Rebuilding of front wall
2. Amended plans have been received as the application has progressed. The location of the swimming pool has altered. Further, new tree planting has been included, a brick enclosure for the pool plant and equipment and the rebuilding of the front wall. The proposed car port has not altered with the amendments. Additional information has also been provided in relation to the swimming pool and the pool plant room with respect to noise following a request of Public Health and Housing.

Application supporting material:

- Location Plan
- Siting of Swimming Pool
- Existing Block Plan
- Floor Plan of Car Port/Store
- Existing Elevations of Car Port
- Proposed Elevations of Car Port
- Proposed Pool Sections
- Proposed Entrance and Pool Plant Enclosure
- Proposed Plant Entrance and Pool Plant
- Amended Proposed Block Plan
- Noise levels Statement
- Planning Statement

Site details:

3. The application site lies within the settlement boundary for Risby. The Risby conservation area divides the site in two with the northern side of the site falling within the conservation area and the southern side falling outside. The dwelling is detached and set back from South Street. The dwelling benefits from a large curtilage with amenity space to the rear and the front. The site has a single access from South Street. There are no TPO protected trees located within the application site albeit any trees within the Conservation Area are afforded protection.

Planning history:

Reference	Proposal	Status	Decision date
DC/14/0311/TCA	Tree in a Conservation Area Notification - Ash tree - remove one split branch and reduce crown by 25%	No Objection	28 March 2014
DC/16/1977/HH	Householder Planning Application - (i) single storey side extension (following demolition of existing conservatory) and (ii) two storey rear extension (following demolition of existing lean to).	Application Granted	4 November 2016
DC/19/1824/HH	Householder Planning Application - (i) detached garden room/office/Gym (ii) detached double garage and (iii) new vehicular access and driveway with dropped kerb and (iv) modified entrance walls and gates	Application Withdrawn	14 January 2020
DC/20/1583/TCA	Trees in a conservation area - 1no. Ash (T1 on plan) - Overall crown reduction by up to 3 metres to previous pruning points	No Objection	26 October 2020
DC/20/1729/HH	Householder planning application - a. Two bay car port/wood store b. brick enclosure for heat pump c. outdoor swimming pool d. rebuilding of front wall	Pending Decision	

Consultations:**Tree Officer
25.11.2020**

4. Commented stating that the trees at the site collectively have notable value but are not individually of any particular merit and therefore does not think it would be possible to consider them as a group due to their spacing. The tree officer considers that they provide a pleasant frontage but that a tree preservation order would not be applicable. It would be desirable to get some tree planting to immediately adjacent to the front boundary wall as part of the application but understand that may not be able to be secured.

Conservation Officer

03.12.2020

5. The proposed development is located outside the conservation area and will not affect its setting or the setting of any nearby heritage assets I therefore have no objections.

28.01.2021

6. Have taken a look at the amendments and as all are located outside the conservation area and no notable change will occur that will affect the setting of the conservation area I have no objections.

SCC Highway Authority

16.11.2020

7. Suffolk County Council, as the Highway Authority, considers that this proposal would not have a severe impact on the highway network, in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the grant of permission.

02.12.2020

8. Further to the Highway Authority's letter dated 16 November. We have reviewed the additional plans and do not wish to revise our recommendation that the County Council, as Highways Authority, does not wish to restrict the grant of permission.

Parish Council

07.12.2020

9. Risby Parish Council has no objections to the application for the two bay car port/wood store, however it objects to the application for an outdoor swimming pool for the following reason:
10. DM2 - The negative impact on the residential amenity of neighbouring properties due to noise, light pollution and loss of privacy. South Lodge in particular South Lodge will be worst affected as the swimming pool would be closer to South Lodge than the applicant's own property.
11. The Parish Council is concerned about drainage from the swimming pool due to the proximity to the wall and root system of trees. It is also concerned about the environment impact of chemicals used in the pool and risk to health if not properly maintained and disposed of.

25.01.2021

12. Following the re-consultation on the additional information and amended plans provided, the Parish re-commented on the application the following.
13. Risby Parish Council has no objections to this application

Public Health and Housing

10.12.2020

14.I confirm I have reviewed the information provided with this application and I have considered the proposal from a nuisance control perspective. The information or plans do not appear to contain any information in regards to a plant room associated with the pool. This is information as the siting of any plant associated with the heating and maintenance of the pool may have the potential to cause a noise nuisance towards nearby properties.

15.Any plant installed must be contained inside a structure which will prevent unreasonable noise levels. I should be grateful if the applicant could provide details of any plant that will be associated with the pool, including its proposed location, and details of any enclosure intended.

16.It is also noted from other comments that there is concern about the potential for general noise levels to be increased from the use of the pool. It assumed this is related to the potential people noise from gatherings at the pool. Our department is responsible for responding to public complaints concerning alleged noise nuisance, therefore I should be grateful if the applicant could provide some detail in regards to how they intend to manage this type of issue.

07.01.2021

17.I am happy with the information provided. The applicant should understand that in the event of complaints being received, either from people noise, or noise arising from any fixed machinery such as the air source heat pump, we would be required to investigate under the Environmental Protection Act 1990. If we witness that a noise nuisance we would have a legal duty to ensure action is taken to abate it. I recommend that subjective noise monitoring is carried out once the installation is completed in order to ensure there is no unreasonable disturbance.

28.01.2021

18.Public Health and Housing have no additional comments to make in regards to the information provided with this application. All relevant advice has been provided to the applicant in regards to control of noise nuisance associated with the use of the pool or any fixed plant machinery associated with its operation.

Environmental Team

22.12.2020

19.Thank you for consulting the Environment Team on the above application. We have no comments.

26.01.2021

20.Thank you for re-consulting the Environment Team on the above application. We still have no comments.

Ward Member Councillor Glossop:

21. Following our telephone conversation and the next door neighbours' comments I would like to ask for this application to go to the delegation panel please.

Representations:

22. Third-party comments received from South Lodge, South Street Risby objecting for the following summarised reasons:

23. Cartlodge

- Leading to loss of light on neighbouring amenity
- Rainwater of the pitches roof will be managed
- Mature trees will be removed
- Part of the plot in conversation area and concerns of overdevelopment

24. Outdoor swimming pool

- Impacts on character
- Impacts on trees
- Ground settlement of excavations effecting driveway
- Drainage of displaced water from the pool
- Location the drawings do not reflect the true location or size of the pool and impact

25. Additional third-party comments were received from Springside 3 Orchard Close, Risby, summarised as follows:

- Support the applicants' proposed improvements to the entrance off Welham Lane and the construction of a car port.
- No objection to the pool in its current proposed position.

26. **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.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM17 Conservation Areas

- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design quality and local distinctiveness

Other planning policy:

28.National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Impacts on the Conservation Area / Character of the Area / Design and Form
- Impacts on Residential Amenity
- Impacts on Landscape / Trees
- Highway Matters
- Other Matters

Principle of Development

31.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 immediate and surrounding are, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

32.In this case of this application, the dwelling is located within a curtilage which is able to accommodate the two-bay car port/wood store, brick enclosure for heat pump, outdoor swimming pool and rebuilding of front wall without overdevelopment occurring.

Impacts on the Conservation Area / Character of the Area / Design and Form

33. Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the host dwelling and the surrounding area.
34. Policy DM2 states that proposals for all development should (i) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and (ii) maintain or create a sense of place and/or local character.
35. Policy DM17 states that proposal for development should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into through, and out of the area.
36. Policy DM24 states that development will be permitted provided that the proposal (i) respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area.
37. 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.
38. The proposed development is all located adjacent to but outside of the nearby Risby conservation area. DM17 states that proposals for development should preserve or enhance the setting and views, in through and outside of the conservation area therefore the conservation officer was consulted. The conservation officer confirmed no objections and stated that the development will not affect the setting of the adjacent conservation area. Therefore, the development is considered in accordance with DM17.
39. The proposed cartlodge is set back away from South Street near the host dwelling. Due to the generous distance of the cartlodge away from South Street (30 metres) it is considered the development will only be available in limited views within the street scene. Further, the cartlodge will be positioned in an existing two bay parking area currently used by the occupiers. The design of the proposed cartlodge is of a typical two bay structure with an adjacent store. Therefore, it is considered the cartlodge will not lead to any material harm to the surrounding area and the development is in accordance with DM2 and DM24.
40. The proposed pool is set further towards South Street within the front garden amenity area of Welham House. The pool is a below ground structure and the existing front wall provides screening from South Street to the proposed swimming pool. Therefore, the development of the pool will not lead to harm upon the surrounding character of the area. The pool plant enclosure is the same height as the existing entrance wall (1.8 metres) and will be located behind the existing wall and therefore will not lead to any harm upon the character of the area. The repair of the wall to the front is acceptable and will be to the existing height of 1.8 metres.
41. It is therefore considered the development is in accordance with policies DM2, DM17 and DM24 of the Joint Development Management Plan, CS3 of the St Edmundsbury Core Strategy and the design provisions within the National Planning Policy Framework (2019).

Impact on Neighbouring Amenity

42. DM2 states that the development should not harm the amenities of adjacent areas the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.
43. Although the cartlodge is located near the boundary between Welham House and South Lodge there is some separation between any neighbouring boundaries. In this case the stand off distances are 13.1 metres to South Lodge and 13.4 metres to Springside. The proposed cartlodge, which is modest in terms of footprint and scale, is therefore considered to be located at a distance away from third party property for there not to be any adverse issues arising from overlooking, overbearing impact or from loss of light to any neighbouring property.
44. The proposed pool is below ground level and located at 7.2 metres distance away from South Lodge. Public Health and Housing were consulted on the application and stated that more information was required on the application with regards to plant room in association with the pool. This was to ensure that any noise from the plant room would not harm neighbouring amenity. Additional information and plans were provided by the applicant and Public Health and Housing were re-consulted and stated no additional comments on the application. Officers consider that a condition for the pool plant room equipment to be in accordance with the submitted details in reasonable in this instance. The proposed block plan shows the addition of trees on the boundary providing screening from any neighbouring views from South Lodge to the proposed below ground pool and the users. On this basis, the impacts of noise from any pool equipment are not considered to be sufficiently harmful so as to justify a refusal, subject to the imposition of a condition.
45. The next matter that requires careful consideration is the use of the pool and the potential for noise and disturbance to arise that might negatively impact upon the amenities of nearby residents, in particular the properties known as Springside and South Lodge, both of which are located to the south of the proposed pool.
46. The pool is proposed to serve a single domestic dwelling. This will naturally limit the intensity of the use, to a level that would in principle be considered acceptable. Its use by the owners of the dwelling, perhaps also on occasion with use by visiting friends and relatives, is very likely to give rise to some noise effects that will be audible at surrounding property. The use of the pool by children as might readily also occur from time to time might also further increase the noise effects arising. At times, given the proximity, it is likely that noise effects arising from the use of the pool may lead to some disturbance at nearby properties that will be prejudicial to their reasonable amenities. This is a therefore a fact that weighs against this proposal.
47. However, although there will almost certainly be some noise arising from the use of the pool by occupiers, officers consider that such impacts would be unlikely to be so frequent so as to lead to any significant or material

harm to neighbouring amenity such that a refusal would be justified. It is considered that although the position could lead to an increase of the use by residents of Welham House to the front of their garden the area is within existing the residential curtilage of Welham House. The proposed pool area could be used for other garden activities such as barbecues, gardens events / parties, for example, without consent. The applicant however does confirm that an above ground swimming pool that did not require planning consent was sited within this location for the past seven years. With the noise information with regards to the plant room secured and Public Health and Housing confirming acceptability of this information, and noting that the potential for other noisy activities to lawfully take place in this garden even without the pool, the proposal is not considered to lead to persistent intrusion, and as a result the development is not considered to lead to material harm upon neighbouring amenity by reason of noise and disturbance to such a level that officers consider would otherwise withstand the scrutiny of an appeal.

48.To conclude therefore, on balance, and whilst the application may lead to a modest increase of use on the front garden area, and whilst this may on occasion lead to some increased adverse effects upon nearby dwellings arising from noise and splashing, it is not considered this increase would be sufficiently harmful to the surrounding neighbouring amenity to otherwise justify a refusal. Therefore, the development is considered to be in accordance with DM2 and DM24.

Impacts on Trees and Landscape

49.DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.

50.The development proposed within the application falls outside of the conservation area therefore the trees are not protected by reason of being located within a conservation area. The tree officer was consulted on the application and stated that the trees collectively have notable value but are not individually of any particular merit. The trees provide a pleasant frontage to the application site, however the tree officer confirmed that a tree preservation order would not be applicable in this instance. The applicant has indicatively shown some replacement planting between the pool and the neighbouring property of South Lodge which is noted. On balance it is considered the removal of the trees to the front of the site is somewhat regrettable but as they are not TPO worthy or located within a conservation area this would not require planning consent. It is noted that the development does consider some replacement planting to the south of the pool which is considered a positive and which can be required by condition.

Highway Matters

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

52. The Highway Matters were consulted on the application and stated that this proposal would not have a severe impact on the highway network, in terms of vehicle volume or highway safety.
53. In this instance, due to the nature of the proposal and the reasons stated above. It is considered there is no conflict with DM46 or paragraph 110 of the NPPF.

Other Matters

54. Environment Team stated no comments to the application.
55. Following the re-consultation, the Parish confirmed no objections.
56. Third party comments have been received in relation to the cartlodge. Stating that the cartlodge would lead to loss of light with an adverse effect on neighbouring amenity, questioning how will rainwater off the pitched roof will be managed, raising concerns that the development will lead to mature trees to be removed and part of the plot in conservation area, and therefore concerns of overdevelopment. In relation to these points Officers are satisfied that there is sufficient separation distance from the proposed cartlodge to any neighbouring property so as to protect reasonable amenities. The rainwater of the pitched of the roof will have to comply with building control regulations. The trees to be removed are not protected by reason of being within a conservation area nor are they TPO worthy. The conservation officer has confirmed on objections to the application and officers consider there will not to be an overdevelopment of the site and that it therefore complies with DM24.
57. Third party comments were also received from the neighbouring property known as South Lodge relating to the impacts of ground settlement of excavations effecting driveway and the drainage of displaced water from the swimming pool. It will be the applicant's responsibility to make sure the drainage of displaced water from the pool will be done in the appropriate manner, with the neighbour being afforded protection under the Party Wall Act is needed. Further, excavations effecting the driveway would need to be completed in accordance with relevant building regulations. Third party comments were received in relation to impact of the pool upon the character of the area and loss of trees. However, the pool will be a below ground structure and the existing 1.8 metre wall provides screening. The tree officer stated that the trees are not individually TPO worthy and therefore could be removed without consent officer's note the inclusion of some replacement planting to the south of the pool. Third party comments have been received in relation to the drawing not reflecting the true location or size of the pool and impact. The proposed block plan showing the proposed pool in the garden has been measured by officers and can be confirmed to be drawing to scale at 1:500.
58. Third party comments were received from Springside, 3 Orchard Close stating they would like to support the applicants' proposed improvements to the entrance off Welham Lane and the construction of a car port which continued the improvement that are being made to Welham House and that there were no objections to the pool in its current proposed position.

59. The Ward Member commented on the application asking for the application to go before delegation panel due to concerns regarding the third-party comments of impacts on the proposed pool to neighbouring amenity by virtue of noise and disturbance.

Conclusion:

60. In conclusion, the principle and detail of the development is considered to be acceptable, as a matter of balance noting the amenity considerations discussed above, and in compliance with relevant development plan policies and the National Planning Policy Framework and relevant policies of the development plan..

Recommendation:

61. 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:

Plan Type	Date on Plan	Date Received
Location Plan	10.03.2021	10.03.2021
Existing Block Plan	10.03.2021	10.03.2021
Amended Block Plan	10.03.2021	10.03.2021
Proposed Entrance and Pool Plant Enclosure Plan	14.01.2021	14.01.2021
Proposed Entrance and Pool Plant	14.01.2021	14.01.2021
Existing Elevations	23.11.2020	23.11.2020
Pool Sections	23.11.2020	23.11.2020
Proposed Cart Lodge Elevations	23.11.2020	23.11.2020
Proposed Roof Elevations	23.11.2020	23.11.202
Floor Plan of Car Port/Store	08.10.2020	08.10.2020
Application Form	08.10.2020	08.10.2020
Noise Information	05.01.2021	05.01.2021

3. Prior to the occupation of any unit/dwelling:

- i) All of the noise protection and mitigation works associated with that pool as detailed in the submitted noise information dated 05/01/2021 shall be completed in their entirety in accordance with the approved

details prior to the first use of the swimming pool hereby permitted. These works shall thereafter be retained for as long as the pool is in situ on site.

Reason: To ensure that the residential development is protected from existing noise sources, in accordance with policies DM2, DM22 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

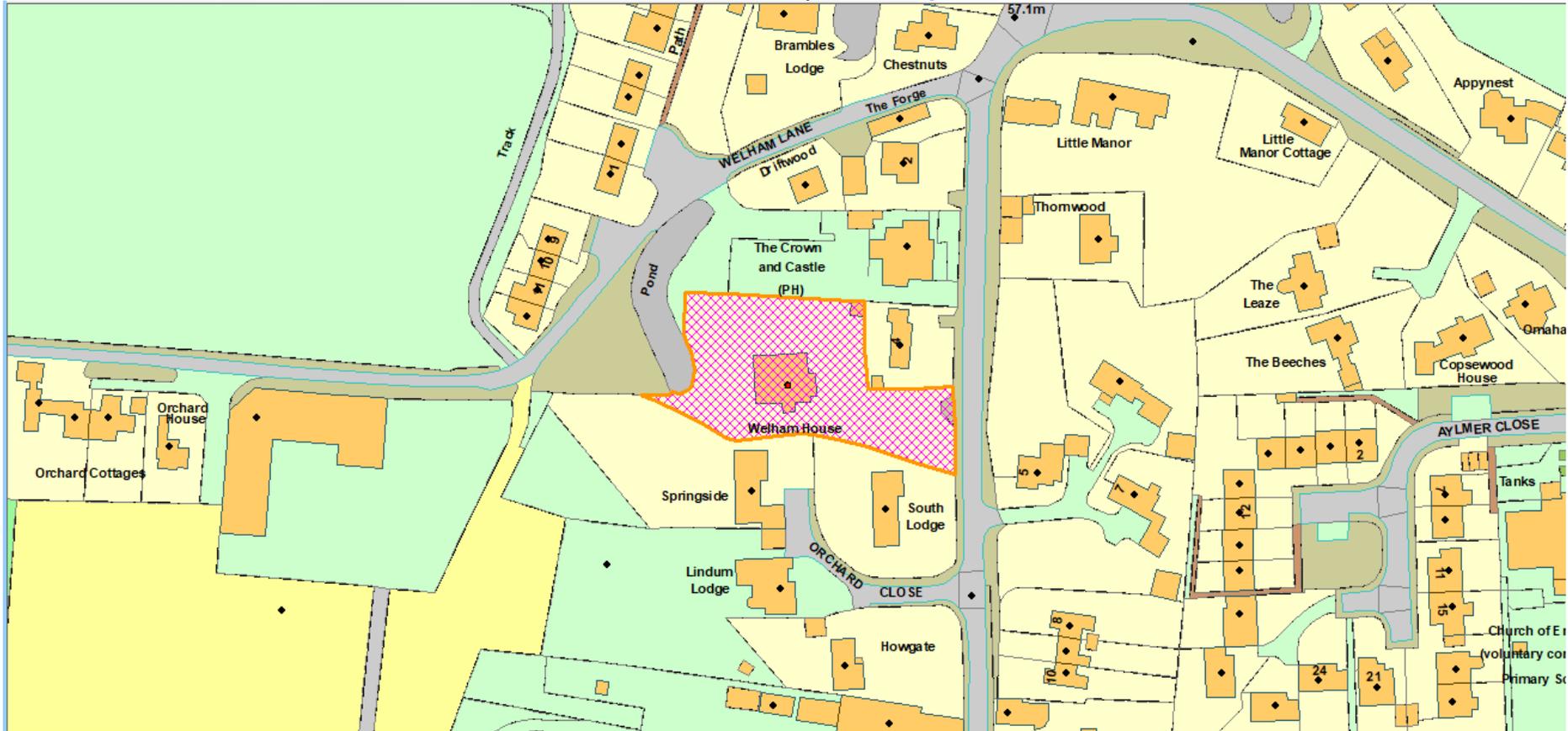
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1729/HH](https://www.westsuffolk.gov.uk/DC/20/1729/HH)

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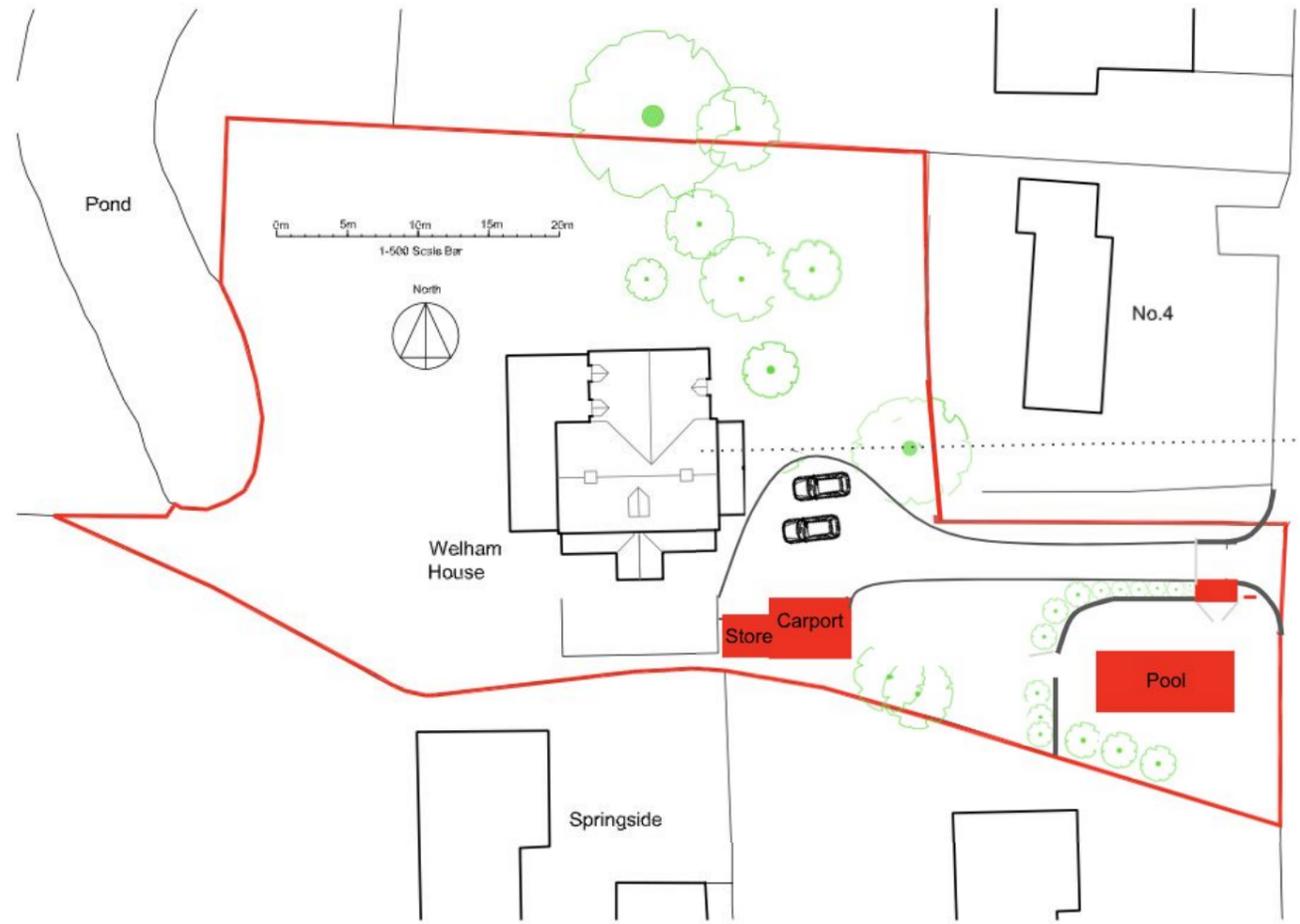


DC/20/1729/HH - Welham House, South Street, Risby, IP28 6QU



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Proposed Block Plan



SCALE 1-500@A3

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Development Control Committee 7 April 2021

Planning Application DC/20/2197/HH - Holly Bungalow, Stow Road, Ixworth

Date registered:	5 January 2021	Expiry date:	2 March 2021
		EOT agreed:	8 April 2021
Case officer:	Debbie Cooper	Recommendation:	Refuse application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Householder planning application - single storey side extension to create an annexe following demolition of existing garage		
Site:	Holly Bungalow, Stow Road, Ixworth		
Applicant:	Mrs Jayne Burrell-Mills		

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:

Debbie Cooper

Email: deborah.cooper@westsuffolk.gov.uk

Telephone: 07866 172895

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Parish Council raised no objections to the application, contrary to the officer's recommendation of REFUSAL.

Proposal:

1. Planning permission is sought for a single storey side / front extension to create an annexe for occupation by family members, comprising of a living/dining/kitchen room, bedroom, shower room and study. The existing detached front garage is to be demolished.
2. The extension measures up to 11.5 metres in depth and 6.1 metres in width, projecting 9.7 metres beyond the front wall of the house and 4.5 metres beyond the footprint of the garage. The height to the eaves is 2.3 metres with a ridge height of 3.9 metres. The extension will be constructed with a brick plinth and black timber cladding, with concrete tiles to match the existing.

Site details:

3. The application site comprises of a single storey detached dwelling situated within the settlement boundary of Ixworth. The site falls within a designated Conservation Area, with adjacent listed buildings to both sides.
4. The dwelling is set back from the road with off-road parking and a detached garage to the front.

Planning history:

5.

Reference	Proposal	Status	Decision date
SE/08/1233	Planning Application - Erection of detached garage	Application Granted	1 October 2008

Consultations:

6. **Environment & Transport – Highways:** The Highway Authority notes that after the loss of the garage space the dwelling will still retain five car parking spaces which exceeds the Suffolk Guidance for Parking minimum requirement of three spaces. Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.
7. **Conservation Officer:** The proposed development involves extending a modern building located on a corner plot within a conservation area. To the east and south west of the proposed development are listed buildings. The proposed development is modest in scale incorporating timber cladding and otherwise matching materials. It is sufficiently distanced and seen in context with existing modern development so as not to adversely affect the setting of any nearby listed buildings or the character or appearance of the conservation area. I therefore have no objections. No conditions required.

Representations:

8. **Parish Council:** no objections
9. **Neighbours:** no representations received

Policy:

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

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

- Core Strategy Policy CS3 - Design and Local Distinctiveness

- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other planning policy:

12. National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Impact on character and appearance of the dwelling and surrounding area.
- Impact on neighbouring amenity
- Impact on adjacent Listed Buildings and the Conservation Area

Principle of development

15. Policy DM24 states that extensions and alterations (including annexes) shall respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in over-development of the dwelling curtilage or adversely affect the residential amenity of neighbouring dwellings.

16. In this case, the dwelling is located within a curtilage which can accommodate the proposed annexe extension without over-development occurring. Impact on the character of the area and residential amenity will be considered further below.

Character and appearance

17. Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the dwelling and the surrounding area.

18. The proposed annexe extends 9.7 metres beyond the front wall of the existing property, representing a large increase in the overall footprint of the house in a prominent position, with the timber cladding exacerbating this prominence. Whilst there is an existing detached garage (to be demolished), this has a much smaller footprint, with the proposed annexe extending 4.5 metres beyond the current position of the garage.

19. Given the position, size and material finish of the proposed extension, it is not considered to respect the scale and character of the existing house nor the character and appearance of the surrounding area. There are options to achieve a similar level of accommodation by setting the extension back within the site or by extending to the rear. Whilst the applicants are not minded to do this, they have expressed that they would consider either amending the material finish of the extension to a matching brick or cladding the front elevation of the property to match a timber clad extension. Whilst these changes may improve the proposal, it is not considered to be sufficient to overcome the concerns raised regarding scale and character. The proposal is therefore considered to be contrary to Policies DM2 and DM24.

Impact on neighbouring amenity

20. The dwelling occupies a corner plot, with the proposed extension along the Eastern boundary, adjacent to Peacock Rise. Given the distance and relationship to neighbouring properties, there are no significant adverse impacts on residential amenity arising. The proposal is therefore considered to comply with policies DM2 and DM24 in this respect.

Impact on adjacent Listed Buildings and the Conservation Area

21. 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.
22. Section 72 (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 the character or appearance of a conservation area.
23. The proposed extension is seen in context with existing modern development, with a varied building line. The proposal is considered to have no adverse impact on the character and appearance of the Conservation Area, nor does it adversely harm the setting of adjacent listed buildings, as confirmed by the Conservation Officer. The proposal is therefore considered to comply with policies DM15 and DM17.

Conclusion:

24. In conclusion, the proposed development is considered to comply with policies DM15 and DM17, in that it has no adverse impact on the character and appearance of the Conservation Area, nor does it adversely harm the setting of adjacent listed buildings, as confirmed by the Conservation Officer. Likewise, it is considered to comply with criteria (b) and (c) of policy DM24, as it does not constitute overdevelopment or adversely impact on neighbouring residential amenity. However, the proposed development is not considered to comply with criterion (a) of policy DM24 nor policy DM2 given the harmful impact identified on the character and appearance of both the dwelling and surrounding area, by reason of its footprint, material finish and prominent siting forward of the dwelling.

Recommendation:

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

- 1 Policy DM2 states that proposed developments must produce designs that respect the character, scale and density of the immediate and surrounding area in order to retain local character. Likewise, Policy DM24 strives to ensure that extensions to existing dwellings respect the character, scale and design of the dwelling as well as the character and appearance of the surrounding area. The proposed extension, by reason of its footprint, material finish and prominent siting forward of the dwelling, would create an incongruous addition that does not respect the scale and character of the dwelling nor the character and appearance of the surrounding area. The proposal would therefore be contrary to Joint Development Management Policies DM2 and DM24 and the provisions of the National Planning Policy Framework (2019), particularly paragraph 127.

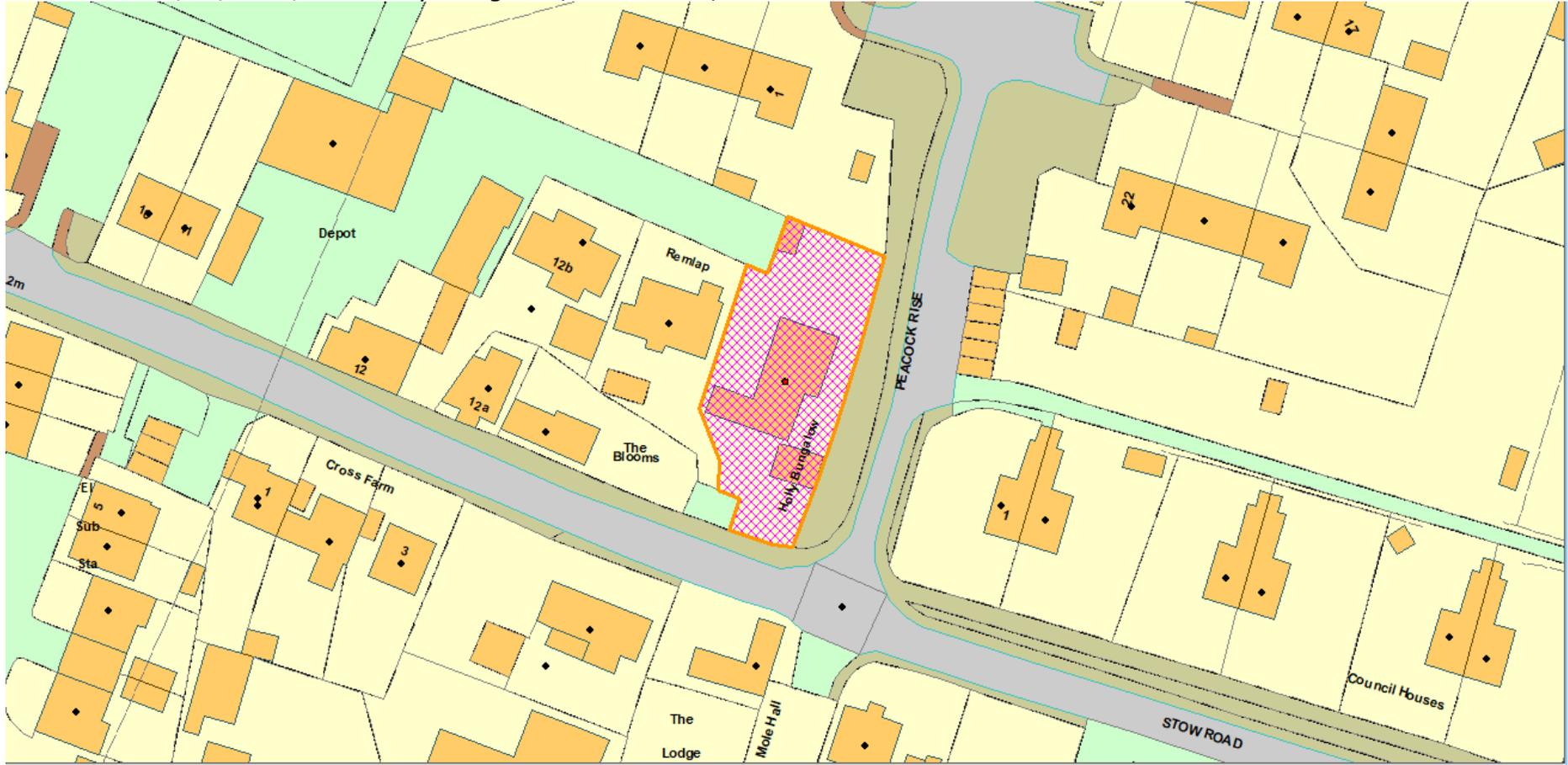
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/20/2197/HH>

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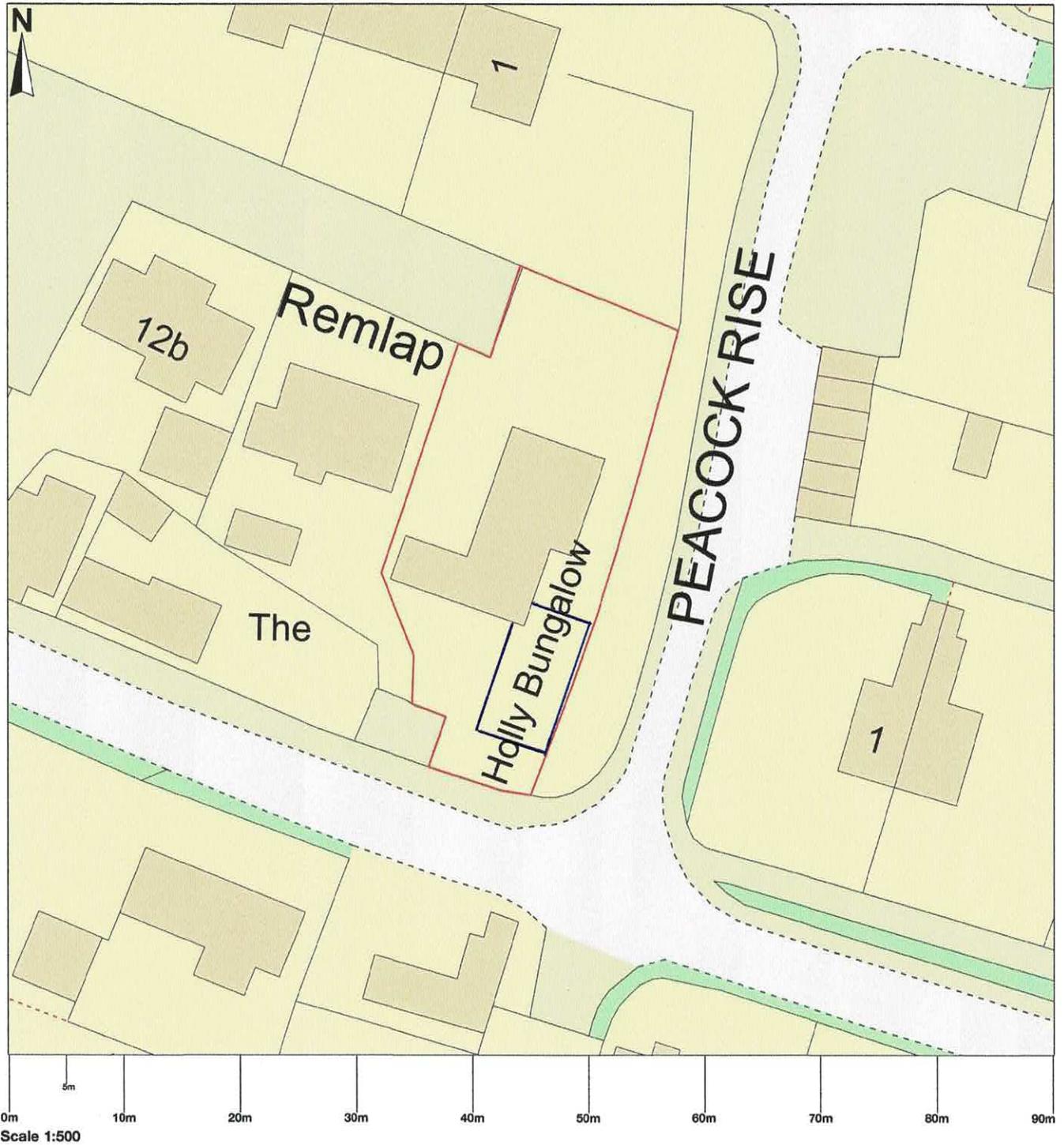


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Holly Bungalow, Stow Road, Ixworth, Bury St. Edmunds, IP31 2HZ



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