

Development Control Committee



Title:	Agenda											
Date:	Wednesday 22 July 2020											
Time:	10.00 am											
Venue:	Facilitated by MS TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council’s website alongside the agenda papers											
Full Members:	<p style="text-align: right;">Chair Andrew Smith</p> <p style="text-align: right;">Vice Chair Mike Chester and Jim Thorndyke</p> <table><tr><td><u>Conservative Group</u> (9)</td><td>Andy Drummond Susan Glossop Ian Houlder</td><td>David Roach Peter Stevens Ann Williamson</td></tr><tr><td><u>The Independent Group</u> (6)</td><td>Richard Alecock John Burns Jason Crooks</td><td>Roger Dicker David Palmer Don Waldron</td></tr><tr><td><u>Labour Group</u> (1)</td><td>David Smith</td><td></td></tr></table>			<u>Conservative Group</u> (9)	Andy Drummond Susan Glossop Ian Houlder	David Roach Peter Stevens Ann Williamson	<u>The Independent Group</u> (6)	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer Don Waldron	<u>Labour Group</u> (1)	David Smith	
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Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.											
Quorum:	Six Members											
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer’s presentation of the application to the meeting												
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk											

**DEVELOPMENT CONTROL COMMITTEE:
AGENDA NOTES**

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

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

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - 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 <ul style="list-style-type: none"> - 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.

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, 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/altered, 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.
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- 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. Revised Public Speaking Protocol

1 - 4

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.

The protocol has been revised since last approved by the Committee in order to include further permitted ways in which the public can take part in the meetings.

4. Report Planning Application DC/18/1425/FUL - The Woodyard, Stores Hill, Dalham

5 - 36

Report No: **DEV/WS/20/033**

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

5. Planning Application DC/20/0868/FUL - Moreton Hall Community Centre, Symonds Road, Bury St Edmunds

37 - 48

Report No: **DEV/WS/20/034**

Planning Application - (i) single storey front extension (ii) single storey rear extension (iii) external works to reconfigure pedestrian walkways

6. Planning Application DC/20/0543/HH - Hemland House, 117A Westley Road, Bury St Edmunds

49 - 60

Report No: **DEV/WS/20/035**

Householder Planning Application - (i) single storey rear extension and (ii) first floor front extension over existing garage (iii) re-cladding existing ground floor garage walls

Continued overleaf...

7.	Planning Application DC/20/0657/HH - Eleigh Cottage, Lithgo Paddock, Great Barton	Page No 61 - 76
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Report No: **DEV/WS/20/036**

Householder Planning Application - Single storey rear extension
to provide annexe

8.	Planning Application DC/19/1623/FUL - 17-18 Cornhill, Bury St Edmunds	77 - 118
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Report No: **DEV/WS/20/037**

Planning Application - (i) Redevelopment of old Post Office site
with retention of historic facade (ii) 12 no. flats (iii) 2 no.
commercial units at ground floor and (iv) enlargement and
repaving of public realm/footpath

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Please note that this guide is subject to approval by the Development Control Committee on 22 July 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 22 July 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:

[View or comment on planning applications](#)

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: [Index of councillors](#) page.

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 to take part in the meeting.

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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 [Development Control Committee](#) page.

The page will also include a link to allow the meeting to be viewed by a live stream. Please be aware that if you want to view the meeting on an Apple or Android tablet device you will need to download the free Microsoft Teams app from your app store. We will provide instructions on our website on how to do this.

The Council supports public speaking at remotely held Development Control Committees via a number of methods (A – D below);

- A. Individuals can join the meeting virtually via MS Teams as a meeting guest and address the Committee audio visually under the public speaking part of the meeting. To be able to do this, you must have Microsoft Teams downloaded on to a laptop or PC (including macbooks and iMacs); the tablet or mobile device is not sufficient.

Anybody wishing to take part via method A above *must* register with Democratic Services by 9.00am on the Monday immediately prior to the meeting to allow adequate time in which to be setup on the West Suffolk network. (NB: in the event of a Bank Holiday falling on the Monday the deadline will apply to the Friday prior to that.)

Failure to meet the above deadline will result in individuals *only* being able to take part in the meeting via methods B - D which require registration by 9.00am on the working day prior to the meeting:

- B. A time-limited pre-recorded audio file (in MP3 or .m4a format only) can be submitted which can then be played to the Committee under the public speaking part of the meeting.
- C. Individuals can join the meeting via telephone by dialling into the meeting on the phone; registered speakers will be provided with a phone number to call when the item they are interested in is being considered, which will allow them to verbally address the Committee under the public speaking section of the meeting.
- D. An individual can register and then submit a written time-limited statement which a Democratic Services Officer will read out to the meeting.

The pre-recorded file (option B) and submitted statement (option D) *must* be submitted to Democratic Services by 4.00pm the day before the meeting.

Furthermore, we would actively encourage ALL registered speakers under methods A - C to provide us with a written statement 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 below, for further details.

In all cases, registration can be made by telephoning Democratic Services – 01638 719363 / 07595 428481 or by sending an email to democratic.services@westsuffolk.gov.uk.

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Please be aware that the deadlines specified above differ from our normal (non-remotely held Committee) practices to allow us time to support speakers with how to access the meeting.

3. During the committee meeting

Prior to commencing each agenda item the Chair will invite all speakers due to attend for that application to join the meeting, if they are not already connected.

The Planning Officer then 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 (three minutes per category) – either attending remotely to verbally address the committee or via submitted written or audio 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.

4. Speaking at the committee meeting

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, three 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

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- 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.

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 [Online planning application system](#)

Development Control Committee 22 July 2020

Planning Application DC/18/1425/FUL – The Woodyard, Stores Hill, Dalham

Date Registered:	07.11.2018	Expiry Date:	EOT - 22.08.2020
Case Officer:	Adam Ford	Recommendation:	Approve Application
Parish:	Dalham	Ward:	Chedburgh and Chevington
Proposal:	Planning Application - Entry Level exception site for 2no affordable dwellings and ancillary access arrangements (partly retrospective)		
Site:	The Woodyard, Stores Hill, Dalham		
Applicant:	Mr Gordon Smith		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Adam Ford

Email: adam.ford@westsuffolk.gov.uk

Telephone: 01284 757353

Background:

Having been submitted to the Local Planning Authority in 2018, on the 22 November 2019, the Ward Member, Councillor Mike Chester, requested that this item be presented to the Development Control Committee.

Accordingly, and owing to the conflict between the Officer's recommendation of approval and the Parish Council's objection (therefore triggering the Delegation Panel in any event), the application was presented to the Delegation Panel on 17 December 2019.

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

Due to the requirement for amended plans *before* the item could be presented to the Development Control Committee, there has been a 7 month delay between Delegation Panel and the item being presented to the Development Control Committee.

Proposal:

1. It should be noted that this application was initially submitted in July 2018; at which point it sought retrospective planning permission for two dwellings which were ***not*** affordable units.
2. However following advice from the LPA that the application could not be supported – for standard open market dwellings - the applicant wished for the LPA to consider the application as an exception site for affordable dwellings.
3. In its current form, this application seeks to retain the two existing residential properties as entry level affordable dwellings. It is important to note that this proposal is therefore materially different to the previously submitted application (DC/16/1735/FUL) as the dwellings are now to be affordable and not subject to sale on the open market.
4. The development comprises a pair of semi-detached dwellings (two in number) located within the village of Dalham, set back from Stores Hill.
5. The dwellings are linked by their respective garage blocks whilst the dwelling to the West of the site comprises one floor and the dwelling to East two floors. Taking the slightly irregular layout into consideration, the development occupies a footprint of approximately 27m x 14m with a maximum ridge height of 7m.
6. The materials used are brick plinths with rendered elevations and timber weatherboarding. The roof materials are reclaimed tiles whilst the windows and doors are timber.

Application Supporting Material:

The following documents have been submitted with this application:

- Completed application form
- Site Location Plan
- Proposed block plan
- Proposed parking plan
- Proposed elevations
- Proposed floor plans
- Planning Statement
- Heritage statement
- Contamination report
- Undertaking relating to the S106 agreement

Site Details:

7. The site is located on the west side of the village of Dalham and sits north of Stores Hill, behind an existing strip of modestly scaled residential properties.
8. From a land use perspective, the application site is located in the countryside as opposed to being located within a settlement boundary and it straddles the defined Conservation Area boundary. Residential development is concentrated to the East and South of the application site with open, undeveloped countryside to the North and West.
9. No listed buildings are impacted by this development and there are no Tree Preservation Orders on or in close proximity to the site.

Planning History – Applications for determination

Reference	Proposal	Status	Decision Date
DC/16/1735/FUL	Planning Application - 2no. dwellings and ancillary access arrangements (retrospective)	Refused	10.02.2017
APP/H3510/C/14/3000236	Appeal against enforcement action for breach of without planning permission the erection of two dwellings	Appeal dismissed	03.02.2016
F/81/340	Erection of 4 houses & retention of one barn for garaging access	Refuse	10.07.1981
N/73/1897/M628/73	Planning permission for 11 Dwellings.	Approve	16.10.1973

Planning History – Enforcement matters

10. Whilst appendix 1 of this report sets out the site's historic applications for planning permission & consent, Members' attention is drawn to the site's relevant enforcement history as this is something which features heavily in the Parish Council's comments and other public comments; it shapes the context for this application.

11. The chronological order below sets out this important chain of events.

- **14th October 2014**

- A Planning Enforcement Notice is issued alleging that the two dwellings in question had been built without planning permission and should be demolished within 6 months.

- **17th June 2015**

- A public enquiry to deal with the Enforcement appeal opened on 17th June 2015. The appeal was made on Grounds C and G of S.174 of the Town and Country Planning Act 1990.

12. With respect to the grounds of appeal, please note:

Ground C is that the matters alleged do not constitute a material breach of planning control.

Ground G is that the time afforded for compliance is not sufficient.

- **3rd February 2016**

- The appeal was dismissed by the appointed Inspector who noted the following points with respect to each ground of appeal and the options available to the appellant:
 - **Ground C:** *"I therefore conclude that on the balance of probabilities there is no valid planning permission for the two houses, and that a breach of planning control has occurred. The appeal on ground C therefore fails."*
 - **Ground G:** *"I consider the appeal should succeed to the limited extent on ground G, and I intend to vary the enforcement notice accordingly."* (Inspector therefore afforded 12 months to secure compliance).
 - **Paragraph 53 of the appeal decision:** *"I consider a 12 month period would be more suitable, which would include a period for the appellant to explore whether there are other possible options for the two houses"*

13. To address this advice issued by the Inspector, the applicant submitted an application to retain the dwellings (as open market units) as set out under DC/16/1735/FUL. However, this was refused due to the conflict with development plan.

14. An appeal against this refusal was made to the Inspectorate but it was turned away due to it being late in submission. As such, whilst the development as it stands is unlawful, the site has not benefitted from a '**Ground A**' appeal; that is to say that the planning merits of the scheme have not been tested through the appeal process.

15. Consultations:

Planning Enforcement

- It would be useful to clarify the enforcement position in relation to the options available to the Council where there is non-compliance with an Enforcement Notice. There are essentially three options.
- Firstly as non-compliance constitutes an offence there is an option to commence proceedings. Such action requires the Council to consider the Public Interest test which includes all material facts surrounding the matter. The Court may also look dimly at proceedings being undertaken whilst a landowner is exploring other options with the Council. It is also worth noting that the Courts cannot force compliance with the Notice but are limited on conviction to criminalisation only.
- Secondly, the Council can enter the land and carry out the requirements of the notice themselves. This is a costly option and although the Council can pursue the landowner for expenses reasonably incurred, this often ends in a charge being placed on the land with no immediate likelihood of reimbursement.
- Thirdly and as is the case here, the Council can decide to under enforce. That can include and vary from tolerating the breach and taking no further action to proactively looking at other options. The Council is required to act in accordance with its own rules and protocols on enforcement and part of that consideration is to exhaust all possible routes before considering the first two options.

Similarly, the Council is required to act proportionately and reasonably in considering its options. In this case, other than the technical infringement of the notice there is little ongoing harm. The enforcement clock has stopped and the buildings cannot become lawful by the passage of time. It is both reasonable and proportionate to allow the applicant to explore ways of retaining the buildings.

- If the application is refused then the matter will be reviewed and all three options reconsidered.

Strategic Housing Team

- The NPPF suggests that *"Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should: a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards."*
- The applicant has now submitted this application with an amendment that it is considered an entry level exception site as above. I acknowledge the proposal is to provide the affordable housing in line with Annex 2 of the NPPF, as discounted market sale. A S106 will be required to secure the

provisions that the dwellings are sold to first time buyers, at discounted market sale, sold at a discount of at least 20% below local market value.

- I can confirm that there are no discounted market sale properties within the local authority area, other than Bury St Edmunds. The Help to Buy register is also indicating a need for discounted market sale properties within West Suffolk.

LPA Conservation Officer

- Views of development limited by landscaped boundaries and topography of site. Traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene.
- Further comments were provided by the Conservation Officer on the 3rd July 2020 raising concerns about the visual impact of the proposed fencing. However, in response to this, a further amended plan has been provided by the applicant which shows the fencing closest to the road as being reduced in height. This has addressed the Conservation officer's comments.

Environment Agency

- No comments to make and no conditions offered.

LPA Environment Team

- No objection to the proposal subject to conditions pertaining to contamination and air quality.

SCC Highways

- No objection to the proposal subject to the imposition of conditions which seek to control visibility splays, retention of parking areas and provision of cycle storage. Risk of vehicle displacement highlighted however.
- On the 9th July 2020, the Highway Authority clarified that the 150m visibility splay previously requested could be reduced to 90m in both directions.

Public Health and Housing

- No comments to make and no conditions offered.

Cambridge Airport

- No objection to proposal and no conditions offered

Suffolk Fire & Rescue

- No objection or conditions but standard advice issued with respect to access, hydrant proximity and sprinklers.

Representations:

Dalham Parish Council

- The Parish Council's previous position (as set out within DC/16/1735/FUL) remains unchanged, namely that the current Enforcement Order on the site should be complied with and that the application should comply with current planning regulations.

The Parish Council's previous objections to the design of the properties also remain:

- The design of the proposed developments is out of character with the local vernacular architecture, where over 30% of the properties are listed, and would cause harm to the unique visual amenities of Dalham's varied street scene and conservation area.
- The size is too large compared to the Almshouses nearby, the shape of the roof is of a modern style which is not reflected anywhere else in Dalham.
- The design and scale of the properties adversely impacts on the views into and out of the Conservation Area.

Dalham Parish Council believes the designation of the site for affordable housing is questionable as Dalham is not a sustainable settlement and lacks the essential services that first-time buyers of affordable housing could be expected to need. Even at a discounted rate of 20% of market value, the cost of the affordable housing will be beyond the reach of most first time buyers.

Dalham Parish Council objects to this application on the basis of highways safety. The response from Highways states that an area be provided for on-site parking and manoeuvring of vehicles.

The proposed access joins the B1085 at the bottom of Stores Hill. At this point the road narrows to a single carriageway making access onto it even more precarious. This is a busy road with no footway and accessing it at this point will be unsafe, particularly as vehicles travel at speed as they enter the village.

- The proposed access area has been used as a parking area by residents of the Almshouses for over 40 years without hindrance. Removing this parking area would force residents of the Almshouses to park on Stores Hill which Highways says would be detrimental to Highways safety to users of Stores Hill.

Should the application be approved nonetheless, the S106 agreement for the affordable housing should contain a provision for alternative satisfactory parking for the residents of the Almshouses in perpetuity and any other highways improvements needed to ensure the safety of the residents living in the area.

The amenities of the Almshouses will be damaged as the development is too close to the Almshouses and some windows overlook their gardens. There should be a planning condition that screening through additional planting be provided to mitigate the impact on the Almshouses and prevent overlooking.

In response to the most recent consultation, on the 26th June 2020, the Parish Council reiterated their previous objection and also noted the following:

There has been a minor amendment proposed by the applicant to resolve the issue of overlooking. Some of the windows which were overlooking neighbouring properties have been proposed for removal. The application still fails to address the concerns raised in previous responses from the Parish Council. The proposed change to the fencing as shown in the plans appears to block the access to number 18 Stores Hill and this will have an adverse impact on the Almshouses if it restricts their access.

Dalham Parish Council asks that West Suffolk Council takes into account the objections raised by the Parish Council and residents. It would appear that these responses have either been given insufficient weight or have been completely ignored. A lengthy and costly enforcement process took place culminating in an Enforcement Notice for the properties to be demolished. Dalham Parish Council believes that it will undermine the planning system if West Suffolk Council simply ignores the Enforcement Notice served previously on the Applicant.

Ward Member (Cllr Chester)

- The reasons for my call-in request are: Parish council objects, multiple resident objections, concerns over car parking and the ongoing speeding traffic problems in Stores Hill and to firmly establish the thread of events that have led to this current application and confirm that due process has been observed.

Public Comments:

The below represents a summary of public comments lodged against this application. For full, unabridged comments, Members are invited to refer to the LPA's website.

The Old Dairy, Denham Road

- Application is designed to circumnavigate the planning system and renders the money spent on enforcement matters redundant. Locality has poor public transport and employment. If approved, cars will be displaced onto the highway and the applicant should have to mitigate against this. Calling the dwellings affordable does not make them acceptable and the likely cost would prevent them ever being affordable. If approved, there is a significant risk to highway safety.

Derisley Cottage Homes

- Removed window is noted and neutral comments with respect to fencing and car parking.

Old Manor, The Street, Dalham

- Objection on the grounds that Dalham is not appropriate for affordable homes due lack of services and facilities. Insufficient parking provision and application attempts to justify unauthorised development.

End Cottage, Lidgate Road, Dalham

- Application still fails to address fundamental concerns around access, highway safety and the loss of parking for the Almshouses nearby

Malt Kiln House, Gazeley Road, Dalham

- Enforcement Notice should be upheld irrespective of the way the application is labelled. Removed window gives rise to unsightly blank elevation.

Dairy Farm, 2 The Street, Dalham.

- Houses were built with complete disregard for the planning application process and have been subject to an enforcement order. The Removal of parking which the Alms houses have used for over 40 years and the right to privacy in their back gardens is unacceptable.

1 Stores Hill, Dalham

- Objection due to overlooking, lack of privacy and adverse impact on Highway safety.

The Coach House, Denham Road, Dalham

- Out of keeping with village and adverse impact on Highway safety due to lack of parking.

16 Stores Hill, Dalham.

- Enforcement Notice should be upheld, not in keeping, unacceptable to seek retrospective permission, adverse impact on parking and highway safety.

2 Stores Hill, Dalham

- Adverse highway and parking impacts, Enforcement Notice should be upheld and application fails to showcase the need for affordable housing. Referring to dwellings as affordable does not alter the fact that the proposal should not be approved.

1 Lidgate Road, Dalham

- Proposal gives rise to unacceptable harm to the Highway. This development was knowingly carried out without the benefit of planning consent. It was the subject of a Public Inquiry when the Inspector noted that the applicant and his agent had been less than honest with their statements. His judgement was that the development was illegal and he ordered demolition within 12 months. If the Local Authority are not prepared to enforce that decision the Inquiry was a waste of the officials time and public finance.

I stand by all of my previous objections, a few minor cosmetic changes do not make this a legal or desirable development. Nothing has been done to improve the dangerous road access or the parking problems.

It is time that the Local Authority took action to disprove the theory that if you are sufficiently brazen you can get away with anything.

Street Farm, Dalham

- Makes mockery of planning legislation, unacceptable impact on highway safety, displacing of cars onto public road and the buildings sit awkwardly on the site. They should be demolished.

Spring Cottage, Dalham

- Unacceptable access arrangements & no evidence to substantiate affordability claim. Current proposal undermines current affordable units already in Dalham.

4 Brookside, Dalham.

- This matter has been considered at great length by the directors, officers and staff of District Council at enormous costs to the rate payers, and a continual drain to the public purse; there should therefore be no other decision than to stand by the previous decisions of the Inspectorate and latterly the Councillors to refuse permission for these dwellings. Dalham does not require more affordable housing and there is a lack of demand in any event. The properties will not have been built to the required standard and they would not carry the correct certification.

Planning Policy:

16. 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.
17. The following policies of the Forest Heath Core Strategy 2010, Site Allocations Local Plan 2019 and the Joint Development Management Policies Document and the 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 CS3 - Landscape character and the historic environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS9 - Affordable Housing Provision

- Core Strategy Policy CS10 - Sustainable 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 DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

Other Relevant Planning Policy:

18. The National Planning Policy Framework (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:

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

- Principle of Development
- Design form and scale
- Impact on Conservation Area
- Residential amenity
- Ecology Matters
- Highway Matters
- S106 implications

Principle of Development

20. As noted at the beginning of this report, the application site lies within the open countryside beyond any of the LPA's defined settlement boundaries; noting that Dalham has no defined settlement boundary. However, the application is for an entry level exception site and it is therefore important to establish, before further consideration, whether or not the principle of the proposed development is acceptable in planning terms.
21. In line with the provisions of paragraph 79 the National Planning Policy Framework (2019), policy SA1 of the 2019 Site Allocations Local Plan (SALP) in conjunction with policies CS1 and CS10 of the Forest Heath Core Strategy aim to direct residential development to within the locality's defined settlements as opposed to within the open countryside. This reflects the provisions of the NPPF which sets out that in general terms and without good justification, housing in the countryside should *generally* be resisted.
22. In this vein, policy DM5 goes on to then provide that areas which are designated as countryside will be protected from unsustainable development and that new or extended buildings will only be permitted, subject to compliance with other policies, where exceptional circumstances apply. Policy DM5 specifically states however that proposals for affordable housing for local needs can be supported where such development is proposed in the open countryside. Therefore, whilst the principle of market dwellings is not supported in this location, there is a distinct and material difference when a proposal seeks affordable dwellings. The 'affordable' nature of the dwellings is a material planning consideration and one which is able to attract its own degree of support when the principle of development is being considered by the LPA.
23. The Government has made it clear that all local planning authorities which have small rural communities should include an 'exception site policy'. Much of the District is subject to policies of development restraint. The Countryside, including a large number of smaller villages, is not regarded as an appropriate location for new house building. However, in order to contribute to balanced communities in rural areas affordable housing will be permitted outside selected settlements as exception sites; which is directly relevant to this proposal.
24. However, the 2019 NPPF differentiates between types of exception sites and broadly speaking, there are two types of 'exception site' for housing:
- Rural exception sites
 - Entry level exception sites
25. The NPPF provides the following definitions of each type of exception site:
- **Rural exception sites:** Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

- **Entry-level exception site:** A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 of this Framework.

26. As such, in this instance, owing to the LPA being unable to support the site for market dwellings, the applicant presented the site as an entry level exception site for affordable housing.

27. At paragraph 71 of the 2019 NPPF, LPA's are expressly encouraged to support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. The NPPF sets out that these sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;

and

- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

28. In considering these points, formal comments from the LPA's Strategic Housing team have been sought. On the 4th December the submitted consultation response confirms that the team have considered the proposal within the context of the opportunities offered by paragraph 71 of the NPPF and are content that the development as proposed is capable of being considered for entry level dwellings.

29. It is therefore useful at this juncture to explore how the NPPF defines affordable homes as paragraph 71 requires any such proposal to meet the types of affordable products set out within Annex 2 of the NPPF. Within Annex 2 of the NPPF, affordable housing is defined as:

30. *Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:*

- **Product A) Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).

- **Product B) Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- **Product C) Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- **Product D) Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

31. Policy CS9 of the FHDC Core Strategy is clear that proposals for affordable housing development within areas designated as small settlements and countryside will be permitted where there is a proven need and where the units will be made available to local people. However, it should be noted that the FHDC Core Strategy predates the NPPF and as such, it makes no reference to the provision of entry level sites. As such, whilst the development will not be restricted so that it is only made available for local residents and this therefore represents a technical conflict with CS9, given the provisions with the 2019 NPPF – which actively encourages the LPA to consider entry level exception sites – this is not judged to represent a significant conflict with the development plan.

32. It should further be noted that the applicant has not necessarily proven a local need but in offering the comments that they have, the LPA's Strategic Housing team have confirmed that the proposal will contribute towards an established need for affordable units in Dalham. This weighs significantly and substantially in favour of the proposal.

33. In this instance, having considered each affordable housing product and with reference to policy CS9, the LPA's position is as follows:

- **Product A: Affordable housing for rent - No Registered Provider (RP)** has been identified here to take these units on because they are retrospective and unsuitable for an RP and thus they cannot meet the requirement. Product A is therefore not applicable.

- **Product B: Starter homes** - The legislation is not yet clear on how these products are to work and so the LPA does not consider this product at this time to be suitable.
- **Product C: Discounted market sales housing** - The Council and strategic housing team are yet to establish how these products are to work within the jurisdiction area and so we do not consider this product at this time to be suitable.
- **Other affordable routes to home ownership** – With products A, B and C deemed inappropriate, the LPA must consider if product D is applicable. Given the comments from the Housing team and owing to the fact that product D enables the LPA to consider “low cost homes” at a price equivalent to at least 20% below local market value, this option, if Members are minded to approve the application, is the most appropriate.

34. Turning again then to paragraph 71 of the NPPF which sets out the criteria for entry level exception sites, as set out above, part a of the requirement is met and this leaves part B which requires exception sites to be:

- a) adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

35. In this instance, the proposed site is adjacent to the settlement of Dalham and is for two dwellings only. Importantly, footnote 33 of the NPPF requires entry level exception sites to be less than 1 hectare (this site is 0.1 hectare) and further provides that they should not exceed 5% of the total settlement.

36. The 5% calculation is slightly nuanced in that the NPPF does not dictate how it should be worked out. The LPA’s preference is to compute this on a spatial basis but in the interest of clarity, two methods are shown below for the avoidance of doubt.

	Spatial analysis	Number of dwellings
Method	Line drawn around main residential components of village	Number of dwellings counted by referencing confirmed address points
Total settlement size	103 hectares	79 dwellings
Proposed dwellings as	0.1 ha / 103 ha = 0.098%	2 / 79 = 2.5%

a proportion of settlement		
Less than 5% as required by NPPF?	YES	YES

37.As illustrated above, which ever method is used to calculate the relative size of the proposed development site, the proposal is able to comply with the requirements set out within the NPPF. The impact of the development on designated assets and the broader design principles are considered at the relevant junctures within this report.

38.Accordingly, having regard to the recommendations of the Inspector who recommended that further uses for the development be explored (see earlier appeal summary), the provisions of the NPPF, DM5 of the Joint Development Management Policies Document and policies CS9 and CS10 of the Core Strategy, the principle of two entry level affordable dwellings in this location is acceptable.

Design, form and scale

39.With the broad principle of development established as being something that the LPA can support, consideration must next be given to the design, form and scale of the proposed development on the basis that it is not enough for the principle in isolation to be supported. The detail and technicalities of the proposal must also be acceptable and sufficiently compliant with the development plan in order for the LPA to grant planning permission.

40.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.

41.The NPPF is also clear at paragraph 124 that the creation of *"high quality buildings and places is fundamental to what the planning and development process should achieve"*. The NPPF stresses that *"good design is a key aspect of sustainable development, creates better places in which to live and work"* and therefore, the inverse of this applies. Poor design cannot be deemed sustainable development and should thus, in the absence of material considerations, be refused.

42.In this instance, the proposed development is screened to a large extent by the existing development already in situ and as such, the proposal does not dominate the street scene or give rise to unacceptable visual impacts with respect to its scale, design or form. Unrestricted views of the development are not possible and due to the dwellings being set back from the main street scene, they do not present as additions which are incongruent with the wider street scene or urban character.

43.Furthermore, Dalham comprises a mix of property types and designs to prevent the proposed development from appearing as visually jarring or discordant with the locality's existing form of development.

44. The objections submitted with respect to the scale and size of the development are noted but with a maximum ridge height of 7m, the LPA do not consider the proposal to be inappropriately large for its context or of a scale which comprises the existing visual amenity of the application site or the wider visual aesthetics of the village. A material and substantial conflict with policy CS5, DM2 or DM22 is not therefore judged to arise.
45. It is noted that the development could reasonably be described as irregular in shape; it has a varied roof form and by virtue of the ground levels also has a mix of single and two storey design. In addition, the dwellings are not a standard rectangle and they do not appear as a traditional semi-detached development.
46. In this regard, Policy CS5 actively encourages proposals to embrace distinctive design features and, provided the locality's character is not unduly compromised, it also advocates the use of innovative design. The varied nature of the roof form and the multi levelled development, whilst not necessarily innovative does represent a distinctive design and one which does not adversely impact the street scene due to its degree of separation from the main street scene and the limited views into the site itself.
47. Despite the limited views into the site and the minimal interaction that the development has with the public realm, the varied roof form and mirrored roof pitches introduce a visually interesting design which sympathetically respects the surrounding scale and massing of the adjoining development.
48. As such, due to the limited extent to which the development is visible but in conjunction with the sympathetic design and scale, the proposal is not judged to represent a significant conflict with policies CS5, DM1, DM2 or DM22 to such an extent that the LPA would wish to argue a refusal on these points.

Impact on Conservation Area

49. The application site lies within the Dalham Conservation Area. Accordingly, the impact upon this designated heritage asset must be considered fully as per the statutory duty placed on the LPA by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
50. From a national planning policy perspective, the NPPF advises at paragraph 184 that Heritage Assets, such as Conservation Areas are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
51. As set out by paragraph 194 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

52. In addition, Vision 1 and policy CS3 of the FHDC Core Strategy both require proposals to take into account, where applicable, their historic setting. This is further bolstered by policy DM17 of the Joint Development Management Policies Document which provides that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area (or its setting), and views into, through and out of the area whilst also being of an appropriate scale, form, height, & massing. DM17 further sets out that materials used within such proposals should harmonise with the character of the Conservation Area and should not visually detract from established, important historical features.

53. Accordingly, formal comments from the LPA's Conservation Officer have been secured and they are as follows:

- *"Views of development limited by landscaped boundaries and topography of site. Traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene"*

54. In light of these comments which have not altered since the application was last considered by the LPA, no conflict with the advice contained within the NPPF or the development plan (namely policies CS3 and DM17) has been identified. No conditions are required from a Conservation perspective either and this further illustrates the lack of concern from a Heritage preservation perspective.

Residential amenity

55. Both policies DM2 and DM22 seek to secure development proposals which do not have an unduly adverse impact on residential amenity. Paragraph 127 of the NPPF further reiterates that existing amenity should not be unduly eroded by proposed development. This requirement is particularly relevant to the proposal under consideration as the application site is positioned 'behind' existing properties and the impact upon neighbouring dwellings must therefore be considered.

56. With respect to their scale and massing, the two dwellings do not present as unduly large additions which have the potential to harm amenity. They do not loom over existing development and they are positioned such that they do not dominate the street scene or give rise to an unacceptable visual impact.

57. Due to their location 'behind' existing development, amended plans have been sought by the Local Planning Authority to ensure undue overlooking cannot take place. The initially submitted plans indicated that there would be a large number of windows on the southern elevation which would, if occupied, give rise to unacceptable overlooking into the private amenity space of the off-site dwelling to the south of the development.

58. In particular, the upper floor windows were highlighted as representing a significant concern and in response, amended plans have been submitted to

the Local Planning Authority in an attempt to address the identified overlooking. The amended plans have been altered by:

- The removal of 2 upper floor windows on the southern elevation
- Introduction of glazing and restrictive opening to the remaining upper floor window
- Additional first floor window installed to the east elevation
- Indication of close boarded fencing to the south elevation to prevent direct views into private amenity space of off-site dwellings.

59. These amendments are considered satisfactory in addressing the harmful overlooking which *would have* arisen had the changes not been made. The removal of the upper floor windows from the eastern dwelling mean that direct views into the private amenity space of the adjacent dwelling is no longer possible. It is noted that the smaller upper floor window remains but the plans, as submitted, indicate that this will be obscure glazed with only a top opening vent. This can be controlled through the imposition of a suitably worded planning condition.

60. With respect to the ground floor windows, as indicated on the amended block plan, a new 2m high close boarded fence is proposed and this further mitigates against direct views into the adjacent neighbouring property. To further protect the longevity of an appropriate relationship, the fencing will be subject to a condition which requires it to be retained in the approved form. This ensures residential amenity is not unduly compromised after planning permission has potentially being granted and therefore satisfies policy DM2.

61. Given the degree of space afforded to the dwellings and the separation distance between the proposal and existing development, no further adverse impacts upon residential amenity have been identified. The access track does not result in cars manoeuvring in an unacceptable proximity to the existing off site dwellings whilst the fencing along the access will also serve to prevent headlights disturbing the occupiers of offsite properties.

62. As noted above, an undue adverse impact upon residential amenity has not been identified with respect to the proposed scheme. However, given that the dwellings have been built already, a suitably worded condition will need to be imposed which prevents occupation from taking place until the upper floor windows have been removed as indicated and the fencing as drawn on the amended block plan has been installed.

Ecological matters

63. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

64. The National Planning Policy Framework 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.

65. In this instance, owing to the pre-existing nature of the development and its location in close proximity to occupied dwellings, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective. As such, a phase 1 ecology report has not been submitted nor requested by the LPA.

66. However, given the advice contained within the NPPF and the thrust of policy DM12 (Mitigation and Enhancement of Biodiversity), a condition will be imposed on the permission which requires suitable biodiversity enhancement measures to be delivered before the units are occupied. This represents an approach which is commensurate with the scale of the development and, importantly, satisfies the NPPF's tests for imposing planning conditions.

Highway Matters

67. At paragraph 109, 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 and the degree of interaction with the public highway.

68. In this instance, the proposal results in a new access onto Stores Hill which will serve the two proposed dwellings only and as such, formal comments have been sought from the Highway Authority.

69. In their initial comments dated November 2018, the Highway Authority offered no objection subject to conditions with a similar response provided in November 2019 after a re-consultation.

70. In June 2020, an amended block plan which indicated the installation of fencing adjacent to the proposed access track was submitted. In response to this amendment, the Highway Authority provided further formal comments dated 1st July 2020 and the 9th July 2020. These comments confirm that they still wish to raise no objection subject to the planning conditions previously set out. The required conditions will control the following:

- Provision of visibility splays
- Provision and retention of parking areas
- Cycle storage
- Location of gates

71. With respect to the visibility splays required, it should be noted that in their formal comments dated 1st July the Highway Authority advised that visibility splays of 150m in each direction should be provided. However, following a

review of their position, the Highway Authority have clarified that visibility splays of 90m in each direction are acceptable and appropriate. This is confirmed in their amended comments dated 9th July 2020.

72. The formal comments from the Highway Authority dated 1st July 2020 raise concern that if approved, the scheme may result in vehicles being displaced onto the highway due to the currently disused site entrance being required by the occupiers of the proposed dwellings. This concern is understood given the Highway Authority's remit but from a planning perspective, it cannot be ascribed significant weight on the basis that the land is privately owned and the owner is at liberty to prevent third parties parking on the land should he so wish.
73. Furthermore, the scheme is able to demonstrate compliance with the adopted parking standards by providing 2 spaces for each proposed dwelling and one visitor parking space per proposed dwelling. The overall site however has ample space away from the public highway for further parking should the occupants require it.
74. Overall, with the imposition of the planning conditions recommended by the Highway Authority, the scheme is not considered to represent a conflict with the NPPF, the adopted parking standards, policy DM2 or DM26.
75. An additional condition is recommended to ensure that the fencing as installed adjacent to the access track cannot be extended southwards and potentially undermines the safety of the public highway. It could be argued that such fencing would require planning permission in any event but it is deemed reasonable to control this through the current planning application in the interest of highway safety.

Electric charge points for vehicles

76. 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.
77. The 2019 NPPF at paragraph 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and paragraph 110 (d) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.
78. On this basis a condition will be attached to the permission to secure operational electric vehicle charge point is provided for each new dwelling.

S106 Implications

79. Due to the site being considered as an 'entry level exception site' for affordable housing, where ordinary open market dwellings would not typically be acceptable, a legal S106 agreement is required to ensure that the scheme remains as such.

80. Therefore, a S106 agreement will be used to ensure that the two dwellings hereby recommended for approval remain as being exclusively for first time buyers. This legal agreement will also stipulate that the dwellings may only ever be sold / rented at 80% (or less) of the market value.

81. In doing this, the requirements of paragraph 71 of the NPPF are met through the provision of an entry level site and the scheme is able to deliver two units which meet the NPPF's definition of affordable housing.

Conclusion and planning balance:

82. In conclusion, this application proposes development that the Local Planning Authority are able to support, albeit retrospective. The extant enforcement notice is of course noted and the public interest relating to this history is also understood. However, in dismissing the appeal, the Inspector made it clear that further, alternative uses for the site should be considered.

83. Although the time taken to arrive at this point is indeed longer than 12 months, discussions and negotiations have been taking place throughout and at no point has the applicant intentionally or deliberately failed to engage with the LPA.

84. The NPPF requires Local Planning Authorities to be positive and proactive in the discharge of their duty and this can be evidenced.

85. Overall, the scheme proposes two affordable units which are able to demonstrate compliance with paragraph 71 of the NPPF which encourages LPAs to support entry level exception sites where appropriate and sustainable. In this regard, whilst the countryside location of the site is noted, the principle of development is considered acceptable given the provisions of DM5 of the Joint Development Management Policies Document and policies CS9 and CS10 of the Core Strategy.

86. Furthermore, with respect to the heritage impacts, traditional materials have been used for the buildings. New buildings in conservation areas do not have to copy traditional architecture but should reflect character of the conservation area in terms of scale and materials. By virtue of their design and materials the new houses are consistent with the conservation area, and do not appear discordant in the street scene.

87. No adverse impacts with respect to residential amenity have been identified and those which the LPA have raised with the applicant have been satisfactorily addressed. In addition, no objection has been submitted by the Highway Authority and the scheme is able to demonstrate suitable compliance with the NPPF's advice relating to Highway safety and policies DM2 and DM46.

88. Accordingly, whilst the number of public objections are noted, given the extent to which this scheme complies with local and national policy and the lack of material demonstrable harm arising, the Local Planning Authority have not identified any material reasons which would warrant the refusal of the application.

Recommendation:

89. It is recommended that this retrospective planning application be **APPROVED**, subject to the completion of a signed S106 agreement which restricts the dwellings to entry level units and caps their maximum sale / rental value at 80% of the market value and subject to the following planning conditions:

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

Reference No:	Plan Type	Date Received
16-5657-01 REV D	Proposed Block Plan	03.07.2020
BW1-00561120	Site Location Plan	07.11.2018
16-5657-01 REV B	Parking Layout	07.11.2018
16-5650-01 Rev C	Proposed Elevations	10.06.2020
16 - 5650 - 01 REV B	Proposed Floor Plans	10.06.2020

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

- 2 The dwellings hereby approved shall not be occupied unless and until the existing south facing first floor windows shown on superseded drawing 16-5650-03 Rev A but NOT shown on 16-5650-01 Rev C have been removed and the south elevation has been constructed in complete accordance with drawing 16-5650-01 Rev C.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

- 3 Within 6 months from the date of this permission, the specification of obscured glazing to be used on the remaining south facing first floor window (shown on drawing 16-5650-01 Rev C) shall be submitted to and approved in writing by the Local Planning Authority. The approved dwellings shall not be occupied until the specification of obscured glazing as shall have been previously agreed with the Local Planning Authority has been installed.

The window shall retain the agreed specification of obscured glazing in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be installed to the dwellings hereby approved and the windows and openings as approved by this permission shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.

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

- 5 There shall be no residential occupation of the site until the following components to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

i) A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM).

iii) Based on the risk assessment in ii), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii) is submitted and approved, in writing, by the Local Planning Authority. The long-term monitoring and maintenance plan in iii) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 7 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

- 8 Visibility splays shall be provided as shown on Drawing No. 16-5657-01 Rev D with an X dimension of 2.4 and a Y dimension of 90 metres in each direction and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: In the interests of road safety.

- 9 The areas within the site shown on Drawing No. 16-5657-01 Rev B for the purposes of manoeuvring and parking of vehicles shall be provided and thereafter those areas shall be retained and used for no other purposes.

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

- 10 Prior to the dwellings hereby approved being occupied, details of the areas to be provided for the secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter and used for no other purpose.

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

- 11 Any gates and fences as may be installed at the property shall be set back a minimum distance of 5 metres from the edge of the carriageway.

Reason: in the interest of highway safety

- 12 The dwellings hereby approved shall not be occupied until the fencing illustrated on block plan 16-5657-01-D has been installed in its entirety and it shall be retained in this form unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, the area of fencing shown by the red line on plan 16-5657-01-D shall not exceed 1 metre in height.

Reason: to protect the amenity of the area and adjacent properties in accordance with policy DM2 of the Joint Development Management Policies Document.

- 13 Prior to residential occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in

accordance with the agreed timescales and thereafter retained as so installed.

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.

- 14 Unless otherwise agreed in writing by the Local Planning Authority, no external lighting shall be installed within the red line of the application site.

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

- 15 Notwithstanding the provisions of Part 2, Class A the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order, with or without modification) other than those expressly permitted by this planning permission, no fences walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority.

Reason: To protect the character and integrity of the area, in accordance with policies and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies

Documents:

A range of documents have been referred to throughout this report and those mentioned can be found by using the following links:

Enforcement Appeal:

<https://planning.westsuffolk.gov.uk/online-applications/appealDetails.do?activeTab=documents&keyVal=NFA4OTPD02L00>

(Please note, copy of Enforcement Notice is only shown within the file entitled "Appellant's statement of case documents"

Refused planning application DC/16/1735/FUL

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

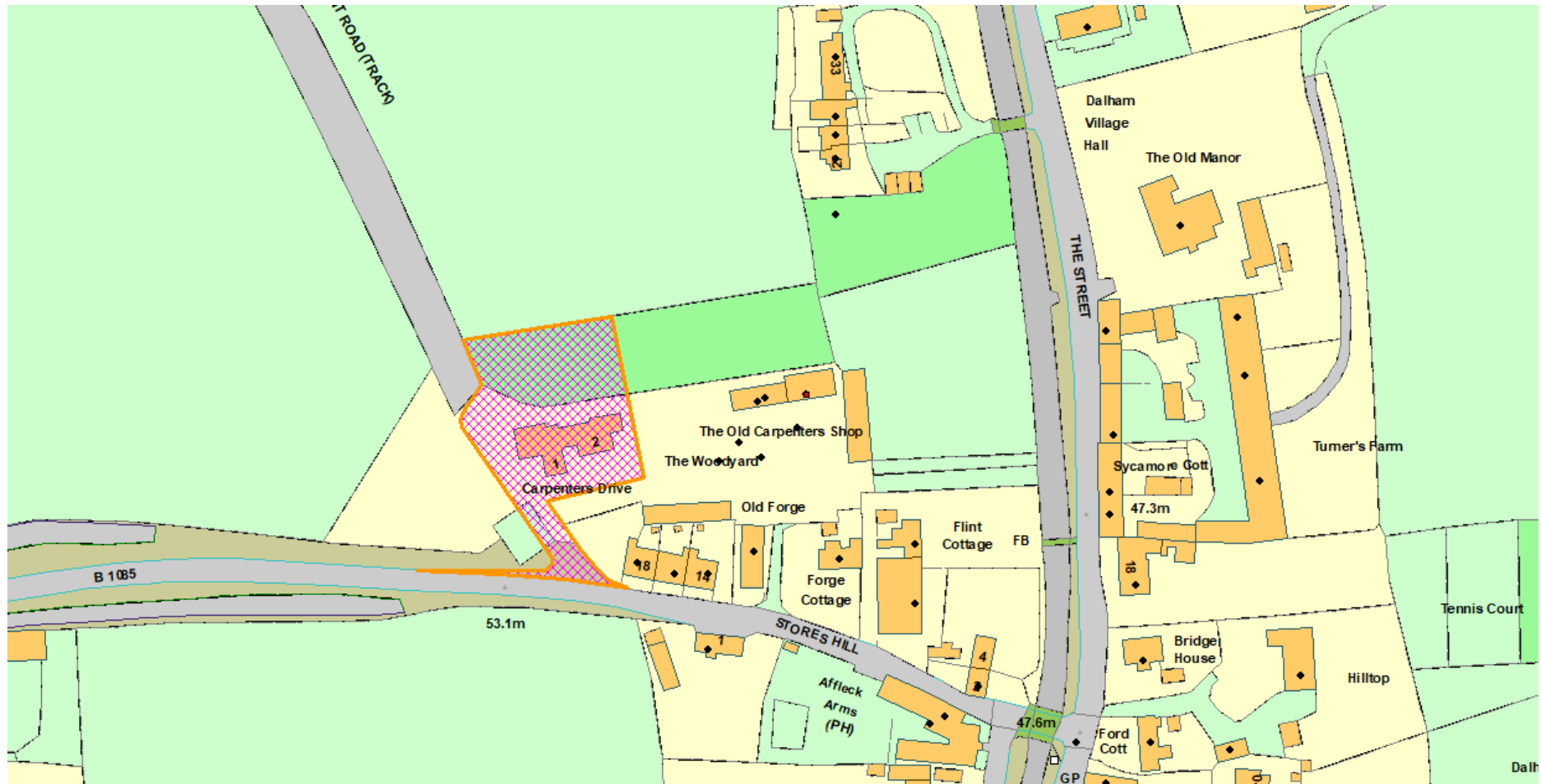
All documents submitted within this application, including consultation responses

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PCB6WRPD03E00>

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DC/18/1425/FUL – The Woodyard, Stores Hill, Dalham



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Development Control Committee 22 July 2020

Planning Application DC/20/0868/FUL – Moreton Hall Community Centre, Symonds Road, Bury St Edmunds

Date Registered:	29.05.2020	Expiry Date:	24.07.2020
Case Officer:	Lindsey Wright	Recommendation:	Approve Application
Parish:	Bury St Edmunds Town Council	Ward:	Moreton Hall
Proposal:	Planning Application - (i) single storey front extension (ii) single storey rear extension (iii) external works to reconfigure pedestrian walkways		
Site:	Moreton Hall Community Centre, Symonds Road, Bury St Edmunds		
Applicant:	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:

Lindsey Wright

Email: Lindsey.Wright@westsuffolk.gov.uk

Telephone: 01284 757314

Background:

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

Proposal:

1. Planning permission is sought for a single storey extension to the front of the community centre, to form a new library, lobby, reception/office and storage cupboard. The extension will measure 5 metres in depth and 14.6 metres in width, extending by 0.9 metres beyond the existing side elevation. The development proposes a flat roof of an overall height suitably less than the curved roof of the existing building.
2. The single storey rear extension will provide storage for the existing Post Office and an additional fire escape, measuring 3.5 metres in depth, 3.9 metres in width and again is a flat roof structure.
3. Planning permission is also sought for assorted external works to reconfigure the pedestrian walkways to accommodate the new extensions.

Application Supporting Material:

- Application Form
 - Location Plan
 - Existing Site Plan & Car Par Layout
 - Existing Elevations
 - Proposed Site Plan & Car Park Layout
 - Proposed Floor Plan & Sections
 - Proposed Elevations
 - Biodiversity Checklist
 - Flood Risk Assessment
 - Parking Provision
 - Planning Statement
4. The works will be funded by the S106 monies secured by the strategic housing development on Moreton Hall that Taylor Wimpey are currently building out.

Site Details:

5. The application site is a community centre located within the settlement boundary for Bury St Edmunds within the Moreton Hall area. The site has parking located on the western boundary. The site forms part of an allocation as an existing Local Centre.
6. The site is not located within a conservation area nor are there any listed buildings located within the proximity. The existing building has the external elevations clad in black weatherboarding.

Planning History:

7.

Reference	Proposal	Status	Decision Date
E/98/2696/P	Regulation 3 Application - Erection of community centre with external bowling green, car parking, access and associated landscaping and community open space as amended by memorandum and drawings received 22nd October 1998 revising location of community centre, car parking layout and internal layout of community centre and further amended by deletion of junior football pitch in lieu of community open space and further amended by memorandum and drawings received 26th May 1999 revising design, height and internal layout of community centre and landscaping scheme received 7th January 2000	Application Granted	14.04.2000

Consultations:

SCC Highway Authority

8. We are satisfied that in this specific location and for this specific application additional parking would not be required. This is because:
- The additional public space is very small, less than 30sqm of library, and the proposed office is to replace an existing office which will become a store.
 - The application is located very close to an existing community car park.
 - The application is sited within a residential area and most of the potential custom would be within walking or cycling distance.
 - There is good pedestrian and cycle access to the site.
9. We note the applicant has not provided details of the cycle storage but we feel this could be secured by condition. The location proposed is suitable being close to the building and will be overlooked by the office window as well as the entrance. We accept an increase to 8 cycle spaces would be acceptable.

Representations:

Bury St Edmunds Town Council

10.The Town Council comments on the application stating no objections subject to Conservation Area Issues and Article 4 issues.

Ward Councillor:

11.No comments have been received from the two serving Moreton Hall Councillors. Prior to his resignation, Frank Warby (former Moreton Hall Councillor) had indicated no objections.

Neighbour Representations

12.No third-party representations received.

Policy:

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

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

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

Other Planning Policy:

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

Principle of Development

17.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 the sustainable community of Moreton Hall and the wider surrounding area.

18.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 the Building

19.The detailed design and appearance of the proposed extensions are assessed 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 immediate locality. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

20.The development will result in the net increase of internal floorspace of 75 sq metres. The materials chosen for the external finishes of both extensions match that of the existing building of vertical timber boarding and brick plinth as such are not considered to result in detriment to the character and appearance of the building.

21.In addition, the building is orientated in such a way that the rear elevation will not be readily visible from the public realm. The front extension remains subservient to the dominant curved roof form on the principal elevation.

22.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

23. 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.
24. This site is located within an allocated site, of other community facilities located within the proximity such as a convenience store, a church, a health centre and other mixed uses. The nearest residential properties to the site are located along Downing Close to the north, separated from the site by a substantial mature vegetated hedgerow. Due to the modest nature of the proposed works it is considered that the proposal will not adversely affect the surrounding neighbouring amenity by virtue of loss of light, overlooking or overbearing effects.

Highway Matters

25. At paragraph 110 of the NPPF, it states that applications for planning permission should, where 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.
26. 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

27. The development will result in an upgrade from 5 covered cycle storage spaces to 8 spaces, resulting in the provision of 3 additional spaces.
28. The reconfiguration of the external walkways to the front of the Community Centre will require the removal of 2 no. existing trees. These are considered to be of low amenity and can be appropriately replaced on site, as agreed.

Conclusion:

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

Recommendation:

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

- 1 The development hereby permitted shall be begun not later than 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
10913/P/001	Location Plan	29.05.2020
10913/P/002	Existing Layout	29.05.2020
10913/P/006	Proposed Elevations	29.05.2020
10913/P/003	Existing Elevations	29.05.2020
10913/P/004	Site Layout	29.05.2020
10913/P/004	Parking Layout	29.05.2020
10913/P/005	Proposed Floor Plans	29.05.2020

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

- 3 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials/equipment or removal of waste commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The Plan shall include:

- Routing for HGV and other associated construction vehicles
- Means to ensure no water, mud or other debris can migrate onto the highway
- Means to ensure no materials or equipment will be loaded/unloaded from or stored on the highway
- Means to ensure all parking including construction vehicles and displaced parking of community centre users will not adversely affect the highway.

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

Reason: To reduce and/or remove as far as is reasonably possible the effects of HGV and construction traffic on sensitive and residential area.

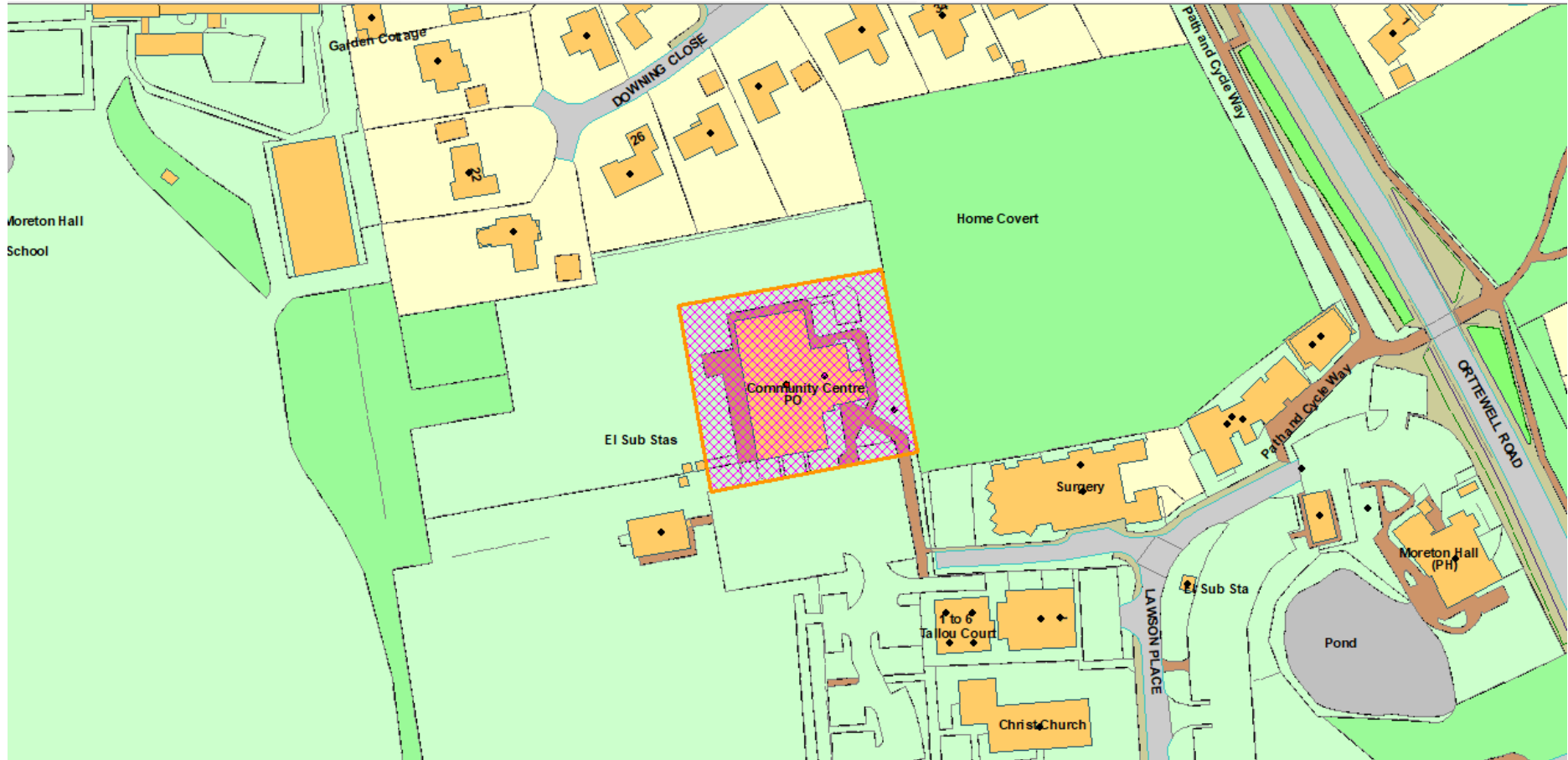
- 4 Prior to any development above slab level, details of the location and design of the 8-cycle store to be provided for the secure storage of cycles (to be covered and illuminated) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the secure storage of cycles in the interest of promoting sustainable means of travel.

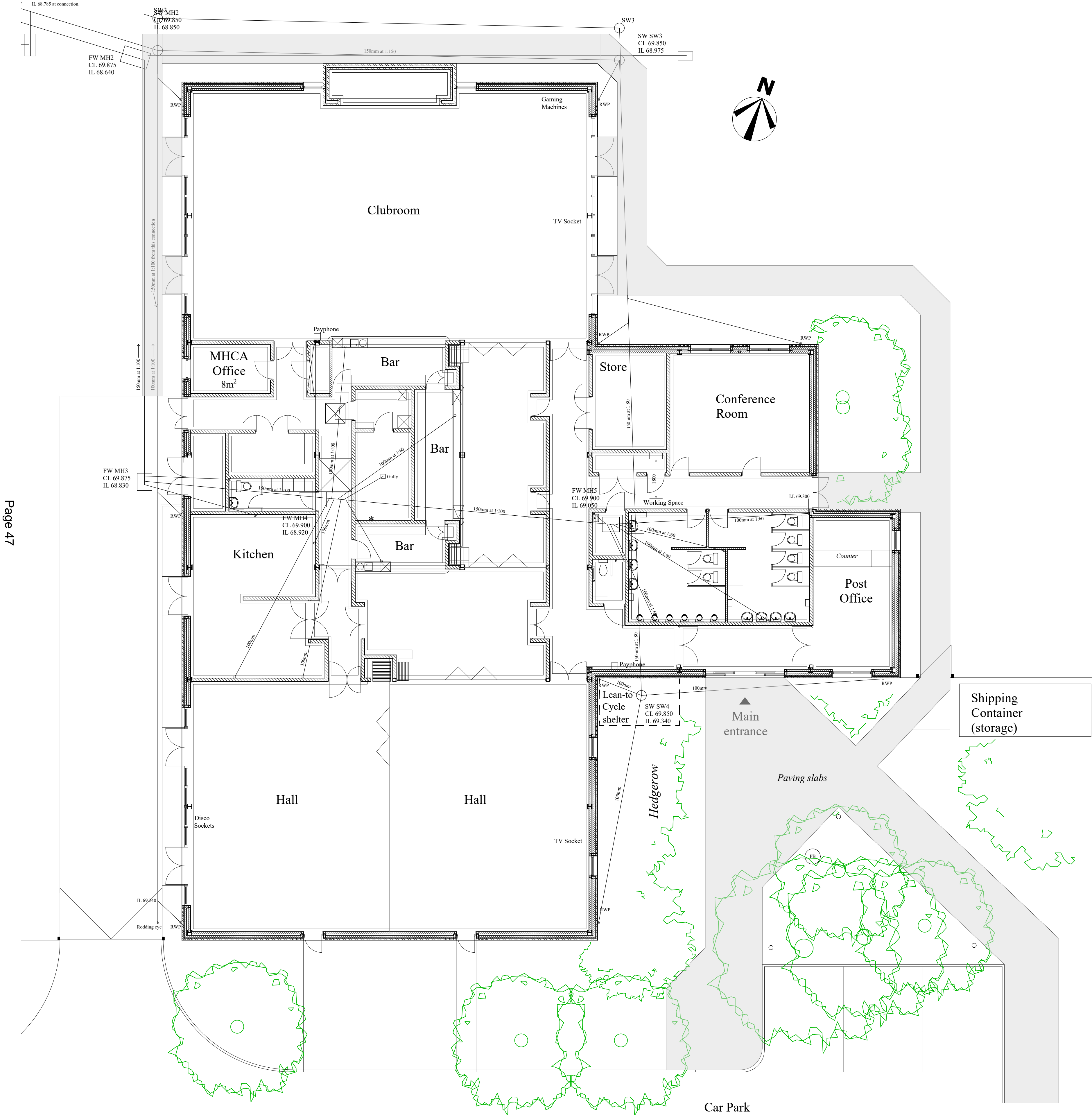
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0868/FUL](#)

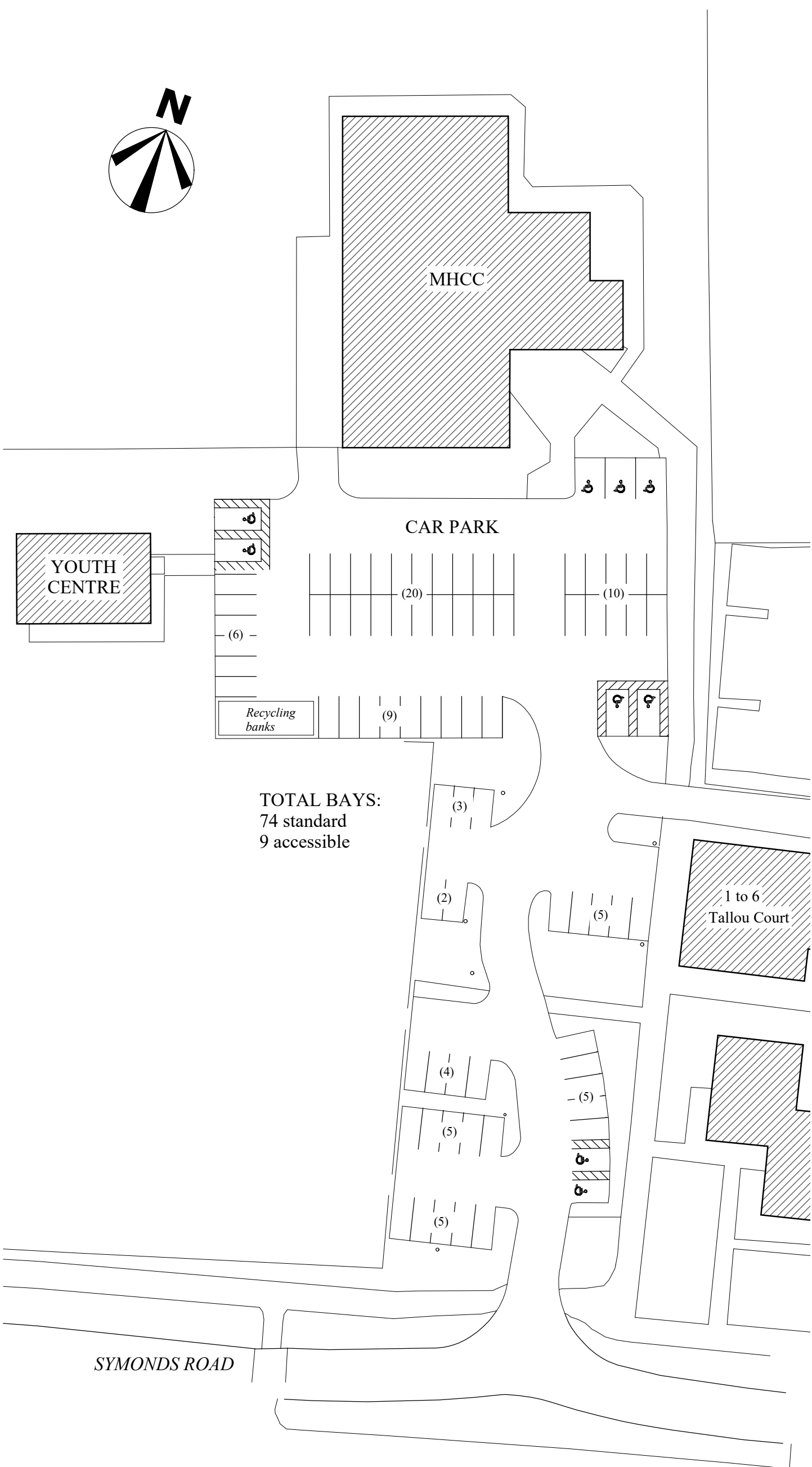
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Existing Site Plan
1:100



Existing Car Park Layout
1:500

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:
Proposed Extension
Moreton Hall Community Centre

Title:
Existing Site Plan &
Car Park Layout

Scale: 1:100, 500 @ A1	Drawing Size: A1	
Date: May 20	Drawn By: KLS	Appr By:
File No.: 10913/	Drawing No.: P/002	Revision:

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Development Control Committee 22 July 2020

Planning Application DC/20/0543/HH – Hemland House, 117A Westley Road, Bury St Edmunds

Date Registered: 24.03.2020 **Expiry Date:** 19.05.2020 – EOT
29.07.2020

Case Officer: Amey Yuill **Recommendation:** Refuse Application

Parish: Bury St Edmunds Town Council **Ward:** Minden

Proposal: Householder Planning Application - (i) single storey rear extension and (ii) first floor front extension over existing garage (iii) re-cladding existing ground floor garage walls

Site: Hemland House, 117A Westley Road, Bury St Edmunds

Applicant: Goad

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Officer's recommendation was one of REFUSAL and following a 'call in' from the Minden Ward Member, Councillor Robert Everitt.

Proposal:

1. Planning permission is sought for a single storey rear extension, a first-floor front extension of the existing garage and cladding to the existing ground floor garage walls.
2. The single storey flat roof rear extension will replace an existing rear conservatory and will measure 5.622 metres in width, 2.134 metres in depth and 3.167 metres in height.
3. The first-floor front extension over the existing garage will measure 5.486 metres in width, 5.283 metres in depth, with a height of 4.979 metres to the eaves and 7.197 metres to the roof ridge.
4. The proposal also includes cladding the existing external garage walls in larch timber boarding to match the proposed extensions.

Application Supporting Material:

5.
 - Application Form
 - Location and Block Plan
 - Existing Floor Plans
 - Existing Elevations (Drawing 102)
 - Existing Elevations (Drawing 103)
 - Proposed Floor Plans
 - Proposed Elevations (Drawing 401)
 - Proposed Elevations (Drawing 402)
 - Design and Access Statement

Site Details:

6. The application site comprises a two-storey detached dwelling house with an attached single storey garage and an area of hard standing to provide off road parking to the front of the property.
7. The property is located within the Bury St Edmunds settlement boundary, slightly set back from Westley Road to the South and partially screened from the road by hedging.
8. The site boasts a generous rear garden with hedging along the Western boundary. To the West of the site there is a public footpath which runs from Westley Road to Gainsborough Field, with views of the host dwelling being seen from the length of the footpath.
9. The property is neither listed nor situated within a Conservation Area.

Planning History:

Reference	Proposal	Status	Decision Date
DC/20/0543/HH	Householder Planning Application - (i) single storey rear extension and (ii) first floor front extension over existing garage (iii) re-cladding existing ground floor garage walls	Pending Decision	
E/85/3591/P	Erection of house and garage with alterations to existing access	Application Granted	24.02.1986

Consultations:

Not applicable

Representations:

Town Council – Clerk used delegated powers - No objection based on information received.

Ward Councillor – Comments from Councillor Everitt of Minden Ward were received on 4th June 2020 advising:

'I would ask for this application to be determined by our Development Control Committee, the reason for my "Call In" is that, in my opinion the visual harm would be negligible to this part of Westly Road, as there is already the Garage on the front of this property that was given permission many years ago (precedent has been set) plus the area has changed over the past few years, to the left of the property 3 house away, a small estate was constructed with the demolition of a quite modern house on Westley Road, that has now given way to 5 new large houses within 100yds of number 117a Westley Road, so like many parts of our towns this type of development has changed the look and feel of this residential Road.

I would also point out that there has been NO objections from the one neighbour that it might affect.'

Neighbour Representation – No representations received

Policy:

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

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design quality and local distinctiveness
- Vision Policy BV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

12. National Planning Policy Framework (2019)

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

Officer Comment:

14. The main considerations in the determination of this application are:

- o Principle of development
- o Impact on neighbouring amenity
- o Design and impact on character

Principle of development

15. 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.

16. In the case of this application, the dwelling is located within a curtilage which can accommodate the scale of both extensions without over-development occurring.

Impact on neighbouring amenity

17. Policy DM24 states that the development should not adversely affect the residential amenity of occupant of nearby properties. The proposed extensions are considered to have no adverse impact on the neighbouring amenity, by reason of overlooking, overbearing impact or from loss of light.
18. The proposed single storey extension to the rear is considered to have no adverse impact on the neighbouring amenity, by reason of overlooking, overbearing impact or from loss of light. The extension is single storey in height, with a flat roof and will sit behind the existing projection to the rear of the dwelling, so will not result in any overlooking, loss of light or have an overbearing impact on the neighbouring property to the East, No.117 Westley Road. The rear extension will have windows facing West towards No.119 Westley Road, however, there is a significant separation between the host dwelling and No.119 and heavy vegetation, which will provide complete screening of the proposed extension.
19. Again, no material harm is considered to arise to neighbouring amenity as a result of the first-floor front extension, given that the extension will be heavily screen by vegetation to the West of the site, so no views into No.119 will be achieved by the first-floor side window or roof light of the Western flank. Regarding the neighbouring property to the East, No.117; the extension will bring the principle elevation of the host dwelling in line with that No.117, therefore, the proposal will not result in any loss of light or a sense of overbearingness. In addition, the windows on the East elevation of the extension will be opaque glazing to ensure there is no loss of privacy or views into No.117's flank windows.

Design and impact on character

20. Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the host dwelling and the surrounding area.
21. DM2 paragraph (a) states that proposals for all development should '*recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building...*' and paragraph (b) states that a development should '*maintain or create a sense of place and/or local character...*'
22. DM24 paragraph (a) states that a development should '*respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area*'.
23. Views of the proposed single storey rear extension will not be visible from Westley Road; however, it will be partially visible from the public footpath which runs along the West of the site, towards Gainsborough Field. The rear extension will be partially screened from the public realm by the fence and hedge, which spans the length of the boundary along the footpath. The rear extension is modern in design, however, it is modest in scale and is not considered, therefore, to have an adverse detrimental impact upon the character or appearance of the host dwelling or the surrounding area.
24. In reference to the first-floor front extension over the existing garage; there are concerns regarding the design and scale. Whilst there is a mix in character

along Westley Road and the host dwelling is stepped back from the road and the neighbouring dwelling, it is considered that the first-floor extension will appear overtly bulky and dominant within the street scene and will be extremely visible from Westley Road. The proposed extension projects forward from the front elevation of the host dwelling by 5.283 metres and whilst this will be in line with the neighbour property's principal elevation and the roof height of the addition will be lower than that of the host dwelling's existing roof ridge, due to its scale, depth and bulk, the extension will not appear subservient to the host dwelling, appearing unduly prominent and, as a consequence, harmful to the character of the host dwelling and the wider area.

25. The first-floor extension will be prominent, with views being readily achieved along Westley Road and, at close quarters, from the public footpath to the West of the site, which leads to Gainsborough Field. Given the lack of subservience and the obtrusive and bulky design of the proposed first-floor extension, it is considered to contribute negatively to the existing street scene and is deemed to result in visual harm. Therefore, having a negative impact upon both the appearance and character of the host dwelling and the surrounding area to a materially harmful level. Thus, the application is contrary to the requirements of both policy DM2 and DM24 of the Joint Development Management Plan and the design provisions within the National Planning Policy Framework (2019).

Conclusion:

26. In conclusion, the first-floor front extension element of the proposal is considered harmful to the character of the host dwelling and the character and appearance of the wider area. Therefore, the application as a whole is not compliant with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

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 host dwelling and the character and appearance of the wider area.

The first-floor front extension is generously scaled and prominent, projecting forward from the principal elevation of the host dwelling, towards Westley Road. It has a depth of 5.283 metres and an overall height of 7.197 metres.

The scale, height and visual prominence of the first-floor extension makes this an intrusive addition, and one that 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 a material conflict with Policy DM24.

Furthermore, whilst the wider area is of a mixed character, with a variety of property types in both design and scale, it is considered that an extension of this scale and in this location, will appear as a bulky, awkward and dominant addition to the property in a readily visible location, both from

Westley Road and the public footpath towards Gainsborough Field. Material harm to the character and appearance of the area would result, therefore proving contrary to the provisions of the Joint Development Management Policies Document, Policies DM2 and DM24 and Core Strategy policy CS3, as well as the design provisions within the NPPF (Section 12).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0543/HH](https://www.lincoln.gov.uk/DC/20/0543/HH)

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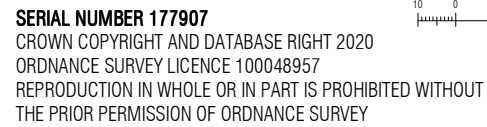
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1 : 2000



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REVISION SCHEDULE

CLIENT

GOAD

PROJECT

HOUSE EXTENSION

DRAWING

LOCATION PLAN

ADDRESS

117A WESTLEY ROAD, IP33 3SA

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DISCUSSION

PL

WG NO

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Development Control Committee 22 July 2020

Planning Application DC/20/0657/HH – Eleigh Cottage, Lithgo Paddock, Great Barton

Date Registered:	17.04.2020	Expiry Date:	12.06.2020 – EOT 29.07.2020
Case Officer:	Amey Yuill	Recommendation:	Approve Application
Parish:	Great Barton	Ward:	The Fornhams and Great Barton
Proposal:	Householder Planning Application - Single storey rear extension to provide annexe		
Site:	Eleigh Cottage, Lithgo Paddock, Great Barton		
Applicant:	Mr and Mrs Beer		

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application is before Members as the Officer's recommendation is one of APPROVAL, contrary to the objection of Great Barton Parish Council and Councillor Sarah Broughton of The Fornhams and Great Barton Ward.

The matter was referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel following a call in from Councillor Broughton and the objection from Great Barton Parish Council.

A video of the site has been taken in lieu of a site visit, which will be shown during the Committee presentation.

Proposal:

1. Planning permission is sought for a single storey rear extension to form an annexe.
2. The single storey extension will measure 9.02 metres in depth, 5.14 metres in width and 2.23 metres in height to the eaves, with an overall height of 4.13 metres to the highest roof point.
3. The annexe will be formed using an existing bedroom and bathroom within the host dwelling at ground floor level along with the whole of the proposed extension.

Application Supporting Material:

4.
 - Application Form
 - Location Plan
 - Existing Site Plan
 - Existing Ground Floor Plan
 - Existing NW and SW Elevations
 - Existing NE Elevation and Section
 - Proposed Site Plan
 - Proposed Ground Floor Plan
 - Proposed NW and SW Elevations
 - Proposed NE Elevation and Section
 - Proposed Visualisation

Site Details:

5. The application site comprises a two-storey detached dwelling house on a generous corner plot, with a large fenced garden to the rear and an open garden to the front. The property fronts Lithgo Paddock to the East and is located within the Great Barton settlement boundary. The site contains a single storey garage and an area of gravelled off road parking behind double gates to the side of the property, with access gained to The Coppice to the North. The property is neither listed nor within a conservation area.
6. The dwelling is located at the front of a small, stone walled housing development, which was approved in the 1980's. The development is made up

of sizeable plots and properties which are of mixed design; with some brick, some rendered and some timber clad finishes.

7. To the North East of Lithgo Paddock, along The Coppice are properties of similar scale and mixed design, some of which have been extended.
8. To the West and South West of the site, again the dwellings are similar in scale and mixed in design. It should be noted that there are two listed buildings which share a boundary or part of a boundary with the application site; East Barn to the West and Old House to the South West, with Old House only sharing a small corner of their boundary with the application site.

Planning History:

Reference	Proposal	Status	Decision Date
DC/20/0657/HH	Householder Planning Application - Single storey rear extension to provide annexe	Pending Decision	
E/88/1378/P	Submission of Details - Erection of five houses with garages and private drive as amended by letter and accompanying revised plan received 24/3/88 and further amended by letter and revised plans received 11/4/88	Application Granted	12.05.1988
E/88/1090/P	Submission of Details - Construction of access and road pattern to serve future residential development as amended by plans received 25th February 1988	Application Granted	05.04.1988
E/86/2938/P	Outline Application - Residential development (36 dwellings) and access as amended by plan received 8th April 1987	Application Granted	06.10.1987

Consultations:

9. Conservation Officer

Comments from the Conservation Officer were received on 20th May 2020 stating:

They had assessed the impact on the setting of the neighbouring listed building to the West (East Barn) and considered the proposal would not constitute harm sufficient to justify a refusal of permission due to the extension's single storey

height, the fact that the outbuilding within East Barn's curtilage would screen views of the proposed development, along with the boundary walls, fences and garden planting.

Further comments were received from the Conservation Officer on 26th May 2020, following neighbour representations received from The Farmhouse, questioning the Conservation Officers assessment and highlighting that Old House has not been mentioned, to the South West of the application site. The Conservation Officer advised the below:

'I didn't mention The Old House as I considered it to be sufficiently distanced from the application site, given the scale of the proposal, to be unaffected. The outbuilding to The Old House faces into the garden and that is its principle relationship with the house and its setting. A short section (approximately 4m) of the garden boundary adjoins Eleigh Cottage. This part of the garden is behind the outbuilding and there is a second small garden building in the corner, next to the boundary fence, together with numerous trees within The Old House garden, all of which restrict views towards Eleigh Cottage.'

The outbuilding to East Barn is in the location of an earlier, longer L-shaped range of outbuildings. It is not clear if it is a historic survival from this range or a new building erected when the barns were converted to residential use in the 1980s, although the latter appears the most likely. A modern outbuilding would not be curtilage listed. In either case, its setting, if it is considered to be curtilage listed, is primarily provided by East Barn and its access and garden towards which it faces.

Eleigh Cottage, together with the rest of Lithgo Paddock, now forms part of the wider setting of the listed buildings. The scale of the proposed extension is modest and would be seen in the context of the existing buildings. The high boundary walls and fences between the adjoining gardens would limit views of the extension in its entirety, with the roof and gable being the most visible part of it.

Overall, therefore, I do not consider that the extension would harm the settings of the listed buildings. Although I am unable to visit the site myself, I have looked closely at the recent photographs from your site visit to aid my assessment.'

Representations:

10.Parish Council

Comments were received on 12th May 2020 from Great Barton Parish Council objecting to the application due to the proposal not complying fully with policy DM24 under the following points:

- Does not respect the character of the surrounding area
- Will impact upon residential amenity due to light pollution
- Proximity to the boundary and the removal of the existing gap between the houses

Great Barton Parish Council also highlighted that their draft Neighbourhood Plan is currently being reviewed by West Suffolk Council. They would like to bring policy GB12 to our attention and how the proposal does not comply with multiple points within the policy:

- Does not adopt contextually appropriate materials and details
- Does not ensure all components are well related to each other
- Does not ensure that all vehicle parking is provided within the plot

11.Ward Councillor

Comments of objection were received from Cllr Broughton of The Fornhams and Great Barton Ward on 27th May 2020 for the following reasons:

- Extension is out of character and out of keeping with the surrounding residential area
- Close to listed buildings and curtilage listed barn
- Roof lights will cause light pollution

12.Neighbour Representations

Six neighbour representations were received from four neighbours as detailed below.

One representation was received from East Barn on 16th May 2020 advising they have no issue with a single storey extension, however, have three concerns:

- Proposed materials impacting surrounding character
- Length of extension being excessive
- Potential of light reflection impacting neighbouring amenity

One representation was received from White Lodge on 18th May 2020 objecting to the application due to:

- Increased noise levels
- Added light pollution
- Reduced garden size for host dwelling
- Proposed is close to boundary
- Material to be used are not in keeping with host dwelling or surrounding area
- Could devalue surrounding properties
- Fire risk due to two kitchens under one roof

One representation was received from Coopers Cottage on 18th May objecting to the application as:

- Support and endorse Great Barton Parish Council's objection
- Materials to be used out of character with surrounding area and host dwelling

Four representations were received from The Farmhouse. The first on 20th May 2020 stating their objection for the following reasons:

- Does not respect the character, scale and design of existing dwelling and surrounding area
- Failure to respect surrounding listed buildings
- Potential for the use of proposed annex changing to a dwelling
- Overdevelopment of dwelling curtilage
- Adverse impact of neighbouring amenity
- Overbearing impact to neighbouring properties
- Non-compliance with Great Barton Neighbourhood Plan
- Non-compliance with Building Regulations
- Inconsistencies between Planning Application and drawings

- Information absent from drawings
- Information not available to members of public

The second representation from The Farmhouse was received on 22nd May 2020 and was in response to the comments received from the Conservation Officer on 20th May 2020. The representation stated that, in their view the report from the Conservation Officer was unsatisfactory in the following ways:

- Should've taken into account two listed building and outbuildings, not just The Barn
- The site has not been visited
- The Conservation Officer mentioning screening by garden planting, however, trees and shrubs have been removed from the garden

The third representation from The Farmhouse was received on 1st June 2020 following the further comments received from the Conservation Officer on 26th May 2020. The comments from The Farmhouse were that they believe the outbuilding of East Barn is listed, that the proposed extension will be visible from The Old House and that the trees along the boundary are deciduous, so will only provide screening during late spring/summer.

The fourth representation from The Farmhouse was received on 6th July 2020 following a proposed visualisation being received from the agent of the application on 3rd July 2020 to illustrate how the proposed materials to be used in the extension will look next to the host dwelling. The comments refer to the visualisation not being accurate in terms of the size of the rear garden and the proximity of the extension to the boundary; both of which they feel has been greatly overrepresented. Officers are satisfied that the visualisation is just that, a guide to how the finished development might look using the materials proposed.

Policy:

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

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM15 Listed Buildings

- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Other Planning Policy:

15.National Planning Policy Framework (2019)

- 16.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.
- 17.The Great Barton Neighbourhood Plan has reached 'submission' stage and a consultation is ongoing at the time of writing this report. Due to the stage this is at it is not yet 'adopted' but at a sufficiently advanced stage where some weight can be attached to it. Therefore in the interests of providing clarity, a number of the relevant policies are discussed in the officer comment section of the report, including, Policy GB12 'Development Design Considerations'.

Officer Comment:

14. The main considerations in the determination of this application are:
- o Principle of development
 - o Design and impact on character
 - o Impact on neighbouring amenity
 - o Impact on setting of a listed building
 - o Other matters

Principle of Development

- 15.Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings, within a settlement boundary, 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.
- 16.In the case of the proposed extension under consideration; the host dwelling is located within a generous curtilage, with a large rear garden which can accommodate the proposal, which is to form a self-contained annexe, without over-development occurring. Therefore, the principle of development is deemed to be acceptable.
- 17.Comments received from The Farmhouse stated that the proposal will result in overdevelopment of the dwelling curtilage by way of massing effect and by creating a new dwelling. The proposed extension will form a self-contained

annexe, not a dwelling, and therefore should not be judged as such. The site is generous, with a spacious rear garden, an area for off street parking, along with a garage and a large host dwelling. The proposed extension is single storey in height and although it will extend toward the neighbouring boundary, there will be a minimum of 2 metres between the end of the proposed extension and that of the neighbouring outbuilding, so a gap will be retained. Therefore, it has been deemed that the proposal will not result in overdevelopment of the site.

Design and impact on character

18. Comments and representations received from Great Barton Parish Council, Councillor Broughton and a number of the neighbours raised concerns in regard to the proposed extension not respecting the scale, design and character of the host dwelling and the surrounding area on the basis that the extension will be visible from the public realm, the materials to be used do not match those of the host dwelling or neighbouring properties and that the extension is too long.
19. Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the host dwelling and the surrounding area. The proposed extension will use modern materials which are sympathetic to those of the host dwelling and although the extension is a substantial addition in its depth, the plot is of a generous size, therefore it is considered to be respectful in character, scale and design.
20. The extension will be visible from the street scene along The Coppice; however, the scale of the extension is subservient to the host dwelling, with a modest single storey height, which is slightly lower than the existing range which it will be connected to. The extension is modern in design and is to use contemporary materials, which do not try and copy those of the host dwelling, yet, they are considered to be complementary. Therefore, it is considered that the proposal will not have a materially adverse impact on the character of the host dwelling and that of the wider area.
21. Furthermore, Lithgo Paddock and The Coppice comprise a variety of dwellings with mixed design, set generally within spacious plots, with a wide range of materials being used on the exterior; brick, render, boarding and flint are all seen within the vicinity. Therefore, the proposed materials of larch cladding, grey powder coated windows and doors and a zinc roof are considered an acceptable addition to the breadth of materials found in the locality. The materials to be used are detailed on the submitted plans and can therefore be controlled through the use of the standard 'compliance with plans' condition.

Impact on neighbouring amenity

22. The proposed extension is set in close proximity to the Western boundary of the property; however, the extension is single storey in height and will predominantly be screened by the boundary fence and the neighbouring outbuilding across the boundary. The other neighbouring properties are a significant distance from the proposed extension with fencing and vegetation on the boundaries. Therefore, the proposal is not considered to have a materially adverse impact on neighbouring amenity in terms of loss of light, overlooking or to have an overbearing impact.

23. No significant overbearing or overlooking impact is considered to arise upon the adjacent neighbours at The Farmhouse and East Barn, as these properties are afforded a minimum of 26 metres and 18 metres separation from the closest point of the proposed extension. In addition, there is high fencing which runs along the boundary between the application site and The Farmhouse, which will provide an element of screening from views of the extension and overlooking. In regard to East Barn, there is a fence which divides the boundaries and an outbuilding within East Barn's curtilage, which will significantly screen views of the extension, as well as preventing any overlooking. Therefore, the relationship between both neighbours and the proposed extension is considered acceptable.
24. Light pollution and its impact on neighbouring amenity is a material planning consideration and has been mentioned in the Parish, Ward Member and neighbour comments and representations. However, light pollution is not considered to arise as a result of the roof lights or windows that are proposed to the extension. The site is in a residential area, with many neighbouring properties. Streetlights line The Coppice providing light during the evening hours and a number of the neighbouring dwellings within the area also benefit from existing roof lights. Therefore, the proposal is deemed to be acceptable in regard to the light that may be emitted from extension's windows.
25. White Lodge stated that there would be an increase in noise levels as a result of the proposal being close to the neighbouring boundary. No significant increase in noise levels is expected as a result of the proposed development, apart from during the construction of the extension, which is considered to be reasonable, and certainly nothing at a level that would materially affect the reasonable amenities of nearby dwellings.

Impact of setting of a listed building

26. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architecture or historical interest which it possesses.
27. Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting. In this case there are two Grade II listed buildings within the neighbouring sites to the West and South West of the application site; East Barn and Old House.
28. Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
29. The proposal is for the construction of a single storey rear extension to form a self-contained annexe to Leigh Cottage, which is not listed itself. The Conservation Officer provided comments advising that the proposal would not harm the setting of either East Barn or Old House sufficient to justify a refusal of permission, due to the extension being single storey height, the outbuildings within East Barn's curtilage and Old House's curtilage would screen views of

the proposed development, along with the boundary walls, fences and garden planting inside both the application site and the neighbouring site, providing significant screening. The works are therefore considered to cause no negative impact to the setting of the surrounding listed buildings. The Conservation Officer has no objections to the proposals and has no suggested conditions if permission is to be granted.

Other matters

30. The issue was raised within the neighbour representations about whether the annexe could be converted into a dwelling. This planning application is for the consideration of a single storey rear extension to form an annexe only, not for a proposed dwelling. If the applicant/owner of the dwelling wishes to convert the annexe into a dwelling at a later date, this will require separate application to be submitted and would be assessed on the relevant policies. In addition, the design and siting of the proposed annexe means that it is considered to be capable of being reasonably integrated back into the use of the existing dwelling if required.
31. Concern was raised as to whether the off-road parking would be sufficient for the addition of the proposed annexe. There is no increase in the number of bedrooms to that of the existing dwelling, therefore, no additional parking is required. The garaging and parking area to the rear of the property will be retained and therefore, is considered to be sufficient.
32. Non-compliance with Great Barton Neighbourhood Plan was highlighted by Great Barton Parish Council and in neighbour representations. As set out above, some weight can be attached to this still 'emerging' plan. In any event, officers are nonetheless satisfied that the proposal before us now complies generally with the provisions of those policies. In particular, Policy GB12, which relates to Development Design Considerations, will, if adopted in this form, require development to reflect the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment, which is considered the case with this well designed and respectful proposal. GB12 also requires proposals to reflect garden size characteristics, which it is considered this proposal does noting the generous plot and modest size of the proposal. The application is also considered to be consistent with Policies CS3, DM2 and DM24 of the Districts' Local Plan.
33. Neighbour representations received from The Farmhouse stated that the proposal is non-compliant with Building Regulations. However, as this is not a planning matter, it cannot be considered as part of the application assessment. A separate Building Regulation application will need to be submitted, where this issue can be addressed if necessary.
34. Concern was raised by White Lodge about the increased fire risk as a result of having two kitchens under one roof. Again, this is not a material planning consideration, it is a Building Regulations matter, so cannot be considered when assessing the planning application.
35. Impact on value of surrounding properties as a result of the proposal was mentioned within the comments received from White Lodge, however, this issue is not a material consideration and therefore holds no weight when considering the application.

36. It was highlighted that there was a discrepancy between the proposed materials to be used for the windows and doors within the extension on the application form and the plans; with the application form stating that grey powder coated windows and doors would be used, however, one of the doors on the plan was annotated to say it would be black powder coated. This was addressed with the agent, who advised this was done in error. An amended plan (079-20/P/50 REV A) was received on 3rd June 2020 which rectified this issue.

Conclusion:

37. 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:

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

1. 001A Time Limit - Detailed
2. 14FP Approved Plans

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0657/HH](#)

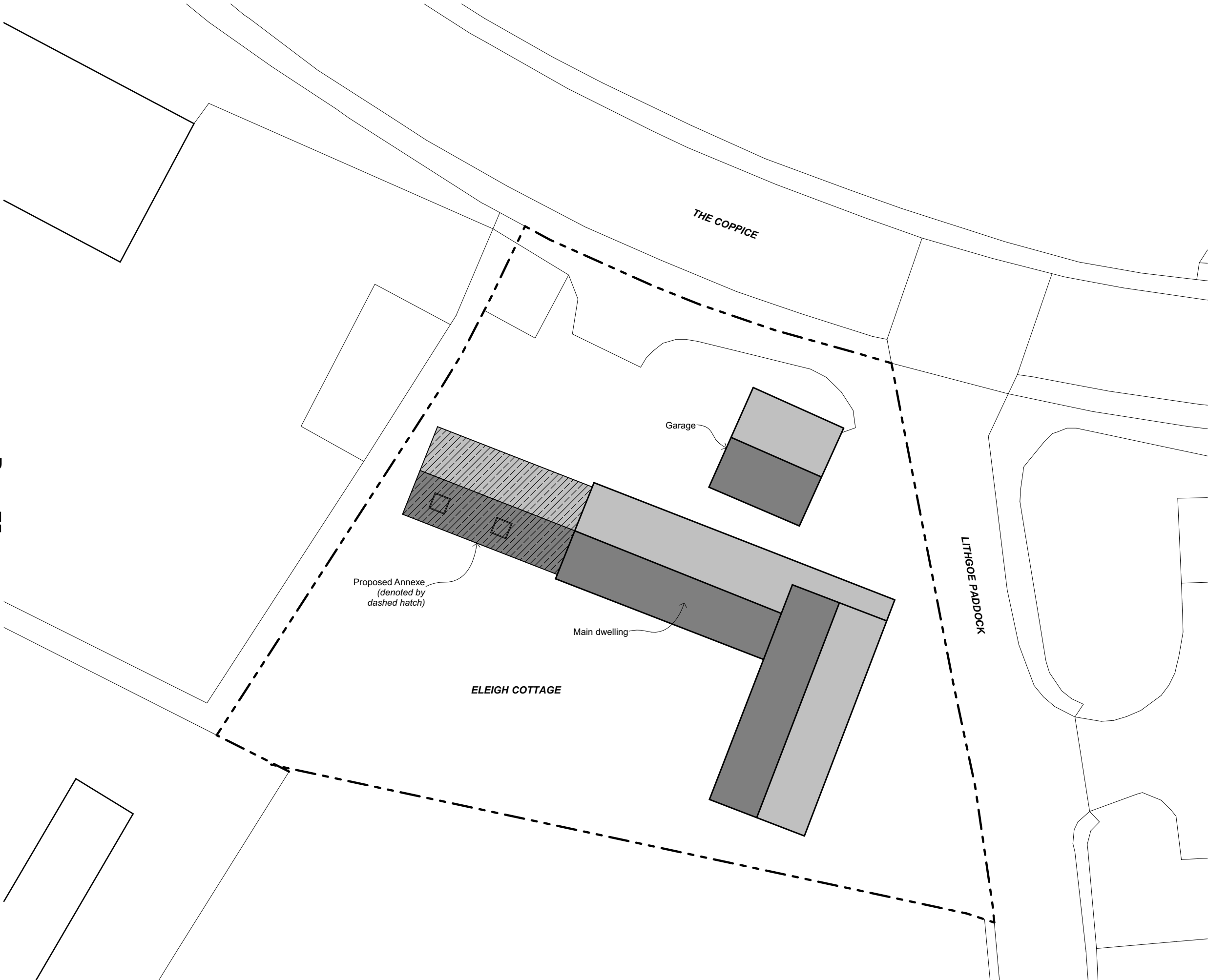
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Eleigh Cottage
Lithgo Paddock
Great Barton
IP31 2TX



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Notes

A	28/04/20	Amendments in line with LPA comments.
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Revisions



53 Manning Road, Bury
St.Edmunds, Suffolk. IP32 7GF.
Tel: 01284 615533
Mob: 07715 208480
Email: simon@loftusarchitects.co.uk
www.loftusarchitects.co.uk

Client:
Mr & Mrs Beer

Job Title:
Eleigh Cottage

Address:
Lithgoe Paddock,
The Coppice,
Great Barton,
Suffolk. IP31 2TX.

Drawing Name:
Proposed Site Plan

Drawing Status:
PLANNING

Drawn by: SL Date: 28/04/20

Checked by: Date:

Drawing Scale:
1:200 @ A3

Layout ID: 079-20/P/01 Revision: A

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Development Control Committee 22 July 2020

Planning Application DC/19/1623/FUL – 17 - 18 Cornhill, Bury St Edmunds

**Date
Registered:** 08.08.2019

Expiry Date: 07.11.2019
EOT agreed

**Case
Officer:** Britta Heidecke

Recommendation: Approve Application

Parish: Bury St Edmunds
Town Council

Ward: Abbeygate

Proposal: Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath

Site: 17 - 18 Cornhill, Bury St Edmunds, Suffolk

Applicant: 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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 07812 509938

Background:

This application was considered at the 8 November 2019 Development Control Committee meeting with the resolution to approve subject to the signing of a S106. The application was referred to Committee because West Suffolk Council is the applicant.

The original Committee report is attached at Working Paper 1.

A decision has not yet been issued as the S106 has only this month been completed. Whilst the material planning considerations already considered by Committee and as set out in the Working Paper remain unchanged, during this time the project has advanced to detailed design stage and some minor, but material amendments have been made.

Amendments:

1. Glazing to ground floor units: The ground floor glazing layout to the shop fronts of both units have been altered to allow for the manufacturer's recommendations of mullion and transom distances for the thermal glazing.
2. To meet Building Regulations, the required thermal glazing cannot be manufactured in the previously proposed glazing sizes and has therefore been reduced. Ventilation grills have been shown to allow retailers to fit their ventilation equipment whilst providing them with a set location.
3. Roof plant area: The existing plant room space on the roof has increased, which has enabled the removal of the basement from the scheme. The plant room remains to be set back to minimise visibility from ground floor level.
4. Market Thoroughfare elevation: The Market Thoroughfare elevation has been simplified by reducing the amount of stonework used. Those elements visible from ground floor level and the first bays from Cornhill and St Andrews Street South continue to show contrasting detailing. The window and coping details have been amended to show aluminium copings and sills, which are at high level.
5. Rendered elevations: Areas to the back of the development (East and South elevations) are proposed in render rather than brickwork. These are not directly visible from the street.
6. Cycle parking: In the original application, 24no off-site cycle parking spaces were proposed within the arc underground car park. The amended scheme reduces the commercial floor space by 7sqm and provides all proposed 24no cycle parking spaces within the development site. 20no spaces are located on the ground floor with separate entrance off Market Thoroughfare (originally the basement plant room access door) and 4no spaces are located on the roof terraces to the top floor flats (2no spaces per flat), which can be accessed via the lift.
7. Car parking: It is proposed that one car parking permit is provided per flat valid for any West Suffolk owned/run car parks within Bury St Edmunds, rather than for the Arc underground carpark only.

Consultations:

8. A re-consultation was undertaken with all neighbours, contributors and relevant consultees on 16th June 2020. The following summarised comments have been received in response to the amendments:
9. **Burt St Edmunds Town Council (BTC):** Objection to the alterations on the grounds of design.
10. **Bury St Edmunds Society (BS):**
 - Considers that the detailing around openings, variety of materials and brick detailing more generally, was an integral design element on the original plans.
 - Changes to Market Thoroughfare elevation should be resisted. Because it cannot be easily viewed from street level is not considered to justify compromise.
11. **Bury St Edmunds Town Trust (BTT):**
 - The development will set a precedent for the quality of future development in the historic core of the town.
 - Savings should not reduce the visual quality of the principle elevations.
 - The scheme as submitted was well-proportioned and detailed. The amended elevation:
 1. undesirably alters the fenestration of the ground floor elevation of Market Thoroughfare and the entrance to the flats
 2. omits important detailing of the upper floors
 3. alters size of some of the upper floor windows which weakens the cohesive nature of the elevation and balance between brick walling and window openings, and
 4. visually weakens the connection to the rounded corner link with St Andrews Street South.
 - The amendments would be visible from St Andrews Street South and the lack of consistency would be apparent. Restricted views also from Market Place and Market Thoroughfare.
 - Integrity of original scheme should be respected, bearing in mind that the north of Market Thoroughfare may be re-developed in the future.
 - It is vital that the original north elevation design should be retained. The changes would diminish the original architectural quality.
 - Request that permission for the amendments to the north elevation be refused.
12. **Highways:** *'Accept the amendments to the cycle provision and whilst it does not quite meet our standards, the provision is an improvement on what has gone before and will allow residents to park their machines close and safe to their homes.*

The car permits appear to be a better solution in this town centre location.'

Representations:

- 13.No third party representations have been received in response to the re-consultation on the proposed amendments.

Officer Comment:

- 14.The principle and detail of the proposal have been considered and approved by committee in November 2019. The s106 has now been agreed. Since then, amendments have been proposed to relocate the cycle storage from the arc underground car park into the building. This is an improvement to the original proposal as it will be more easily accessible to future occupants and will therefore more likely be used.
- 15.The changes to the roof plant, to omit the basement and render to rear elevation (east and south) are proposed. These will not significantly affect the appearance of the development.
- 16.Minor design changes to the north elevation have been proposed to meet building regulations (changes to fenestration) and some detailing has been removed or changed due to cost implications. However, only the middle section of the Market Thoroughfare elevation has been simplified. The first bays from Cornhill and also St Andrews Street South continue to have the stone banding and stone detailing as originally proposed. This detailing was continued so that the view from Cornhill and St Andrews Street South remain largely unchanged.
- 17.The Conservation Officer has raised no objections to the changes, as they will not affect prominent views in and out of the conservation area.
- 18.However, in response to the comments and objections from the BTC, BTT and BS the following details have been re-introduced to the middle section of Market Thoroughfare to address their concerns:
- Brickwork detail added to window heads on the North Elevation (as per original scheme)
 - Traditional cill detail added to windows on the North Elevation (as per original scheme)
 - Detail added to residential entrance on North Elevation
- 19.On the basis of the above, the proposal is considered to comply with policies DM2 and DM17.
- 20.The proposal as a whole will, as set out in the working paper at para 104 onwards, deliver on several of the key aspirations of the current Bury St. Edmunds Town Centre Masterplan; to improve the public realm and to facilitate the connection between market square and the arc development.
- 21.The scheme will retain, repair and improve the Victorian façade of the building, improve the link between the historic town and the arc shopping centre by providing an active shop frontage and a wider walkway. The amended simplified middle section of Market Thoroughfare is not considered to be harmful to the character and appearance of the Conservation Area and the proposed scheme as a whole will continue to enhance the overall environment of Market Thoroughfare by addressing surfaces, lighting,

signage and pedestrian flow. These are all public benefits which continue to weigh in favour of the development.

22. The site is in a highly sustainable location, which will reduce reliance on the car. Cycle storage (two per unit) will now be within the building and car parking permits on a one per unit basis will be provided, which will be valid in any West Suffolk run car park in Bury St Edmunds.

Conclusion:

23. In conclusion, subject to the use of conditions and S106 agreement, the principle and detail of the development, including the minor material amendments, are considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

24. A S106 legal agreement has been completed to secure financial contributions towards enhanced education and library provision and the provision of a commuted sum for 30% affordable housing.

25. S106 Heads of terms:

- Primary school contribution **£33,192**
- Pre-School Provision **£16,596**
- Libraries **£192**
- Affordable Housing **£454,000**

Recommendation:

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

- 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
4000	Location & Block Plan	08.08.2019
5000	Demolition plan	08.08.2019
22787UG-01	Utilities Assessment	08.08.2019
5201	Demolition Elevations	08.08.2019
5200	Existing Elevations	08.08.2019
5101	Sections	08.08.2019
5100	Sections	08.08.2019
5004	Demolition plan	08.08.2019
5003	Demolition plan	08.08.2019
5002	Demolition plan	08.08.2019
5001	Demolition plan	08.08.2019
2012-P1	Proposed First Floor Plan	15.06.2020

2013-P1	Proposed Second Floor Plan	15.06.2020
2014-P1	Proposed Third Floor Plan	15.06.2020
2015-P1	Proposed Roof Plan	15.06.2020
2030-P1	Section A-A	15.06.2020
2031-P1	Section B-B	15.06.2020
2032-P1	Section C-C D-D E-E	15.06.2020
2010-P2	Proposed Site Plan	25.06.2020
2021-P2	South and West Elevations	08.06.2020
2011-P3	Proposed Ground Floor Plan	08.06.2020
2020-P2	Proposed North & East Elevations	08.06.2020

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

- 3 No development shall take place on 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:
- The programme and methodology of site investigation and recording.
 - The programme for post investigation assessment.
 - Provision to be made for analysis of the site investigation and recording.
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - Provision to be made for archive deposition of the analysis and records of the site investigation.
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

- 4 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and

timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

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

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

- 6 Notwithstanding the submitted details of the existing loading bay adjacent to the development on St Andrews Street South details of the bay shall be submitted to and approved in writing by the Local Planning Authority before first occupation. The approved loading bay shall be laid out and constructed in its entirety prior to first occupation. Thereafter the bay shall be retained in its approved form.

Reason: To ensure that adequate provision for loading by commercial units is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 Notwithstanding the submitted details of drainage and surface materials on adopted highway, no development above ground excluding demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means of surface water and surface treatment provision. The approved scheme shall be carried out in its entirety prior to first occupation and shall be retained thereafter in its approved form.

Reason: To ensure that suitable surface water and surface treatment provision is delivered to prevent slips and trips on the public highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 No above ground development excluding demolition shall take place until details of the provision to be made for parking for cycles to meet the current Suffolk Parking Guidance have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out

in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the storage of bikes is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 One car parking permit per dwelling hereby approved shall be made available from first occupation in West Suffolk Council owned/run car parks within Bury St Edmunds and shall be provided thereafter unless agreed otherwise.

Reason: In the interests of highway safety to prevent car parking illegally in the vicinity of the development that would be detrimental to all road user safety, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 No development above ground level excluding demolition shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- i) Samples of external materials and finishes
- ii) details of the connection between the new building and the historic section of the adjoining building (W H Smith)

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

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

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

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

- 12 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy by Pick Everard ref.

Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

- 13 Prior to any below ground construction (excluding any works necessary to support existing structures including the basement, neighbouring properties and the retained façade), an investigation in to the presence of any underground features associated with potential mining in the area shall be submitted to, and approved in writing by, the Local Planning Authority. Any land instability encountered by the investigation shall be mitigated for within the design of the structure.

Reason: To ensure that the site is suitable for its intend use and is not adversely impacted by land instability, in line with paragraph 178 of the NPPF.

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

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

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.

- 15 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays unless otherwise previously agreed in writing with 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 Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 The development shall be implemented in accordance with the recommendations of the Acoustic Design Report by aja Adrian james acoustics limited ref. 11899 Report 2 (dated November 2018) to achieve the following Internal noise levels to the residential units:
- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
 - iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
 - iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise from plant and services including ventilation systems must not exceed the above criteria.

Reason: To protect the amenities of occupiers of properties in the locality, 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.

- 17 Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

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

- 18 All ecological measures and/or works shall be carried out in accordance with the details contained in ECOLOGICAL IMPACT ASSESSMENT (June 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

- 19 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.

Documents:

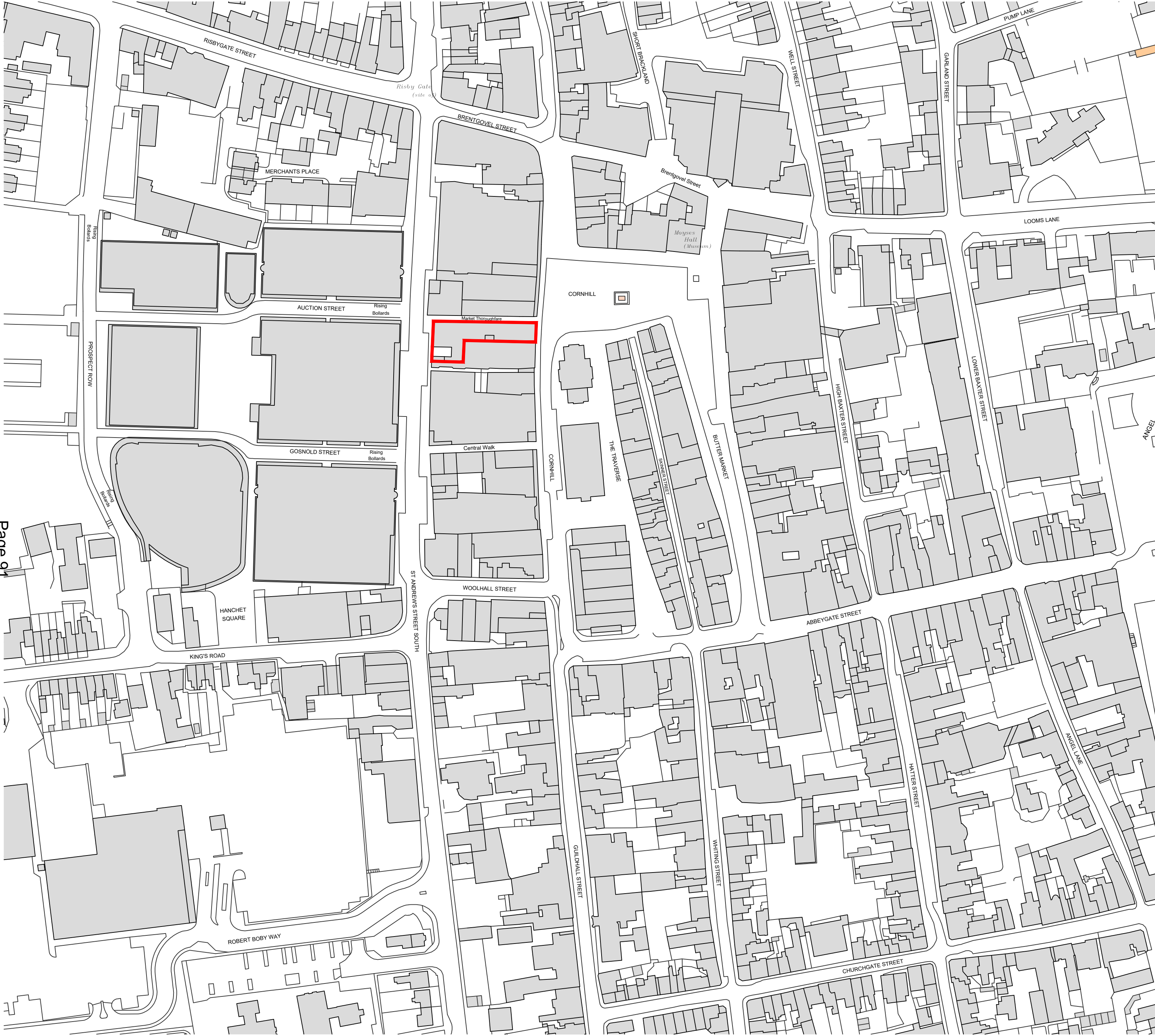
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1623/FUL](#)

Working paper 1 – Committee report 8.11.2019

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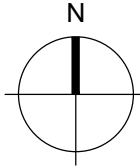


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01 Site Location Plan
4000 1:1250 @ A1



02 Site Location Plan
4000 1:500 @ A1



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T	Tender			
C	Construction			
R	Record			
Rev	Date	Dwn	Auth	Revision
0	26-07-19	MXV	TZH	Issued for planning
Rev	Date	Dwn	Auth	Revision

Donald Insall Associates Chartered Architects and Historic Building Consultants			
12 Devonshire Street London W1G 7AB (+44) 020 7245 9888 london@insall-architects.co.uk			
17-18 Cornhill, Bury St Edmunds			
Site Location Plan	Project	CBSE	
	No	4000	
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	3P	0	

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Development Control Committee
6 November 2019

WORKING PAPER 1

**Planning Application DC/19/1623/FUL –
17 - 18 Cornhill, Bury St Edmunds**

**Date
Registered:** 08.08.2019

Expiry Date: 07.11.2019

**Case
Officer:** Britta Heidecke

Recommendation: Approve Application

Parish: Bury St Edmunds
Town Council

Ward: Abbeygate

Proposal: Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath

Site: 17 - 18 Cornhill, Bury St Edmunds, Suffolk

Applicant: 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:

Britta Heidecke

Email: britta.heidecke@westsuffolk.gov.uk

Telephone: 01638 719456

Background:

The application is referred to the Development Control Committee because West Suffolk Council is the applicant.

The former Post Office site is an important town centre site on a critical link between the old market square on Cornhill and the new development along St Andrews Street South. The site was purchased by West Suffolk Council to control the public realm along this critical link and to conserve the heritage of the Post Office.

The proposal was subject to a design competition, has been developed through a process of public and stakeholder consultation and was subject to a pre-application enquiry with planning officers.

The application is recommended for APPROVAL and supported by the Town Council.

Proposal:

1. The application is for the redevelopment of the former Post Office (A1) as a mixed use development. It involves almost the entire demolition of the existing buildings while still retaining the historic Victorian Post Office façade. Market Thoroughfare is to be widened by more than 50 percent from 2.4m wide to 3.8m which is to be achieved by setting the building back at ground floor level. The ground floor would be occupied by two commercial units (All Class A uses) each under 250sqm in floor area. The three floors above would be residential accommodation with an entrance on Market Thoroughfare. Overall, there would be 4 one-bed flats, 7 two-bed flats and one 3-bed flat. The two flats on the third floor would benefit from a roof terrace.

Application Supporting Material:

2.
 - Application Form
 - Existing plans
 - Demolition plans
 - Proposed plans
 - Acoustic Design Statement
 - Community Involvement Statement
 - Archaeology Statement
 - Ecological Impact Report - Bats
 - Travel Plan
 - Land Contamination Report (Phase 1 and 2)
 - Design and Access Statement
 - Daylight and Sunlight Study
 - Drainage Strategy

Site Details:

3. The former Post Office is distinctive and well-known, being located within the Town Centre Conservation Area. The Victorian front elevation on the east of the building and fronting Cornhill is the most important part of the property. The rear of the property backs onto St Andrews Street South and is a mixture of Victorian and 1950's structures. Cornhill and St Andrews Street South are

linked by the narrow passageway 'Market Thoroughfare' which runs east/west, immediately north of the application site.

4. Directly west of the application site is the new Arc shopping centre with flats above and to the east is the historic town centre. Market Thoroughfare, one of the connecting passageways, is narrow and uninviting due to high featureless walls on both sides. There is some fenestration existing on the elevation to St Andrews Street but it does not benefit from shop frontages. Together this currently creates a discouraging transitional area through the centre of the town.
5. The properties either side on Cornhill are in mixed use with shopping units at ground floor. On the opposite corner on St Andrew Street South are No.1a / Lawson House, a part 2 / part 3 storey building which has a betting shop at ground floor with flats above. South of the application site on St Andrew Street South is the rear service entrance of a WHSmith.

Planning History:

6.

Reference	Proposal	Status	Decision Date
DC/13/0860/ADV	Advertisement application - Provision of (i) 1 no. projection non-illuminated sign and (ii) 3 no. non illuminated signs (as amended on 26th February 2014)	Application Granted	04.03.2014
DC/15/0478/ADV	Application for Advertisement Consent - Provision of 2no. internally illuminated arch signs across each end of Market Thoroughfare	Application Granted	12.05.2015
SE/05/01852	Planning Application - Installation of external condenser to wall on ground floor and to flat roof on first floor	Application Granted	29.07.2005
SE/04/2199/LB	Conservation Area Application -Demolition of rear part of 17-18 Cornhill and 1A St Andrews Street South to facilitate redevelopment of site which includes retention of existing post office facade to Cornhill	Application Withdrawn	01.09.2005
SE/04/2198/P	Planning Application - Redevelopment in part, to provide floorspace for retail (Class A1), financial and professional services	Application Withdrawn	01.09.2005

	(Class A2) and food and drink (Class A3) uses together with the erection of an overhead canopy, alterations to eastern entrance to passageway and its facade, and landscaping		
SE/02/1324/P	Planning Application - Installation of automated teller machine following removal of window	Application Granted	04.04.2002
E/95/2427/A	Advertisement Application - Provision of non-illuminated fascia sign and externally illuminated projecting sign on rear elevation as amended by letter received 18.10.95 deleting illumination to fascia sign.	Application Granted	07.11.1995
E/95/2426/P	Planning Application - Alterations to rear elevation associated with provision of disabled access and entrance to post office	Application Granted	08.11.1995
E/88/1493/A	Provision of non-illuminated sign advertising services available within Post Office	Application Granted	05.04.1988

Consultations:

7. Anglian Water Services Limited: No objection. They note that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. The foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. It is noted that the site falls within a Source Protection Zone, but concluded that there is no risk to their potable water source. The sewerage system at present has available capacity for these flows of used water. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. Anglian Water requests that the agreed strategy is reflected in the planning approval.
8. Police Architectural Liaison Officer: No comments received.
9. Norfolk And Suffolk Constabularies: No comments received.
10. Ramblers Association: No comments received.
11. Rights Of Way Support Officer SCC: 'There are no public rights of way in the vicinity of the development, and we have no comments to make about it. I

can see from looking at our mapping, that there is a cut through adjacent to the property, however it is regular highway and not a PROW.'

12. SCC Flood And Water Team:

As the footprint of the proposed built environment (dwellings and other hardstanding) is less than 1000m² they have no formal comments to make and direct to standing advice.

13. Mr Neil McManus Development Contributions Manager - The following planning obligations are requested:

Education

SCC would anticipate the following minimum pupil yields from a development of 12 dwellings, namely;

- a) Primary school age range, 5-11: 2 pupils. Cost per place is £16,596 (2019/20 costs).
- b) Secondary school age range, 11-16: 0 pupils. Cost per place is £22,378 (2019/20 costs).
- c) Secondary school age range, 16+: 0 pupils. Costs per place is £22,738 (2019/20 costs).

The local catchment schools are Guildhall Feoffment County Primary School (catchment school and 2nd nearest to the proposed development, but within safe walking distance), St Edmunds Catholic Primary School (nearest school), and King Edward VI CEVC Upper School. The primary school is forecast to have no surplus places available to accommodate any of the pupils arising from the proposed development. On this basis, SCC requests **£33,192** (2019/20 costs) for primary school purposes to enhance & improve local provision.

Pre-School Provision

From these development proposals SCC would anticipate up to 1 pre-school child arising, at a cost of £16,596 per place.

This proposed development falls within the ward of Abbeygate where there is currently a predicted deficit of places. On this basis, SCC requests **£16,596** (2019/20 costs) for early years purposes to enhance & improve local provision.

Libraries

Each house is expected to generate the need for 2.8 library items per annum (Suffolk standard level of stock per 1000 population is 1,174, CIPFA Library Survey 2015). The average cost of library stock in Suffolk is £5.66 per item. This includes books and physical non-book items, like spoken word and music CDs, and DVDs, as well as daily newspapers and periodicals. This gives a cost per dwelling of 2.8 items x £5.66 = £16 per dwelling. This scheme would therefore support a contribution of 12 dwellings x £16 per dwelling = **£192**.

14. Strategy And Enabling Officer, Housing: The Strategic Housing Team supports the above development and that a commuted sum of £454,000 will be secured to provide affordable housing elsewhere within Bury St Edmunds.

15. Conservation Officer:

'The front elevation of the building, facing Cornhill, is of a distinctive design which makes a positive contribution to the character and appearance of the

conservation area and this element of the building is to be retained. The return side elevation would be enhanced with contrasting brickwork and fenestration to match the design of the frontage. The rest of the building comprises modern additions of no architectural or historic interest. The replacement of this is to be welcomed and the opportunity taken to enhance the conservation area along Market Thoroughfare and St Andrew's Street South with the new building. The design of the new building would further enhance the link between the arc and the historic town centre with a wider walkway and an attractive colonnade with recessed shopfronts.

The proposed scheme would enhance the character and appearance of the conservation area. I therefore have no objection to this application subject to the following conditions'

16. Public Health and Housing:

Public Health and Housing do not object to the application, however it is recommended that the report Ref: 11899/1 is adhered to, to achieve the following Internal noise levels to the residential units:-

- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
- iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
- iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise from plant and services including ventilation systems must not exceed the above criteria.

17. Waste Management Operations Manager: No comments received.

18. Environment Team:

The application is supported by a Phase I & II Geo-Environmental Assessment undertaken by EPS Ltd, reference UK18.4270 dated 13th February 2019. The report concludes that there are no unacceptable risks relating to land contamination posed by the redevelopment of the site. We are in agreement with the conclusions of the report and do not require any further information in relation to land contamination.

19. Town Council:

'Welcomes the application and supports the proposal N.B. There is a strong preference for Social Housing in the Town Centre.'

20. Ward Councillor: no comments received.

21. Leisure & Cultural Operational Manager:

'As the manager responsible for the Council owned Leisure & Cultural facilities in the area (including the Apex, which neighbours the proposed development) I confirm that I am very supportive of this initiative. From the operational management of the Apex point of view the merits of the scheme include:

- An improved physical route for pedestrians (including our customers) between the Cornhill and Arc area.
- An improvement in the aesthetics of the street scene in St Andrews Street South. This development will hopefully act as a catalyst for other property owners to improve their frontages which face onto this road.

The Leisure & Cultural Services team, at West Suffolk, also includes the management of Moyse's Hall museum and I am also pleased to see that the proposal will retain and enhance the significant features of the former post office building frontage, which is important from a heritage conservation

perspective. From the public open space contribution point of view this development will be surrendering some significant space into the public realm so I would not be expecting a further financial contribution from this development.'

22. Bury St Edmunds Society:

The Bury Society warmly welcomes this application and hopes that it will lead to a more general improvement of the east side of St Andrews Street. The Society also supports the introduction of a 'focus' building into the street scene, interpreted in a contemporary manner.

23. Archaeology:

No objection, subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

24. Environment & Transport – Highways: No objection subject to condition

Representations:

25. Three neighbours or third party comments have been received, which can be read in full as part of the online file. One in support, noting the improved streetscape and welcoming additional accommodation but suggest more near town centre parking; one objection for financial reasons and one representation with comments on behalf of the adjacent WHSmith store, raising the following summarised points:

- consideration should be given to the use of the ground floor units for other uses than retail in the current economic climate
- further details for parking should be available and there does not seem to be a cycle rack on the submitted drawings
- need for secure deliveries / collections throughout the day for both retailers, WHSmith and Boots
- control measures may be required to ensure that public safety and unfettered access for deliveries are maintained together
- improving footfall between Arc and Market Square will be at the detriment of those existing businesses to the south of Market Thoroughfare
- there should be sufficient sound insulation to prevent complaints from new residents
- Archaeological impacts
- bin stores are very remote from the flats
- WHSmith should be consulted during the demolition and construction phases of the development to ensure that their fire escape route is not compromised during the development.
- Noisy works should be scheduled to cause the least convenience to the businesses operating in the immediate area.
- Dust and noise

Policy:

26. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint

Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

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

28. Bury Vision 2031:

- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds
- Vision Policy BV25 - Conserving the Setting and Views from the Historic Core

29. St Edmundsbury Core Strategy December 2010:

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

30. Joint Development Management Policies Document 2015:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction
- Policy DM17 Conservation Areas
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM37 Public Realm Improvements
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

Other Planning Policy:

31. National Planning Policy Framework (NPPF) (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:

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

- Principle of Development
- Layout and Design
- Heritage Impacts
- Impact on Residential Amenity
- Highway Matters
- Ecology
- Flooding and Drainage
- Section 106 Contributions and Affordable Housing

Principle of Development

33.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 St Edmundsbury Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the three Vision 2031 Area Action Plans. National planning policies set out in the National Planning Policy Framework (NPPF) (2019) and the presumption in favour of sustainable development contained at its heart are also a key material consideration.

34.The application site is located within the housing settlement boundary of Bury St. Edmunds, the largest town within the former St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Furthermore, Policy BV2 of the Bury Vision 2031 (2014) allows for new residential development within the settlement boundary. The last use of the site was as a post office which is an A1 use. However, the site is not allocated for any specific land use and the principle of the redevelopment of the site for a mixed commercial and residential use is considered to be in accordance with these policies.

35.The site also lies within the Town Centre and Primary Shopping Area of Bury St Edmunds, where policy DM35 of the Joint Development Management Policies Document applies. The supporting text of BV17 makes clear that shopping provision will be focused on the town centre with local provision within neighbourhood centres. These policies seek to maintain certain uses and safeguard the area from other types of development.

36. Policy DM35 states that within the town centres support will be given to, subject to compliance with other policies, proposals for main town centre uses such as:

- i. shopping (Use Class A1);
- ii. financial and professional services (A2);
- iii. food and drink (A3, A4, A5);
- iv. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses;
- v. business (B1) offices;
- vi. visitor accommodation; and

in addition to the main town centre uses above:

- vii. health facilities and other community uses;
- viii. residential, A2 or B1 uses on upper floors.

37. The proposed development seeks to create 12 residential flats at first, second and third floor, with two commercial units within the A class uses at the ground floor. The proposal is therefore policy compliant in this respect and as such the principle is acceptable, subject to the details assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

38. Consideration has also been given to the Bury St Edmunds Town Centre Masterplan which was adopted in December 2017, which seeks to improve the public realm and to facilitate the connection between market square and the arc development. The proposed scheme responds to the brief with a proposal to widen Market Thoroughfare while still retaining the Victorian Post office façade with new openings. This will create an enlarged pedestrian arcade along Cornhill with the retail units extending along Market Thoroughfare.

39. A Statement of Community involvement has been submitted which sets out that some 8000 comments the Council received while developing the Bury St Edmunds Town Centre Masterplan informed the early designs. The inclusion of the delivery area of a neighbouring business into the designs to maximise improvements to the appearance of the St Andrews Street South street scene were unfortunately not achievable, due to difficulties in negotiating Third Party leases.

40. A pre-application enquiry was submitted and a meeting held with Officers in May 2018 and all day public exhibition events of early designs were held in June and July 2018. The comments made were unanimously positive with regards to the design proposals.

41. An advisory group made up of a large number of stakeholders and specialist groups was set up, the Bury St Edmunds Town Centre Masterplan Advisory Group, to provide local knowledge and guidance on the delivery of masterplan projects.

42. A number of consultees have also been engaged prior to the submission of the application, who provided advice and guidance throughout the project.

Layout and Design

43. Core Strategy Policy CS3 and Joint Development management policies DM2 and DM22 requires all development to fully consider the context in which it sits, to maintain or create a sense of place and character, as well as to optimise local amenity and be of a high architectural merit. Chapter 12 (Achieving well-designed places) of the NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). Paragraph 127 of the NPPF stresses the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place.
44. The area surrounding the site comprises of two distinct parts, the contemporary, larger scale and denser Arc development to the west and the historic town centre to the east of the application site. There is a large number of Listed Buildings in the historic core which date from the late 12th to early 19th century. The townscape is largely characterised by continuous building frontages, built up to the pavement edge. The scale, design and plot sizes within the town centre vary depending on age, with building heights varying between two and four storeys.
45. The Victorian façade of the former post office contributes positively in to the character and appearance of the area. The later extensions at the rear are of no particular architectural merit. The proposed scheme would retain the Victorian façade but redesign the rear extension in a contemporary style.
46. The design and access statement (D&A) explains how the design was informed by design details found in the historic part of town. A new arch would be incorporated into the existing Cornhill façade to form an entrance to the wider Market Thoroughfare. The walkway would be widened by more than 50 percent taking it from 2.4m wide to 3.8m. The recess with large glazed shopfronts at ground floor references the historic urban scape of shopping streets of historic Bury St. Edmunds.
47. The rise in scale along St Andrews Street South is accentuated by a perforated curved corner, which the Design and Access statement explains are based on traditional recessed curved corners typical of Bury St Edmunds' townscape.'
48. The materials chosen are considered to be sympathetic to the site's surroundings. The scheme would utilise local red bricks and stone to match the existing Victorian facade for the Cornhill return elevation, as well as more contemporary buff brick, similar, or to match in colour and texture bricks used in the locality for the transition between the traditional and contemporary design. The feature curved corner on St Andrews Street South would be of matching weaving horizontal and vertical fascia stone details to gives importance to this crucial aspect of the development.
49. The proposal would create an arcade along Market Thoroughfare which would improve the busy link between the historic town and the arc. The scheme would maintain the roof levels along Cornhill and rise to a higher unit towards St Andrews Streets South. The frontage along St. Andrews Street South would match the proportions of the arc development opposite.
50. High quality and consistent paving and lighting is proposed along Market Thoroughfare, designed to ensure a gentle and accessible change in levels between Cornhill and St Andrews Street South, making it accessible to all. The

proposal thereby would improve the public realm and accessibility along the passageway and between the two parts of the town centre.

51. Bin storage for both commercial and residential use will be off St Andrews Street South, with the residential part being privately accessible. It is acknowledged that this is not the most convenient location for domestic bins, being located 25m from the residential access. However, given the constrained nature of the site and the need for accessibility for bin collection the area proposed for bin storage appears to be an acceptable compromise.
52. In summary, the scale and design responds well to the sites surroundings. The historic Cornhill façade will be retained and only slightly altered to improve the accessibility of the narrow Market Thoroughfare. The passageway itself will be widened, with the introduction of active shopfronts and consistent paving. Whilst the proposal at the rear is larger than that of the current building, this will help to create a focal point and is considered to appropriately address the scale and appearance of the newer arc development, thereby creating a better transition to the historic town centre.

Heritage Impacts

53. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
54. The NPPF seeks to conserve heritage assets in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.
55. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.
56. While the Post Office building is not listed, it sits within the Bury St. Edmunds Town Centre Conservation Area, and lies in the vicinity of several listed buildings such as the Grade II listed Jacobethan style Boots building (15 Cornhill). A heritage statement has been appended to the Design and Access Statement which provides an assessment of the site and its significance. Consequently, the development has been designed in response to this information, retaining the only relevant and valuable item, the Victorian façade. The modern extensions at the rear of it have no historical value and, in their current state, do not preserve or enhance the character and appearance of the Conservation Area.
57. The proposal including the widening and paving of the important walkway, using quality materials and introducing recessed shopfronts is considered to enhance this part of the conservation area. The Councils Conservation Officer

welcomes the proposal and recommends standard conditions to ensure the details will be acceptable.

Impact on Residential Amenity

58. Both policies DM2 and DM22 seek to safeguard residential amenity from potentially adverse effects of new development and ensure that new developments provide sufficient levels of amenity for future users. Residential amenity is also a key aspect of good design, endorsed within the NPPF with planning policies and decisions promoting health, well-being and a high standard of amenity for existing and future users.
59. The pre-application advice identified potential adverse impacts from overshadowing and overlooking of existing dwellings on the north side of Market Thoroughfare. The application has subsequently been submitted with an extensive Sunlight Assessment to assess the impact of the proposed development on the neighbouring buildings. This demonstrates that the proposed development will have a relatively low impact on the light received by its residential neighbouring properties. The proposals are considered acceptable in this respect.
60. To prevent overlooking of the residential units of Market Thoroughfare the design includes a combination of projecting blank walls with side windows with a view along Market Thoroughfare, louvres and obscure glazing. These details also maintain a suitable level of ventilation and natural light in the proposed development. At the same time they help break up the massing and add visual interest to the upper floors of this elevation.
61. Consideration must also be given to the amenity effects associated with the proposed commercial units. The application documents state that these would be used for any A Class use. The application was submitted with an acoustic design statement, which makes recommendations and sets out mitigation measures to achieve a good standard of amenity within the flats. Public Health and Housing has no objection to the application, provided the recommendations of the report are adhered to, to achieve acceptable internal noise levels for the residents.
62. For the reasons outlined above and subject to adherence to the recommendations in the acoustic design report, the proposed development is considered to have acceptable impacts on the amenity of neighbouring occupiers and future occupants in accordance with policies DM2 and DM22.

Highway Matters

63. In accordance with policy DM2, new developments should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM46 promotes more sustainable forms of transport whilst requiring appropriately designed and sited car and cycle parking, and to make provision for emergency, delivery and service vehicles, in accordance with the adopted standards. Particularly in town centres and other locations with good accessibility to facilities and services, policy DM46 suggests that reduced levels of car parking may be sought in all new development proposals. Proposals for new mixed use sites will be expected to minimise the provision of car parking where achievable, for example by providing shared use parking.

64. The application has been submitted with a travel plan which demonstrates that the site is in a highly sustainable location and the scale of the site will not require any additional infrastructure.
65. The proposed mixed use redevelopment of the site aims to enhance the thoroughfare between the arc Shopping Centre and the historic market town. Vehicular access to the site will be off St Andrews Street South for deliveries, refuse collection and emergency vehicles for the commercial and residential units.
66. Attention has been given to the design of the overhang along the façade onto St Andrews Street South so as not to encroach onto the existing delivery bay in front of the site.
67. St. Andrews Street South is a pedestrian zone between Risbygate Street and Kings Road along the West side of the site. There is access for local taxis, buses and for deliveries to the back of the retail units.
68. Cornhill runs to the East and is a one way street around the market square predominantly only used for the market square car park access and retail deliveries. It is subject to road closures on market days – Wednesdays and Saturdays, with additional closures for specific events also possible.
69. The proposal is modest in scale and when compared to the last use of the site and is not likely to result in a significant increase in traffic movements resulting in unacceptable impacts on the local highway network. The Highway Authority is satisfied that the surrounding streets are able to accommodate this growth safely.
70. Future residents will have a choice of sustainable transport modes easily accessible from the site, including walking, cycling, bus and train. Due to the town centre location, all routes are well lit and suitable for pedestrians, ensuring safe and continuous connectivity. Although cycle lanes in Bury St. Edmunds are limited, the 20-30mph speed limits helps improve safety within the immediate vicinity of the premises. A large number of free cycle parking area are provided throughout town. The town also provides a growing number of electric car charging points around the town.
71. The Arc Shopping Centre bus stops are directly opposite the site with regular buses for all local town routes. These bus links also establish connections to a variety of other locations including Cambridge, Thetford and Colchester. The train station with regular connections to Cambridge, Ipswich and Peterborough is located a 10 minute walk from the site with opportunities of alternative methods of transport to the station such as buses and cycling.
72. There are good highway links with the surrounding rural area such as the A14 and A134 and a wide choice of long and short stay car parks within a 5 minute walk of the site.
73. The travel plan demonstrates that the site is in a highly sustainable location with a real choice of sustainable modes of transport and most services and facilities in walking distance. Taking this into account, the application proposes to provide each residential unit with one parking permit for the arc underground car park. Whilst the parking will not be allocated, the underground carpark is not accessible to the public at night and has capacity for additional residential

parking. Two covered and secure cycle spaces per unit would also be provided within the Council owned arc car park for the use of the residential units, details of which have not been finalised but can be secured by condition.

74. The proposed provision is generally considered acceptable in locations within the town centre where it must be assumed that some trips will be undertaken on foot, by bicycle or through the use of public transport. That is not to say that private car journeys will not take place but that households will be aware of the parking situation prior to purchase and determine accordingly if this provision is achievable for them.

75. SCC Highways have been provided with evidence to demonstrate that there is adequate capacity in the Arc underground car park for the proposed 12 units. SCC Highways have accepted the statement and evidence and raised no objection subject to conditions.

Ecology

76. Given the application site has been vacant for some time and the proposed demolition of large parts of the building, an ecology survey has been submitted which confirms that the site is of low ecological potential with no signs of bats or other wildlife. The survey also provides recommendations for biodiversity enhancements to include the roof top gardens and swift boxes which can be secured by condition. As such the proposal would comply with policy DM11 and DM12 of the JDMPD.

Flooding and Drainage

77. Anglian Water have confirmed that the foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. Additionally, the sewerage system at present has available capacity for these flows.

78. Anglian Water have reviewed the drainage strategy and consider the surface water strategy/ flood risk assessment submitted with the planning application, relevant to Anglian Water and are acceptable.

Archaeology

79. This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site spans a historic block of properties within the early layout of the town. On the eastern side, it fronts the medieval market place and the western part of the plot covers the rear of medieval tenements, and also spans over the site of the town wall/bank and the edge of the medieval town ditch. An Archaeological Statement was submitted with the application.

80. The town defences were created in the early-mid 11th century, and the ground investigation undertaken to inform the application confirms the presence of deep deposits under the western side of the site which line up with those recorded from the town ditch elsewhere along Guildhall Street and St Andrews Street. The ditch was wide and what is now St Andrews Street runs along and over it. There is potential for archaeological information relating to the form of the defences, as well as information about life in the town retrievable from rubbish in the ditch fills. There is also potential for traces of the town bank to

survive, along with any earlier remains that may have been preserved beneath it.

81. Facing the market place, there are likely to have been historic sequences of buildings on the site since the medieval period, as can be inferred from documents such as early town rentals, and there is potential for archaeological remains relating to, for example, houses, halls and shops, and, in the backyard area, industrial and commercial activity.
82. Whilst it is likely that the building on site, which has a basement, has already damaged archaeological remains to some extent, archaeological evaluation is required to characterise the deposits which underlie the current building.
83. Given the more recent building history of the site, and in this case the severe logistical constraints on any further upfront work, SCC Archaeology considers that there would be no grounds to consider refusal of permission to achieve preservation in situ of any important below-ground archaeological heritage assets.
84. In accordance with the National Planning Policy Framework (Paragraph 199) and policy DM20 of the JDMPD a condition is therefore recommended to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Other matters:

Contamination

85. The application was submitted in support of a Phase 1 and Phase 2 Geo-Environmental Assessment. The report concludes that there are no unacceptable risks relating to land contamination posed by the redevelopment of the site. The Council Environment Team are in agreement with the conclusions of the report and do not require any further information in relation to land contamination. The application therefore complies with policy DM14 in this respect.

Land Instability

86. Paragraph 178 of the NPPF states that "Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining."*

The Geo-Environmental Assessment report identifies a chalk mining feature within 14m of the site, consisting of a single shaft with three tunnels. The report recommends that further investigation is undertaken to investigate the presence of this feature. The Environment team agree that to confirm that the site is suitable for its proposed use taking into account risks arising from land instability further investigation is required, to be secured by condition.

Air Quality

87. The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there are very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
88. The NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission Vehicles'.
89. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.
90. Section 3.4.2 of the Suffolk Parking Standards states that "Access to charging points should be made available in every residential dwelling" and that "The developer shall provide and maintain an electricity supply for charging points. A minimum of 1 space per every 20 non-residential spaces should have charging points installed for electric vehicles."
91. On this basis the Environment team suggests a condition to secure a scheme that demonstrates the delivery of charging infrastructure in safe, accessible and convenient locations. However, The NPPF sets out in paragraphs 54-57 how conditions and planning obligations can be secured for a development to make an unacceptable impact to one which is acceptable. 'Planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.'
92. In this case the development will not have private allocated parking, consequently any electric vehicle charge point provided through this development would not be '*directly* related to the development'. It would benefit the public as well, so it would not meet the NPPF test for conditions.
93. As such, whilst the increasing need for electric charge points within the town is noted and further public electric vehicle charging points are currently being explored by the Council separately, it is not considered reasonable in this case to secure a publicly available charge point through this development. However, residents will have access to the electric vehicle charging in School Yard and the provision of further public EV charging points is currently being explored by the Council separately.
94. Moreover, whilst it generally is reasonable to expect new development with off-street parking to provide electric vehicle charge points to serve the new development in order to positively contribute to air quality, in this case the development will already contribute to air quality improvements by enhancing the public realm and improving the link between the old and new town centre, thereby encouraging walking and cycling.

Sustainability

95. Policy DM7 states (*inter alia*) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.
96. It is therefore considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development by way of condition.

Fire Safety

97. SCC Fire and Rescue originally recommended that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, SCC Fire And Rescue confirmed that additional fire hydrants would only be necessary if the build was over 18m high, as it would then require a dry rise, which in turn will require a dedicated fire hydrant. However, the building will be just under 16m at the highest point. As such it is not considered necessary to provide additional hydrants in this case. Moreover, a sprinkler system will be installed throughout the building.

Section 106 Contributions and Affordable Housing

98. As set out above, planning obligations must only be sought where they meet all of the tests set out in paragraph 55 of the NPPF.
99. Suffolk County Council as the education authority has identified a shortfall in the number of available pre-school and primary school places and requests a financial contribution of £33,192 and £16,596 for the additional places generated by this development. A contribution of £192 towards library provision within the area is also requested giving a total of £49,980.
100. In line with the economic and social dimensions of sustainable development, which (*inter alia*) seek to provide a supply of housing to meet the needs of the present and future generations, Policy CS5 of the St Edmundsbury Core Strategy requires developments of the scale proposed to contribute towards the provision of affordable housing. In this case the requirement is 30% which would equate to 3.6 units.
101. Forest Heath District Council & St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (published Oct 2013) provides supplementary guidance to support the affordable housing policies in the adopted Development Plan. Although the preferred option is for affordable housing to be provided on-site the SPD does allow for off-site provision and payments in lieu of on-site affordable housing in exceptional circumstances, where it can be robustly justified.
102. The Design and access statement informs that the provision of three flats within the development and the payment of a commuted sum for the 0.6 of a unit have been discussed with registered providers who would need to take on the management of any affordable housing delivered within 17-18 Cornhill but, unfortunately, it has been established that it is not feasible for registered providers to manage these properties within the development. The application therefore proposes to offer the entire affordable housing provision in form of a

commuted sum secured by S106 to provide affordable housing elsewhere within Bury St Edmunds. The strategic housing team have confirmed that the sum would be **£454,000**. The applicant has decided not to take up the optional requirement for vacant building credit to be applied in this case.

Conclusion and planning balance:

103. 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.
104. The proposed mixed use development is policy compliant and acceptable in principle. The proposal seeks to deliver on several of the key aspirations of the current Bury St. Edmunds Town Centre Masterplan; to improve the public realm and to facilitate the connection between market square and the arc development.
105. The proposal will retain, repair and improve the Victorian façade of the building, improve the link between the historic town and the arc shopping centre by providing an active shop frontage and a wider walkway, enhance the overall environment of Market Thoroughfare by addressing surfaces, lighting, signage and pedestrian flow. These are all public benefits which weigh in favour of the development.
106. Furthermore, the delivery of high quality commercial units and housing, including affordable housing that would be facilitated by this application, should lend significant weight in support of the development.
107. The site is in a highly sustainable location, which will reduce reliance on the car. Cycle storage (two per unit) and car parking permits on a one per unit basis will be provided in the arc underground car park, where there is capacity.
108. Vehicle charge points would not be provided by the development as requested by the Environment Team, given parking will not be allocated and any vehicle charge points would be largely for public use rather than directly related to the development. This requirement would in the view of Officers fail the NPPF test for conditions. However, the proposal will have significant public benefits as set out above and as such is considered to already contribute to air quality by way of enhancing the walking and cycling experience between the old and new part of the town.
109. In conclusion, subject to the use of conditions and S106 agreement, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

110. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to secure financial contributions towards enhanced education and library provision and the provision of a commuted sum for 30% affordable housing.

S106 Heads of terms:

- Primary school contribution **£33,192**

- Pre-School Provision **£16,596**
- Libraries **£192**
- Affordable Housing **£454,000**

The following conditions would also apply:

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
4000	Location & Block Plan	08.08.2019
5000	Demolition plan	08.08.2019
2000	Proposed Basement floor plan	08.08.2019
22787UG-01	Utilities Assessment	08.08.2019
5201	Demolition Elevations	08.08.2019
5200	Existing Elevations	08.08.2019
5101	Sections	08.08.2019
5100	Sections	08.08.2019
5004	Demolition plan	08.08.2019
5003	Demolition plan	08.08.2019
5002	Demolition plan	08.08.2019
5001	Demolition plan	08.08.2019
2201	Proposed Elevations	08.08.2019
2200	Proposed Elevations	08.08.2019
2103	Sections	08.08.2019
2101	Sections	08.08.2019
2100	Sections	08.08.2019
2005	Proposed Roof Plan	08.08.2019
2004	Proposed third floor plan	08.08.2019
2003	Proposed Second Floor Plan	08.08.2019
2002	Proposed First Floor Plan	08.08.2019
2001	Proposed Ground Floor Plan	08.08.2019

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

3. No development shall take place on 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. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of loss and damage to archaeological and historic assets.

- 4. No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

6. Notwithstanding the submitted details of the existing loading bay adjacent to the development on St Andrews Street South details of the bay shall be submitted to and approved in writing by the Local Planning Authority before first occupation. The approved loading bay shall be laid out and constructed in its entirety prior to first occupation. Thereafter the bay shall be retained in its approved form.

Reason: To ensure that adequate provision for loading by commercial units is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

7. Notwithstanding the submitted details of drainage and surface materials on adopted highway, no development above ground excluding demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means of surface water and surface treatment provision. The approved scheme shall be carried out in its entirety prior to first occupation and shall be retained thereafter in its approved form.

Reason: To ensure that suitable surface water and surface treatment provision is delivered to prevent slips and trips on the public highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. No above ground development excluding demolition shall take place until details of the provision to be made for parking for cycles to meet the current Suffolk Parking Guidance have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the storage of bikes is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

9. One car parking permit per dwelling hereby approved shall be made available from first occupation in the arc underground car park owned/run by West Suffolk Council and shall be provided thereafter unless agreed otherwise.

Reason: In the interests of highway safety to prevent car parking illegally in the vicinity of the development that would be detrimental to all road user safety, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10.No development above ground level excluding demolition shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- i) Samples of external materials and finishes
- ii) details of the connection between the new building and the historic section of the adjoining building (W H Smith)

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

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

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

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

12.No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy by Pick Everard ref. MC/TJH/180128/17-2/R001 - Issue Number 02 (dated August 2019) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

13.Prior to any below ground construction (excluding any works necessary to support existing structures including the basement, neighbouring properties and the retained façade), an investigation in to the presence of any underground features associated with potential mining in the area shall be submitted to, and approved in writing by the Local Planning Authority. Any land instability encountered by the investigation shall be mitigated for within the design of the structure.

Reason: To ensure that the site is suitable for its intended use and is not adversely impacted by land instability, in line with paragraph 178 of the NPPF.

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

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.

15. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays unless otherwise previously agreed in writing with 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 Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

16. The development shall be implemented in accordance with the recommendations of the Acoustic Design Report by aja Adrian james acoustics limited ref. 11899 Report 2 (dated November 2018) to achieve the following Internal noise levels to the residential units:
- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
 - iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
 - iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise from plant and services including ventilation systems must not exceed the above criteria.

Reason: To protect the amenities of occupiers of properties in the locality, 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.

17. Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

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

18. All ecological measures and/or works shall be carried out in accordance with the details contained in ECOLOGICAL IMPACT ASSESSMENT (June 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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

19. 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.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/19/1623/FUL>

