

Development Control Committee

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| Title: | Agenda | | | | | | | | | | | |
| Date: | Wednesday 13 May 2020 | | | | | | | | | | | |
| Time: | 10.00am | | | | | | | | | | | |
| Venue: | <p>Facilitated by MS TeamsLive virtual meetings platform only</p> <p>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.</p> | | | | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chair Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group (9)</u></td> <td style="width: 33%;">Andy Drummond Susan Glossop Ian Houlder</td> <td style="width: 33%;">David Roach Peter Stevens Ann Williamson</td> </tr> <tr> <td><u>The Independent Group (6)</u></td> <td>John Burns Jason Crooks Roger Dicker</td> <td>David Palmer Don Waldron Richard Alecock</td> </tr> <tr> <td><u>Labour Group (1)</u></td> <td>David Smith</td> <td></td> </tr> </table> | | | <u>Conservative Group (9)</u> | Andy Drummond Susan Glossop Ian Houlder | David Roach Peter Stevens Ann Williamson | <u>The Independent Group (6)</u> | John Burns Jason Crooks Roger Dicker | David Palmer Don Waldron Richard Alecock | <u>Labour Group (1)</u> | David Smith | |
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| Substitutes: | <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"><u>Conservative Group (5)</u></td> <td style="width: 33%;">Carol Bull Terry Clements Rachel Hood</td> <td style="width: 33%;">Sara Mildmay-White David Nettleton</td> </tr> <tr> <td><u>The Independent Group (2)</u></td> <td>Trevor Beckwith</td> <td>Andy Neal</td> </tr> <tr> <td><u>Labour Group (1)</u></td> <td>Diane Hind</td> <td></td> </tr> </table> | | | <u>Conservative Group (5)</u> | Carol Bull Terry Clements Rachel Hood | Sara Mildmay-White David Nettleton | <u>The Independent Group (2)</u> | Trevor Beckwith | Andy Neal | <u>Labour Group (1)</u> | Diane Hind | |
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| <u>The Independent Group (2)</u> | Trevor Beckwith | Andy Neal | | | | | | | | | | |
| <u>Labour Group (1)</u> | Diane Hind | | | | | | | | | | | |
| 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 | | | | | | | | | | | |
| ***THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA*** | | | | | | | | | | | | |
| Committee administrator: | <p>Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk</p> | | | | | | | | | | | |

**DEVELOPMENT CONTROL COMMITTEE:
AGENDA NOTES**

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

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

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

| Local Plans covering West Suffolk Council | |
|---|---|
| Joint Development Management Policies Document 2015 | |
| Forest Heath Area Local Plan | St Edmundsbury Area Local Plan |
| Forest Heath Core Strategy 2010 as amended by the High Court Order (2011) | St Edmundsbury Core Strategy 2010 |
| Core Strategy Single Issue Review of Policy CS7 (2019) | Vision 2031 adopted 2014 - Bury St Edmunds - Haverhill - Rural |
| Site Allocations Local Plan (2019) | |
| Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted. | |

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website – a specific Public Speaking Protocol has been developed for remotely held meetings.

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public to view 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/alterd, 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/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

Page No

- 1. Apologies for Absence**
- 2. Substitutes**

Any Member who is substituting for another Member should so indicate, together with the name of the relevant absent Member.
- 3. Minutes** **1 - 12**

To confirm the minutes of the meeting held on 4 March 2020 (copy attached).
- 4. Public Speaking Protocol** **13 - 16**

Members are requested to **APPROVE** the attached document "Guide to Having Your Say on Planning Applications" which has been created for use whilst Development Control Committee meetings are being held remotely.
- 5. Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham** **17 - 58**

Report No: **DEV/WS/20/017**

Outline Planning Application (means of access to be considered) - (i) proposed improvement to Fishwick Corner in West Suffolk Council and (ii) 210no. dwellings means of access, open space and associated infrastructure, including junction improvements with all proposed development located within Mid Suffolk District Council
- 6. Planning Application DC/19/1952/FUL - Land at The Grove, Beck Row** **59 - 80**

Report No: **DEV/WS/20/018**

Planning Application - 2no. dwellings with associated access and parking area (following demolition of existing bungalow)
- 7. Planning Application DC/20/0168/HH - 81D London Road, Brandon** **81 - 90**

Householder Planning Application - (i) single storey front extension and (ii) two storey side front and rear extension

Continued overleaf...

8. Planning Application DC/20/0231/FUL - Haverhill Leisure Centre, Lordscroft Lane, Haverhill 91 - 100

Report No: **DEV/WS/20/020**

Planning Application - (i) replacement cladding (ii) replacement glazed screens and doors (iii) replacement steel louvered doors

9. Planning Application DC/20/0420/FUL - 35 St Andrews Street North, Bury St Edmunds 101 - 116

Report No: **DEV/WS/20/021**

Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy Class C4) (ii) conversion of outbuilding to additional self-contained unit of living accommodation

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 March 2020** at **10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Ian Houlder

Carol Bull

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Susan Glossop

Don Waldron

Rachel Hood

In attendance:

Sara Mildmay-White (Ward Member for Rougham)

92. **Apologies for Absence**

Apologies for absence were received from Councillors Andy Drummond and Ann Williamson.

93. **Substitutes**

The following substitutions were declared:

Councillor Rachel Hood substituting for Councillor Andy Drummond

Councillor Carol Bull substituting for Councillor Ann Williamson

94. **Minutes**

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

95. **Planning Application DC/19/1519/OUT - Land Adjacent to Fishwick Corner, Thurston Road, Rougham (Report No: DEV/WS/20/014)**
*****ITEM WITHDRAWN FROM THE AGENDA 02/03/2020****

The Chair advised that this item had been withdrawn from the agenda in order to allow Officers time in which to consider the implications of a legal challenge to the decision of Mid Suffolk District Council in relation to this cross-boundary application.

96. **Planning Application DC/19/1599/FUL - Land South of Woodlands Road and West of Sow Lane (Report No: DEV/WS/20/015)**

Planning Application - Construction of (i) office building (ii) ancillary buildings (iii) amended vehicular access via Sow Lane (iv) extended estate access road, footways and cycleway (v) vehicle parking (vi) landscaping (vii) boundary treatments and associated infrastructure

The Principal Planning Officer advised the Committee that the application site straddled three Local Plan allocations; these being 1.) Rougham Airfield, 2.) Eastern Relief Road (ERR) and 3.) the Suffolk Business Park Extension with the remainder of the application site falling within the countryside.

Owing to the ERR now coming forward in a more northerly alignment this plot of land had now been split away from the Rougham Airfield, was no longer required for the ERR and was now associated with the Suffolk Business Park Extension.

The application was therefore before the Development Control Committee as the Officers' recommendation was for approval, which was not wholly consistent with the Development Plan; noting the designation of part of the site being within the Suffolk Business Park Extension/Rougham Airfield/ERR and countryside and the, largely technical, conflict arising as a consequence of this.

Attention was drawn to an amended 'red line' plan which had been received by the Authority just prior to the Committee meeting. Members were advised that the new plan would be subject to consultation and would be returned to the Development Control Committee if deemed necessary as a result of any representations made.

The Principal Planning Officer made reference to Paragraph 42 of Report No DEV/WS/20/015 and explained that, since publication of the report, Suffolk County Council's Flood and Surface Water Engineer had confirmed that they raised no objections to the application subject to inclusion of the relevant conditions.

Lastly, Committee Members were directed to the 'late papers' which had been issued supplementary to the agenda. Officers were recommending that the application be approved, subject to the conditions in the late papers but with the deletion of condition 25 (which was a duplicate of condition 22) and amendment to the wording of condition 33.

Delegated authority was also sought to agree landscaping details prior to a decision being issued; to be implemented under condition 27, therefore meaning that condition 28 may not be necessary.

Speakers: Councillor Sara Mildmay-White (Ward Member for Rougham) spoke on the application on behalf of Rushbrook with Rougham Parish Council
Simon Bryan (of Hopkins Homes, applicant) spoke in support of the application

A number of Members made reference to Paragraph 31 of the report which explained that despite Policy BV13 requiring a Travel Plan to be implemented

in respect of the scheme, in order to reduce dependency on the motor vehicle, Suffolk County Council (who oversee Public Transport Operations) had agreed that the requirement for a Travel Plan and contributions towards a bus service would not be sought unless in exceptional circumstances and, having considered various factors, it was not considered appropriate to seek such an approach or contributions to amend/provide a bus service in connection with the scheme.

Councillor Mildmay-White had voiced concern on this matter on behalf of the Parish Council and this concern was shared by some Members of the Committee who asked if it was possible to make a Travel Plan/contributions a condition of the approval.

In response, the Principal Planning Officer explained that any conditions attached to a planning permission needed to be reasonable and proportionate to the scale of the proposal, and the scheme before Members formed one small part of the whole Suffolk Business Park development.

Councillor Rachel Hood mooted proposing an additional condition to include a Travel Plan/sustainable travel contribution. In response, the Solicitor voiced strong caution to this proposal, highlighting that the inclusion of a condition of this nature failed to meet the required tests and policy compliance. The Committee was further advised that financial contributions could not be secured by condition.

Councillor Hood asked if it would be possible to defer the application in order to consider the matter further, however, the Solicitor again advised against this way forward in view of it being a long-term strategic issue that needed to be addressed in consultation with the County Council and via the Local Plan, and not as part of the determination of the application before the Committee.

Further comments were made on the 5% electric charging provision to be provided as part of the scheme; some Members considered this to be inadequate in light of the Government's long-term aims with electric vehicles.

The Chair invited the applicant to respond to the meeting on this matter. Simon Bryan explained that 5% was the maximum that could be delivered at present due to the constraints around electrical supply to the site. However, he had specifically asked for the condition to be worded to say a "minimum" provision so that if it was found during construction that it could be increased this could be accommodated.

Councillor John Burns proposed that the application be approved, as per the Officer recommendation and inclusive of the amendments as outlined during the Officer's presentation. This was duly seconded by Councillor Peter Stevens who commended the design of the scheme.

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

Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The new vehicular access and amended cycle path shall be laid out and completed broadly in accordance with Drawing 1711-127_SK010 Rev D and be made available for use prior to the building hereby approved being first into operation. Thereafter the access shall be retained in the specified form.
4. The proposed cycle/ bin store shall be provided for storage of Refuse/ Recycling bins and cycle storage as shown on drawing number 17120-LSI-HHS-ZZ-DR-A-1176 Rev P02 and 17120-LSI-03-ZZ-DR-A-1330 Rev P02 shall be provided in its entirety prior to the building hereby approved being first into operation and shall be retained thereafter for no other purpose.
5. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
6. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.
The Plan shall include, but not be limited to:
 - Routing for HGV and delivery traffic.
 - Access between the site and the highway.
 - Means to ensure no mud, water or other debris can egress onto the highway.
 - Means to ensure no lighting from the construction site will be visible from any part of the highway.
 - Means to ensure sufficient space is provided on-site for the parking and turning of construction staff, visitors and delivery vehicles.
 - Means to ensure sufficient space is provided on-site for the storage of materials and equipment.

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.

7. Prior to the hereby approved building first being brought into use the area(s) within the site shown on 17120-L-SI-HHS-ZZ-DR-A-1176 Rev P02, for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
8. Before the hereby approved building is first brought into use the visibility splays for the hereby amended access shall be provided in

- accordance with the details shown on drawing 1711-127_SK010 REV D and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
9. The road shown on drawing number 669760-MLM-ZZ-XX-DR-C-2000 S2 P04 shall be constructed in its entirety prior to any of the accesses that the road would serve being first brought into use. The road shall be retained thereafter and used for no other purpose.
 10. Prior to the installation of any external fixed plant or equipment, full details of the specific plant and equipment to be installed shall be submitted to the Local Planning Authority for approval. The submission shall include noise assessments to confirm that the combined operation of the proposed building services plant will not exceed 67 dB LAeq,T during the day and 62 dB LAeq,T during the night-time at 3m, as stated in Section 7.3, Table 9 of the BREEAM Pol05 and planning report, Document reference: REP-1011098-5A-GV- 20190211-BREEAMPol05Planning-Rev1.docx, dated 15 April 2019.
 11. Before any development hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details:-
 - a. site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - b. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - c. dust, dirt and vibration method statements and arrangements;
 - d. site lighting.
 12. The site preparation and construction works, including road works, shall be carried out only between the hours set out below without the prior written consent of the Local Planning Authority:
08:00 to 18:00 Mondays to Fridays;
08:00 - 13.30 Saturdays;
No times during Sundays or Bank Holidays;
 13. No generators shall be used in external areas on the site outside the hours set out below of:
08:00 to 18:00 Mondays to Fridays
08:00 - 13.30 Saturdays
No times during Sundays or Bank Holidays
 14. Any waste material arising from site, preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
 15. All lighting installations to be provided at the site, including those within the car parking areas, shall be positioned so as not to cause any glare to the residential properties in the vicinity of the site.
 16. Prior to development commencing on the building hereby approved an Energy Strategy for the building shall be submitted to and

approved in writing by the Local Planning Authority. The submitted information shall demonstrate at least a 20% reduction in emissions against the Part L notional building as set out in the BRUKL document.

17. No later than 6 months after the building hereby approved is first brought into use, a certificate demonstrating that building has gained at least BRE AAM Very Good status shall be submitted in writing to the Local Planning Authority.
18. Within three months of the hereby approved office building being commenced an Electrical Vehicle charging strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide for a minimum of nine EV charging points and shall include details of the location of the EV charging points, with one of the EV charging points serving one of the accessible spaces. The approved details shall be installed and available before the hereby approved office building is first brought into use and shall be retained thereafter unless otherwise approved in writing with the Local Planning Authority.
19. No development shall take place within the site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
20. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition.
21. No development shall commence on the hereby approved office plot until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment [Ref:- 181278 by Rossi Long and dated 19.07.2019] and Drainage Strategy [Rossi Long, drawing ref:- RLC-00-XX-DR C-001 P4 by Rossi Long and dated 19.07.2019] has been submitted to and approved in writing by the local planning authority and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed

the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Details of which will include:

Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.

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

i. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

1. Temporary drainage systems
2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
3. Measures for managing any on or offsite flood risk associated with construction

23. The hereby approved office building shall not be first brought into use until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

24. No development shall commence on the hereby approved internal access road until a detailed surface water drainage scheme, based on the agreed Drainage Strategy [Drawing(s) ref:- 669760 MLM ZZ XX DR C 2251 P1, 669760 MLM ZZ XX DR C 2252 P1 and 669760 MLM ZZ XX DR C 2253 P1 by MLM and dated 12.02.2020] has been submitted to and approved in writing by the local planning authority and will demonstrate that surface water run-off generated up to and including the critical 100 year +CC storm will not exceed the run-off from the existing site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Details of which will include:

1. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.

25. The internal access road hereby permitted shall not be made publicly available until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
26. Delegated Authority be granted to agree landscaping details prior to a decision being issued in respect of all planting comprised in the approved details of landscaping for the office plot hereby approved shall be carried out in the first planting season following the office building first being brought into use (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.
27. Within three months of development starting on the hereby approved road a scheme of soft landscaping for the road drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities, shown alongside the proposed piped network, trenches and easements. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following the road first becoming available for public use (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.
28. The recommendations as set out in the MLM letter dated 17th April 2019 Reference MB/776909/RWS shall be followed during the construction phase of the development hereby approved.
29. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- i) Identify those areas/features on site that are particularly sensitive for bats; and that are likely to be disturbed by lighting;
 - ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.

30. Prior to commencement of development a scheme for the provision of fire hydrants to serve the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
31. No development above slab level of any of the buildings hereby approved shall take place until the details of the roofing and facing materials of the office building and the storage building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
32. No development above ground level shall take place until details of the treatment of the boundaries of the site, including the position of the new gate onto Woodlands Road, have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences and gates to be constructed or erected. The works shall be completed prior to the hereby approved office building first being brought into use in accordance with the approved details.

97. **Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford (Report No: DEV/WS/20/016)**

Outline Planning Application (Means of Access, Appearance and Scale to be considered) - Up to 19no. dwellings as amended by plans and documents received 9th May 2019

This application was referred to the Development Control Committee given the controversial nature of the application and recommendation. Where, despite the potential benefits, the Planning Authority was recommending refusal of an affordable housing exception site for the reason set out in Paragraph 79 of Report No DEV/WS/20/016.

Members were reminded that the application was originally due to be considered by the Committee at their meeting in November 2019 and a site visit was held prior to that meeting. However, the application was subsequently withdrawn from the agenda.

The Committee was advised that the name of the applicant may differ on the decision notice issued by the Planning Authority from that which was listed in the report, however, this was not a material consideration pertinent to the determination of the application.

As part of her presentation to the meeting the Senior Planning Officer informed Members that the application before them was in outline form, therefore, it was not possible to determine the full extent of the trees that would need to be removed or the potential relationship between retained trees and the dwellings.

Furthermore, the proposed location of the play area beneath the canopy of existing trees triggered a maintenance concern for both the play equipment and the trees, meaning the Local Authority would not adopt the play area.

Lastly, the Committee was advised that Kentford Parish Council had been unable to attend the meeting but maintained their objection to the application.

Speaker: Matt Bartram (applicant) spoke in support of the application

During the debate a number of questions were posed with regard to the affordable housing aspect of the scheme.

In response to which, the Officer explained that the applicant had been asked to provide a local needs survey but the Council's Strategic Housing Team had raised some queries with what had been submitted as it had failed to provide the requisite background evidence and no S106 Agreement had been signed by the applicant.

However, irrespective of this the Strategic Housing Team did agree that there was a need for the affordable housing offered by the development even taking into consideration the other pending developments within Kentford which also provided affordable housing.

Be that as it may, the reasons for refusal did not relate to the affordable housing element and were instead concerned with landscaping, overdevelopment and policy conflict.

Councillor Roger Dicker (Ward Member: Kentford and Moulton) spoke on the application and echoed the concerns raised by the Parish Council. He moved that the application be refused as per the Officer recommendation and this was duly seconded by Councillor Ian Houlder.

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

Decision

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

1. The protected trees on the site provide an important and distinctive landscape feature marking the gateway to the village and contributing to the visual amenity of the locality. Tree belts such as this containing Scots pine are common locally, are characteristic of the Brecks area and should be retained. The removal of this many protected trees and their replacement with built form would have a significant detrimental impact on the visual amenity of the area, eroding the soft edge to the settlement that this woodland currently provides. It is considered that this development would constitute an undesirable and urbanising change to the landscape character which conflicts with the provisions of policies DM2, DM5, DM13 and the NPPF which seek to protect the countryside from unsustainable development.

2. The constrained nature of the site has resulted in a scheme which appears overdeveloped and contrived, introducing an unsympathetic suburban form of built development which conflicts with the adjacent character and pattern of rural development. This is contrary to the aims of The National Planning Policy Framework and policies DM2, DM22 and CS5 which stress the importance of good design, the creation of a sense of place and recognition of key features of the area.
3. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2019.
4. Policies CS9 and DM5 allow development outside of designated housing settlement boundaries on an exceptional basis only. Without a signed section 106 agreement restricting occupation of the housing to those with an identified local affordable housing need the Local Authority has no assurances that the scheme would deliver affordable housing and as such would be contrary to local and national policy which seeks to locate residential development within settlement boundaries.

The meeting concluded at 11.17am

Signed by:

Chair

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Please note that this guide is subject to approval by the Development Control Committee on 13 May 2020.

The Assistant Director (Planning and Regulatory Services), has approved this version for use following consultation with the Chair and Vice-Chairs in order to enable the meeting to take place on 13 May 2020.



Guide to Having a Say on Planning Applications

1. Finding out about planning applications

The Council:

- writes directly to residential properties adjoining the site;
- in certain circumstances a site notice is displayed within the vicinity of the application site.

You can view details of all planning applications on the Council's website:
www.westsuffolk.gov.uk

You can submit any comments you wish to make about an application through the website.

You normally have 21 days to comment on an application.

2. Ways you can take part

- Speak to the Planning Officer dealing with the application (this is always recommended and you will find their name with the application).
- Find out whether Planning Officers will make the decision to approve or refuse (determine) the application using powers delegated to them by Councillors, or whether it is to be reported to the Delegation Panel, or to the Development Control Committee for decision.
- Put your comments in writing to the Council (preferably by email but can be posted).
- You may also wish to contact your Ward Councillor(s).
- Details of where to send your comments will be with the application and you will need to refer to the relevant planning application number.

If Delegated Powers are used by Officers or the Panel to determine an application (the usual way in which decisions are made), your written comments, along with any others that are submitted will be fully considered in reaching a decision.

If the Development Control Committee will determine the application you can:

- speak to the Committee yourself (see below for more details);
- elect a spokesperson for your group to speak to the Committee;
- ask your Ward Councillor to speak on your behalf.

You can find out who your Councillor is on the Council's [website](#).

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If you have sent your comments in writing and the application is going to the Development Control Committee for a decision we will write to tell you the Committee's date and invite you speak at the meeting via remote access or submit a written statement to be read out on your behalf which adheres to the speaking time limit.

An agenda which includes the reports written by Planning Officers on each application to be considered by the Development Control Committee is publicly available five working days before the meeting. This will be available on the Council's [website](#). The website will also include a link to allow the meeting to be viewed by a live stream.

You will need to tell the Committee Administrator by 9.00am the working day before the meeting if you wish to speak.

You can register by:

Telephoning Democratic Services - 07595 428481 or 01638 719363

Or, send an email to democratic.services@westsuffolk.gov.uk

Please be aware that the deadline has been brought forward from our normal practices to allow us time to support speakers with how to access the meeting.

We will provide registered public speakers with a phone number to call when the item they are interested in is being considered, which will allow their verbal statement to be broadcast to the meeting.

We would actively encourage registered speakers to provide us with a written statement (which adheres to the speaking time limit) by 4.00pm the day before the meeting so that if there are any technical issues on the day, this statement can be read out by a Council Officer on their behalf. Please contact Democratic Services, as above, for further details.

3. During the Committee meeting

The Planning Officer gives a short presentation outlining the development proposal, key issues and any updated information. Then, when asked to by the Chair, you or your representative will make your verbal statement.

The Chair has the discretion to vary procedures as necessary to assist the conduct of the meeting.

Order of registered speakers at meetings (3 minutes per category) – either attending remotely to verbally address the Committee or via submitted written statement:

1. Objector to the application;
2. Supporter of the application (not applicant or agent);
3. Town or Parish Council;
4. Ward Member(s); and
5. Applicant or agent

The Committee will then discuss the application and make a decision.

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4. Speaking at the Committee

If more than one person is registered to speak within a category (1-5 above), they will be advised to come to an agreement about sharing the time allocated, 3 minutes, between themselves. If, however, there are so many persons wishing to speak that the time cannot be reasonably apportioned between them they will be asked to choose a spokesperson amongst themselves to represent their views.

The Committee Administrator will draw up a programme of speakers and the Committee Chair will call the names when it is time to speak. Visual material or handouts are not permitted to be circulated by registered speakers.

5. What you can speak about

You should explain the effect the development would have on you. Your comments should be relevant to planning issues, which could include the following:

- residential amenity;
- highway safety and traffic; noise;
- disturbance;
- nuisance;
- design;
- appearance;
- layout;
- character of the area;
- historic buildings;
- trees;
- planning policy (Local Plan);
- Government guidance.

Committee or delegated decisions cannot take into account non-planning issues such as private property rights, loss of a view, effect on property value, developers' motives, and so on. The wider public interest needs to be taken into account in planning decisions, along with national and local planning policies.

Do not:

- make statements of a personal or slanderous nature which could result in legal action against you;
- be abusive;
- interrupt other speakers, or the Committee debate.

The arrangements above for speaking only apply when an application is on the agenda of the Development Control Committee.

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The arrangements do not apply to:

- formal consultees, such as Suffolk County Council, English Heritage, the Ramblers Association, and so on;
- applications dealt with under delegated powers or through the Delegation Panel;
- legal and enforcement issues;
- information, policy and performance reports.

You can view the detailed decision notice on the Council's [website](#).

Development Control Committee

13 May 2020

Planning Application DC/19/1519/OUT – Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Date Registered: 23.07.2019 **Expiry Date:** 03.04.2020 (EOT)

Case Officer: Julie Barrow **Recommendation:** Approve

Parish: Rushbrooke with **Ward:** Rougham
Rougham

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

Site: Land Adjacent to Fishwick Corner, Thurston Road, Rougham

Applicant: Bloor Homes and Sir George A. Agnew

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:

Julie Barrow

Email: julie.barrow@westsuffolk.gov.uk

Telephone: 01284 757621

Background:

This application is referred to the Development Control Committee as the development relates to a cross boundary application with Mid Suffolk Council. The development within West Suffolk relates to the realignment of the junction known as Fishwick Corner. The remainder of the development is within Mid Suffolk and relates to the delivery of up to 210 dwellings, means of access, open space and associated infrastructure on land at Beyton Road, Thurston.

The Development Control Committee considered the application on 4 December 2019 and resolved to defer the application for the following reason:

In order to allow the scheme to be firstly determined by Mid Suffolk Council and to also ensure that a Highways Officer was able to attend West Suffolk's Development Control Committee during their determination.

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

A copy of the recommendation made to and accepted by Mid Suffolk District Council's Planning Committee is attached as Appendix 1, which sets out the planning obligations and proposed planning conditions. The full committee report can be viewed via;

<file:///U:/Pre-apps%20and%20applications/2019/Applications/DC-19-1519-OUT%20-%20Fishwick%20Corner/DC1903486%20Land%20South%20West%20of%20Beyton%20Road%20Thurston%20Suffolk%20-%20Committee%20Report.pdf>

Officers from West Suffolk have requested the presence of the SCC Highways Officers at the meeting of the Development Control Committee on 29th April 2020.

SCC Highways issued an updated response to both local planning authorities prior to Mid Suffolk District Council's Planning Committee meeting and a copy of this response is attached as Appendix 2.

Proposal:

- 1. The application as submitted to West Suffolk Council seeks consent for the realignment of New Road to create a staggered junction, where New Road meets Thurston Road at the current crossroads. The junction is known locally as Fishwick Corner.**
- 2. The proposal involves a flared southern approach, moving the junction to the west of its current position. The proposal also includes the provision of drainage infrastructure and new landscaping.**

Figure 1 below details the realignment of New Road

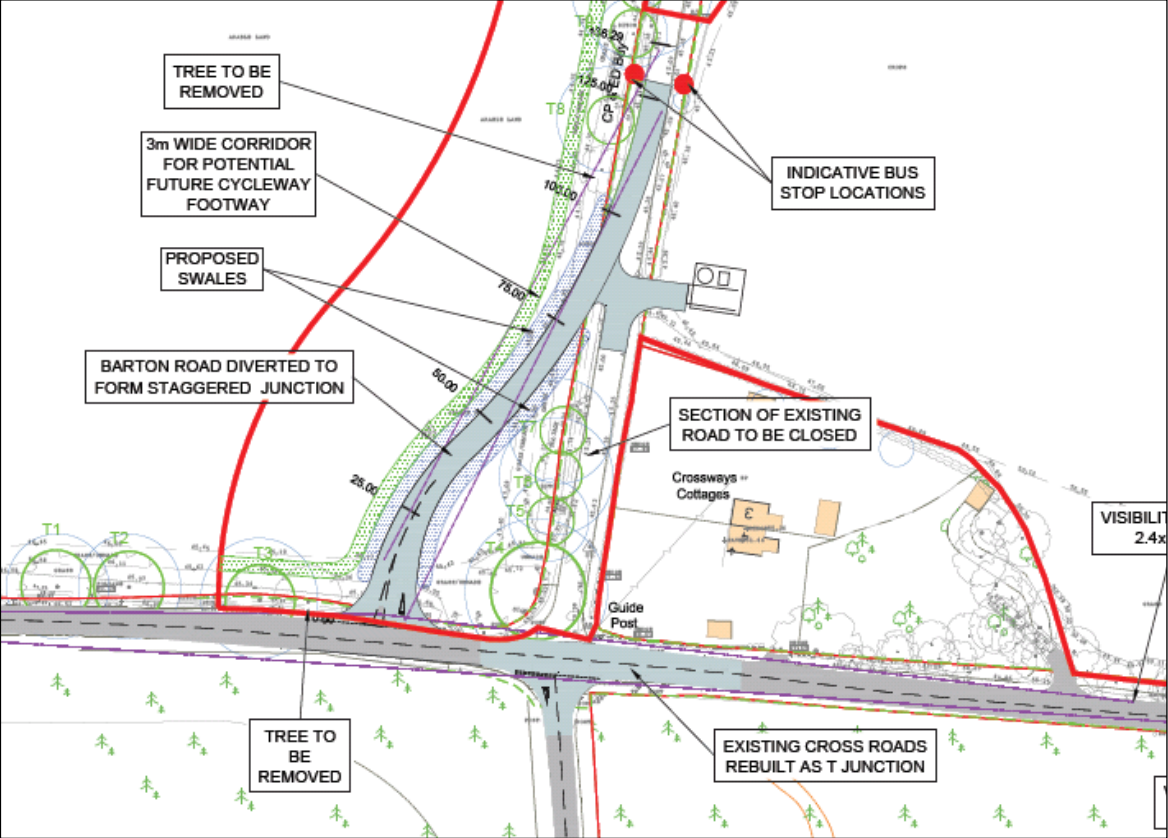
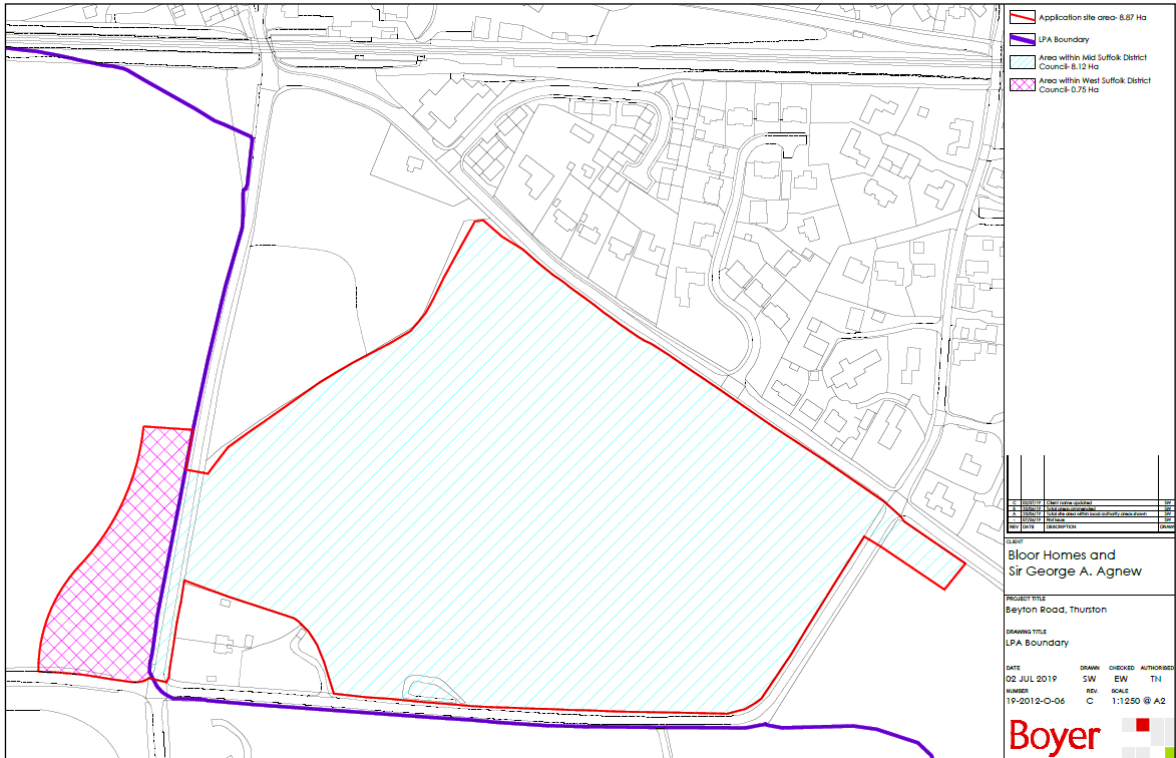


Figure 2 below is the Illustrative Masterplan for the development as a whole



Figure 3 below indicates the extent of the development in West Suffolk (pink hatching) and the extent within Mid Suffolk (blue crossing)



Application Supporting Material (as it relates to the West Suffolk element of the planning application):

- Illustrative Masterplan
- Land Use Parameter Plan
- Building Densities Parameter Plan
- Existing Vegetation Parameter Plan
- Fishwick Corner Landscaping Plan
- Staggered Junction Visibility Plan
- Site Access Strategy and Local Junction Improvements Plan
- Arboricultural Impact Assessment
- Written Scheme of Investigation for an Archaeological Evaluation
- Design and Access Statement
- Flood Risk Assessment
- Ecological Site Walkover and Ground Level Tree Assessment

Site Details:

3. The application site as a whole comprises 8.87ha of land located within two local planning authorities. Within West Suffolk the area of land proposed for the road realignment extends to 0.75ha and comprises the corner of an agricultural field together with the current highway that leads to the New Road/Mount Road junction. There are a number of Oak Trees alongside the existing highway that have been made the subject of a Tree Preservation Order during the course of the application. The site as a whole lies outside any established settlement boundary, however, the north-east boundary of

the site with Mid Suffolk's jurisdiction adjoins the settlement boundary for the village of Thurston.

Planning History:

4. No relevant planning history in West Suffolk.

Consultations:

5. SCC Highways – N.B. Joint response issued to West Suffolk and Mid Suffolk Councils. The details below relate to the extent of the highway matters that relate to West Suffolk:

Following the receipt of five major planning applications within Thurston village received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned highways consultants (AECOM) to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. Mitigation measures proposed for Fishwick Corner involved a change in priority at the junction and the introduction of a 40mph speed limit. Constraints were identified with regard to capacity and safety and SCC highlighted that future mitigation was limited by the restricted land available within the highway boundary. Any further development in Thurston would not be supported without suitable mitigation to address capacity and safety.

Existing situation – Fishwick Corner is a junction where the primary cause for congestion is due to limited visibility at the junction with a crossroads configuration which adds delay with each vehicle making that manoeuvre. This junction is also an accident cluster site with 13 recorded injury accidents.

Proposed mitigation – The land to the north west of the junction is within the applicants' control and the highway boundary is no longer a constraint for further improvements with regard to the safety and capacity of the junction. The dominant turning movement in the AM peak is from the north arm turning right towards Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into the north arm.

By introducing a staggered junction delays will be reduced by approximately 3 minutes, improving capacity. The staggered junction will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60%. The proposed layout does not affect the trees that are subject to a preservation order.

The question of a roundabout has been raised by councillors. This mitigation would not necessarily be deemed as proportionate as the proposal for a staggered junction delivers sufficient mitigation therefore, not necessary for the scale of development. Also, roundabouts are more dangerous for cyclists than to any other kind of road user and there would be a need to remove the protected trees. SCC have also requested an additional area to be secured to allow for a cycle/footway scheme that may come to fruition.

Conditions recommended in relation to detailed designs of the mitigation measures being submitted for approval and the submission of a Construction Management Plan.

N.B. Updated response issued by SCC Highways on 7th January 2020. A copy of the response is attached as Appendix 2.

6. SCC Floods – Initially put a holding objection on the proposal subject to further preliminary infiltration testing being carried out.

Following receipt of further information the objection is lifted. Acknowledged that infiltration is unsuitable and the new highway layout will be drained via positive discharge to existing watercourses nearby.

7. SCC Archaeology – High potential for the discovery of below-ground heritage assets of archaeological importance within this area and groundworks have the potential to damage or destroy any archaeological remains that exist. No objection to development proceeding subject to a programme of archaeological work being secured by condition.

8. SCC Growth – Make reference to response given to Babergh and Mid Suffolk Councils. CIL payments required in respect of education (secondary and sixth form), libraries and waste infrastructure. S106 contributions requested in respect of education (primary), early years provision and highways.

Land will need to be dedicated for highway purposes and a cumulative highways impact assessment will be required on the basis of schemes already granted planning permission in Thurston and the wider locality. Consideration must be given to addressing pedestrian safety issues at Thurston Railway Station.

9. SCC Minerals – The Environmental Study and Minerals Investigation dated 4 July 2019 notes that the site contains sand deposits which may be suitable for incidental extraction. Recommend that a scheme for the prior extraction of mineral resources is secured by condition.

10. Suffolk Fire & Rescue – Recommends installation of fire hydrants and consideration given to the installation of a fire sprinkler system.

11. Suffolk Constabulary – Comments relate to residential element of scheme.

12. West Suffolk Planning Policy – The residential site is situated outside the settlement boundary of Thurston as shown in the Mid Suffolk Local Plan 1998. The site is contrary to the policy principle in relation to development in the countryside and is contrary to the settlement boundary shown in the Regulation 17 Thurston Neighbourhood Plan, which has some weight post examination.

The site is one of a series of land parcels proposed to be allocated in the Babergh and Mid Suffolk Joint Local Plan. Since the site is allocated within a Regulation 18 Plan, proposals for its development may be given some weight, dependent on whether there are unresolved objections to the policy.

The scale of new development proposed in Thurston, combined with existing growth planned in Bury St Edmunds is likely to place pressure on existing services and infrastructure.

The application should have regard to highway capacity issues and potential implications for Great Barton's Air Quality Management Area.

13. Landscape and Ecology Officer (September 2019) – The site is located in the *Plateau estate farmlands* character area and is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Any loss of mature oak trees and hedgerow, as a consequence of the proposals, is likely to affect landscape character.

The assessment of the effects of the road re-alignment on existing trees is insufficient to conclude there would not be significant harm to the trees. No landscape proposals to compensate for the loss of existing trees and hedges and to mitigate potential visual effects of the new road and abandonment of the old alignment are included. Potential for the application to contribute to an existing woodland enhancement corridor. The Preliminary Ecological Appraisal does not cover the area and features that would be affected.

Further comments received following the submission of additional landscaping details. Suggestions made to enhance the landscaping scheme and to ensure existing and future trees and hedges are protected. Disappointed that the opportunity to contribute to the existing woodland corridor has not been taken up.

The Ecological Site Walkover and Ground Level Tree Assessment is noted. The tree which is to be removed to facilitate the works does not appear to have been assessed. The recommendations of the ecology report should be implemented in full if the application is approved.

14. Environment Team – No comments on land contamination. The development on its own is unlikely to have a significant impact on air quality in West Suffolk, however, the cumulative impacts of proposed and approved Thurston development should be considered, in particular in relation to the existing Air Quality Management Area in Great Barton.

15. Public Health & Housing – No objection subject to conditions to minimise impacts on any nearby residents.

16. Strategic Housing – No comment to make.

Representations:

17. Site notice posted and advertisement placed in the East Anglian Daily Times – No responses received.

18. Rougham Parish Council – Consider that whilst safety has to be improved at Fishwick Corner a roundabout rather than a staggered junction would be far more effective.

19. Thurston Parish Council – Comments summarised as follows:

- The Parish Council has objected to Mid Suffolk District Council's application DC/19/03486.
- The proposal fails to take full regard of the policies contained within the Thurston Neighbourhood Development Plan.
- The site is outside the amended built-up boundary and as such is contrary to policies within the Mid Suffolk Local Plan and the Thurston

neighbourhood Development Plan Policy 1: Thurston Spatial Strategy, which states that all new development shall be focused within the settlement boundary of Thurston village.

- The conflict with the development plan would be an adverse impact of the propose development.
- The Parish Council contends that the granting of planning permission on 5 significant sites in late 2017 means that Thurston should not be expected to accommodate any additional growth outside the settlement boundary.
- Additional growth such as that proposed is unsustainable, unsafe and will have a severe impact on the highway network in and around Thurston.
- Concerns that this staggered junction [at Fishwick Corner] will result in any vehicles leaving the village to access the A14 for BSE/Cambridge having to turn left and then wait in the middle of Mount Road to turn right. On-coming traffic on Mount Road will be approaching around a blond bend where accidents regularly occur.
- Concerned that this junction is only required because of the proposed development, SCC Highways having already offered an apparently acceptable s106 funded highway realignment proposal to mitigate the impact of the previous five significant developments already approved in Thurston.
- The main planning application incorporates other proposed transport improvements but concerns remain that that these proposals have not been fully tested against potential traffic growth numbers and impacts such as the new SCC Post 16 School Transport policy.
- The majority of transport improvements proposed at main junctions are likely to compromise the safety of cyclists/
- The proposal fails to consider or offer a solution to the impact on passenger safety on the Thurston Level Crossing at the railway station.
- The proposal will effectively release the adjacent field to the West of New Road/Barton Road for further development.
- Application should not be supported as it has not been clearly determined as any safer than the current crossing arrangement and it is being offered in lieu of an apparently acceptable realignment proposal funded by s106 contributions.

Policy:

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

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

- Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM5 Development in the Countryside
 - Policy DM6 Flooding and Sustainable Drainage
 - Policy DM11 Protected Species
 - Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
 - Policy DM13 Landscape Features
 - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
 - Policy DM15 Listed Buildings
 - Policy DM20 Archaeology
 - Policy DM45 Transport Assessments and Travel Plans
-
- Core Strategy Policy CS2 - Sustainable Development
 - Core Strategy Policy CS7 - Sustainable Transport
 - Core Strategy Policy CS8 - Strategic Transport Improvements
 - Core Strategy Policy CS13 - Rural Areas
-
- Vision Policy RV1 - Presumption in favour of Sustainable Development

Other Planning Policy:

22.National Planning Policy Framework (2019)

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:

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

- Principle of Development
- Highway safety
- Landscape and visual impact
- Drainage and Flood Risk
- Ecology
- Archaeology
- Other planning considerations

Principle of development and background to the proposal

23.The extent of the application due to be determined by West Suffolk Council relates solely to the highway works associated with the realignment of the Fishwick Corner Junction. The remainder of the development, including the residential element and associated infrastructure together with other off-

site highway works, falls within the jurisdiction of Mid-Suffolk District Council. As such West Suffolk is not tasked with considering the merits of the residential development, rather whether the proposed works at Fishwick Corner are acceptable in planning terms. It should be noted that the main access to the residential development is off Beyton Road and the works to Fishwick Corner do not facilitate access to the residential development.

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.
25. Policy CS2 of the Core Strategy 2010 seeks to ensure that a high quality sustainable environment is achieved by designing and incorporating measures appropriate to the nature and scale of development. The policy goes on to set out the criteria that will achieve a high quality sustainable environment, including the conservation, and where possible, enhancement of the character and quality of local landscapes and the wider countryside.
26. Policy CS7 states that the Council will develop and promote a high quality and sustainable transport system across the borough. Policy CS8 relates to strategic transport improvements.
27. Policy CS13 relates to development in rural areas and states that development outside defined settlements will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
28. Policy DM5 relates to development in the countryside and states that areas designated as countryside will be protected from unsustainable development. New or extended buildings will be permitted in the countryside where they meet the specific exceptions set out in Policy DM5.
29. Policy RV1 of the Rural Vision 2031 reaffirms the principle of the presumption in favour of sustainable development, stating that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making a decision planning permission will be granted unless material considerations indicate otherwise, taking into account any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole or specific policies in the NPPF indicate that development should be restricted.
30. The Rural Vision 2031 sets out a number of aspirations for the area, with Aspiration 8 stating 'safety of all road users is improved'. The text that accompanies the aspiration acknowledges that there needs to be a balance between the safety of road users and the rural environment. One of the actions identified to achieve this aspiration is to encourage the County Council, as highways authority, to implement safety measures on rural roads.
31. The Rural Vision 2031 acknowledges that the car remains the main mode of transport for people who live in rural areas due to lack of alternatives. The

application site of the highway works is situated within the parish of Rougham. The Rural Vision 2031 states that Rougham is a Local Service Centre with the main settlement spread across two main areas – Blackthorpe and Kingshall Street. Both areas lie to the south of the application site, beyond the A14. There are various routes that can be taken to access the A14 and the main settlement of Bury St Edmunds but any traffic heading north from the Kingshall area may be required to cross the Fishwick Corner junction. Such trips may include those accessing Thurston railway station.

32. The Rural Vision 2031 goes on to state that as the local roads are rural in nature any new development in Rougham could lead to upgrade requirements to both the roads and junctions.
33. The proposal to realign the Fishwick Corner junction has been put forward as a direct result of planned development in the village of Thurston. Planning permission for up to 827 dwellings has been granted since 2017. The current draft Babergh Mid-Suffolk Joint Local Plan allocates seven sites for development in Thurston, including those that already have planning permission and the site that is the subject of the current cross boundary application, with provision for up to 978 dwellings. The draft Local Plan is still at an early stage therefore any weight afforded to its policies is limited.
34. A detailed study commissioned by Suffolk County Council in 2017 of the cumulative impacts of the approved schemes on the local highway network demonstrated that the majority of traffic leaving Thurston travels through Fishwick Corner and that the junction is operating close to its capacity. The accidents data also confirmed that there is a road safety issue at the junction. The implementation of mitigation measures was considered necessary at this junction and a number of proposals, including a change in priority, a reduction in the speed limit and enhanced road signs and markings were put forward. These measures were secured through a number of s106 planning obligation agreements attached to the consented schemes.
35. The study went on to consider that the junction could not be improved further in terms of either road safety or capacity due to the highway boundary constraints. It was envisaged that in order to deliver a focused and extensive improvement to the junction additional land beyond the site and highway boundary would need to be secured. The current cross boundary application offers the additional land needed to further improve the Fishwick Corner junction, in the manner suggested by the detailed study.
36. As stated earlier in this report the site lies outside of any settlement boundary, in an area designated as countryside for planning purposes. The proposal to realign New Road and divert it through the corner of an agricultural field does not meet any of the exceptions for development set out in Policies DM5 and CS13 and is therefore contrary to the development plan in this regard. However, it has already been identified that the junction is operating close to capacity and that it has a poor safety record. The extent of committed development in Thurston is such that there will be additional traffic using the junction regardless of whether the residential development that forms part of the cross boundary application goes ahead. As detailed below, Suffolk County Council as Highway Authority, supports

the principle of development and had the land been available at the time, it is likely that the works would have been secured as part of the five consented schemes in Thurston.

37. The Rural Vision clearly identifies the need to ensure that the safety of all road users is improved and acknowledges the importance of the private motor vehicle for rural communities. The proposal to realign Fishwick Corner meets the aspirations of the Rural Vision in this regard. Of note is the fact that the Thurston Neighbourhood Plan identifies Fishwick Corner as being 'the most dangerous junction within the village'
38. Whilst it is accepted that the proposals for Fishwick Corner do not meet any of the exceptions to development in the countryside, it is considered that there are other material considerations that indicate that the development should be approved. In particular the improvements to highway safety, as discussed in detail below, are one such material consideration that weighs heavily in favour of the proposal.

Highway safety

39. Policy DM2 relates to the creation of places and sets out the criteria that proposals for development should meet, including the production of designs that maintain or enhance the safety of the highway network.
40. Policy DM45 states that for major development or where a proposals is likely to have significant transport implications, the applicant is required to submit a Transport Assessment with the planning application. The policy places a requirement on developers to negate the transport impacts of development. This may be in the form of the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport.
41. The Transport Assessment submitted with the application details the background work that has taken place over the past two years in respect of the assessment of highway capacity in and around Thurston and the works required to mitigate for the planned development in the village.
42. As stated above, the changes being proposed to Fishwick Corner are considered by the applicant to represent an improvement to highway safety, a view shared by Suffolk County Council as the Highway Authority. As already detailed, had the land at Fishwick Corner been available at the time the consented schemes were approved, it is likely that the improvements would have been secured at that time.
43. It should also be noted that the Site Access Strategy and Local Junction Improvements plan submitted with the application details the full extent of on and off-site highway works proposed in connection with the development as a whole, including the residential element. A mini roundabout is proposed at the Barton Road/Beyton Road junction and Barton Road will be realigned where it passes under the railway bridge to allow for a 1.5m footway on the eastern side of the road. The existing Station Road mini roundabout will be adjusted to suit the changes made to the south of it. Traffic calming measures are proposed along Beyton Road and the main access into the residential development will be off Beyton Road. Improvements are also proposed to the Pokeridge Corner junction, including

the provision of a zebra crossing. These works are in addition to the changes proposed to the Fishwick Corner Junction.

44. During the course of the application a number of amended plans have been submitted as a result of discussions with various consultees. Two indicative bus stop locations are detailed on the amended plans, north of Crossways Cottages. At the request of SCC Highways the amended plans also show a 3m wide corridor that could form a future cycleway and footway, improving connections towards Rougham and Bury St Edmunds.
45. The Transport Assessment demonstrates that the works will significantly improve capacity at the junction, with all arms operating within capacity. The creation of a staggered junction as opposed to a traditional crossroads improves visibility, the lack of which at the current junction is a significant contributory factor towards the number and frequency of accidents that have occurred at the junction.
46. Suffolk County Council, as Highway Authority, has provided its advice to West Suffolk Council as the determining authority in respect of the proposed works to Fishwick Corner. The Highway Authority supports the realignment of the highway, stating that it will result in increased capacity and improve the safety of the junction.
47. The Highway Authority's consultation response states that the dominant turning movement in the AM peak is from Thurston Road (north arm) turning right to Bury St Edmunds and in the PM peak, from Bury St Edmunds turning left into Thurston Road (north arm). The introduction of a staggered junction is considered to reduce delays by approximately 3 minutes, therefore improving capacity. The Highway Authority further advises that the staggered junction will provide the required visibility for the speed of the road (40mph) and this type of layout has been shown to reduce accidents by some 60% compared to a crossroads.
48. The Highway Authority has also given consideration to provision for cyclists using the junction and has suggested that the section of carriageway that will be stopped up is stopped up only in respect of vehicles, with access retained for cyclists and pedestrians. This area would need to be the subject of detailed design to ensure that drivers approaching from Rougham do not mistake it for a continuation of the road. The submission of such details could be secured by planning condition.
49. In response to comments made by Rougham Parish Council that a roundabout would be preferable in this location, the Highway Authority has stated that the construction of a roundabout would not be proportionate as the proposal for a staggered junction delivers sufficient mitigation. The Highway Authority also states that roundabouts are more dangerous to cyclists than any other kind of road user and a roundabout in this location is likely to result in the loss of the protected trees due to the land take that would be required.
50. The Highway Authority has advised that any further growth in Thurston, over and above that already consented, would not be supported without further mitigation measures being put in place at a number of key locations/junctions. The current proposal for additional residential development in Thurston facilitates the delivery of much needed highway

improvements although it is acknowledged that should the residential element of the scheme be refused then the highway improvements are unlikely to be delivered. Notwithstanding this point it is considered that the proposal to realign the Fishwick Corner junction will result in improvements to capacity and safety and that the proposal complies with Policies DM2 and DM45 in this regard.

51. The National Planning Policy Framework states that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. The Highway Authority has advised that it has examined the application and the supporting information in detail. It acknowledges that the additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from the permitted developments. Without mitigation the Highway Authority considers that the cumulative impacts are severe in highway terms. However, with the proposed mitigation the Highway Authority considers that while some significant negative factors remain the overall impact, when balanced, is no longer severe nor is there an unacceptable impact on road safety.
52. The timing of the delivery of the highway improvements will be secured by the S106 Agreement, with the developer required to submit a highway phasing plan to Mid Suffolk District Council for approval. It is envisaged that the works to Fishwick Corner will be complete prior to any part of the wider development being occupied.

Landscape and visual impact

53. Policy DM13 seeks to ensure that development will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. All proposals for development should be informed by and be sympathetic to the character of the landscape. In addition, proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape.
54. The site is located in the *Plateau estate farmlands*. This landscape typology is characterised by large regular fields with small woodlands on light loamy soils. This locality south-west of Thurston village is typical of the landscape type with large open fields bounded by straight hedge lines, woodland and woodland copses. Mature Oak trees are a typical occurrence in the area, typically but not exclusively within hedgerows, and which make a significant contribution to the landscape character. Any loss of mature Oak trees, and hedgerow as a consequence of the proposals is likely to affect landscape character including the character of Thurston Road and New Road and potentially visual amenity as views towards the new dwellings would be opened up.
55. During the course of the application West Suffolk Council served a Tree Preservation Order in respect of 11 Oak trees located on New Road and Thurston Road. The Order cites the fact that the trees are a visually prominent feature along Thurston Road, providing a notable degree of landscape value, both collectively and as individuals.

56. An Arboricultural Impact Assessment submitted with the application identifies one Oak tree as requiring removal due to extensive decay at its base. The Tree Officer and Landscape Officer do not contest the removal of this, however, further information in respect of the effects of the road realignment on existing trees was requested together with landscape proposals to compensate for the loss of the tree and sections of hedgerow alongside the site of the realignment.
57. A landscaping plan has been submitted during the course of the application, with mitigation proposed in the form of the planting of a new native hedgerow and hedgerow trees, alongside native cover crops within the adjoining arable field. To either side of the road areas will be planted with wild bird seed mix with amenity grass margin/verges. At the southern extent of the road swales are proposed alongside the carriageway for drainage purposes. The applicant proposes to plant a number of trees on the western side of the road, which will define the boundary between the new piece of carriageway and the adjacent arable field.
58. The Landscape and Ecology Officer has assessed the planting proposals and is broadly accepting of the scheme. Further details in respect of the placement of trees will be required together with details of the proposals for the re-instatement of the existing section of carriageway that will become disused.
59. The extent of the road realignment works will result in a marked change in the landscape character of the immediate area with the addition of hard surface carriageway, adjacent footpaths and drainage swales and the loss of sections of hedgerow. At present the site forms the edge of an arable field with tree and hedgerow cover on the peripheries. By necessity parts of the site will be opened up to achieve the required visibility splays and the addition of street lighting and other such paraphernalia, the development will appear conspicuous in its immediate surroundings. This brings the application into conflict with Policy DM13 as the scheme is likely to result in some adverse effects on landscape character. The mitigation proposed goes some way to assimilating the development into its surroundings and the harm caused must be weighed against the benefits of the proposal, which in this case principally relate to highway safety and capacity.
60. The Arboricultural Impact Assessment submitted with the proposal also refers to the proposed net gain in tree numbers as a result of the scheme as a whole. Policy DM13 is clear that where any harm will not significantly and demonstrably outweigh the benefits of the proposal, development will be permitted subject to other planning considerations. In respect of the trees protected by Order it is considered that the road realignment is generally sensitive to tree retention and that there is no direct conflict with the Order.

Drainage and flood risk

61. Policy DM6 states that proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.

- 62.A Flood Risk Assessment (FRA) accompanies the application. This states that the site is located in Flood Zone 1, where the majority of development should be directed. The FRA considers the fact that the highway works proposed at Fishwick Corner are in West Suffolk with the remainder of the development in Mid Suffolk. Cross border flow paths have therefore been considered.
- 63.Consideration has been given to extreme flood events and the interaction between the parts of the sites. The ditch on the west side of New Road will intercept any flows from West Suffolk and the existing highway acts as a barrier from flows from Mid Suffolk. However, as an additional measure, levels to the east of New Road will be designed to fall back towards the infiltration basin proposed on the residential development, preventing surface run-off crossing the border and containing any extreme event in close vicinity of the basin whilst it infiltrates the ground.
- 64.The FRA advises that the geology of much of the site is such that infiltration devices such as crate soakaways, infiltration basins, swales, filter traps and permeable pavements are likely to form a solution to surface water drainage. However, infiltration is not a viable option at the Fishwick Corner junction. Here, roadside swales are proposed to collect highway run-off by the use of periodic repeating flush kerbing and check dams to attenuate, subsequently discharging to the existing ditch alongside New Road. The applicant envisages that the swales will be put forward for adoption by the highway authority.
- 65.The Lead Local Flood Authority has confirmed that the drainage strategy for both parts of the development is acceptable and subject to a condition requiring the detailed design of the system to be submitted it is considered that the proposal complies with Policy DM6.

Ecology

- 66.Policies DM11 and DM12 relate to protected species and the mitigation, enhancement, management and monitoring of biodiversity.
- 67.At the request of the Landscape and Ecology Officer further ecological investigative work has been carried out by the applicant and an Ecological Site Walkover and Ground Level Tree Assessment has been submitted to supplement the investigative work undertaken on the residential development site. The Ground Level Tree Assessment was undertaken in order to establish if the trees within the site of the highway works held potential roosting features for bats and assess the need for any subsequent survey.
- 68.Habitats within the site include arable, poor semi-improved grassland, scattered trees, amenity grassland and species poor hedgerow with trees, with arable land being dominant. The trees on or close to the site were assessed as having low roost value for bats and as these are being retained (with the exception of one Oak tree), the potential roosting features will not be directly affected and as such no further surveys are recommended in respect of roosting bats.
- 69.The existing hedgerows provide suitable foraging habitat for bats and the loss of sections of hedgerow on the peripheries of the site in order to achieve

satisfactory visibility will have an adverse effect on biodiversity. Further indirect effects from lighting may also arise, although a number of strategies to minimise impacts can be employed.

70. Subject to the development being carried out in accordance with the recommendations of the ecological reports submitted with the application it is considered that the proposal will not result in adverse effects on biodiversity and ecology and the proposal complies with policies DM11 and DM12 in this regard.

Cultural heritage

71. Policy DM20 states that on sites of archaeological interest, or of potential archaeological importance, provided there is no overriding case against development, planning permission will be granted subject to satisfactory prior arrangements being agreed.
72. Policy DM15 relates to proposals to alter, extend or change the use of a listed building, or development affecting its setting and sets out the criteria to be met in order for development to be permitted.
73. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;
In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
74. Suffolk County Council Archaeological Service has advised that the whole development site is in an area of archaeological potential as recorded on the County Historic Environment Record. It is in close proximity to a Roman Road and in a general landscape of later prehistoric activity. As a result there is high potential for the discovery of below-ground heritage assets of archaeological importance within the area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
75. The Archaeological Service raises no objection to development proceeding subject to a programme of archaeological investigation being undertaken. A Written Scheme of Investigation (WSI) for an Archaeological Evaluation has been submitted with the application and details the extent of evaluation works that will be carried out across the whole site. The Archaeological Service has confirmed that the WSI is acceptable and its implementation can be secured by condition. The proposal therefore accords with Policy DM20.
76. The Round House is Grade II listed and is located to the west of the application site. It is described as a former lodge building in its listing and it has some distinctive features, however, it does not feature prominently in the streetscene and is surrounded by dense woodland to the west, south and east. The application site forms a part of the wider setting of the building given its location on the Rougham Estates, however there is no intervisibility between the site and the building and the arable field where the road realignment works are proposed makes no particular contribution

to the significance of the heritage asset. The proposal is not therefore considered to result in any harm to the setting of The Round House.

77. Crossway Cottages are a pair of semi-detached late C19 cottages located to the east of New Road and within the district of Mid Suffolk. Mid Suffolk Council has identified these cottages as non-designated heritage assets due to their architectural and aesthetic quality. The setting of these cottages is predominantly rural with the site of the residential development providing separation from the cottages from the village. This area therefore makes a positive contribution to the setting of the cottages, and would be affected by the residential development. Mid Suffolk Council has identified that the Mid Suffolk element of the development would cause a low to medium level of less than substantial harm to the significance of the non-designated heritage assets as it would detract from their historically isolated rural setting.
78. The road realignment works will change the character of the area immediately to the west of the cottages, however, they are already bound by the highway leading to Fishwick Corner and this forms part of the setting for the cottages. The proposed highway works will move the carriageway away from the cottages and allow the area of existing highway to be stopped up and returned to the landowner. The proposals therefore offer an opportunity to enhance rather than harm the setting of the cottages and as such there is no requirement to weigh any harm against the public benefits of the proposal as required by the NPPF. The proposal is considered to meet the requirements of Policy DM15 and the LPA has had regard to its duties under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

79. Policy DM2 makes reference to the need for all development proposals to ensure that they do not adversely affect 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. The avoidance of development that adversely affects residential amenity is also a requirement of the policy, however, it accepts that mitigation measures may be taken into account.
80. The site of the road realignment is rural in nature with the closest residential dwellings being Crossway Cottages, located to the east of the existing carriageway. The cottages are set back some distance from the highway and although the development is likely to result in some noise and disturbance during construction, any adverse effects can be minimised through the employment of a construction management plan. Given that the cottages are already located adjacent to a highway it is considered that the movement of the carriageway away from their curtilages will improve living conditions with less traffic noise and light being omitted from vehicle headlights. On balance therefore it is considered that the proposal will not result in any long term adverse effects on the residential amenity of nearby residents and the proposal accords with Policy DM2 in this regard.

Other matters

Cumulative impact of growth in Thurston

81. As discussed earlier in this report a number of sites within Thurston have the benefit of planning permission with a further application on land to the north of the village pending consideration with Mid Suffolk Council. Mid Suffolk Council are proposing to allocate the area for residential development under this cross-boundary application in addition to the committed development in the village. As detailed above, the weight that can be afforded to this allocation is limited given the stage of preparation that the plan is at and the outstanding objections to it.
82. West Suffolk Council has made representations to Mid Suffolk Council in respect of the draft joint local plan and in respect of Mid Suffolk's element of this planning application. West Suffolk Council considers that the scale of new development proposed in Thurston, combined with existing growth planned within Bury St Edmunds is likely to place pressure on existing services and infrastructure. It is also concerned that no mitigation is proposed to address these factors.
83. It should be noted that all five of the consented schemes in Thurston are committed to either delivering improvements to the highway network or to making a financial contribution to the County Council to enable such works to be carried out. In addition all the developments are making significant financial contributions towards all levels of education provision.
84. Mid Suffolk Council has advised that its Leisure Service is actively discussing improved sport and leisure facilities for the village with Thurston Parish Council and a number of projects have been identified in response to the level of growth that is anticipated.
85. Mid Suffolk Council is a CIL (Community Infrastructure Levy) charging authority and a CIL contribution towards health care will be generated by the residential development. The Clinical Commissioning Group has advised that these funds will be used to increase capacity at the Woolpit Health Centre.
86. The Highway Authority has been asked to consider the cumulative impact of all proposed development in Thurston on the local highway network and it raises no objection to the proposal on this basis. The applicants have also indicated that a robust travel plan will be put in place for the site, which includes the establishment of a car club.

Minerals

87. SCC Minerals and Waste has commented on the application and recommends a condition requiring the submission of a minerals management plan, detailing the incidental extraction of mineral resources, with the first reserved matters application. The works to be undertaken in West Suffolk are on a relatively small area of land in comparison to the remainder of the development site and the area is distinctly separate from the main parcel of land. On this basis it is not considered to be practicable

or reasonable for the extraction of mineral resources on the West Suffolk area and such a condition is not proposed by officers.

Loss of agricultural land

88. The proposal will result in a loss of agricultural land. An Agricultural Land Classification submitted with the application relates to the residential development and identifies the area as being grade 2 and 3a, i.e. best and most versatile land. Given the proximity of the site of the road realignment to the remainder of the development it is considered likely that the land within West Suffolk is a similar grade. The area of land proposed for the road realignment extends to approximately 0.75 ha and not all of the land is actively farmed. It is therefore considered that any loss of agricultural land is minor and the refusal of the application on these grounds could not be justified when balanced against the benefits of the scheme.

Contaminated land

89. A Geoenvironmental and Geotechnical Site Investigation has been submitted with the application, although it excludes land required for the road realignment. However, given that the construction of a highway is not a sensitive end use no further action is required in this regard.

Mid Suffolk District Council Planning Committee

90. As stated above, Mid Suffolk District Council considered its element of the planning application at its committee meeting on 29th January 2020. Members carefully considered the application in relation to both its adopted and emerging development plan and the Thurston Neighbourhood Plan. The Committee was satisfied that the proposal as a whole did not conflict with the Thurston Neighbourhood Plan and, given that the presumption in favour of sustainable development as set out in the NPPF was engaged, that the benefits of the scheme outweighed any adverse effects.

91. The Committee was supportive of the package of highway improvements being put forward, including those proposed at Fishwick Corner. The Committee resolved to approve the application subject to the completion of a S106 Agreement and the imposition of appropriate planning conditions. Details of the planning obligations, including affordable housing, provision of open space and financial contributions towards education together with the conditions proposed by Mid Suffolk District Council are set out in Appendix 1.

Planning balance & Conclusion

92. This is a cross boundary application with the extent of development within West Suffolk restricted to the realignment of the Fishwick Corner junction. The application site lies outside of any established settlement boundaries, in an area designated as countryside for planning purposes. The development does not meet any of the exceptions to development in the countryside as set out in Policy DM5 and therefore conflicts with the adopted development plan in this regard. This conflict attracts significant weight against the proposal. However, the Rural Vision 2031 recognises the importance of the motor vehicle and the local highway network in rural areas

and advocates the need to improve highway safety. The proposed highway improvement works seek to deliver on these aspirations.

93. The Highway Authority has set out the fact that the junction is operating close to or at capacity and that it has a poor safety record. It highlights that a number of mitigation measures are due to be delivered as part of the permitted development in Thurston, however, further mitigation measures will be required to accommodate any further growth and had the land been available at the time the consented schemes were considered the works would have been delivered in connection with those developments. The improvements to highway safety and capacity are considered to attract very significant weight in favour of the proposal.
94. The proposal will result in some adverse effects on the landscape character of the area, contrary to Policy DM13. This attracts some weight against the proposal, although mitigation in the form of new planting reduces the weight attributed to this policy conflict. The proposal accords with development plan policies in relation to drainage and flood risk and subject to the implementation of the recommended ecological enhancements the proposal is not considered to result in adverse effects on ecology and biodiversity.
95. Subject to the imposition of conditions in relation to the carrying out of archaeological investigation, the proposal accords with relevant development plan policies in relation to cultural heritage. Similarly, the imposition of conditions relating to construction, the proposal will not result in any significant adverse effects on the residential amenity of nearby occupiers. Any loss of best and most versatile agricultural is considered to be minor and would attract very limited weight against the proposal.
96. The road realignment is intrinsically connected to the residential development on the remainder of the application site given that there is one landowner and developer involved and any further growth in the village of Thurston may result in increased pressure on facilities and infrastructure in the district of West Suffolk. However, it is considered that the benefits of the scheme in relation to highway safety and increased capacity on the local highway network would outweigh any adverse effects of the scheme and on this basis the application is recommended for approval.

Recommendation:

97. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 agreement between the applicants and Mid Suffolk District Council in respect of the planning obligations considered necessary by Mid Suffolk Council.

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

Suggested planning conditions in respect of the development within West Suffolk:

- Approved plans

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

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1519/OUT](#)

- Appendix 1 – copy of the recommendation made to and accepted by Mid Suffolk District Council’s Planning Committee
- Appendix 2 – SCC Highways updated response to both local planning authorities prior to Mid Suffolk District Council’s Planning Committee meeting

Appendix 1

Extract from Mid Suffolk District Council Committee Report

RECOMMENDATION

In the event of:

1. The satisfactory and prior completion of a S106 Agreement to secure the delivery of a staggered junction and associated new section of road as generally shown on drawing ref: X601_EL_201B [Fishwick Corner] along with the delivery of the matters set out in the recommendation section of this report

- The need for a highway works phasing plan to be submitted to and approved by the Council as local planning authority before any development on site proceeds above slab height. That plan shall identify when each of the required highway works is to have been provided by reference to a prior to [x] occupations within the residential development. The mechanics for delivery of those works shall be the subject of S278 Agreements with SCC as local highway authority. MSDC as local planning authority will require the development to conform with the Highway Works phasing plan thereafter and for phased occupations not to exceed the restrictions set out within that agreed Plan
- On-site delivery of 35% affordable housing as required¹⁵ by the Council's Housing Strategy Service
- £30,000 financial contribution towards a Thurston Station platform improvement feasibility and design study
- Delivery of no less than two car club vehicles within the village
- Provision of a public electric charging point within the village
- Provision of urban gym trail facilities within the development and an equipped local play area. [with appropriate maintenance arrangements]
- Provision and maintenance of open space
- Travel plan monitoring fee
- Payment of the Education contributions
New primary school land cost: £67,288
New primary school build cost: £1,019,772
New early years build cost: £372,609

Total £1,459,669 [or such other sum as shall have been agreed with SCC]

THEN,

2. The Chief Planning Officer be authorised to GRANT Outline Planning Permission subject to conditions that shall include those as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Reduced time limit for submission of reserved matters [to 12 months] and then 18 to commence
- Reserved matters as submitted shall be based substantially on the illustrative drawings reference...and shall include cross sections
- Removal of householder permitted development rights
- No encroachment of built form into any of the open space areas shown on the illustrative layout
- Reduced time for submission of reserved matters [to 12 Months] and then 18 months to commence
- Reserved Matters to be substantially in accordance with illustrative material
- No built form shall encroach into or upon any of the open space land shown on the illustrative drawings
- Total residential units shall not exceed 210
- Unit size shall be a matter for reserved matters
- Removal of Permitted development Rights
- Approved Plans (Plans submitted that form this application)
- Parking to comply with Adopted Parking Standards
- Ecological Mitigation
- Electric charging to all plots and sustainable construction
- External materials which shall include clay tiles and clay stock bricks, externally applied glazing bars and 75mm window reveals in masonry
- Construction Method Statement
- As required by SCC Highways
- As required by SCC Water & Floods

and,

3. Appropriate informatives

HOWEVER;

4. In the event of the Planning obligations or requirements referred to in Resolutions (1) and (2) above not being secured within 6 months then the Chief Planning Officer be authorised to refuse the application on appropriate grounds if he deems there is little or no prospect of the issues delaying the securing of (1) and (2) being resolved given a reasonable extension of time.

APPENDIX 2

Your Ref:DC/19/03486
Our Ref: SCC/CON/3036/19
Date: 7 January 2020



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Vincent Pearce

Dear Vincent,

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/19/03486

PROPOSAL: Outline Planning Application (some matters reserved - access to be considered) -

Erection of up to 210 dwellings, means of access, open space and associated infrastructure, including junction improvements (with all proposed development located within Mid Suffolk District, with the exception of proposed improvements to Fishwick Corner being within West Suffolk).

LOCATION: Land south west of Beyton Road Thurston Suffolk

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1. Background Information

Following the receipt of five major planning applications for Thurston received in 2017 totalling 827 dwellings, SCC and BMSDC commissioned AECOM to provide a cumulative impact assessment to determine any mitigation required due to the additional traffic generated from the sites. The assessment used the peak hours 8.00 to 9.00 and 17.00 to 18.00hrs (derived from traffic survey evidence). Junctions were modelled to calculate the capacity and queue lengths for future years with the developments and required mitigation measures regarding capacity are:

- Introduction of Traffic signals at A143 Bury Road/Thurston Road junction (locally known as Bunbury Arms Junction) with introduction of 30mph speed limit on commencement of works.
- Change in priorities on C692/C693 Thurston Roads (known as Fishwicks Corner) and introduction of a 40mph speed limit at the junction.

Other mitigation measures requested where safety was a consideration are:

- Improvements to footway network within the village
- Contributions to pedestrian crossings at key junctions and locations
- Extension of 30mph speed limits on Ixworth Road, Barton Road and Norton Road.
- Improvements to the PROW footpath network; contribution of £126,500

In our 2017 response we identified constraints at Bunbury Arms Junction, Fishwicks Corner, Pokeridge Corner and Barton Road under the Rail Bridge which needed to be addressed by any future development. Each location will need to be improved with regard to both capacity and safety and we highlighted that future mitigation was limited by the restricted land available within highway boundary.

2. Highway Assessment of 2019 Applications

In 2019 a further 2 major applications for Thurston were received proposing upto 420 dwellings (210 for each site) bringing the total of 1247 dwellings for 7 sites. AECOM were commissioned by SCC to update the report on the cumulative impact from the 5 original sites (plus The Granary site) to include the 2 new sites for future year 2024. TEMPRO was used to derive the local growth factors for the area. The trip generation applied were those set out in the 2017 transport assessment 0.67 (two-way traffic) giving additional 846 trips in the AM peak and 832 trips in the PM peak from all 7 developments.

The indicative locations of all the development sites and the junctions assessed are shown below:



The junctions assessed are as follows:

- Barton Road/Station Hill mini roundabout
- Pokeridge Corner
- Fishwick Corner
- Station Hill/Ixworth Road/Norton Road junction
- Barton Road/Norton Road junction
- Bunbury Arms junction

By applying the trips from the developments to the existing highway layout, the Ratio of Flow to Capacity (RFC) and Queue lengths (Q) were calculated on the key junctions for future year 2024. Note If the RFC value is 0.85 or less, this indicates the junction is nearing but operating within capacity; 1 being at capacity.

By applying the committed sites, with growth and new trips from the proposed developments, the following table gave a summary of the Junction Capacity Assessments:

| | Junction | 2024 Base | | 2024 With Dev (T1 – T6) | | 2024 With Dev (T1 – T7) | | 2024 With Dev (T1 – T6 & T8) | | 2024 With Dev (T1 – T8) | |
|----|---|-----------|-------|-------------------------|-------|-------------------------|--------|------------------------------|--------|-------------------------|--------|
| | | AM | PM | AM | PM | AM | PM | AM | PM | AM | PM |
| J1 | C691 Barton Road / C562 Station Hill Three Arm Mini Roundabout | Green | Green | Green | Green | Yellow | Yellow | Green | Yellow | Yellow | Yellow |
| | <i>Proposed Mitigation Scheme</i> | Grey | Grey | Green | Green | Yellow | Green | Green | Green | Yellow | Green |
| J2 | C560 Beyton Road / C692 Thurston Road / U4920 Thedwastre Road Crossroads (Pokeridge Corner) | Green | Green | Yellow | Green | Yellow | Green | Yellow | Green | Yellow | Green |
| | <i>Proposed Mitigation Scheme</i> | Grey | Grey | Green | Green | Green | Green | Green | Green | Green | Green |
| J3 | C693 Thurston Road / C692 Thurston Road Crossroads (Fishwick Corner) | Yellow | Green | Red | Green | Red | Green | Red | Green | Red | Green |
| | <i>Proposed Mitigation Scheme</i> | Grey | Grey | Green | Green | Green | Green | Green | Green | Green | Green |
| J4 | C559 Norton Road / C562 Ixworth Road / C562 Station Hill staggered Crossroads | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green |
| J5 | C691 Barton Road / C559 Norton Road 'T' Junction | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green |
| J6 | A143 / C691 Thurston Road Crossroads | Red | Red | Red | Red | Red | Red | Red | Red | Red | Red |
| | <i>Proposed Mitigation Scheme</i> | Grey | Grey | Red | Green | Red | Green | Red | Green | Red | Green |

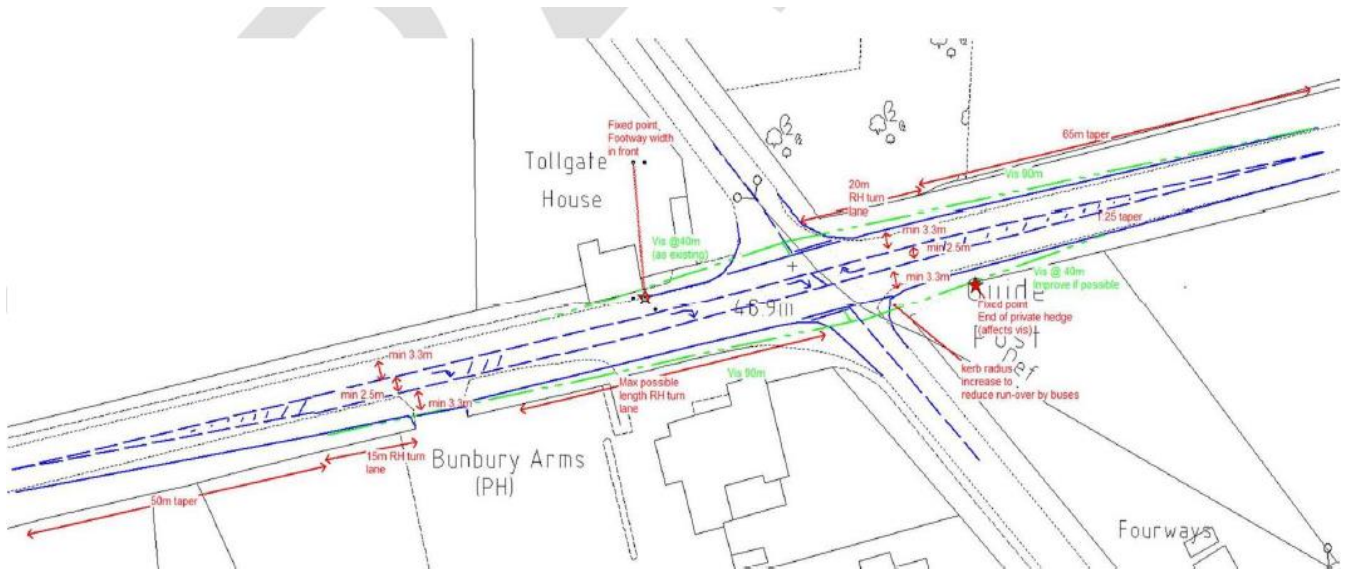
- within theoretical capacity – less than 0.85
- near capacity – between 0.85 and 1.00
- over capacity – over 1.00

The report concluded that the 2 developments shows Barton Road/Station Hill mini roundabout, Fishwick Corner and Pokeridge Corner junctions would all be close to or over capacity. With proposed mitigation from the Beyton Road development, these junctions all operate within desired capacity limits for future year 2024.

The detailed designs of the junctions will be designed to current specifications and standards. A Stage 2 Safety Audit has also been completed on the junctions with the proposed mitigation measures. The audit did not identify major problems and minor items raised can be detailed during the s278 process during our technical approval process.

3. Junction Analysis and Evaluation of the Proposed Mitigation

A143/C691 Bunbury Arms junction

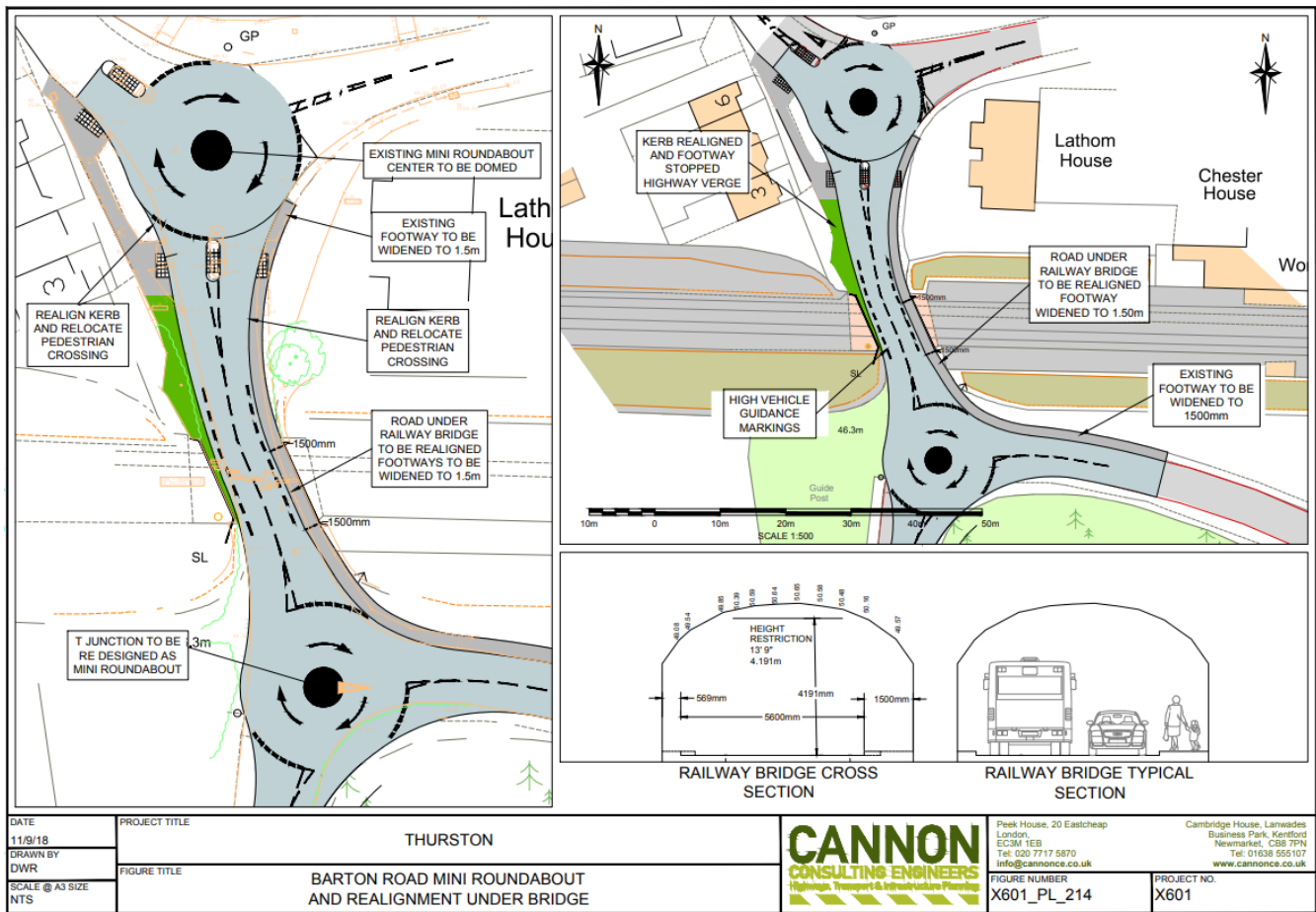


| Existing situation | Proposed mitigation |
|---|---|
| <p>The mitigation from the 2017 developments included signalling the junction. The junction will be at capacity on two arms in the AM peak hour for the granted applications. This was accepted as the developments had mitigated their impact, but it was not possible to fully mitigate the background growth due to space constraints.</p> | <p>The proposed mitigation with contributions from the previous 5 applications, the 2019 AECOM indicates that the one arm of the junction will be over capacity during the AM peak hour and at capacity on two arms. On further assessment of the model data, we believe there is scope to improve the proposed preliminary design of the signals using better software and monitoring systems to improve capacity. However, no further mitigation, in terms of highway layout, is considered possible within the highway boundary.</p> |

The impact on this junction is minimal from this development’s traffic as the dominate movement is south or west; towards the A14. Modelling in the applicant’s Transport Assessment shows the junction percentage impact from this site would be less than 1%. It has been assumed that the direction of trips can be based on census data showing their destination. Also, due to its location south of the railway line, it is likely that drivers are more likely to travel via the A14 to reach destinations West and North of Bury St Edmunds and trips via the Bunbury Arms Junction will be less than anticipated.

We also believe that the provision of a signal junction at the A143 junction will potentially result in a redistribution of traffic due to the additional delay for left turn out movements. The signals could also increase the right turn movements from Thurston, as it becomes more attractive manoeuvre no longer being directly opposed.

Barton Road Mini Roundabout and Rail Bridge/Beyton Road junction



| Existing situation | Proposed mitigation |
|--|--|
| <p>Barton Road under the railway bridge has sufficient carriageway width to allow 2 cars to pass. However, with the arch of the bridge, high-sided vehicles have to use the centre of the carriageway to use the maximum height of the bridge, therefore no other vehicles can pass large vehicles except cyclists. Due to the height restriction of the bridge, use by high sided vehicles is restricted (single deck buses can use this route). The footways under the bridge are narrow; where the west footway terminates adjacent to the south-west bridge abutment 490mm wide and the other has a pinch point of 750mm.</p> <p>The carriageway is not parallel with the bridge abutments which restricts the forward visibility from Beyton Road junction under the bridge to 24.5m.</p> | <p>By introducing improvements to the existing mini-roundabout and a new mini-roundabout on the Barton Road/ Beyton Road junction, this improves the RFC for Base + Committed Development + the Development from 1.00 to 0.85 and reducing delays by approx. 60 seconds therefore, improving capacity. By realigning the carriageway parallel with the bridge abutments, will improve the inter-visibility between the junctions on each side of the bridge. Removing the footway on the west side enables the footway on the east to be widened to 1.5m enabling safer passage for pedestrians making an acceptable walking route for existing and new residents. Access for cyclist remains poor as the footway is too narrow restricting them to the road and hence potential conflict with vehicles.</p> |

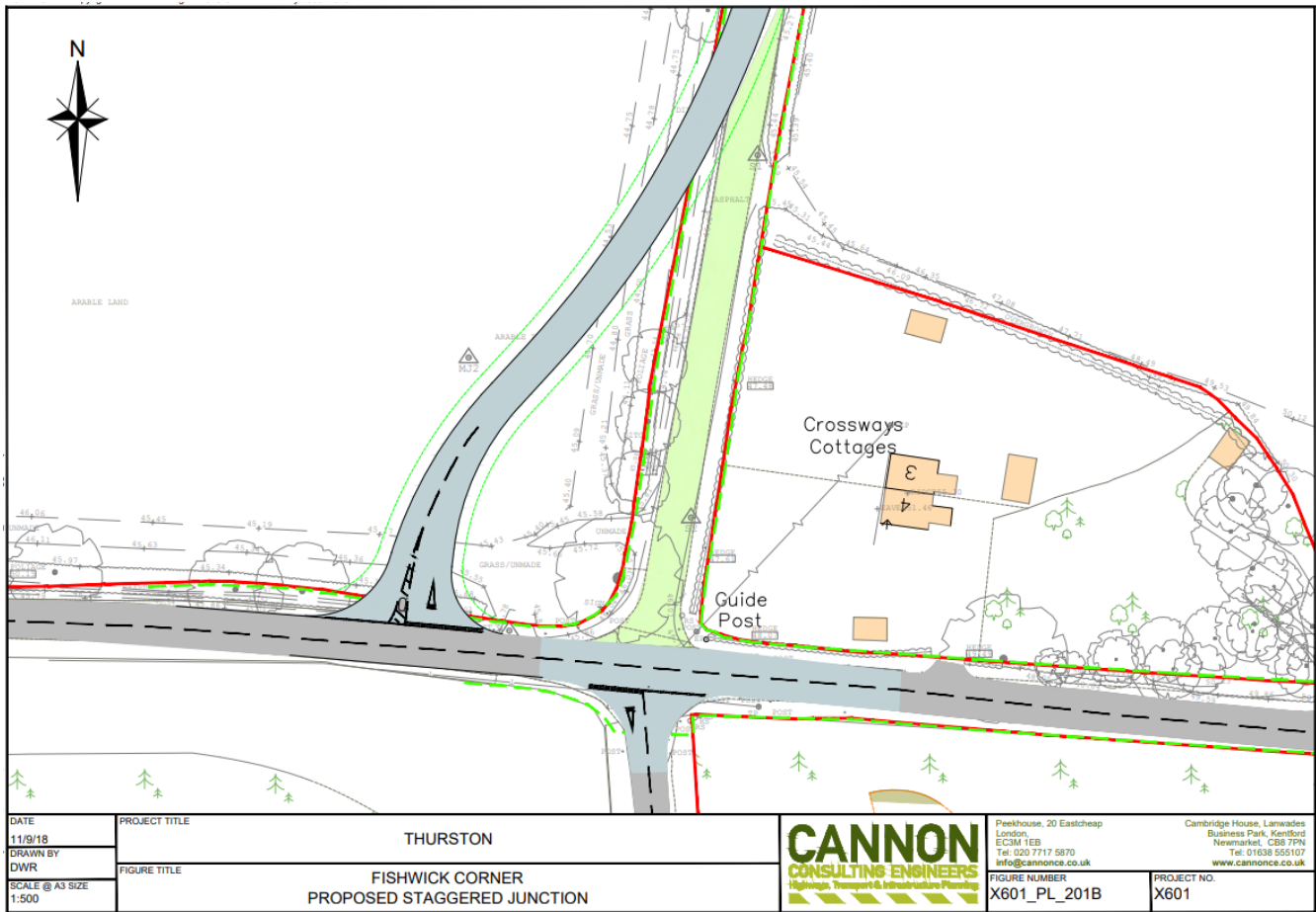
Barton Road Rail Bridge: Straightening of the road will improve sight lines for drivers and provide a 1.5m wide footway on the east side. While the width of footway is less than desirable, particularly next to a busy road we have considered that on balance we would not consider it so unsafe as to recommend refusal.

However, this is a judgement made on the likely number of pedestrians from this development and any additional pedestrian use, particularly if it involves vulnerable users, would need to be reassessed. The problem of higher vehicles having to use the middle of the road to avoid the low arch remains a hazard

as does the limited capacity albeit with a degree of improvement to the flow by the proposed mini roundabout south of the bridge. Balancing the improvements in footway, better sight lines and alignment against the remaining limited capacity we consider that on balance This is regarded as a benefit in highway terms sufficient for this development.

Proposals have been suggested by Network Rail and others to provide an underpass to provide a safer link to access either side of the railway line. While promoted as a measure to allow closure of the 'barrow' crossing between the station platforms this would also be of significant benefit to this development by providing a more desirable route remote from vehicles particularly for cyclists. This would be of significant benefit to non-motorised users and would support such a scheme. This proposal is at an early stage and it would be disproportionate to expect a single development to fund it all. However, we consider a contribution towards developing this scheme is reasonable based on the impact of the additional rail users coming from this development on the safety of the station crossing.

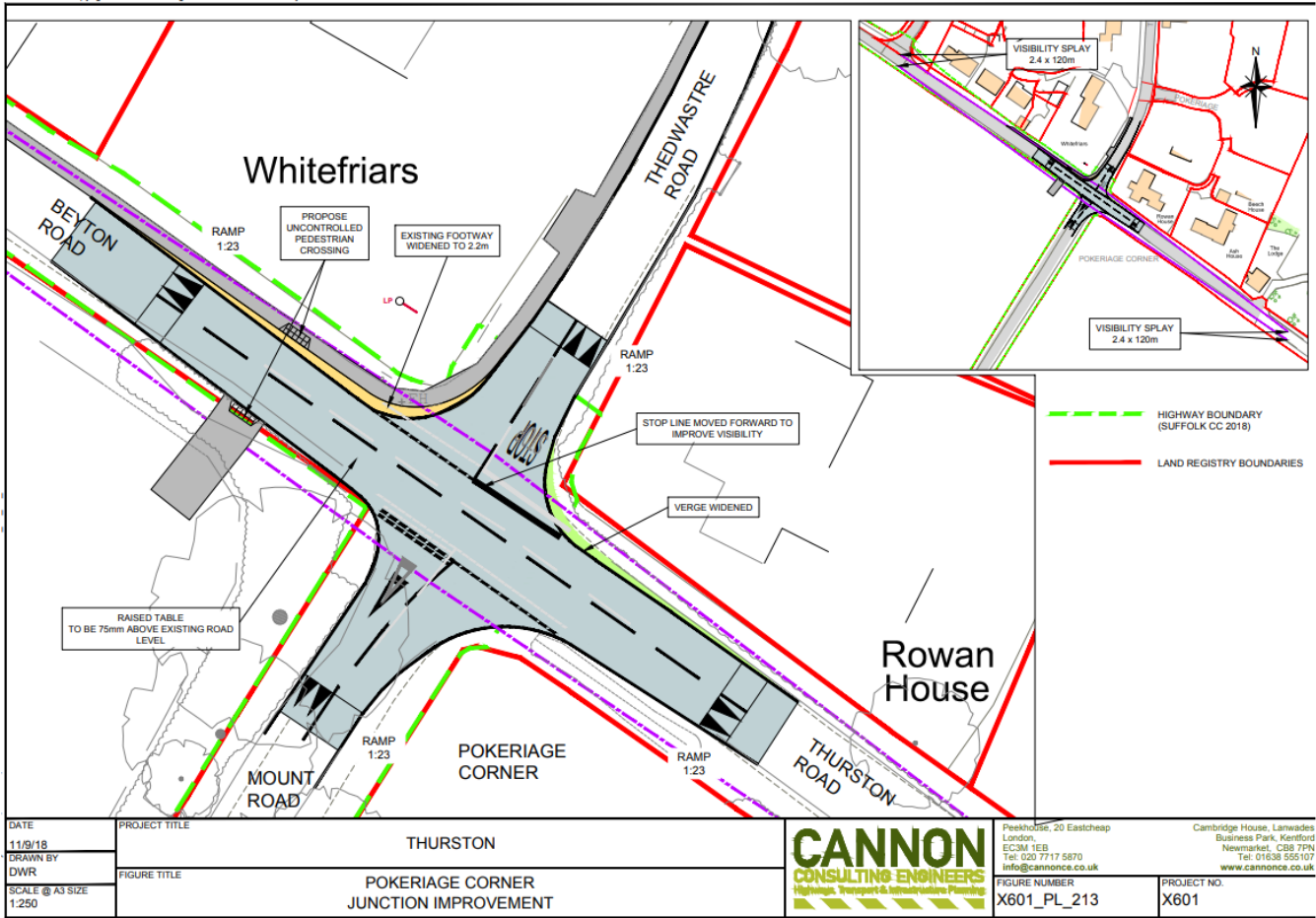
C693 Thurston Road/C692 Thurston Road junction (Fishwicks Corner)



| Existing situation | Proposed mitigation |
|---|--|
| <p>At Fishwicks Corner the primary cause for congestion is due to limited visibility at the junction. Being a crossroads with four-way movements also reduces capacity and adds to delays. The junction is an accident cluster site with 13 recorded injury accidents; 11 of which were drivers failing to look properly on the minor arms of the crossroads due to poor forward visibility. As part of the mitigation for the 2017 developments, a 40mph speed limit is being introduced with a change in the junction priority and altering the give-way scenario to Stop lines on the side roads. The predicted RFC with the 2017 developments following the revised layout of the junction was calculated as 0.93 in the PM peak.</p> | <p>The land to the north west of the junction is within the developers control so the highway boundary is no longer a constraint for further highway improvements to improve safety and capacity of the junction. The dominant turning movement in the AM peak is from Thurston Road (north arm) turning right to Bury St. Edmunds and in the PM peak, from Bury St Edmunds turning left into Thurston Road (north arm). By introducing a staggered junction, this improves the RFC for Base + Committed Development + the Development from 1.10 t(unmodified) o 0.58 and reducing delays by approx. 3 minutes therefore, improving capacity. Also, staggered junctions will provide the required visibility for the speed of road (40mph) and this type of layout has been shown to reduce accidents by some 60% compared to a crossroads. Recently, a preservation order has been applied to trees next to the existing junction but these are unaffected by the proposed new junction</p> |

The question of a roundabout in this location has been raised by councillors. While an acceptable solution it is not concerned proportionate to the scale of the development as the proposal for a staggered junction delivers sufficient mitigation. Also, a roundabout would require a large area of land, are less safe for cyclists than to any other kind of road layout and there would be a need to remove more trees. possibly those recently protected. SCC have also requested additional area of land to be secured to allow for a future cycle/footway scheme if that is considered necessary.

C560 Beyton Road/C692 Thurston Road/U4920 Thedwastre Road Crossroads (Pokeridge Corner)



| Existing situation | Proposed mitigation |
|--|---|
| <p>Pokeridge Corner is also a crossroads where the primary cause of congestion is the lack of visibility from the side arms of the junction. It was considered the traffic impacts of the 2017 applications did not affect this junction to a point where mitigation was required. There were 3 accidents at this junction where drivers failed to look properly and overshoot the give way lines.</p> | <p>With the committed and proposed development, the results indicate the predicted maximum RFC in the AM peak period operates above the desirable capacity limits; RFC 0.93 and Q length of 8 vehicles on the Thedwastre Road arm. This in isolation is not considered severe and the Beyton Road development would have minimal impact in terms of capacity at this junction. However, the nature of the crashes at this junction show that altering the layout to improved visibility and installing raised junction to reduce vehicle speeds will improve safety. There are also capacity benefits improving the RFC to 0.65 and reducing the queue to 2 vehicles.</p> |
| <p>The bridge over the rail track on Thedwastre Road has a vehicle priority system with a single lane road and a painted footway. The parish council has raised concerns on the pedestrian safety at the bridge due to the increase in traffic and pedestrian movements associated with this development. There has been no recorded crashes resulting in injury at this location and the visibility is good for all road users.</p> | <p>Both the developer and the LHA recognise that further improvements can be made for pedestrians. Inclusion as an obligation within the S106 agreement will enable options to be considered in consultation with the LPA and Parish Council</p> |

While the LHA's preference would have been to split the Pokeridge Corner junction into two three arm priority junctions as at Fishwick Corner this is difficult at this location due to the restricted land available. While other forms of improvement would provide greater benefits that proposed mitigates the developments impact on this junction. It also enables some improvements to highway drainage and crossing points for pedestrians.

Accesses for the Site

The Suffolk Design Guide states that there should be 2 access points for developments with over 150 dwellings. The proposal gives 2 access points with required visibility; one to the south and one to the north allowing alternative routes for vehicles and reducing the impact on junctions.

4. Sustainable access to and from the Development

To promote, encourage and support the principles of sustainable transport as outlined in the National Planning Policy Framework, safe and suitable access is required for bus services, pedestrians and cyclists to and from the site:

- The rail station is within the village and is approx 500m from the centre of the site
- The closest bus stop is 500m from the centre of the site with good bus service
- The primary school is 1200m (15 minute walk) and the secondary school is 850m from the site both schools are within walking distance.
- With the proposal to improve the footway under the rail bridge, an acceptable pedestrian link is created to facilities in the village including the schools.
- A number of pedestrian crossing points are to be created along Beyton Road
- Details of improvements on Threwastre Road to be finalised as a S106 contribution
- National Rail, BMSDC and SCC and in talks regarding the existing pedestrian safety and accessibility within the station.
- Land has been safeguarded between Fishwick Corner and the rail bridge for the eventuality that a cycle route can be developed from Thurston towards Rougham as alternative to Heath Lane.

5. Discussion

When considering this application, we have been careful to balance the negative impacts of the development against the positive impacts of some of the mitigation to provide a balanced recommendation to the Planning Authority.

Capacity - The mitigation proposed for the 2017 was acceptable for that level of development at that time but did not allow headroom for future development. An additional 210 dwellings from this development will place additional strain on the road network around Thurston, specifically in the Bunbury Arms, Fishwick Corner and Pokeridge junctions and the road under the rail bridge. While we consider that this development has a significant impact in terms of capacity we do not consider that it is severe and would therefore justify a recommendation to refuse the application on highway grounds

Road Safety - in 2017 we expressed concerns regarding the impact of development in terms of road safety at the same junctions. The mitigations proposed for the 2017 applications were sufficient to mitigate their harm but not that of other future developments. This development places additional strain on the highway network in terms of road safety, in cases beyond that mitigated by the 2017 schemes. However, this application contains a number of improvements that address these road safety concerns. In particular the realignment of Fishwick Corner is a significant improvement. Improvements to the footway under the rail bridge, along Beyton Road and Pokeridge Corner are, while not the optimal solutions, beneficial in terms of road safety.

Existing Pedestrian and Cycle Links - there are two realistic links from this site to the village infrastructure. In their current form all have significant limitations,

- Barton Road: The footway under the rail bridge narrows to around 700mm and is less than that considered a safe width to allow passage of pedestrians or cyclists.
- Thedwastre Road: There is no formal footway over the rail bridge pedestrians sharing the road with vehicles within a single lane priority system
- Beyton Road: There is no current crossing point for pedestrians to cross the road to access the site.

The options of crossing the railway line at Church Road and Barrell's Road are discounted due to their distance from the site and lack of footways on the roads leading to them. The development includes improvements to footways or crossing points at all three locations. While not optimal these proposals are considered proportionate to the scale of development.

School Transport - concerns have been raised by the Parish Council and residents regarding the removal of subsidised places on school buses and the impact on travel patterns. Pupils from the proposed development could reasonably be expected to walk or cycle to both the primary and secondary schools and the applicant is expected to provide high quality footways and cycleways to enable this. However, Thurston Academy has a large, predominately rural catchment area the changes to school transport are likely to generate additional car trips from these areas for non-eligible pupils. As the policy is phased in and only started in September 2019 it is difficult at this point to assess the transport impact. It is clear that any impacts will be greatest (but not exclusively) at the Ixworth Road / Norton Road and Norton Road / Barton Road junctions. We are aware that Thurston Community College (TCC) are keen to continue to support bus travel to school and each year survey families of potential new year 7 students to see if there is enough demand to make a school-led bus option financially viable.

The Highway Authority's main concern is the impact on road safety although congestion and inconsiderate parking also have to be considered. While it is not reasonable in planning terms to expect this development to mitigate the additional school traffic it is a matter that we consider should be included in the Planning Authorities weighing up of the application.

6. Conclusion

The National Planning Performance Framework states 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*'.

As the Highways Authority we have examined this application and the supporting information in detail. The additional development will lead to more vehicles, pedestrians and cyclists using the highway network around Thurston in addition to that from the permitted developments. Without mitigation, we consider that the cumulative impacts are severe in highway terms. However, with the proposed mitigation we considered that, while some significant negative factors remain the overall impact, when balanced, the impact is no longer severe nor is there an unacceptable impact on road safety. For these reasons we advise that we do not recommend that this application is refused specifically on highway grounds.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

V 1 - Condition: Before the access into the site is first used, visibility splays shall be provided as drawing Nos X601_PL_200 and 200B and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

HW 1 - Condition: Prior to commencement of any works (save for site clearance and technical investigations) details of the highway improvements and mitigation (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing to the Local Planning Authority in consultation with Local Highway Authority. The details as agreed shall be delivered in accordance with a timetable for improvement which shall have been submitted to and agreed in writing by the LPA concurrent with the said details.

Reason: To ensure that design highway improvements/footways are constructed to an acceptable standard.

ER 1 - Condition: Prior to commencement of any works, (save for site clearance and technical investigations) details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

ER 2 - Condition: No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority in consultation with Local Highway Authority.

L1 - Condition: Before the development hereby permitted is commenced a Lighting design shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to avoid the hazard caused by disability or discomfort glare for motorists.

P 2 - Condition: Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including electric vehicle charging units and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

B 2 - Condition: Before the development is commenced 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.

TP1 - Condition: Prior to the occupation of any dwelling details of the travel arrangements to and from the site for residents of the dwellings, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Transport Assessment shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. No dwelling within the site shall be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, policies CS7 and CS8 of the St Edmundsbury Core Strategy and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

TP2 - Condition: Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives SO3 and SO6 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

HGV CONSTRUCTION - Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety
- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- 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: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

S106 CONTRIBUTION

Travel Plan

As Suffolk County Council (as Highway Authority) have been identified as a key stakeholder in the Travel Plan process, a £1,000 per annum Travel Plan Evaluation and Support Contribution payable prior to occupation of the 100th dwelling to provide Suffolk County Council suitable resource to engage with the Travel Plan Coordinator appointed by the applicant. As this is a discretionary function of the County Council, this is chargeable under Section 93 of the 2003 Local Government Act and Section 3 of the 2011 Localism Act. This will need to be secured through a Section 106 Agreement or separate Unilateral Undertaking. If the contribution is not secured Suffolk County Council are unlikely to have the resource to provide the assistance which is identified in the Travel Plan, which is likely to result in the Travel Plan failing. Further guidance and justification of this contribution can be found in the Suffolk County Council Travel Plan Guidance (www.suffolk.gov.uk/assets/Roads-and-transport/public-transport-and-transport-planning/Local-Links/26444-Suffolk-Travel-Plan-Guidance-V5-Printable-Version-LR.pdf).

Alternatively, Suffolk County Council can produce the Resident Travel Packs and deliver the Travel Plan on behalf of the developer if a suitable contribution can be agreed and secured through a Section 106 Agreement or separate Unilateral Undertaking prior to the determination of this application. If this is of interest to the developer, they can contact the Suffolk County Council Travel Plan Team at travelplans@suffolk.gov.uk to obtain a quote. Further information on this service can be found on www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Travel-Plan-Delivery-offer-to-LPAs-and-developers-2.pdf.

Public Transport

Creation of pair of raised bus stops at the southern end of New Road, with a pedestrian access into the site at that point. These works can be completed under s278 or a contribution of £6,000 for the construction.

NOTES

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

Travel Plan Comments

On reviewing the Framework Travel Plan (dated July 2019) the Travel Planning Officer raised a number of points; regarding provision of bus stops and multi-modal voucher and a need to liaise with other Travel Plans for Thurston Applications. Also, details were highlighted on what is required in the Travel Plan. These are to be addressed with the officer.

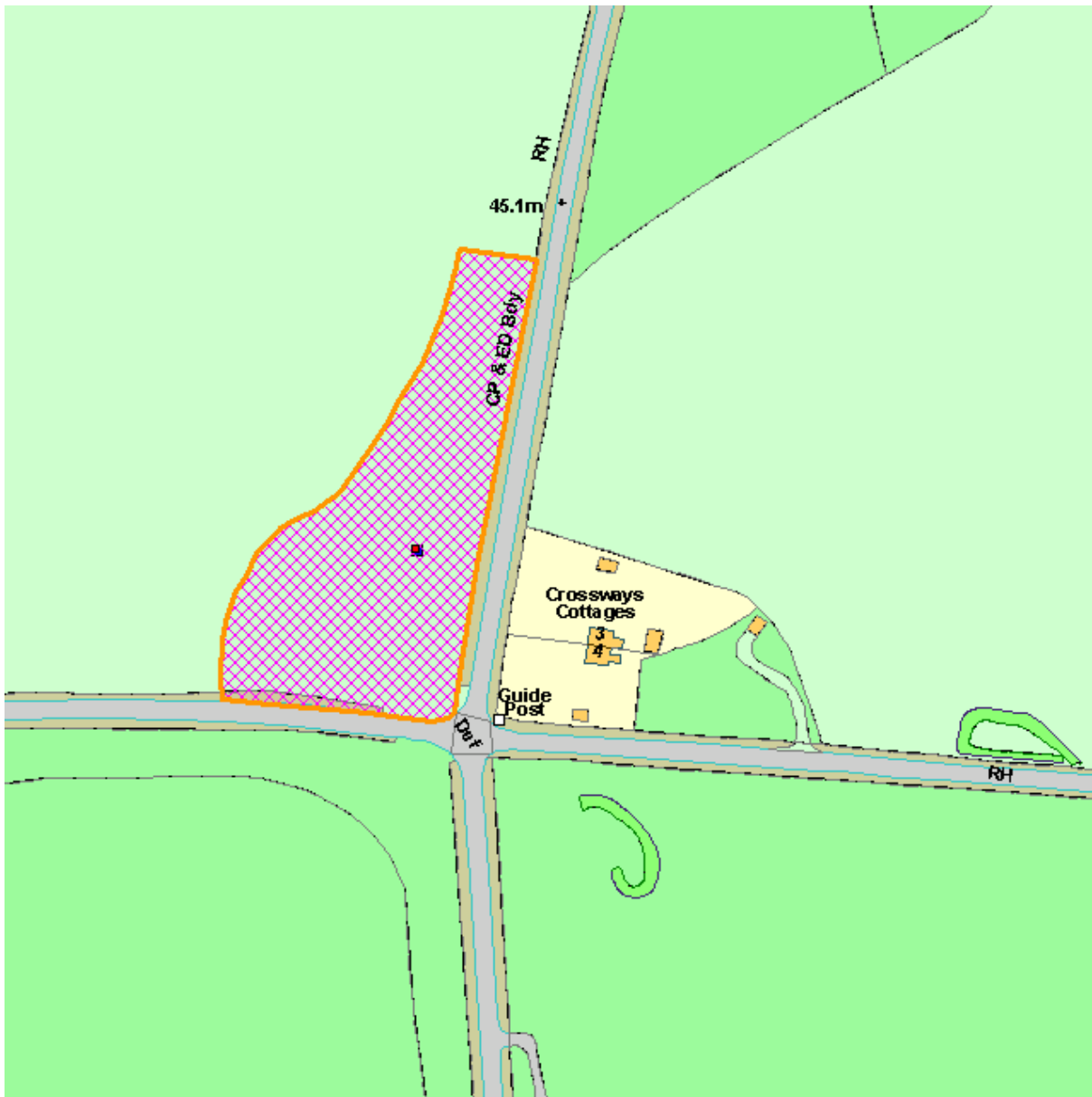
Yours sincerely,

Samantha Harvey
Senior Development Management Engineer
Growth, Highways and Infrastructure





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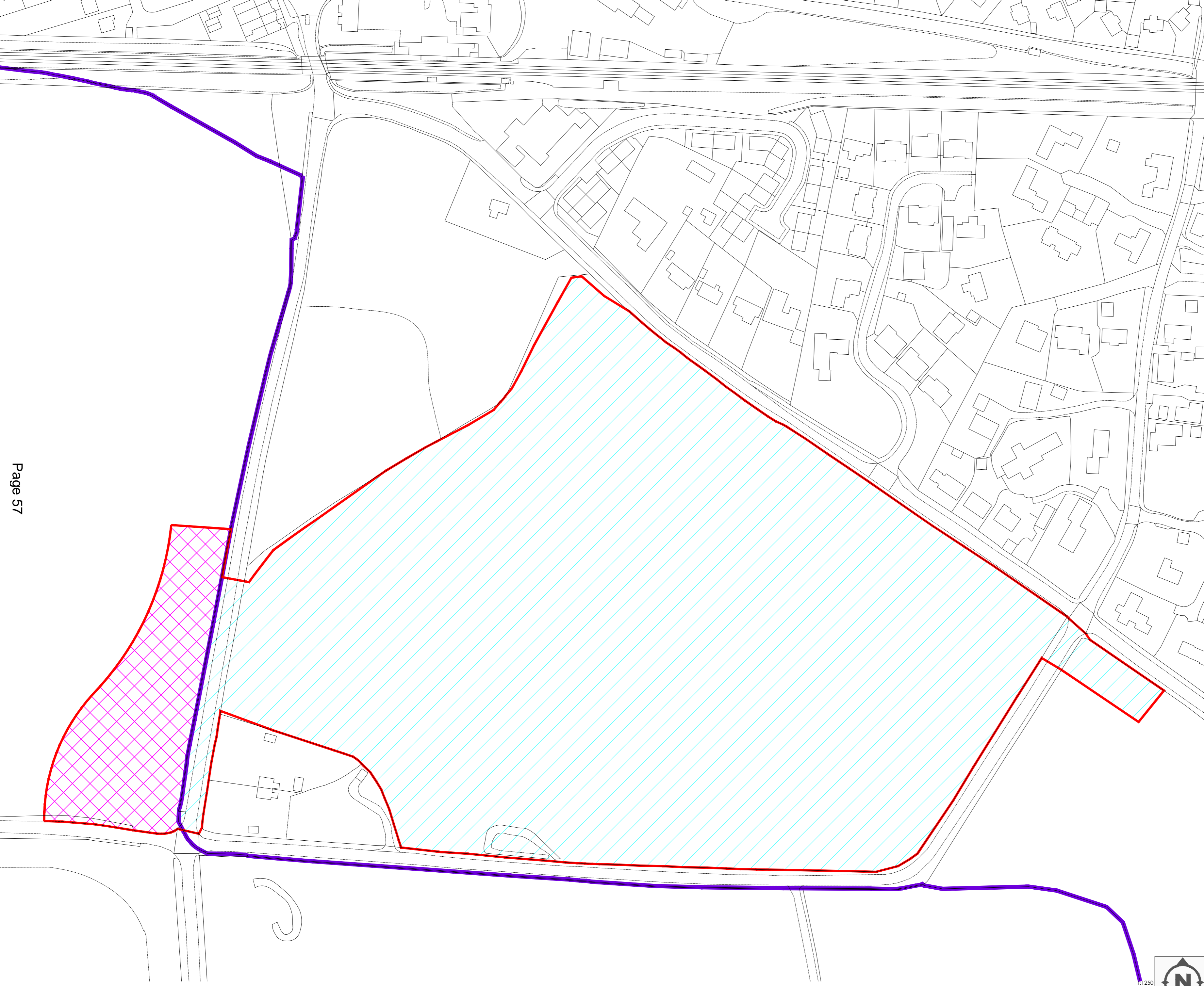


DC/19/1519/OUT – Land Adjacent To Fishwick Corner, Thurston Road, Rougham



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- LEGEND**
-  Application site area- 8.87 Ha
 -  LPA Boundary
 -  Area within Mid Suffolk District Council- 8.12 Ha
 -  Area within West Suffolk District Council- 0.75 Ha



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| REV | DATE | DESCRIPTION | DRAWN |
|-----|----------|--|-------|
| C | 02/07/19 | Client name updated | SW |
| B | 20/06/19 | Total areas ammended | SW |
| A | 20/06/19 | Total site area within local authority areas shown | SW |
| - | 07/06/19 | First issue | SW |

CLIENT
Bloor Homes and Sir George A. Agnew

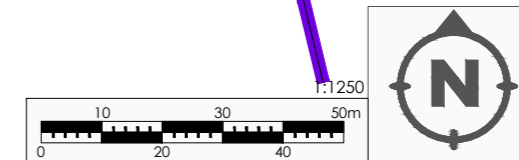
PROJECT TITLE
 Beyton Road, Thurston

DRAWING TITLE
 LPA Boundary

| | | | |
|--------------|-------|-------------|------------|
| DATE | DRAWN | CHECKED | AUTHORISED |
| 02 JUL 2019 | SW | EW | TN |
| NUMBER | REV. | SCALE | |
| 19-2012-O-06 | C | 1:1250 @ A2 | |



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Development Control Committee

13 May 2020

Planning Application DC/19/1952/FUL – Land at The Grove, Beck Row

| | | | |
|-------------------------|---|------------------------|---------------------|
| Date Registered: | 08.10.2019 | Expiry Date: | 01.05.2020 |
| Case Officer: | Adam Ford | Recommendation: | Approve Application |
| Parish: | Beck Row, Holywell Row & Kenny Hill | Ward: | The Rows |
| Proposal: | Planning Application - 2no. dwellings with associated access and parking area (following demolition of existing bungalow) | | |
| Site: | Land At, The Grove, Beck Row | | |
| Applicant: | Mr John Simmons | | |

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 01284 757353

Background:

This application is referred to the Development Control Committee because, despite there being no conflict between the Officer recommendation and the Parish Council's view, the proposal which is recommended for approval technically represents a departure from the Development Plan.

Proposal:

1. The application seeks planning permission for two dwellings following the demolition of an existing bungalow which occupies the site. It therefore represents a 'replacement' and a further new dwelling.
2. Both dwellings as proposed are two storey units with 4 bedrooms on their first floor. The dwellings have an eaves height of 4m and a ridge height of 6.9m. Each dwelling has a footprint of 9.5m x 10m. They are the same house type and will occupy the site as a pair of detached dwellings.
3. Externally, each dwelling will be finished with facing brick work and tiles although the precise details have not been confirmed and can be controlled through a suitably worded planning condition.

Application Supporting Material:

4. The information submitted with the application includes:
 - Site location plan
 - Proposed block plan
 - Proposed floor plans and elevations
 - Planning statement
 - Noise impact assessment
 - Contamination assessment

Site Details:

5. The 0.1 hectare application site in question lies 45 metres outside of the defined settlement for Beck Row. Presently the site is occupied by a single storey bungalow which will be demolished should planning permission be granted.
6. The area is typified by residential development with similarly styled dwellings to the South West of the application site and further residential development to the North and North East of the site. RAF Mildenhall lies to the South of the site.
7. It should also be noted that the application site forms part of a larger site which already has planning permission for up to 8 dwellings under DC/16/0436/HYB. However, although 8 dwellings were approved, the applicant opted to only build 7 as confirmed through the approval of DC/17/1189/RM.

Planning History:

8.

| | | | |
|-----------------|---|---------------------|------------|
| DC/16/0436/HYB | Hybrid planning application (i) Full planning application for the demolition of 1no. bungalow and (ii) Outline planning application (Means of Access to be considered) for 8no. dwellings | Application Granted | 01.08.2016 |
| DC/17/1189/RM | Reserved Matters Application - Submission of details under planning permission DC/16/0436/HYB - the means of access, appearance, layout and scale for 8 dwellings (following demolition of existing dwelling) | Application Granted | 22.09.2017 |
| DCON(1)/16/0436 | Application to discharge B9 (footway and pedestrian crossing), B10 (access), C19 (contamination) of DC/16/0436/HYB | Application Granted | 13.10.2017 |
| DCON(2)/16/0436 | Application to Discharge Condition C17 (Archaeology) of DC/16/0436/HYB | Application Granted | 26.09.2017 |

Consultations:

9.

SCC Highway Authority

- No objection subject to conditions

Public Health & Housing

- No objection subject to conditions

LPA Environment Team

- No objection subject to conditions

Strategic Housing Team

- 30% affordable housing contribution required for 1 x dwelling

Ministry of Defence

- No objection to proposal subject to conditions

Suffolk Wildlife Trust

- No response provided

Representations:

10.

Parish Council

- The Parish Council confirmed their support for the scheme in a formal response dated 14th November 2019

Ward Member

- No comments provided

Public representations

11.

White Gables, Stock Corner, Beck Row

- Support for the application provided

Lilac Bungalow, The Grove, Beck Row

- Objection to the proposal due to perceived noncompliance with details agreed under DC/17/1189/RM and lack of relevant information

Planning Policy:

12. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation.

13. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

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

Site Allocations Local Plan 2019

- Site Allocations Local Plan 2019 (former Forest Heath area) SA1 - Settlement boundaries

Core Strategy Document 2010

- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision
- Core Strategy Policy C10 - Rural Communities

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 DM11 Protected Species
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

Other Planning Policy:

15. National Planning Policy Framework (2019)

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:

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

- Principle of Development
- Affordable housing
- Design, scale and form
- Impact on amenity
- Noise from nearby military activity
- Ecological impacts
- Highway implications

Legal context

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Forest Heath Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), and the Core Strategy Development Plan Document (adopted May 2010).

18. National planning policies set out in the revised National Planning Policy Framework 2019 are also a key material consideration.

The principle of Development

19. As noted earlier in this report, the application site in question is located outside any defined settlement boundary and as such, the proposal technically comprises development in the countryside from a land use perspective.

20. From a national planning policy perspective, the NPPF (2019) is clear at paragraph 79 that LPAs should avoid granting planning permission for residential development in the countryside unless material factors indicate otherwise. This position is further reflected in local planning policies (SA1, CS1, CS10, DM5 and DM27) which state that planning permission for residential development in the countryside will typically **not** be supported unless there are valid and material reasons for doing so.

21. Ultimately, proposals for residential development outside of defined settlements must 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. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable, due to conflict with the development plan they should be resisted.

22. In line with policy SA1 of the 2019 Site Allocations Local Plan, Policy CS1 of the former FHDC Core Strategy confirms and clarifies that proposals for residential development should be directed towards the sustainable settlements and, where possible, away from the open countryside. This is further bolstered by policy CS10 which dictates that in villages and small settlements not identified for a specific level of growth in the Spatial Strategy, including the open countryside, residential development will only be permitted where:

- A. There are no suitable sites available inside the limits of a defined settlement boundary;
- B. It is an affordable housing scheme for local needs in accordance with Policy CS9;
- C. It involves the appropriate re-use of a rural building;
- D. It provides a site for gypsy and travellers or travelling show people which complies with the Gypsies and Travellers policy in Policy CS8.
- E. It is a replacement of an existing dwelling;
- F. It is a dwelling required in association with existing rural enterprises which complies with the requirements of national guidance in relation to new dwelling houses in the countryside.

23. In this instance, the proposal is for two dwellings beyond the settlement boundary following the demolition of an existing bungalow. As such, the

broad principle of a 'like for like' replacement is deemed acceptable given the remit of policy DM5.

24. However, the proposed dwellings are both larger in scale and footprint than the existing bungalow and as such, it cannot be argued that either of the dwellings represents a policy compliant (DM5) replacement for the bungalow which is currently in situ. In addition, the dwellings as proposed do not meet any of the exceptions for dwellings in the countryside as set out by policies DM5, DM27 or CS10. It is for this reason that the proposal represents a conflict with the development plan both with respect to the 'replacement' and the new dwelling.
25. However, whilst the primacy of the development is acknowledged, if material planning considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 the LPA may grant planning permission for development which does not strictly accord with the development plan.
26. This is relevant to the proposal under determination due to its urban context, prevailing built form and the locality's character. The site's planning history is also pertinent to this point as the site benefits from a recent grant of up to 8 dwellings.
27. It is noted that national and local policy aim to prevent unsustainable development from taking place and that policies such as DM5 and CS10 aim to retain the intrinsic beauty of the countryside. However, whilst the application site technically sits outside of the settlement boundary, it is not open, undeveloped countryside as DM5 intends and it does not represent a site which the LPA would strive to prohibit from being developed on the basis of countryside integrity alone. It already contains a lawful bungalow and planning permission has been granted for its re-development through recently approved planning applications.
28. As illustrated by the submitted plans, the site lies in between two existing pockets of residential development and is presently occupied by a single storey bungalow. Given the lack of harm arising, the area's existing built form and the way in which the site would positively relate the existing off site dwellings by creating a coherent street scene (discussed further below), despite the technical conflict with the development plan, the principle of development on this site for two further houses is something that can be supported.

Affordable housing

29. This application is for two dwellings only and it does not represent the usual scale or size of development whereby the LPA would typically seek affordable housing requirements pursuant to the NPPF or policy CS9 of the Core Strategy.
30. The below commentary is provided to illustrate why, in this instance, an affordable housing contribution is required for a two dwelling scheme.
31. Planning application DC/16/0436/HYB approved up to 8 dwellings (albeit in a larger red line) and, due to ministerial advice in place at the time,

restricted them to limit the internal floor space to not exceed 1,000sqm. However, the reserved matters application (DC/17/1189/RM) then approved 7 dwellings and retained the existing bungalow; the floor space did not exceed 1,000sqm in compliance with the outline permission, but this limit only applied to new floor space; not the existing bungalow.

32. It was accepted that this site would not trigger affordable housing if the new floor space (associated with DC/16/0436/HYB and DC/17/1189/RM) within the red line did not exceed 1,000sqm. This was based upon the fact that only 8 dwellings in total could exist within the site's red line, that one of 8 was now to be recognised as an existing dwelling and all new dwellings would be limited to 1,000sqm of new floor space in any event.
33. A new permission that now seeks to replace the existing bungalow with two dwellings, would represent an additional dwelling; a net gain of one unit, within the original site. Although this new application has its own smaller red line, it would be incorrect for the LPA to not consider the implications of this additional dwelling on the site. In terms of the original red line, subdividing an extant site in this way, and not having such a consideration, would present an opportunity for developers to circumnavigate affordable housing policies. This would be contrary to the NPPF's intended application.
34. The NPPF is clear that sites under 10 dwellings do not, in isolation, trigger affordable housing. However, hypothetically, if a developer submitted an application for 9, gained approval without triggering affordable housing and then submitted another application with a smaller red line, that sat within the original red line, thus increasing the number of dwellings overall, then the LPA has an obligation to protect the integrity of the intention of the NPPF policy and consider the new total number of dwellings now proposed, in combination on the site as a whole.
35. To not take this approach would be contrary to the NPPF's purpose, since all sites that had the ability to intensify in this way, could be approached in two or more separate applications and upon gaining the first permission, could in turn, circumnavigate the NPPF 10 dwelling trigger, by eventually increasing the overall dwellings on a given site, in subdividing the red line multiple times. Thus, with reference to this application, the LPA is entitled to consider the impact in combination with the first 8 dwellings and now these two dwellings as proposed.
36. For the avoidance of doubt, on this site, there were up to 8 dwellings approved by the hybrid application and then the reserved matters application approved 7 new dwellings and excluded them from triggering affordable housing by limiting their internal floor space, in addition to an existing dwelling.
37. This current subsequent application to replace the existing dwelling, represents a replacement dwelling and one additional dwelling. If approved then, in combination with the original permission, there would be (7+1) 8 additional dwellings within the same area of the original permission. Taking the NPPF into account, the combination by site area (0.75ha) would trigger affordable housing.
38. The normal consideration would then be to seek the Council's policy of 30% affordable housing (CS9) against all 8 additional dwellings, however,

acknowledging the first 7 are restricted by floor space and cannot be considered twice, the LPA intends to apply the 30% to 1 additional dwelling, resulting in an equivalent 0.3 contribution which would be secured through a S106 agreement.

39. This approach has been set out in writing to the applicant who has agreed to enter into a legal agreement for a 0.3 contribution; which, in reality, works out to 30% of 1 dwelling as a financial contribution.

Design, scale and form

40. With the principle of development established as being something that the can be supported, albeit representative of a conflict with the development plan, consideration must next be given to the design, form and scale of the proposed development.

41. In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.

42. In this instance, the existing bungalow is flanked by larger developments which are similar in design, scale and appearance. The sense of place is broken by the existing disparity in dwelling type and the inclusion of two proposed dwellings represent a visual enhancement to the locality which gives rise to a stronger, more prominent sense of place.

43. The proposed dwellings are commensurate in scale and form with the prevailing development and they do not present as a jarring or visually incongruent addition to the area's character. The ridge height of both dwellings has been designed so that it does not exceed the developments which flank the application site and following negotiation with the applicant the eaves of the proposed dwellings have been amended so that they relate to the existing dwellings which would be read in conjunction with the proposal. As a result, the dwellings complement and harmonise with the existing built form. This positive contribution to the existing but fragmented vernacular represents a material factor in favour of the proposal despite the technical conflict with the plan.

44. The prevailing vernacular is strengthened and enhanced as a result of the development's sympathetic and responsive design which allows it to present as a continuation of the existing development without appearing as a dull precise copycat style development. Accordingly, the design form and scale of the proposal is judged to be at a level which satisfies policies DM2, DM22 and CS5 such that it represents a significant benefit to the locality's character and visual profile. A stronger, more coherent sense of place is created, as required by DM2 and DM22 and this weighs considerably in favour of the proposal.

Impact on amenity

45. Both policies DM2 and DM22 seek to secure development proposals which do not have an unduly adverse impact on residential amenity. This

requirement is particularly relevant to the proposal under consideration as the application site is adjacent to existing dwellings and existing private amenity space.

46. With respect to the overall scale and massing, the proposed dwellings do not appear as inappropriately large and they are not positioned in such a way that they are looming over existing boundary treatments. The application site is separated from off site dwellings by existing vehicular access roads and as such, the proposal is not judged to represent an overbearing development.
47. A similar position with respect to overlooking also arises; because the two dwellings are located on their own pocket of land, with a road on either side, therefore unacceptable and undue overlooking does not arise. Views from the first floor dormer windows to the North of the dwelling look onto undeveloped paddock whilst the upper floor windows of the proposed dwellings do not enable direct overlooking into adjacent off site dwellings either.
48. It must be noted that due to the orientation of the dwellings and their relationship to each other, a marginal degree of visibility into the garden of each property may be possible from the upper floor windows. However, given that two of the windows serve bedrooms and one serves the landing, persistent overlooking which would give rise to an unacceptable impact on residential amenity is not judged to arise.
49. The submitted block plan shows indicative landscaping between the two properties and although these details have not been shown in sufficient detail to enable its implementation to be conditioned, as vegetation matures and thickens, this too serves to combat potential concerns with respect to overlooking and loss of amenity as it offers additional screening which can obscure views from windows which may otherwise be able to look across the rear elevation and 'in' to the affected garden. To address the shortcoming in the submitted landscaping details, a condition which requires the submission of an accurate landscaping scheme will be imposed, as set out within the conditions section.
50. In considering the amenity of the potential occupants, the space attributed to the proposed gardens has been considered in detail. The gardens which are provided - whilst not necessarily generous - are deemed to be an appropriate size for the dwellings they serve. However, regard must also be had to the permitted development rights which, upon completion, *would* be afforded to the dwellings by virtue of the General Permitted Development Order (2015).
51. In this instance, if either of the dwellings were to be extended under PD, the plots would potentially appear cramped & squeezed and it is certainly fair to note that if the proposal under consideration had a greater footprint and less garden, the LPA would have attempted to negotiate on this. Larger sprawling footprints in this instance would likely be harmful to amenity and result in a development which is too contrived to meet the requirements of CS5, DM2 or DM22. Accordingly, to prevent the scheme from being undermined in this way, it is proposed to impose a condition which removes permitted development rights to extend, enlarge or alter either unit. This is not to say that the permission would be refused but it allows any such

enlargement to appropriately considered with respect to its impact on prevailing residential amenity and thus within the confines of CS5, DM2 and DM22.

52. Overall, despite the above and whilst it is noted that some infrequent views into the gardens of the proposed dwellings by their counterparts may be possible, this is not judged to represent a significant or substantial conflict with DM2, DM22 or paragraph 127 of the NPPF.

Noise from nearby military operations

53. The application site is close to an operational airfield, being located within the 66db noise contour for RAF Lakenheath (as set out in "A Report on a Military Aviation Noise Contour of F15MK/C and F15MK/E Aircraft Activity at RAF Lakenheath January 2017" (Report: OEM/08/17)).

54. The application site is therefore located within an area affected by noise generated by military aircraft operating from an MOD establishment operated by the United States Air Force (USAF).

55. Paragraph 182 of the National Planning Policy Framework (2019) states that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development after they were permitted" before going on to require the applicant or agent of change to "provide suitable mitigation before the development has been completed."

56. In response to the applicant's submitted noise assessment, the MOD have commented as follows:

"The content of the submitted Noise Impact Assessment is noted, however, the total sound reduction performance of the passive ventilation is not quantified in the report and this should be equal to or higher than the noise reduction of the proposed glazing. It is recommended that a condition be added to any permission granted requiring the applicant to secure this and carry out the development in accordance with the approved details. Subject to such a condition it is considered the proposed mitigation would be sufficient to minimise the noise impact currently experienced due to military aviation"

57. In light of these comments, a condition will be imposed which requires the performance of the passive ventilation to be submitted to and approved in writing before the dwellings are occupied.

58. The submitted Noise Impact Assessment (NIA) also sets out how the development will mitigate against the locality's aircraft noise and this has been reviewed by the Public Health and Housing Officer who has raised no objection to the submitted content. As such, given the requirements of policy DM2, a condition requiring compliance with the measures set out within the NIA will be imposed.

Ecological impacts

59. 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 FHDC Core Strategy policy CS2, and policies DM11 and DM12 of the Joint Development Management Policies Document.
60. The National Planning Policy Framework (2019) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 175). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
61. In this instance given that the application site already forms part of a residential curtilage and is adjacent to existing built development with the RAF base further south, the net gain in one extra dwelling is not judged to represent development which would warrant or require any supporting ecological surveys or information.
62. However, in accordance with policy DM12 which advises that ecological enhancement measures should be sought where possible and relevant, a condition which requires the submission of such measures can be secured by condition. Such measures would be for the applicant to decipher but they could include bat boxes, hedgehog holes or other such measures which contribute positively to the locality's biodiversity.

Highway implications

63. The 2019 NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
64. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network.
65. Accordingly, given that this proposal connects to the public highway (A1101), formal comments from the Highway Authority have been sought. In their formal response dated 10th March 2020, the Highway Authority have confirmed that they wish to raise no objection and would require the imposition of conditions to control the following:
- Surface treatment of the development's access
 - Retention of parking spaces
 - Submission of bin / refuse areas
66. In addition, policy DM46 requires proposals to comply with the latest adopted parking standards as may prevail at the time of determination. The 2019 Suffolk Guidance for parking document (SCC) must therefore be

considered and this requires dwellings with 4 beds or more to provide 3 spaces per dwelling. Where this parking is shared as opposed to tightly allocated, the Highway Authority are able to reduce their requirement as the use of fluid or floating spaces is less likely to result in cars being displaced onto the highway.

67. In this instance, the submitted block plan illustrates that there will be 6 spaces available across the two dwellings and this has enabled the Highway Authority to offer a comment of no objection.

68. Accordingly, this element of the proposal is judged to meet the requirements of DM2 and DM46 insofar as they relate to highway safety and parking.

Electric Charge Points for Vehicles

69. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(I) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.

70. 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 para 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.

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

S106 for affordable housing

72. As set out within the relevant heading above, a 30% contribution towards affordable housing is required to satisfy policy CS9. This is calculated as being 30% of the value of 1 residential unit. The financial figure that this represents (£30,000) has been shared with the applicant who has agreed to enter into such an agreement.

73. At the time of writing this report however, the S106 agreement has not been signed. Planning permission can only be granted once the agreement has been signed however and therefore, should this application be approved, it would be subject to the completion and signing of the S106 agreement.

Conclusion & planning balance

74. In conclusion, whilst the proposal represents a technical conflict in principle due to the site's location beyond the settlement boundary of Beck Row, significant harm does not arise from the proposal to warrant a refusal. As set out above, the re-development of the plot represents an opportunity to enhance the existing character and sense of place which is presently undermined due to a visual break in the built form. This enhancement weighs in favour of the development.

- 75.Despite being on land which is classified as being countryside, the site is not open unspoiled rural land as policy DM5 seeks to protect. It is, however, flanked by existing residential development within a location which would be considered as sustainable with respect to the proximity of the settlement boundary.
- 76.Neither the replacement dwelling nor the proposed dwelling strictly comply with policies SA1, CS1, CS10 or DM5 but given the site's context, its proximity to the settlement boundary, the lack of visual harm arising and the benefit with respect to the continuity of the built form which would derive, the conflict with the development plan is judged to be sufficiently outweighed in this particular instance to enable a recommendation that planning permission be granted.

Recommendation:

77.It is recommended that planning permission be **GRANTED** subject to the below conditions and the completion of a S106 agreement to secure the required 30% contribution towards affordable housing:

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

| Reference No: | Plan Type | Date Received |
|---------------------------|-----------------------------------|----------------------|
| Location Plan | Location Plan | 08.10.2019 |
| dB/The Grove/10042/SR/001 | Acoustic Report | 08.10.2019 |
| 1783/Rpt 2v1 | Remediation Strategy | 08.10.2019 |
| 2207 / SK4 PLOT 1 | Proposed Elevations & Floor Plans | 01.02.2020 |
| 2207 / SK3B PLOT 2 | Proposed Elevations & Floor Plans | 01.02.2020 |
| 2207 / LO (-) 01E | Proposed Block Plan | 01.02.2020 |

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

- 3 No development above slab level shall take place until samples of all external facing materials (bricks and tiles) to be used on plot 1 and plot 2 as approved by this permission have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

08:00 to 18:00 Mondays to Fridays

08:00 - 13.30 Saturdays

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

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

- 5 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste

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

- 6 The development hereby approved shall be carried out in complete accordance with the construction and mitigation measures set out within the submitted Noise Impact Assessment (Document Ref: dB/The Grove/10042/SR/001)

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

- 7 Prior to occupation, details of the sound reduction performance of the passive ventilation to be used in both dwellings (plot 1 and plot 2) shall be submitted to and approved in writing by the Local Planning Authority.

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

- 8 Prior to the properties hereby permitted being first occupied, the vehicular access onto The Grove shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and

approved
in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety

- 9 The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2207/L0(-)01E shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 10 The dwellings hereby approved shall not be occupied until the area within the site shown on Drawing No. 2207/L0(-)01E for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage have been provided and thereafter that those areas shall be retained and used for no other purposes.

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

- 11 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.

- 12 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.

- 13 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased

within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

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

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

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

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

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

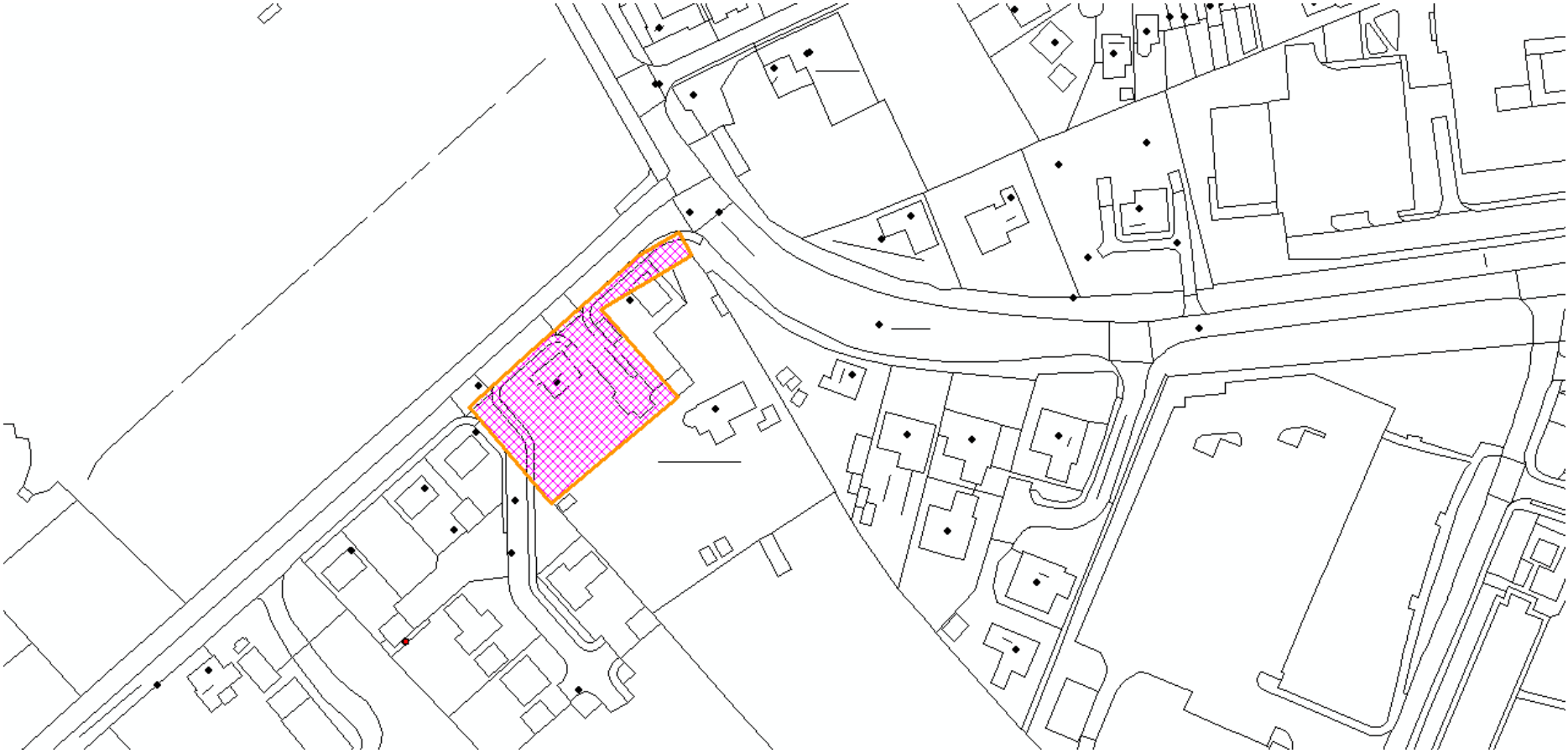
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1952/FUL](https://www.westsuffolk.gov.uk/DC/19/1952/FUL)

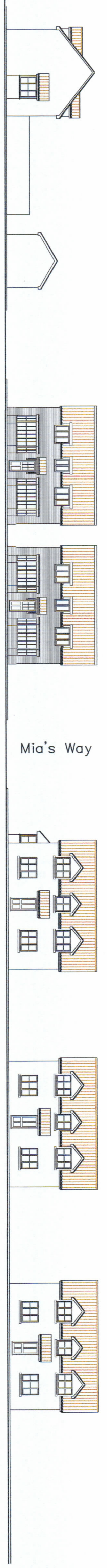
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DC/19/1952/FUL - Land at The Grove, Beck Row



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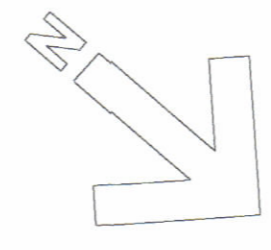
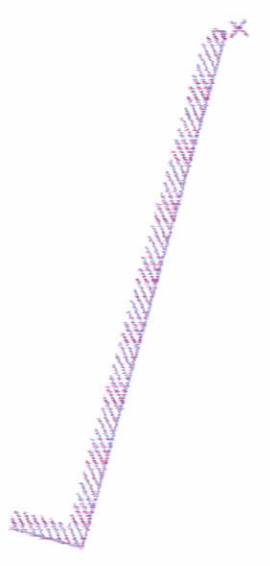
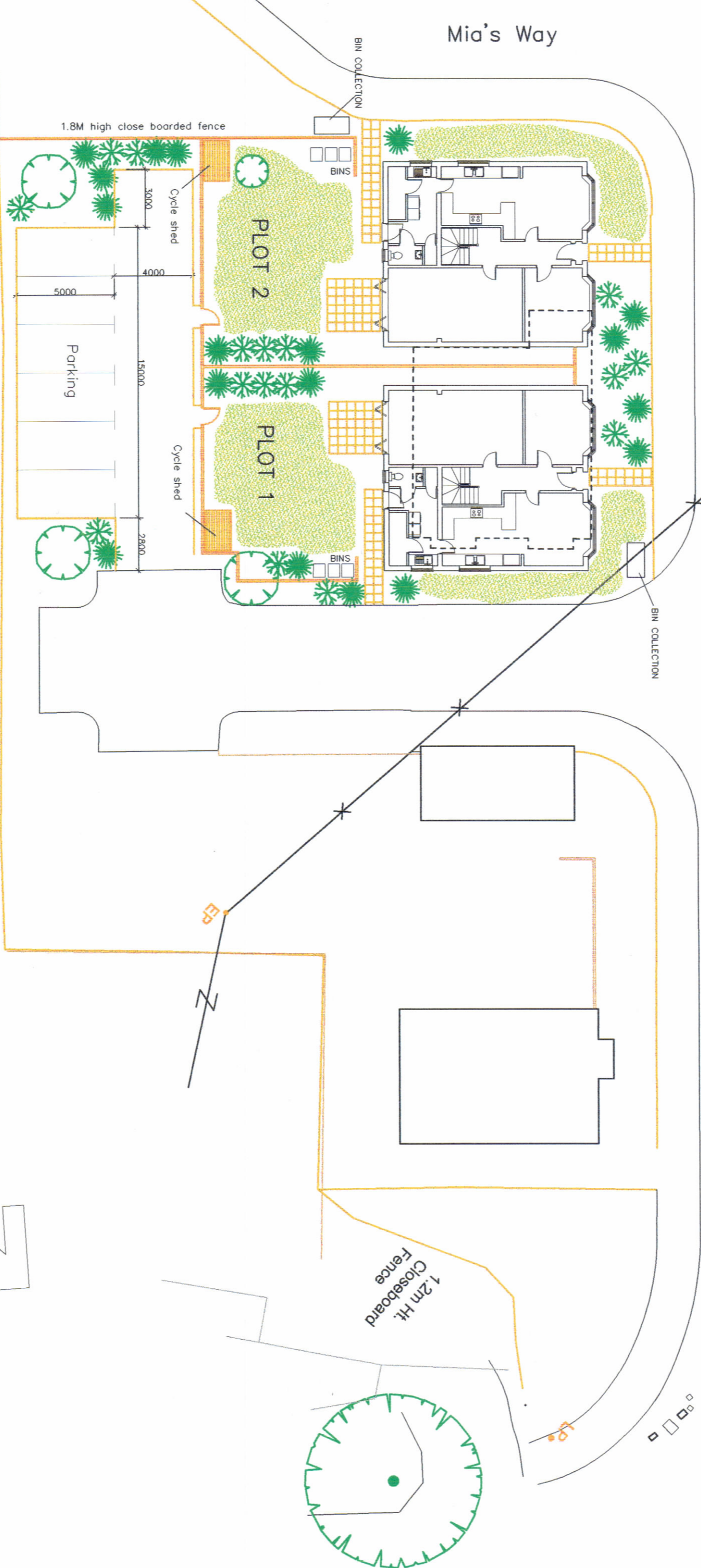
STREET SCENE TO THE GROVE

7a

THE GROVE

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Fence & Rail

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3.889



| | | | |
|--|---|------|-------|
| CLIENT | J & J SIMMONS | | |
| PROJECT | THE GROVE BECK ROW BURY ST EDMUNDS IP28 8DP | | |
| ARCHITECTURAL SOLUTIONS | | | |
| THE STUDIO PAKENHAM BURY ST EDMUNDS SUFFOLK IP31 2LP Telephone 01359 231932 | | | |
| DRAWING | BLOCK PLAN | | |
| DRAWN | ASL | DATE | 02/20 |
| SCALE | 1:200 | REV | |
| JOB NO | 2207/L0(-)01D | | |

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Development Control Committee 13 May 2020

Planning Application DC/20/0168/HH – 81D London Road, Brandon

Date Registered: 29.01.2020

Expiry Date: 25.03.2020

Case Officer: Nicholas Yager

Recommendation: Refuse Application

Parish: Brandon

Ward: Brandon Central

Proposal: Householder Planning Application - (i) single storey front extension and (ii) two storey side front and rear extension

Site: 81D London Road, Brandon, IP27 0EL

Applicant: Mr J Betts

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Nick Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 01284 757629

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Officer recommendation for REFUSAL is contrary with the 'support' offered by Brandon Town Council.

Proposal:

1. Planning permission single storey front extension and (ii) two storey side front and rear extension. This side extension, which projects forward from the front and rear elevations, has a total depth of 16.3 metres and a width of 6.8 metres, and contains a living room plus bedroom and en-suite on the ground floor, and two bedrooms, one with an en-suite, on the first floor.

Application Supporting Material:

2. Application forms and drawings. An amended plan was received that did not change the nature of the proposal but instead corrected inaccuracies in the original drawing.

Site Details:

3. While the address is London Road, the property is in fact located some distance from the main London Road, closer to Towlers Court. The property on site is a single storey dwelling with detached garage to the frontage set otherwise within a spacious plot.
4. The plot backs onto dwellings along The Orchard, and contains a wide range of dwellings including older properties along London Road, 20th century single storey housing along The Orchard, and flats at the end of Towlers Court. The site itself looks out onto a small area of open space along Towlers Court.

Planning History:

| Reference | Proposal | Status | Decision Date |
|--|---------------|-------------------------|---------------|
| ^{5.} ^{6.} F/87/155 | Double garage | Approve with Conditions | 23.4.1987 |

^{7.}

Consultations:

8. Suffolk County Council Highways - This proposal would not have any 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.
9. Suffolk County Council Archaeological Service - We have looked at this proposal. In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

Representations:

10. Brandon Town Council – Support the application with no further elaboration given.
11. No other letters of representation were received.

Policy:

12. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
13. The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places Development Principles and Local Distinctiveness
 - Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
 - Core Strategy Policy CS5 - Design quality and local distinctiveness

Other Planning Policy:

14. National Planning Policy Framework (2019)
15. 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:

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

- Principle of Development
- Impact upon the character and appearance of the host dwelling and the wider area
- Impact upon amenity
- Other matters

Principle of Development

17. 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 area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.
18. Accordingly, subject to a careful analysis of the detail within this policy, the principle of the property being extended can be considered satisfied.

Impact upon Character

19. DM2 and DM24 permit development in locations such as this providing that the proposal respects the scale and design of the existing dwelling and also that it respects the character and appearance of the wider area. These are the key considerations therefore.
20. The extension is generously scaled and otherwise prominent. It has a maximum depth of over 16 metres and an overall height materially greater than the host dwelling. It also includes a forward facing two storey gable plus an eaves line higher than the host.
21. In this respect strong concern is held by officers that the scale, height and visual prominence of the extension, including its higher ridge and eaves line, make this an intrusive addition that very clearly does not respect the character of the host dwelling, leading to a bulk and poorly articulated addition. In this regard it is concluded that the proposal does not respect the character, scale or design of the host property leading to material conflict with Policy DM24.
22. Furthermore, while it is noted and accepted that the wider area is characterised by a great variety of property types, and as a consequence has a very mixed character, it nevertheless is considered the case that an extension of this excessive scale, in this location, will appear as a bulky, awkward and dominant addition to the property in a readily visible location, leading inevitably to material harm to the character and appearance of the area, proving contrary therefore to the provisions of Policies DM2, DM24 and CS5, as well as the design provisions within the NPPF.

Impact upon Amenity

23. Policy DM24 seeks to ensure that development does not adversely affect the amenities of nearby properties. This supports the general provisions in the NPPF in relation to amenity. Whilst the dwelling is located centrally within a generous plot there are a number of dwellings in close proximity. In particular, to the south east, are the single storey dwellings at 8, 9, and 10 The Orchard. These properties back onto the site, across a rear access footpath and whilst at a slightly higher level benefit only from very modest rear gardens.

24. In this regard strong concern is held that the proposal will be prejudicial to the reasonable amenities, in particular of those nearby properties on The Orchards. Whilst it is accepted that no windows other than the en-suite and landing windows are proposed on the elevation facing these properties, and whilst it is noted these could be conditioned to be obscure glazed and a further condition added to prevent any additional windows, it remains the case that the overall scale of this side extension, including its generous 16 metre depth, plus its height materially greater than the host, added to its proximity and the very modest depth of the off site gardens, means that it will present as an overbearing addition that will be materially harmful to the reasonable amenities of the off site dwellings through visual intrusion and adverse effects upon outlook.
25. On this basis it is considered that the proposal fails to meet the provisions of DM24 in relation to protecting amenity, and also, therefore, that it further fails the requirements of the NPPF that seek to protect the amenities of all existing residents.
26. The generous size of the plot and the greater stand-off distances between the extension and any neighbours means that a conclusion can reasonably be drawn that, other than the strong concerns noted above, the effects otherwise can be considered satisfactory.

Other Matters

27. There are no other matters that would preclude the grant of planning permission, No third party representations have been received and the comments received from Suffolk County Council as both Highway Authority and Archaeological Service do not indicate any matters that would preclude the grant of planning permission.

Conclusion:

28. In conclusion, the proposal is considered harmful to the character of the host dwelling, the character and appearance of the wider area, and contrary to the reasonable amenities of nearby dwellings.

Recommendation:

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

1. Policies DM2 and DM24 of the Joint Development Management Policies Document (2015) permit development in locations such as this providing that the proposal respects the scale and design of the existing dwelling and also that it respects the character and appearance of the wider areas.

The extension is generously scaled and prominent. It has a maximum depth of over 16 metres and an overall height materially greater than the host dwelling of 1.2 metres. It also includes a forward facing two storey gable plus an eaves line higher than the host.

The scale, height and visual prominence of the extension, including its higher ridge and eaves line, make this an intrusive addition that very clearly does not respect the character of the host dwelling, leading to a bulky and

poorly articulated addition. In this regard it is concluded that the proposal does not respect the character, scale or design of the host property leading to material conflict with Policy DM24.

Furthermore, whilst the wider area is characterised by a great variety of property types, and as a consequence has a very mixed character, it nevertheless is considered the case that an extension of this excessive scale, in this location, will appear as a bulky, awkward and dominant addition to the property in a readily visible location. Material harm to the character and appearance of the area would result, proving contrary therefore to the provisions of the Joint Development Management Policies Document, Policies DM2 and DM24 and Core Strategy policy CS5, as well as the design provisions within the NPPF (Section 12).

2. Policy DM24 seeks to ensure that development does not adversely affect the amenities of nearby properties. This supports the general provisions in the NPPF in relation to amenity. Whilst the dwelling is located centrally within a generous plot there are a number of dwellings in close proximity. In particular, to the south east, are the single storey dwellings at 8, 9, and 10 The Orchard. These properties back onto the site, across a rear access footpath and whilst at a slightly higher level benefit only from very modest rear gardens.

In this regard the proposal will be prejudicial to the reasonable amenities, in particular of those nearby properties on The Orchards. It is accepted that no windows other than the en-suite and landing windows are proposed on the elevation facing these properties, which could be conditioned to be obscure glazed and limited to those applied for the overall scale of this side extension added to its proximity to and the very modest depth of the neighbouring gardens, means that it will present as an overbearing addition that will be materially harmful to the reasonable amenities of the neighbouring dwellings through visual intrusion and adverse effects upon outlook.

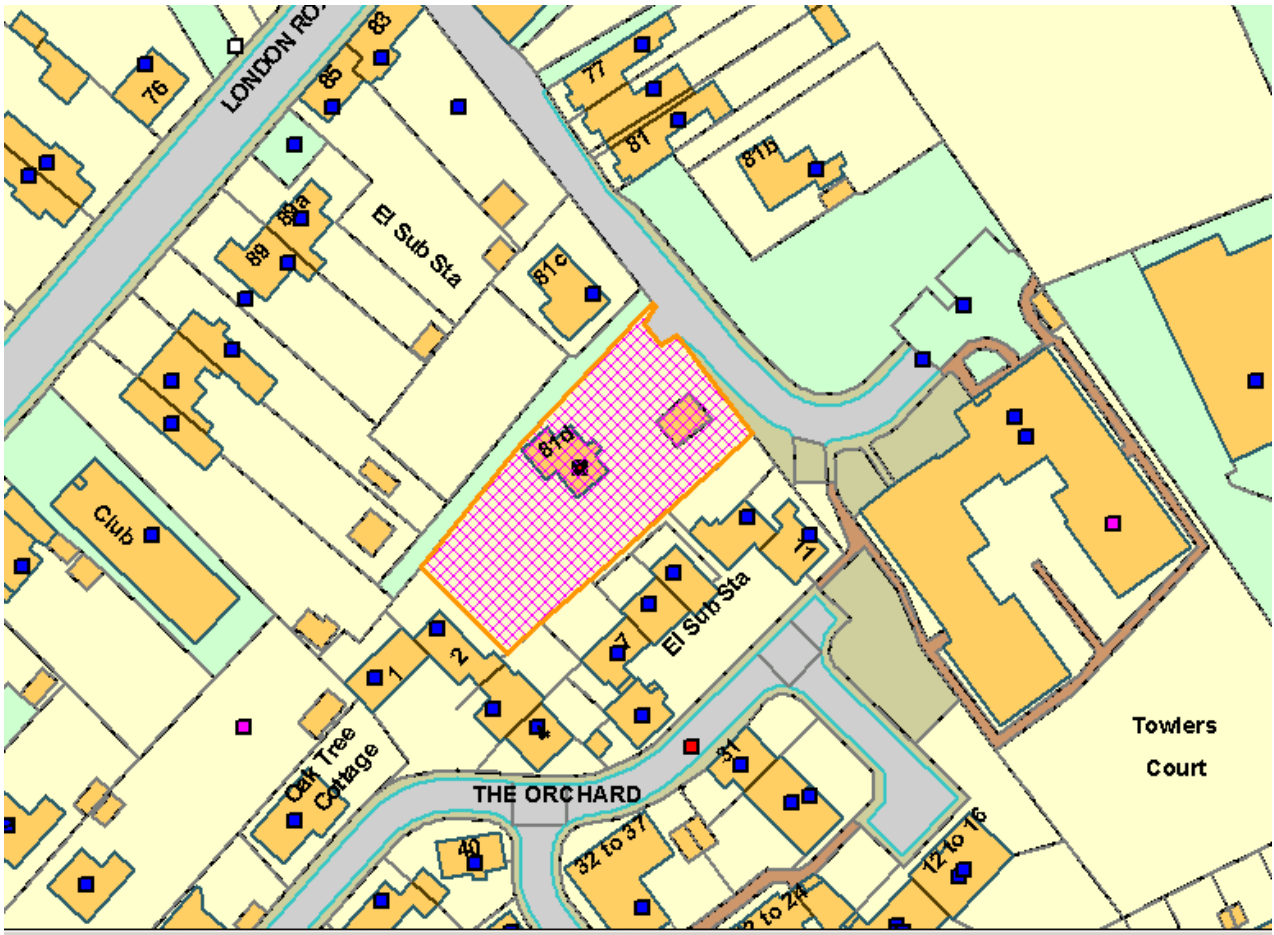
On this basis it is considered that the proposal fails to meet the provisions of DM24 of the Joint Development Management Policies Document 2015 in relation to protecting amenity, and also, therefore, that it further fails the requirements of the NPPF that seek to protect the amenities of all existing residents.

Documents:

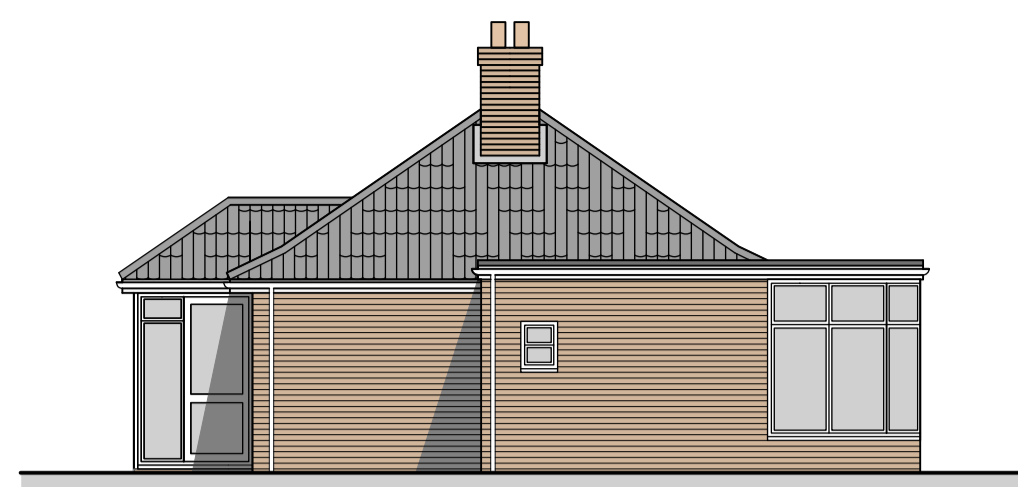
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0168/HH](https://www.barnet.gov.uk/DC/20/0168/HH)



DC/20/0168/HH – 81D London Road, Brandon, IP27 0EL



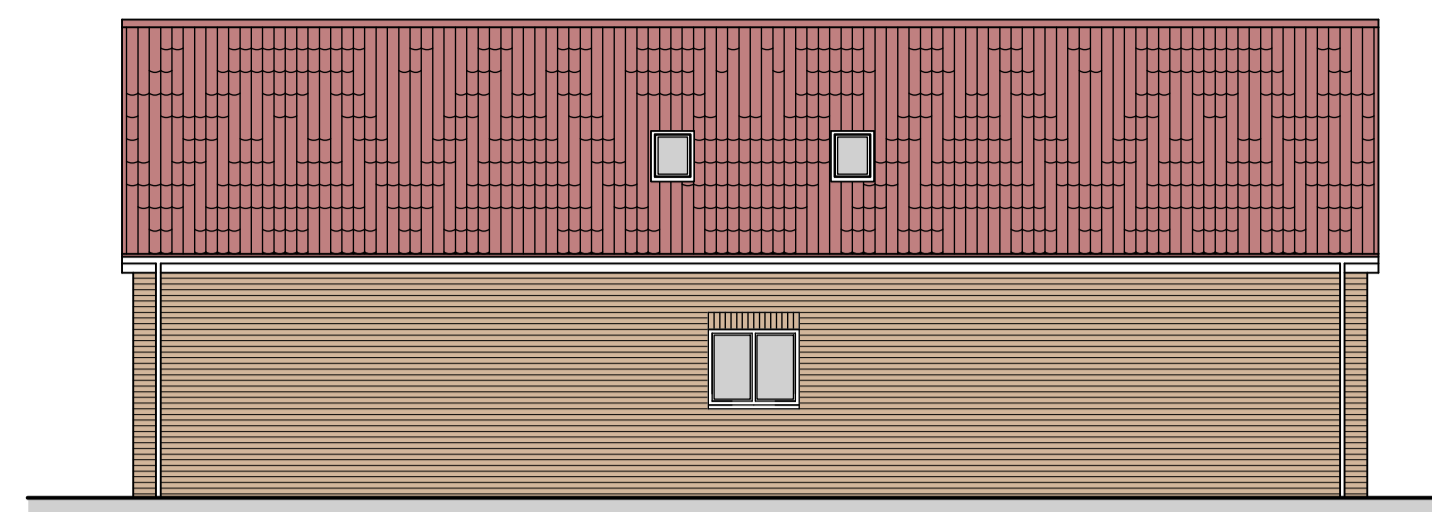
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Existing Side Elevation 1:100 @ A1



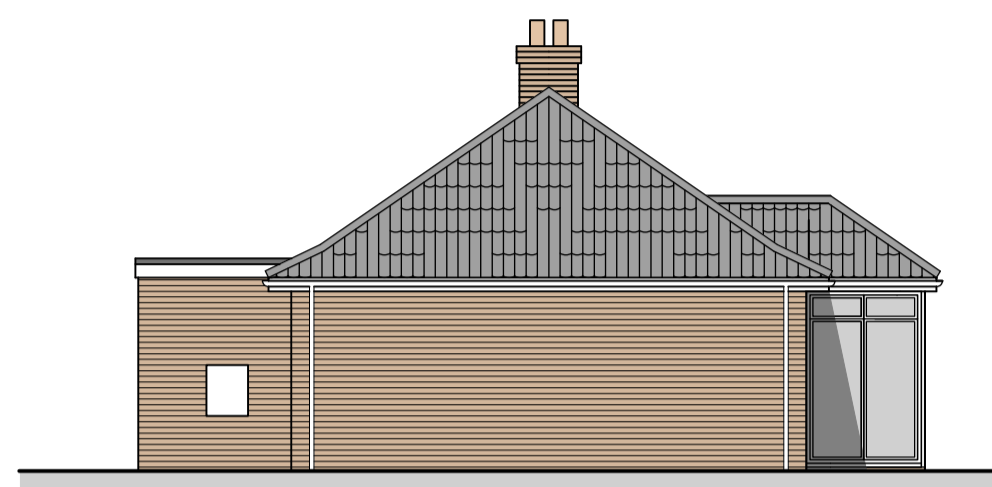
Existing Front Elevation 1:100 @ A1



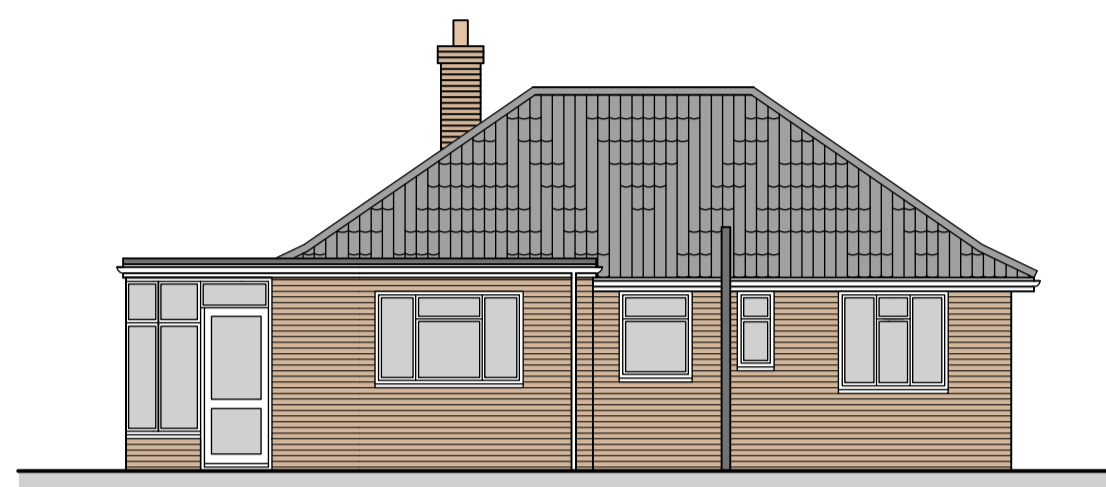
Proposed Side Elevation 1:100 @ A1



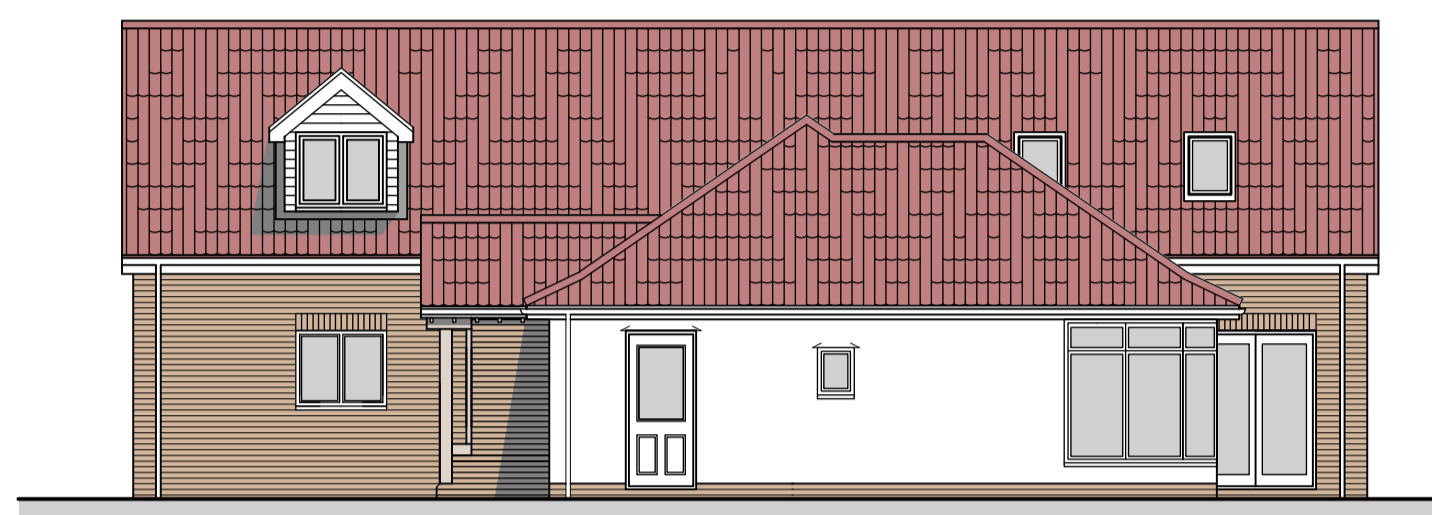
Proposed Rear Elevation 1:100 @ A1



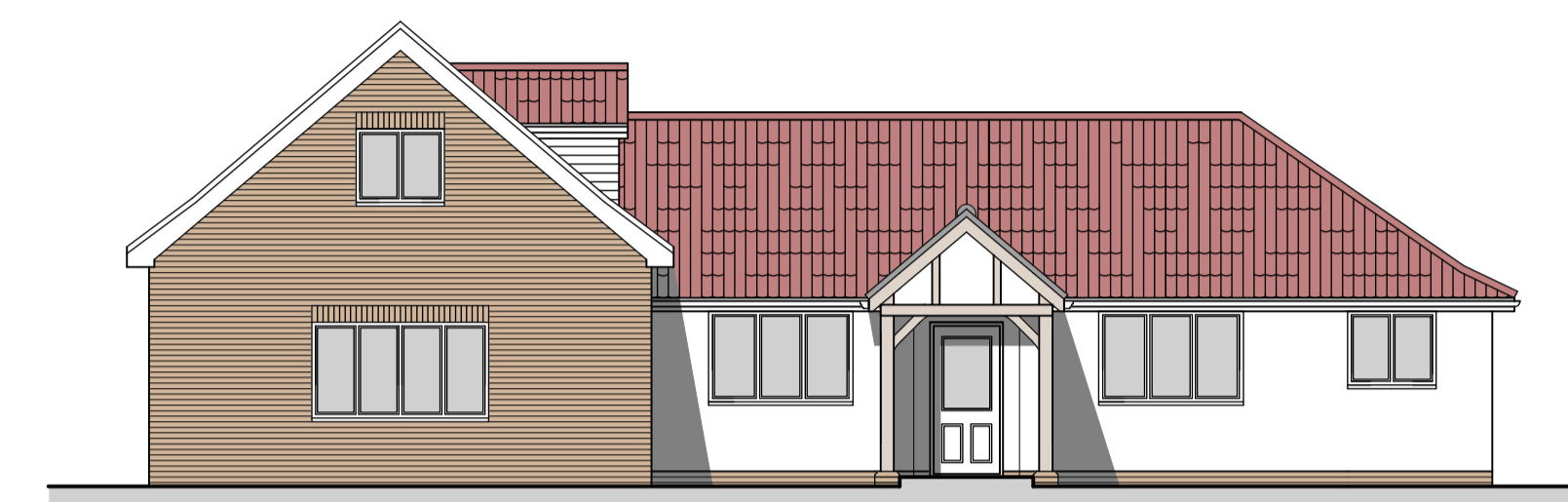
Existing Side Elevation 1:100 @ A1



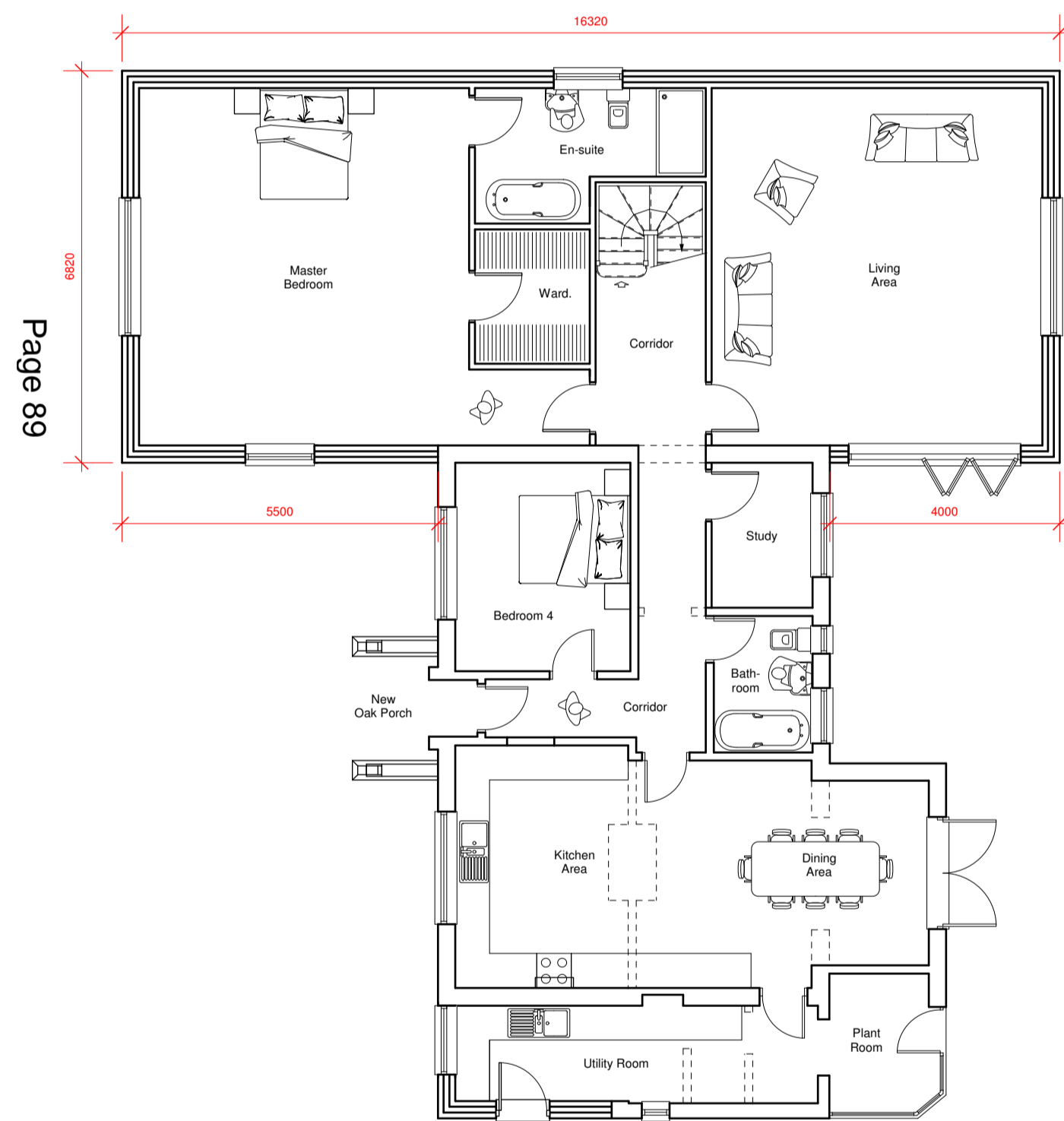
Existing Rear Elevation 1:100 @ A1



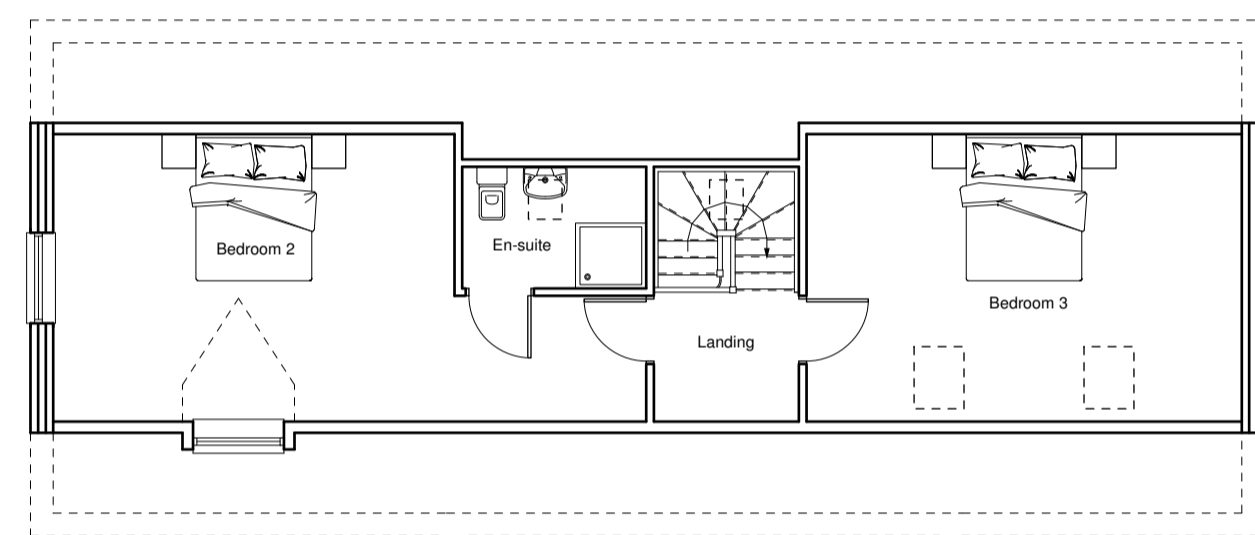
Proposed Side Elevation 1:100 @ A1



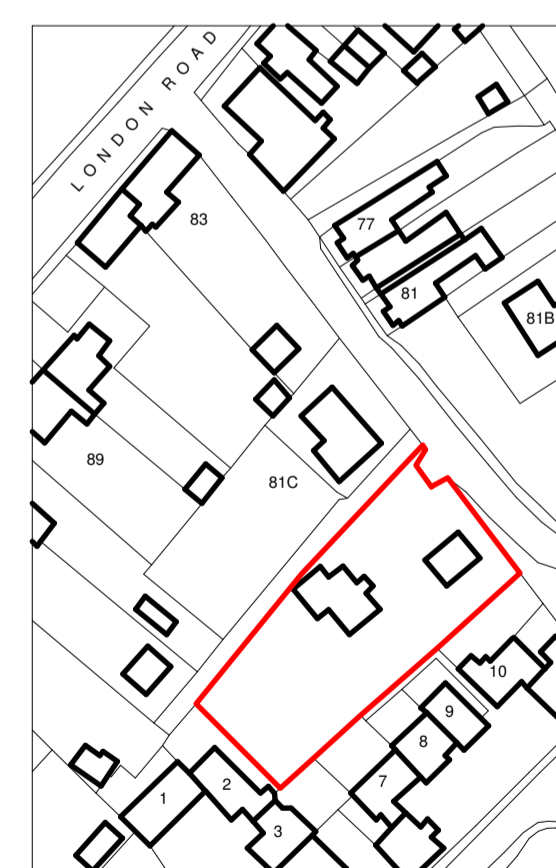
Proposed Front Elevation 1:100 @ A1



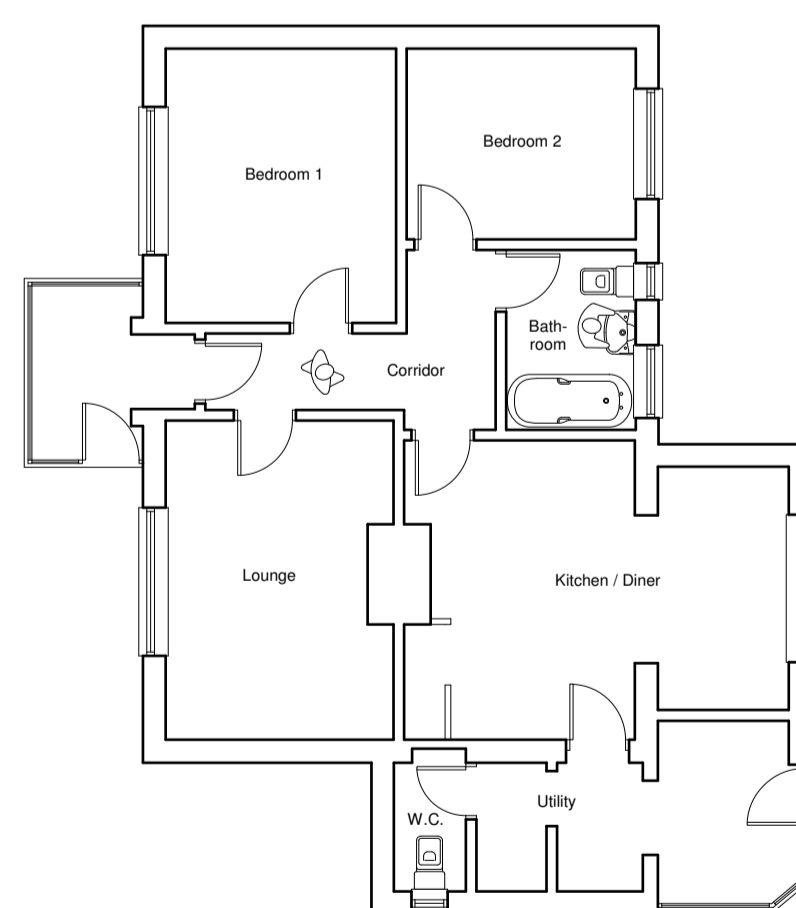
Proposed Ground Floor Layout Plan 1:100 @ A1



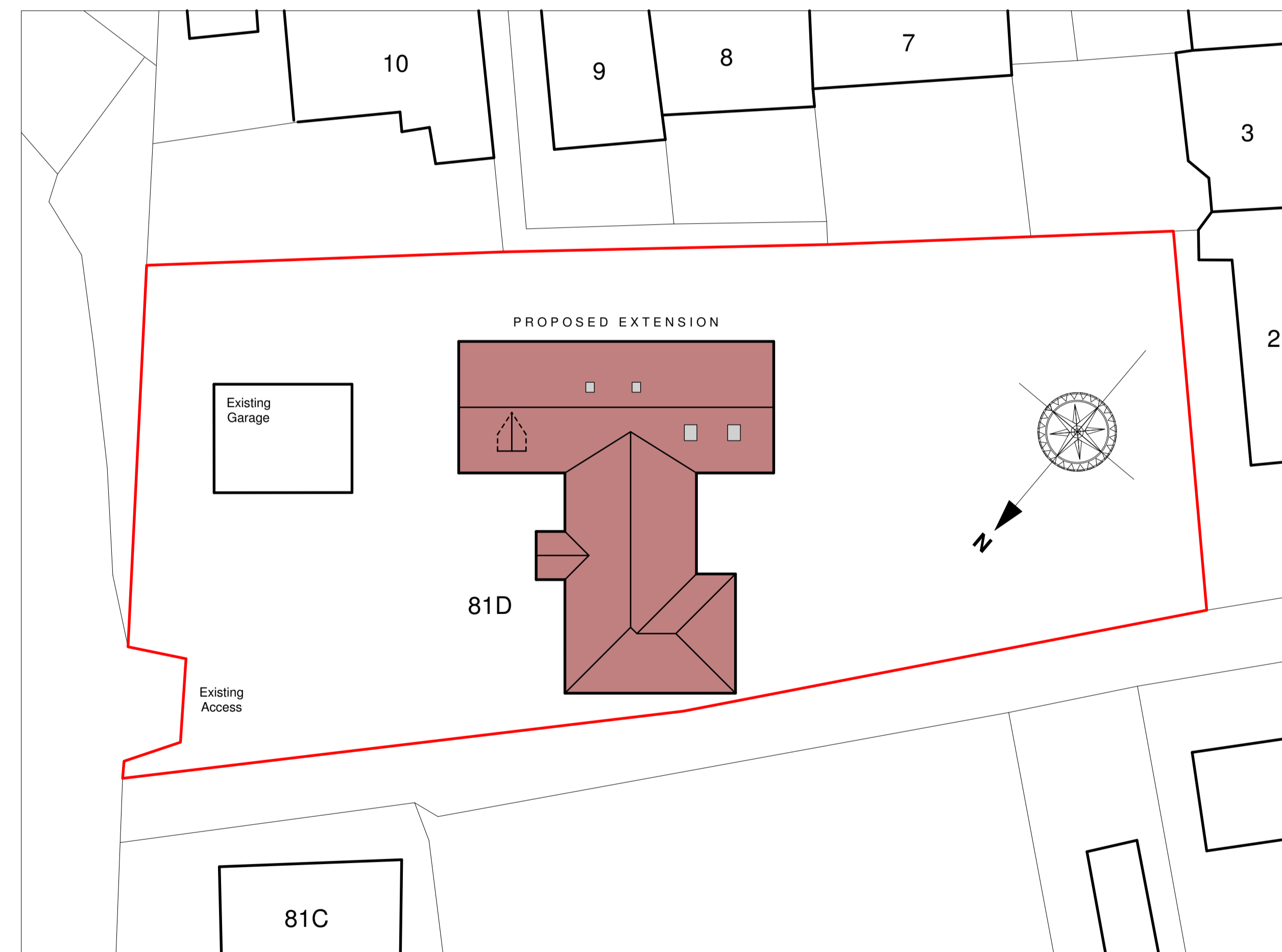
Proposed First Floor Layout Plan 1:100 @ A1



Location Plan 1:1250 @ A1



Existing Ground Floor Layout Plan 1:100 @ A1



Proposed Site Plan 1:200 @ A1

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Development Control Committee

13 May 2020

Planning Application DC/20/0231/FUL – Haverhill Leisure Centre, Lordscroft Lane, Haverhill

| | | | |
|-------------------------|--|------------------------|---------------------|
| Date Registered: | 06.02.2020 | Expiry Date: | 02.04.2020 |
| Case Officer: | Nicholas Yager | Recommendation: | Approve Application |
| Parish: | Haverhill Town Council | Ward: | Haverhill Central |
| Proposal: | Planning Application - (i) replacement cladding (ii) replacement glazed screens and doors (iii) replacement steel louvered doors | | |
| Site: | Haverhill Leisure Centre, Lordscroft Lane, Haverhill | | |
| Applicant: | Mr Darren Dixon | | |

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Nick Yager

Email: Nicholas.Yager@westsuffolk.gov.uk

Telephone: 01284 757629

Background:

This application is referred to the Development Control Committee as the application has been submitted by the West Suffolk Council on West Suffolk Council owned land.

Proposal:

1. Planning permission is sought for; Replacement Cladding, Replacement Glazed Screens and Doors and Replacement Steel Louvered Doors.
2. The application seeks consent to replace the cladding finishes to the north (rear) elevation in its entirety. Major refurbishment to all aspects of the Leisure Centre was finished in 2010. This included cladding to the east, west and south elevations. However, due to budget restrictions, the cladding to the north (rear) elevation was deemed satisfactory in its original at this time. The north elevation proposed recladding will allow the efficiency of the building structure to be maintained to a modern standard.

Application Supporting Material:

- Application Form
- Existing Elevations
- Proposed Elevations
- Site Plan
- Location Plan
- Design Statement

Site Details:

3. The application site is a leisure centre located within the settlement boundary for Haverhill. The site has parking located on the eastern boundary. The site is not located within a conservation area nor are there any listed buildings located within the proximately. The site has the external elevations clad in grey sheet metal.

Planning History:

| Reference | Proposal | Status | Decision Date |
|----------------|---|---------|---------------|
| DC/20/0231/FUL | Planning Application - (i) Pending replacement cladding (ii) Decision replacement glazed screens and doors (iii) replacement steel louvered doors | | |
| SE/11/1242 | Planning Application - Application Provision of solar panels on roof (as amended by drawing no. C1589-400-003 Rev 01 | Granted | 24.11.2011 |

detailing revised layout of PV array)

Town Council: 04/03/2020

4. The Town Council commented on the application stating no objections to the application, but asked that the cladding conforms to the latest regulations.

Ramblers, Newmarket and District Group: 19/02/2020

5. Having viewed the Definitive Map for Haverhill, I have been unable to find any public right of way likely to be affected by these proposals. No objection is, therefore, offered.

Representations:

6. No third-party representation received.

Policy:

7. 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.

Joint Development Management Policies Document

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Creating Places – Development Principles and Local Distinctiveness
- Policy DM6: Flooding and Sustainable Drainage
- Policy DM7: Sustainable Design and Construction Policy
- Policy DM13: Landscape Features
- Policy DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM41: Community Facilities and Services
- Policy DM46: Parking Standards

St Edmundsbury Core Strategy 2010

- Policy CS1 – St Edmundsbury Spatial Strategy
- Policy CS2 – Sustainable Development Policy CS3 – Design and Local Distinctiveness

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

Other Planning Policy:

National Planning Policy Framework (2019)

9. 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:

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

- Principle of Development
- Impact on Character of the Area and Design of Building
- Impact on Neighbouring Amenity
- Highway Matters
- Other Matters

Principle of Development

10. Development such as the replacement cladding, replacement glazed screens and doors and replacement steel louvered doors will be judged against Policy DM2 of the Joint Development Management Policies 2015 and are generally considered to be acceptable provided that the proposal respects the character and appearance of the building and wider area. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
11. Policy DM41 states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities. In the case of the proposal, it is for the enhancement of a community facility that will contribute to the quality of community life and the maintenance of sustainable communities.
12. The proposed development is considered to accord with the relevant planning policies and the principle of development is therefore considered to be acceptable.

Impact on Character of the Area and Design of Building

13. The application seeks consent to replace the cladding finishes to the north (rear) elevation in its entirety. Cladding was refurbished to the front (south) and side elevations (east and west) in 2010. The materials chosen to clad the rear elevation do not match the current existing materials on the front and side elevations. However, the building is not oriented in a way that the northern elevation is seen in direct comparison with the other elements. It is noted however, the chosen specification for the north elevation cladding is a more economical material than on adjacent elevations and therefore will allow the efficiency of the building structure to be maintained to a modern standard.
14. Further, noting the surrounding area of the site and the nature of the development it will not lead to any adverse impacts upon the street scene or the surrounding area.

Impact on Neighbouring Amenity

15. Policy DM2 advocates that proposals for all development should, as appropriate, recognise key features and characteristics, maintain a sense of place and not adversely affect the amenities of the area and residential amenity.
16. There is site is located with other community facilities located within the proximity such as car parks, fire station and sports courts. Due the nature of the proposed works and modest nature of the replacement cladding it is considered that the proposal will not adversely affect the surrounding neighbouring amenity by virtue of loss of light, overlooking or overbearing effect.

Highway Matters

17. 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.
18. In this instance, due to the modest scale of the proposal at the site there is no conflict with DM46 or paragraph 110 of the NPPF.

Other Matters

19. Comments received from the Town Council state that they have no objections to the application but have asked that the cladding conforms to the latest regulations. The regulations of the cladding falls under the Building Control regulations and therefore is not a material planning consideration.
20. Comments received from the Ramblers Group raise no objections to the application.
21. No third party/neighbouring comments were received in the application.

Conclusion:

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

Recommendation:

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

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

| Reference No: | Plan Type | Date Received |
|----------------------|---------------------|----------------------|
| 13 | Location Plan | 06.02.2020 |
| 11 | Site Plan | 06.02.2020 |
| 101 | Existing Elevations | 06.02.2020 |
| 102 | Proposed Elevations | 06.02.2020 |

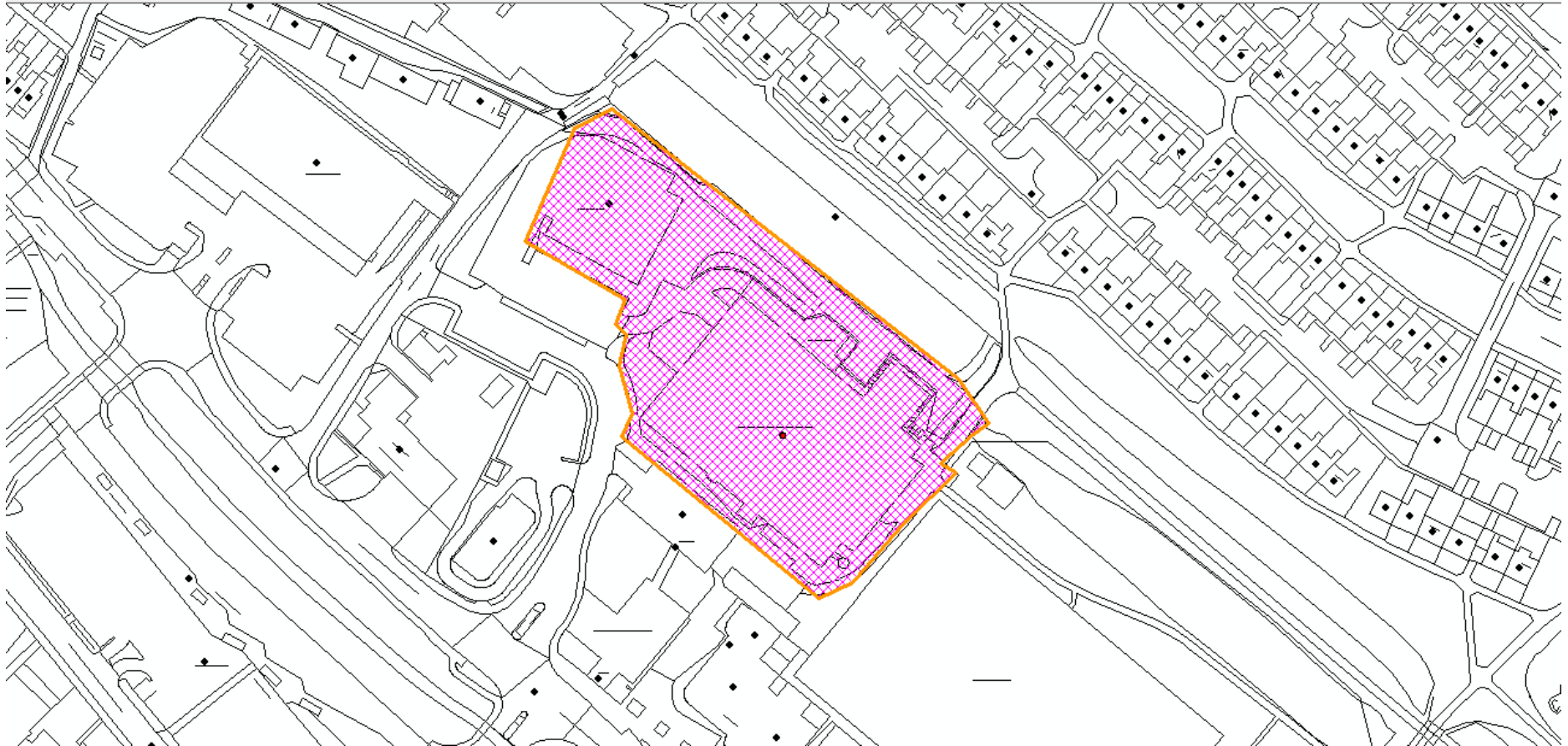
Reason: To define the scope and extent of this permission.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0231/FUL](https://www.dorsetcouncil.gov.uk/DC/20/0231/FUL)

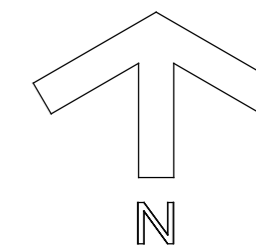


DC/20/0231/FUL - Haverhill Leisure Centre, Lordscroft Lane, Haverhil

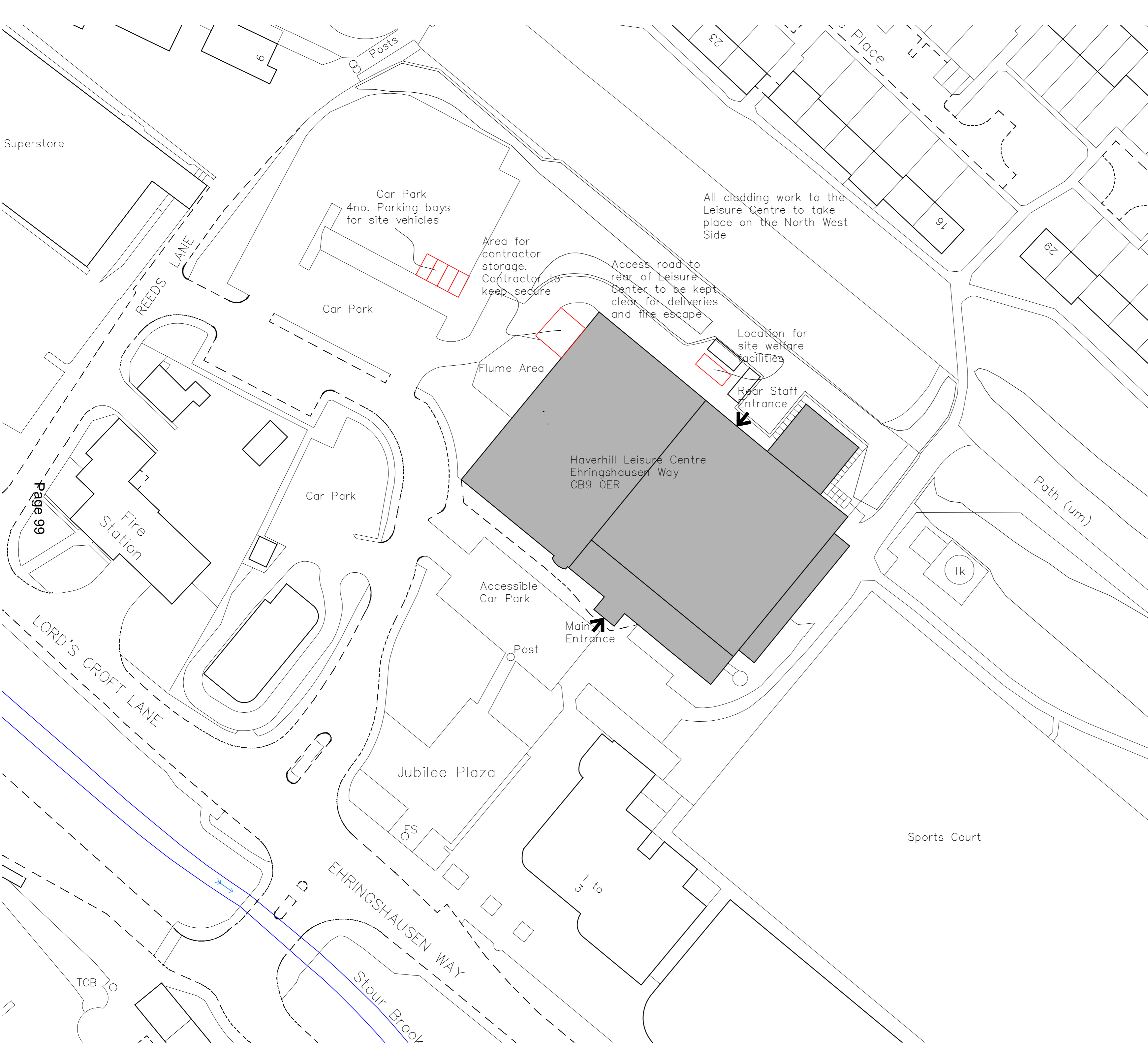


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West Suffolk Council

West Suffolk Property Services
West Suffolk House
Western Way,
Bury St. Edmunds
Suffolk. IP33 3YU
Tel: 01284 763233
Web <https://www.westsuffolk.gov.uk>
E-Mail property.services@westsuffolk.gov.uk

Project:
Haverhill Leisure Centre
Replacement Cladding

Title:

Site Plan

| | | |
|--------------------|---------------------|-----------|
| Scale: 1:500 | Drawing Size: A2 | |
| Date: July 2019 | Drawn By: DG | Appr By: |
| File No.: 10899 | Drawing No.: 11 | Revision: |

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Development Control Committee

13 May 2020

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

| | | | |
|-------------------------|--|------------------------|------------|
| Date Registered: | 05.03.2020 | Expiry Date: | 30.04.2020 |
| Case Officer: | Nicholas Yager | Recommendation: | Approve |
| Parish: | Bury St Edmunds Town Council | Ward: | Abbeygate |
| Proposal: | Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy Class C4) (ii) conversion of outbuilding to additional self-contained unit of living accommodation | | |
| Site: | 35 St Andrews Street North, Bury St Edmunds, IP33 1SZ | | |
| Applicant: | Mr Darren Dixon - West Suffolk Council | | |

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Nick Yager
Email: Nicholas.Yager@westsuffolk.gov.uk
Telephone: 01284 757629

Background:

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

Proposal:

1. Planning permission is sought for the change of use from a guest house (Class C1) to house of multiple occupancy (Class C4) and the conversion of outbuilding to additional self – contained unit of living accommodation.
2. The operation of the main semi-detached building will therefore be very similar, with only minor alterations to the internal layout and the same number of habitable units within. The outbuilding is to be converted from a utility and general storage area to an additional unit of living accommodation for two persons. Existing office/reception space within the main building will be utilised by West Suffolk Housing staff to provide an on-site presence and manage the buildings and occupants. With the conversion of the outbuilding, the development consists of the change of use from an eight-bedroom guest house to a nine-bedroom multiple occupancy building.
3. Living accommodation will therefore comprise of:

Basement floor- 2 no. 2 person flats

- First floor- 4 no. 2 person rooms
- Second floor- 2 no. 2 person rooms
- Outbuilding- 1 no. 2 person bedsit

Application Supporting Material:

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

Site Details:

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

Planning History:

5.

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

Consultations:

Town Council 30/04/2020:

6. No objection based on information received.

Public Health and Housing 06/04/2020:

7. *I could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of 2 busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. I note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway. Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects, but without an assessment I am unable to recommend approval at this time.*

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

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

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

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

Environmental Team 26/04/2020:

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

Ecology and Landscape Officer 16/04/2020:

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

SCC Highway Authority:

06/04/2020

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

17/04/2020

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

Suffolk Fire and Rescue Service 16/04/2020:

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

Business Management Operations 18/03/2020:

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

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

28/04/2020

16. *To mitigate any accumulations of waste, my suggestion is that the housing team arrange for additional bin collections. This is a practice that we use at other flatted/HMO premises and helps to alleviate some of the problems. It means that we can provide smaller bins that will be easier and quicker for the collection crews to move, and therefore the impact on traffic will hopefully be shorter. My suggestion is that we provide 2 x 660L bins, one for general waste and one for recycling. The general waste bin will need to be emptied twice a week.*

17. *All consultations can be viewed in full online.*

Representations:

18. *No representations received.*

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. 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.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM22 Residential Design
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM22 – Housing Design
- Policy DM41 Community Facilities and Services
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Other Planning Policy:

National Planning Policy Framework (2019)

21. 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:

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

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

Principle of Development

23. Development such as the provision of the change of use from guest house to house of multiple occupancy and conversion of outbuilding to additional self-contained unit of living accommodation will be considered in accordance with DM2 and will be generally acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
24. The application site lies within an existing commercial and residential area within the settlement boundary for Bury St Edmunds, where development is considered to be broadly sustainable and where new development should be focused. The proposal seeks what is a generally similar use to the previous lawful use as guest house, with only a modest increase in overall bedrooms as a consequence of the conversion of the outbuilding.
25. In conjunction with policy DM2, policy DM22 requires residential development to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. The proposed changes to the existing development are relatively minor in its nature and therefore it is considered the development will not lead any adverse impacts upon the sense of place and character of the area or the amenity. The architectural merit is not altering and is relative to the surrounding area.
26. Policy DM41 seeks to prevent the loss of valued community facilities and services in areas outside of town centres. In the case of this proposal, it is considered that the existing guest house use is not a valued community facility, and, in any event, there is ample alternative provision nearby, so there is no conflict with policy and no objection to its loss under policy DM41.
27. Accordingly, it is considered that the proposed development is considered to accord with the relevant planning policies and the principle of development is therefore considered to be acceptable.

Impacts on Amenity

28. Although no external alterations are proposed, it is noted that an increase in the number of bedrooms provided within a House of Multiple Occupation does have the potential to have wider implications for adjacent properties and residents alike. These potential impacts arise due to the increase in occupants and the associated activities that are naturally inherent with there being a greater number of occupants. General comings and goings increase whilst there may be an increase in noise due to the addition of a further individual within the property.
29. However, notwithstanding this, the current use is a guest house and the increased capacity of the property from 8-bedroom to 9-bedroom site is not deemed to give rise to an unacceptable additional impact on existing residential amenity in any event, over and above what might lawfully already be experienced as part of the present use. The guest house current use already

has a level of 'comings and goings' that would be similar to a House of Multiple Occupation, notwithstanding the additional bedroom. In this instance, given the generally residential nature of the locality, the scale of the plot and the generally unobtrusive nature of the use proposed, no material conflict with the Local Planning Authorities existing suite of planning policies has been identified and it can be concluded that the impacts upon amenity are acceptable.

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

30. The only significant changes to the street scene will be the replacement of both outbuilding doors fronting the highway and the removal of a small section of the wall and two brick columns to the front of the property to allow for improved visibility splays. One of the doors is to be replaced with a new partially glazed domestic type front entrance door to allow for improved thermal performance and security, and the other door is to be replaced with a fully glazed unit to the full height of the opening to provide natural daylight to the bedsit and to ensure compliance with Building Regulations standards for controlled fittings. The removal of the wall is 1.2 meters in length and a removal of two brick columns to allow for improved visibility splays are considered to be relatively modest changes and will not have an overall effect on the street scene or the character of the area.
31. It is considered the proposed changes are modest and will not have any negative effect on the character of the area, design, form and scale. The conversion of the outbuilding from storage to accommodation is to the rear of the site and cannot be seen from the street scene.
32. Therefore, it is considered the development in accordance with DM2 and DM22 will have no adverse implication to the character of the area or design, form and scale.

Highway Matters

33. 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.
34. Amended plans were requested in order to overcome concerns raised from the Highway Authority regarding the visibility splays with the access and the space between parking and bin manoeuvring. Amended plans were received on the 15/04/2020 which made alterations to the vehicular access to improve visibility and also provided for the relocation of the bin storage/presentation area. The Highway Authority confirmed on the 16/04/2020 that the amendments overcame the concerns raised and the application is now considered to be acceptable. Suggested conditions were recommended regarding the vehicular access, refuse/recycling bins, presentation of refuse/recycling bins and parking and manoeuvring. The conditions considered to be acceptable in this instance.
35. In this regards the comments of the waste team are noted and respected, however are not considered sufficient to justify any further negotiation here. The bin storage and presentation areas are acceptable in land use planning

terms, without detriment to the character of the area, or to pedestrian or vehicular safety, either through obstructing the pavement or blocking site lines. Concerns about the size of the bins and the potential for contamination of materials placed within them is not a material planning consideration and is a management issue for the site operators and the waste collection authority.

36. Accordingly, the application is judged to be sufficiently compliant with policies DM2 and DM46 with respect to highway safety and parking provisions.

Biodiversity

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

Other Matters

40. Environmental Team have commented on the application and have stated that they have no comments with regards to air quality or contaminated land
41. Public Health and Housing have commented on the application stating that they could support this application subject to an acoustic assessment that demonstrates the development can achieve the guideline internal noise level achieve the guideline internal noise levels recommended in BS8233:2014 and the WHO. The property is sited on the junction of 2 busy roads: Parkway and St Andrews Street and therefore would potentially be subjected to elevated noise levels from high traffic flows. Public House and House note that the most sensitive rooms, with the exception of the outbuilding conversion, have windows that face towards St Andrews Street or are side on to Parkway. Therefore, the bedrooms of the main building may be shielded from the worst impacts, and this may be sufficient to mitigate adverse traffic noise effects. The previous use of the building as a guest house would not have required any particular noise mitigation as it was not being used as a permanent residence. Therefore, the condition that no development shall commence until details of the noise levels have been submitted has been recommended, which is reasonable in this

instance. As the application is a change of use and the conditioned will be worded that the noise report would be submitted and approved before the first occupation of the development.

42. Business Management Operations team commented on the application stated they had potential concerns whether or not the bins located on the site could be pulled out if there were cars parking in the parking spaces. Further, concerns were raised that waste management at Houses in Multiple Occupation can be problematic if not carefully considered at the outset and queried if there were any plans to ensure that contamination of recycling materials is kept to a minimum. Following the amended plans received this overcame the concerns raised regarding the relationship between the bins and the parked cars, this was further confirmed by the Highway Authority re-consultation. Regarding the waste management query, the agent confirmed that they will be providing split bins in the kitchens for general waste and recycling. Further, the agent confirmed that they have agreed to the collection suggestion criteria of the Business Management Team that the bins will be emptied twice a week. However, this is a management issue for the operator and waste collection officer that is not material at this stage.

Conclusion:

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

Recommendation:

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

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

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

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

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

| Reference No: | Plan Type | Date Received |
|----------------------|----------------------|----------------------|
| 10914/ PA/002 | Site Block Plan | 15.04.2020 |
| 10914/PA/001 | Site Location Plan | 05.03.2020 |
| 10914/PA/003 | Existing Floor Plans | 05.03.2020 |
| 10914/PA/005 | Proposed Elevations | 05.03.2020 |
| 10914/PA/004 | Proposed Floor Plans | 05.03.2020 |

3. Noise Details - 1. No occupation of the site shall commence until details in respect of the following has been submitted to and approved in writing by the Local Planning Authority:

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

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

4. Vehicular access- The wall frontage enclosure for one metre, either side of the vehicle access, shall be reduced to 1 metre above the level of the adjacent footway. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) it shall be retained thereafter at or below that height.

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

5. Refuse/recycling bins - The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 10914/PA/002 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

6. Presentation or Refuse/ Recycling Bins - The details of the area to be provided for the presentation of Refuse/Recycling bins for collection shall be submitted to and approved in writing by the Highway Authority.

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

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

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and

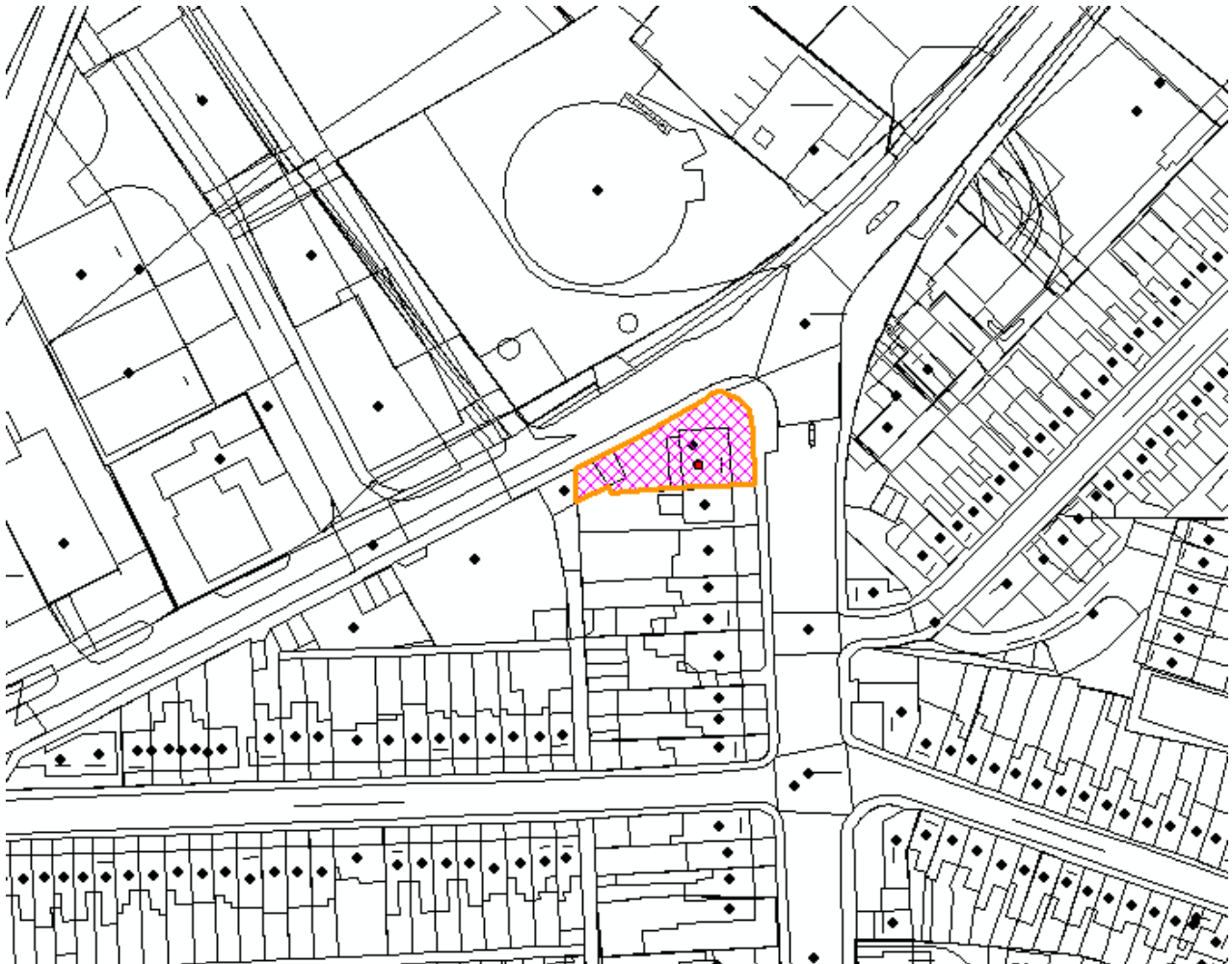
manoeuvring would be detrimental to highway safety to users of the highway and to ensure that sufficient on-site cycle storage is provided and maintained.

Documents:

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

DC/20/0420/FUL

35 St Andrews Street North
Bury St Edmunds
IP33 1SZ



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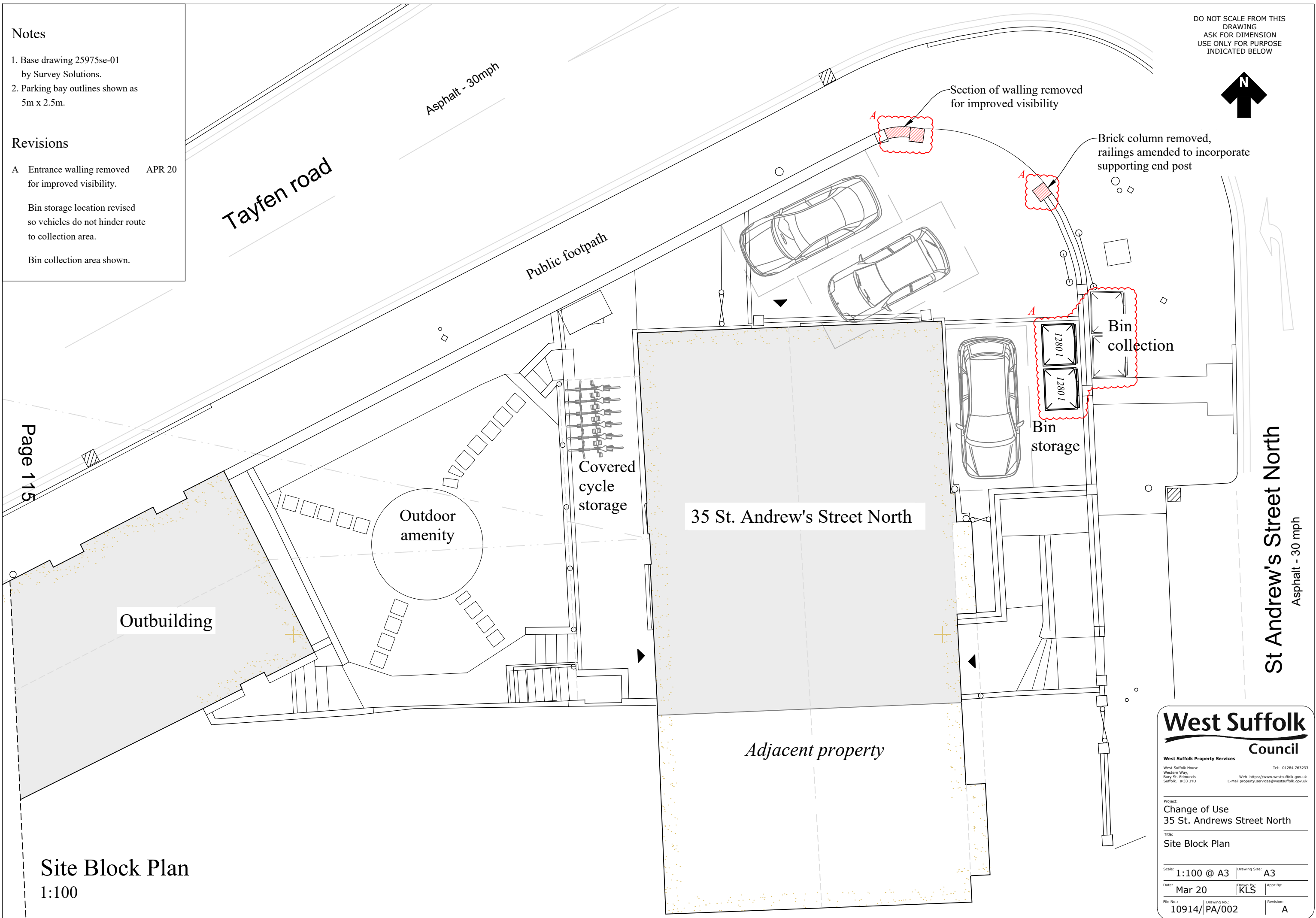
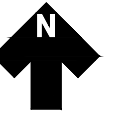
Notes

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

Revisions

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

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



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Outbuilding

Outdoor amenity

Covered cycle storage

35 St. Andrew's Street North

Adjacent property

Section of walling removed for improved visibility

Brick column removed, railings amended to incorporate supporting end post

1280 l
1280 l
Bin storage

Bin collection

St Andrew's Street North
Asphalt - 30 mph

Site Block Plan
1:100

West Suffolk Council

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

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

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

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