

Development Control Committee

Title	Agenda		
Date	Wednesday 23 June 2021 **Please note the change in date for this meeting and that it will be held in person. The current coronavirus regulations and guidance for ensuring the health and safety is maintained for all persons present will apply**		
Time	10.00am		
Venue	**Please note the venue** Exhibition Hall 3 Floor 1 Rowley Mile Conference Centre Millennium Grandstand Newmarket Racecourse (Rowley Mile) Newmarket CB8 0TF		
Full Members	Chair Vice Chairs	To be appointed by the Development Control Committee on 23 June 2021	
	Conservative Group (10)	Carol Bull Mike Chester Terry Clements Andy Drummond Susan Glossop	Ian Houlder David Roach Andrew Smith Peter Stevens Jim Thorndyke
	The Independent Group (5)	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer
	Labour Group (1)	David Smith	
Substitutes	Conservative Group (5)	John Griffiths Brian Harvey James Lay	Sara Mildmay-White David Nettleton
	The Independent Group (2)	Trevor Beckwith	Andy Neal
	Labour Group (1)	Diane Hind	
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		

Quorum	One Quarter (Four Members)
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting	
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk

Venue	<p>Exhibition Hall 3 Floor 1 Rowley Mile Conference Centre Millennium Grandstand Newmarket Racecourse (Rowley Mile) Newmarket CB8 0TF</p>
Contact information	<p>Telephone: 01284 763233 Email: democratic.services@westsuffolk.gov.uk Website: www.westsuffolk.gov.uk</p>
Access to agenda and reports before the meeting	<p>The agenda and reports will be available to view at least five clear days before the meeting on our website.</p>
Attendance at meetings	<p>This meeting is being held in person in order to comply with the Local Government Act 1972. At the time of producing this agenda, measures need to be applied to ensure the health and safety for all persons present is maintained. Ordinarily, West Suffolk Council encourages members of the public to attend its meetings but on this occasion, to comply with guidance, the public should only attend if it is necessary for them to do so. We will also be required to restrict the number of members of the public able to attend in accordance with the room capacity. If you consider it is necessary for you to attend, please let Democratic Services know in advance of the meeting so they can endeavour to accommodate you and advise you of the necessary health and safety precautions.</p> <p>Directions to the venue, including a map and location plan of the conferencing facilities, are shown via the separate link on the agenda pages for this meeting.</p> <p>For further information about the venue, please visit Newmarket Racecourse Venue Hire, Suffolk Jockey Club Venues</p> <p>The Council will endeavour to livestream this meeting and where this is possible, will provide links to the livestream on its website.</p>
Public participation	<p>Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available at Agenda Item 7.</p>
Accessibility	<p>If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the contact details provided above in order that we may assist you.</p>

Recording of meetings	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>
Personal information	<p>Any personal information processed by West Suffolk Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.</p>

Development Control Committee Agenda notes

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

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

Material planning considerations

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

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply

to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

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

Documentation received after the distribution of committee papers

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

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

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

Public speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available at Agenda Item 7.

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 Director (Planning and Growth);

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

Notes

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

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

Agenda

Procedural matters

Part 1 – public

1. **Election of Chair 2021/2022**
2. **Election of Vice Chairs 2021/2022**
3. **Apologies for absence**
4. **Substitutes**

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

To confirm the minutes of the meeting held on 28 April 2021 (copy attached).
6. **Declarations of interest**

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
7. **Public Speaking Protocol** **13 - 16**

Members are requested to **APPROVE** the attached document "Guide to Having Your Say on Planning Applications" which has been created for use to reflect that the Development Control Committee meetings are no longer being held remotely.
8. **Planning Application DC/21/0367/FUL - Milton House, Thurlow Road, Withersfield** **17 - 44**

Report No: **DEV/WS/21/015**

Planning Application - five dwellings (following demolition of existing house)

Continued overleaf...

- | | | |
|------------|---|-----------------|
| 9. | Planning Application DC/20/2212/HH - Woodlands, The Pound, Hawstead
Report No: DEV/WS/21/016

Householder planning application - three bay cart lodge and machinery store with first floor guest accommodation above | 45 - 60 |
| 10. | Planning Application DC/21/0640/HH - 60 The Street, Barton Mills
Report No: DEV/WS/21/017

Householder planning application - detached double garage with new driveway | 61 - 72 |
| 11. | Application DC/21/0536/P14JPA - Vicon House, Western Way, Bury St Edmunds
Report No: DEV/WS/21/018

Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 319 roof mounted solar photovoltaic panels to northern and western sections of building | 73 - 80 |
| 12. | Application DC/21/0537/P14JPA - Mildenhall Hub, Sheldrick Way, Mildenhall
Report No: DEV/WS/21/019

Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 410 roof mounted solar photovoltaic panels to north western wing of building | 81 - 88 |
| 13. | Planning Application DC/21/0750/FUL - Brandon Sports Centre, Church Road, Brandon
Report No: DEV/WS/21/020

Planning application - two external condensation units on west elevation | 89 - 98 |
| 14. | Planning Application DC/21/0676/FUL - 36 High Street, Haverhill
Report No: DEV/WS/21/021

Planning application - a. change of use from financial services (class E(c)) to a hot food takeaway (Sui Generis) b. external extraction and ventilation system to the rear c. redecoration of shop frontage | 99 - 112 |

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 28 April 2021** at **10.00 am** via Microsoft Teams

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Rachel Hood

Trevor Beckwith

Ian Houlder

Carol Bull

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Susan Glossop

In attendance

Elaine McManus (Ward Member: Haverhill North)

122. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

123. **Apologies for absence**

Apologies for absence were received from Councillors Andy Drummond and Don Waldron.

124. **Substitutes**

The following substitutions were declared:

Councillor Trevor Beckwith substituting for Councillor Don Waldron; and Councillor Rachel Hood substituting for Councillor Andy Drummond

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

125. **Minutes**

The minutes of the meeting held on 7 April 2021 were confirmed as a correct record, with 15 voting for the motion and with 1 abstention, subject to the inclusion of the following additional paragraph:

020. Planning Application DC/20/1729/HH - Welham House, South Street, Risby (Report No: DEV/WS/21/008)

[To be inserted after the list of registered speakers]

Councillor Susan Glossop was invited by the Chair to open the debate and addressed the meeting as Ward Member (Risby) for the application. Councillor Glossop stated that she reserved her right to speak again as a Committee Member if so wished.

126. Declarations of interest

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

During consideration of this item, there was an interruption when Councillor Rachel Hood addressed the meeting. The Chair made clear that the interruption was inappropriate and called for order. The Monitoring Officer also spoke and confirmed the advice that was given to Councillor Hood in respect of her declaration.

127. Planning Application DC/20/1849/FUL - Boyton Hall, Anne Sucklings Lane, Little Wratting (Report No: DEV/WS/21/010)

(Councillor David Smith declared a non-pecuniary interest in this item in light of the fact that he had taken part in Haverhill Town Council's consideration of the application. However, Councillor Smith stressed that he would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - a. Sixty-six bed care home for the elderly including car park, bicycle, refuse and garden stores b. new vehicular and pedestrian access onto Anne Suckling Road (following demolition of existing house)

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

As part of her detailed presentation to the meeting the Principal Planning Officer drew attention to a typographical error in Paragraph 166 of Report No DEV/WS/21/010.

Reference was also made to the supplementary 'late papers' that had been circulated after publication of the agenda and which included the following information:

- A paper from the applicant responding to the Committee report;
- An indicative amended site plan showing 40 parking spaces; and
- A zone report providing information on existing care homes in a five-mile radius.

The written response and amended site plan sought to address the concerns raised by the Highway Authority in respect of the number of parking spaces, the width of the access road and the required visibility splays. However, the

Committee was informed that the content of the late papers had resulted in no change to the assessment and recommendations made in the Officer's report.

Lastly, Members were advised that since the late papers were produced additional neighbour objections had been received in respect of the application raising concerns previously covered in other representations.

Officers were recommending that the application be refused for the reasons set out in Paragraph 173 of Report No DEV/WS/21/010.

Speakers: Ian Sheppard (neighbouring objector, also speaking on behalf of fellow resident objectors Bill Reynolds, Brad Strachan, Mike Ford and Julie Goodwin) spoke against the application
Councillor Elaine McManus (Ward Member: Haverhill North) spoke against the application
Tracey Spencer (agent) spoke in support of the application

A number of Members spoke on the application, largely voicing support for the Officer's recommendation of refusal.

In response to a question regarding the need for care homes, the Principal Planning Officer explained that a parcel of land had been allocated for such a development as part of the Great Wilsey Park masterplan.

Following comments made concerning the removal of trees that would be required to facilitate the development, the Chair invited the Council's Arboricultural Officer to address the meeting.

Councillor Jason Crooks spoke on the impact the development would have on the character and identity of the area. Accordingly, he proposed that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Johns Burns.

Upon being put to the vote and with 14 voting for the motion and 1 against, it was resolved that:

Decision

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

Reason 1

The proposed three storey care home would be significantly greater in scale than the surrounding buildings with large areas of hard landscaping. It would appear as an incongruous and intrusive form of development and would have an adverse effect on the character and appearance of the area. This adverse effect would be exacerbated by the loss of garden and associated landscape features and through the demolition of the existing building, both of which currently make a positive contribution to the character of the area. The development would therefore be contrary points a, b, d, and j of policy DM2 of the Joint Development Management Policies document and policy CS3 of the Core Strategy.

Reason 2

The size and nature of the proposed building is such that it would create long elevations containing numerous windows, many of which would be in an elevated position. The development would have an oppressive impact on the outlook from the neighbouring properties The Willows and 1 Boyton Woods. The development would also have an adverse effect on the level of private amenity currently enjoyed by the neighbour 1 Boyton Woods through a significant increase in the level of actual and perceived overlooking. The development would therefore be contrary to policy DM2 of the Joint Development Management Policies Document which states proposals should not adversely affect residential amenities of adjacent areas.

Reason 3

There are a number of trees currently on the site, some of which are covered by tree preservation orders. Collectively, these trees contribute to the landscape setting of Ann Suckling Road and are an important part of its character.

Several trees would be removed to facilitate the development including a group of Silver Birch to the front of the site. The development would also result in harm to the retained Horse chestnut tree(T1) which is an important landscape feature. The feasibility of the tree's short- and long-term retention has not been sufficiently demonstrated, and it is anticipated that it is likely to be subject to significant post development resentment pressure, which would jeopardise its long-term retention. The development would therefore be contrary to policy DM13 of the Joint Development Management Policies Document 2015 as it would result in an unacceptable adverse impact on landscape features.

Reason 4

The application does not provide an adequate number of parking spaces or suitable cycle storage for staff and visitors. As such the development would be likely to lead to an unacceptable risk of obstructive on-street parking which would impact on highway safety. Additionally, the access is below the required 5.5 metres in width and it appears that the layout may conflict with the required visibility splays. As such the access arrangement introduces a risk of a severe impact on the safety of all users. The development is therefore contrary to policy DM2 (l) and DM 46 of the Joint Development Management Policies Document as it fails to deliver a design in accordance with standards that maintains or enhances the safety of the highway network.

Reason 5

The development would give rise to impacts on the local library and local primary healthcare provision in the area and financial contributions are required to mitigate these impacts. A S106 agreement to secure the necessary contributions has not been secured and as such the development does not comply with policy CS14 of the St Edmundsbury Core Strategy which requires all new proposals for development to secure the necessary on and off-site infrastructure

required to support the development and to mitigate the impact of it on existing infrastructure.

(Councillor Roger Dicker left the meeting at 10.36am during the Officer's presentation of this item.)

128. **Planning Application DC/21/0325/FUL - The Retreat, Plough Hill, Stansfield (Report No: DEV/WS/21/011)**

Planning application - one dwelling with outbuilding

This application was referred to the Development Control Committee because the proposal was a departure from the Development Plan. Stansfield Parish Council had cited no objections to the scheme.

The officer report included details of the history of the site and in particular the fallback position of a consented replacement dwelling.

As part of her presentation to the meeting the Planning Officer drew attention to an error in Report No DEV/WS/21/011, in that Paragraph 14 could be disregarded as the outstanding comments made reference to were included elsewhere in the report.

The Officer also provided videos of the site by way of a virtual 'site visit'.

Lastly, the 'late papers' issued after publication of the agenda were highlighted and which included further comments from the Highways Authority; who stated that in response to changes to the access and the visibility splay plan they no longer had any concerns with the application, subject to the inclusion of four additional conditions.

Accordingly, Officers were recommending that the application be approved subject to conditions as set out in Paragraph 53 of the report and in the late papers.

Speaker: Russell Grant (applicant) spoke in support of the application

Councillor Peter Stevens proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Carol Bull.

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

Decision

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

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

3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plans dated 17.02.2021.
4. Demolition or construction works shall not take place outside 18:00 hours to 08:00; hours Mondays to Fridays and 13:00; hours to 08:00; hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
5. 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.
6. The dwelling(s) hereby approved shall not be occupied until the 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.
7. Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
8. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
9. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
10. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
 - a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service

trenches, building foundations, hardstandings, roads and footpaths,
c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

- 11.No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
- 12.The new vehicular access shall be laid out and completed in accordance with SCC Access Drawing No. DM01; and with an entrance width of 3 metres and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.
- 13.The areas to be provided for the presentation for collection of Refuse/Recycling bins as shown on Drawing No. LTD160.003A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 14.The use shall not commence until the areas within the site shown on Drawing No. LTD160.003A for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage areas shall be retained and used for no other purposes.
- 15.Before the access is first used visibility splays shall be provided as shown on Drawing No. LTD160.003A with an X dimension of 2.4 metres and a Y dimension of 59 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 metre e erected, constructed, planted or permitted to grow within the areas of the visibility splays.

129. Planning Application DC/20/2047/ADV - Advertising Board, 98 High Street, Newmarket (Report No: DEV/WS/21/012)

(Councillor Rachel Hood declared a non-pecuniary interest in this item in light of the fact that she was a member of Newmarket Town Council who had discussed the application and had also attended the Delegation Panel meeting when the application was discussed. However, Councillor Hood stressed that she was not a member of Newmarket BID and would keep an open mind and listen to the debate prior to voting on the item. The Monitoring Officer also informed the Committee of the advice she had given Councillor Hood in relation this matter and was satisfied with Councillor Hood's position. Councillor Susan Glossop also declared a non-pecuniary interest in this item in light of the fact that she was West Suffolk Council's representative on the Newmarket BID's Board of Directors. She therefore would not take part in the discussion or voting thereon in respect of this application.)

Application for advertisement consent - two internally illuminated digital totem signs with static BID map to replace existing signage

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the support given by Newmarket Town Council and neighbouring premises; which was in conflict with the Officer's recommendation of refusal for the reason set out in Paragraph 53 of Report No DEV/WS/21/012.

As part of her presentation to the meeting the Planning Officer also provided videos of the site by way of a virtual 'site visit'.

Speakers: Steve Elsom (local resident and business owner) spoke in support of the application
Councillor Michael Jefferys (Newmarket Town Council) spoke in support of the application
Paul Brown (Newmarket BID, applicant) spoke in support of the application
(Councillor Jefferys did not connect to the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)

During the debate a number of Members made comments on the application recognising that the entirety of Newmarket High Street fell within the wider designated Conservation Area yet also giving weight to the much-needed economic benefit the signage could provide to the town.

Councillor John Burns voiced support for the application and disagreed with the Officer's reason for refusal in that he did not consider that the proposed development will cause harm to the significance of a designated heritage asset. Accordingly, he proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Richard Alecock.

The Service Manager (Planning – Development) advised the Committee that if they were minded to approve the application contrary to the Officer recommendation a Risk Assessment would not be required.

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

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

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, subject to the following conditions:

1. This consent shall expire at the end of a period of five years beginning with the date of this notice.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The maximum luminance from the internally illuminated signs shall not exceed 2500 candela/m2.
4. The advertisements hereby permitted shall only be illuminated between the following hours: 9am - 4pm.

(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)

130. **Planning Application DC/21/0528/FUL - Haverhill House, Lower Downs Slade, Haverhill (Report No: DEV/WS/21/013)**

Planning application - a. external wall insulation to all elevations with coloured render finish b. replacement fenestration to the south east, north east and north west elevations c. replace one window on south west elevation

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

The Planning Officer advised Members that the consultation period expired on 15 April 2021 and no further comments had been received.

As part of her presentation to the meeting the Planning Officer also provided videos of the site by way of a virtual 'site visit'.

Officers were recommending that planning permission be granted subject to conditions, as set out in Paragraph 23 of Report No DEV/WS/21/013.

Speaker: Oliver Ingwall-King (West Suffolk Council Energy Advisor, applicant) spoke in support of the application

Councillor John Burns proposed that the application be approved as per the Officer recommendation, this was duly seconded by Councillor David Smith.

Upon being put to the vote and with 14 voting for the motion and with 1 against, it was resolved that

Decision

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

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development hereby permitted shall be constructed entirely of the materials detailed on the submitted plan / drawing No.(s) – application form and proposed elevations.

131. **Planning Application DC/21/0527/FUL - Bus Station, St Andrews Street North, Bury St Edmunds (Report No: DEV/WS/21/014)**

Planning application - Installation of one air source heat pump including siting of external unit adjacent to North elevation

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

The Planning Officer drew attention to the supplementary 'late papers' that had been circulated since publication of the agenda and which contained the consultation response received from Bury St Edmunds Town Council, who cited no objection to the scheme.

The Planning Officer advised Members that the consultation period expired on 13 April 2021 and no further comments had been received.

As part of his presentation to the meeting the Planning Officer also provided videos of the site by way of a virtual 'site visit'.

Officers were recommending that planning permission be granted subject to conditions, as set out in Paragraph 22 of Report No DEV/WS/21/014.

Speaker: Oliver Ingwall-King (West Suffolk Council Energy Advisor, applicant) spoke in support of the application

Councillor Jim Thorndyke proposed that the application be approved as per the Officer recommendation, this was duly seconded by Councillor Mike Chester.

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

Decision

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

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

(Councillor Roger Dicker re-joined the meeting at 12.54pm during the preliminary discussion of this item. The Chair advised Councillor Dicker that he would be unable to take part in the voting on this item as he had not been privy to the entirety of the Officer's presentation.)

The meeting concluded at 1.00 pm

Signed by:

Chair

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Please note that this guide is subject to approval by the Development Control Committee on 23 June 2021.

The Director (Planning and Growth), has approved this version for use following consultation with the Chair and Vice-Chairs in order to enable the meeting to take place on 23 June 2021.

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 council supports public speaking at Development Control Committees via a number of methods (A – C below)

- A. Individuals can attend the meeting in person and address the Committee directly; OR
- B. A time-limited pre-recorded audio file (in MP3 or .m4a format only) can be submitted which will then be played to the Committee under the public speaking part of the meeting; OR
- C. 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 C) must be submitted to Democratic Services by 4pm the day before the meeting.

In all cases, registration must be made by 9.00am on the working day before the Committee date by telephoning Democratic Services – 01638 719363 or 07595 428481, or by sending an email to democratic.services@westsuffolk.gov.uk.

3. During the committee meeting

The Planning Officer will give 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 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.

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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
- 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:

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- 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

23 June 2021

Planning Application DC/21/0367/FUL – Milton House, Thurlow Road, Withersfield

Date registered:	5 March 2021	Expiry date:	30 April 2021 (EOT to 28.06.2021)
Case officer:	Gary Hancox	Recommendation:	Approve application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Planning Application - five dwellings (following demolition of existing house)		
Site:	Milton House, Thurlow Road, Withersfield		
Applicant:	Mssrs Lansdown And Daniels - Timber & Stone Properties Ltd		

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:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 07867 976817

Background:

The application is referred to the Development Control Committee (DCC) as the previous application on the site for five dwellings was refused by DCC in September 2020 and the Officer recommendation of approval of this application is contrary to the view of the Parish Council.

The previous application on the site was refused for the following reasons:

- **harmful impact on drainage and flood risk**
- **harm to the conservation area**
- **impact on biodiversity**
- **impact on neighbouring amenity.**

(NOTE: - The refusal reasons are set out in full as Appendix 1 to this report)

Proposal:

1. The application proposes the demolition of a two-storey dwelling (Milton House) and the development of five dwellings (net increase of four dwellings).
2. To address the reasons for refusal of application DC/20/0623/FUL, the layout of the site has been revised as follows:
 - plot 5 is located further away from The Old Bakery
 - additional separation space between Plot 1 and Thistledown Cottage has been provided
 - Plots 1 and 2 are set further back from the road
 - Garden sizes to Plots 2, 3, 4 and 5 have also been increased.
3. The revised scheme also includes additional drainage information which would have been supplied via condition on the previous application. The submission includes details of the current condition of the culvert including the results of a CCTV survey carried out in October 2020. A full Flood Risk and Sustainable Drainage Statement has been submitted with the application.
4. The previous 2nd reason for refusal had stated that there was 'a significant tree on the frontage of the site' which formed part of the amenity of the area and should be retained. The revised application retains this tree and uses a tree pit to ensure that the tree roots will not affect the upgraded drainage.

Application supporting material:

5. The application is accompanied by the following plans and supporting documents:
 - Plans and elevations
 - Arboricultural Impact Assessment
 - Ecology assessment

- Site Investigation report
- Design and access statement
- Phase One Geo-Environmental Assessment
- Flood risk & sustainable drainage statement (including the results of a CCTV of the drainage culvert)
- Topographical Survey
- Heritage Statement

Site details:

6. The 0.2 hectare site contains a two-storey dwelling known as Milton House and its associated garden land. It is located adjacent to Thurlow Road towards the north-east end of Withersfield and within the Conservation Area. The site has a significant amount of trees to its boundary, although the garden area to the rear of the site has been cleared of vegetation. Surrounding development is mixed in terms of age and appearance, but mostly is of good quality and contributes towards the character of the Conservation Area. However, some dwellings are more modern and detract from this character, including Milton House, which due to its unsympathetic design and appearance, is considered to be incongruous within the street scene.
7. The site is accessed directly onto Thurlow Road and is wholly within the settlement boundary.

Planning history:

Reference	Proposal	Status	Decision date
DC/20/0623/FUL	Planning Application - 5no. dwellings (following demolition of existing dwelling)	Application Refused	4 September 2020

Consultations:

8. SCC Highways – No objections, subject to appropriate conditions. They support the level of parking proposed as appropriate and state: ‘We note the applicant is proposing a level of vehicle parking in excess of the Suffolk Guidance for Parking recommendations and advise that in this specific location we accept the over-provision to counter any possibility of residents regularly parking on-street.’ The access layout is acceptable. Officers propose seven planning conditions which are acceptable to the applicant. SCC Highways comment that the tree proposed on the site of the existing access will conflict with culverts and chambers. (Note: - The applicants propose to put the tree into a tree pit which will retain its roots.)
9. Conservation Officer – The proposed development is similar to that previously proposed within application DC/20/0623/FUL to which no objections were raised. The application was refused and amendments detailed within the current submission are proposed in an attempt to address reasons for refusal. The changes proposed under the amended scheme are relatively subtle in terms of their impact on the character or appearance of the conservation area so comments previously made therefore are largely relevant, consequently no objections are raised subject to conditions

requiring the provision and approval of samples of external materials and details of hard landscaping.

10. Environment Team – CONTAMINATED LAND The application is now supported by a Phase 1 (desk Study) Ground Contamination Report, undertaken by BHA Consulting, reference 3529, dated May 2020. The report includes a summary of the history and environmental setting of the site and surrounding area and includes the findings of a site walkover. The report concludes that some risks are present and recommends limited intrusive investigations. This Service is satisfied with the report and recommendations for limited investigations. We recommend the standard land contamination condition is attached, should planning be granted, to suitably control these intrusive investigations.
11. AIR QUALITY - Paragraph 105 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 110 of the NPPF states that 'applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)." 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.
12. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings. We therefore recommend the below condition requesting electric vehicle charge points is attached to the planning consent, should planning be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles. Condition regarding electric vehicle charging points recommended.
13. Public Health and Housing – No objection.
14. SCC Flood & Water – Recommend approval of this application subject to conditions relating to surface water drainage strategy, verification report and management plan.
15. SCC Waste Management – No objections.
16. SCC Archaeology – No objection, subject to appropriate conditions.

Representations:

17. Withersfield Parish Council - Withersfield Parish Council objects to this application as it considers that it represents an overdevelopment of the site, in the context of the surrounding environment and its location in a rural village.

18. Whilst planning policy CS4 allows for developments of "up to 5 houses" in an infill village, the policy does not advocate that all developments should be of 5 homes. This development is not a "small scale in-fill development" it is one that maximises the possible built footprint and hard surfacing on a previous single dwelling and garden site. The Parish Council does not consider that this complies with the spirit or intention of this policy.
19. In addition the design of the development, whilst having some attractive features, is more suited to a location which is already semi-urban. Imposed on this particularly rural part of our village, it is out of keeping with the character of the area. The density of homes and bed spaces on this site will, we fear, result in significant additional car and vehicle movements both within the courtyard area, around the entrance, and inevitably spilling out onto the road, where there is a blind bend with a history of collisions. Withersfield has no local facilities (shops, schools, GP surgery, nursery, playground, public transport) which results in a high car ownership level and car journeys being required for the majority of purposes – school runs, shopping, work, social contacts. 5 homes on a single site may well result in 15 cars belonging to residents, added to which will be visitors, and the growing fleet of on-line shopping delivery vehicles. We do not feel that the full implications of this has been taken into account by the developer, nor by officers who are recommending approval.
20. Whilst we acknowledge that the developer has sought to address environmental factors in their new application, the Parish Council believes that there will be a significant loss to the environment the loss of green space and trees on this site. There will be a significant area of hard standing and roadway as well as the footprint of the houses. Each home will have only a small private garden with limited opportunity for planted and wild areas. We cannot agree that this development has a positive impact on the environment and biodiversity.
21. In summary, despite some modifications, this development remains essentially the same as the one rejected by this committee. We believe that it is essential that a clear message is sent to the developer that cramming as many homes as possible onto this site is unacceptable and is disrespectful of the spirit of the planning policies, of the local community who must live in its shadow and on the quality of our rural environment.

Local Residents

22. A total of 68 representations have been received raising the following concerns:
 - Flooding issues at this point in the road
 - Traffic – dangerous point in the road due to restricted sightlines
 - Overspill parking on Thurlow Road
 - Not enough visitor parking
 - Loss of trees
 - Harm to the character of the village
 - Off street parking will be a hazard
 - Detrimental impact on amenity of neighbouring dwellings
 - Increase pressure on existing infrastructure
 - Contrary to Policies DM2, DM22 and DM17
 - Harm to existing ecology

- Potential impact on Great Crested Newts in the area
- Over-development of the site
- Housing not needed, Council already has a 5 year housing land supply
- would set a dangerous precedent for more inappropriate/detrimental residential developments
- Specific amenity impacts in terms of overbearing and loss of privacy to The Old Bakery and Thistledown Cottage.

23. One letter of support was also received with the following comments:

- Much needed housing in a village which is dying due to population decline and a lack of young families and children having access to new homes locally
- character of the Conservation area enhanced
- proposals have been sympathetically amended, comply with the local plan and should be supported by planning committee.

Policy:

24. 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.

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

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

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 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 DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

NPPF 2019

Other planning policy:

National Planning Policy Framework (NPPF)

26. 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:

27. Having regard to the previous reasons for refusal the issues to be considered in the determination of the application are:

- Principle of Development
- Impact on the Conservation Area (including design and layout)
- Drainage and flood risk
- Impact on trees and ecology
- Parking and highway impact
- Residential amenity

28. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the

development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

Principle of development

29. The site is within the settlement boundary and infill development of up to 5 dwellings is permitted by Core Strategy Policy CS4. The application fully accords with this policy and the application is acceptable in principle.

Impact on the Conservation Area (including design and layout)

30. Section 66 of the Town and Country Planning (Conservation Areas and Listed Building) Act 1990 requires the LPA to have special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
31. Both of the above requirements need to be taken into account in considering the proposed development, along with the criteria set out in Joint Development Management Policies DM15, DM17, DM1, DM2 and DM22, all of which, seek to protect heritage assets and ensure good design appropriate for the character and context of the site. In this case, although there is a Listed building (The Guildhall) approximately 70 metres to the NW of the site on the other side of Thurlow Road, due to the separation distance and intervening features, it is not considered that the setting of this building would be affected by the proposed development.
32. The Conservation Officer has previously commented that due to the irregular shape of the site and the narrow frontage (relative to the rest of the site) views from the highway (looking towards the site) of the open countryside beyond are almost completely obscured by existing development and mature planting along the rear and neighbouring boundaries. The existing views are not considered to be significant views which contribute towards the character or appearance of the conservation area. Milton House is a modern two-storey dwelling that does not make a positive contribution towards the conservation area and there is no objection to its demolition, or the demolition of its associated outbuilding.
33. Furthermore, existing planting along the front boundary helps reinforce a sense of enclosure broken by a relatively narrow vehicular access extending up to the line of the principal elevation, terminated by a close boarded fence. Whilst the proposed development involves a wider highway compliant access, the proposal takes advantage of the irregular shape of the site avoiding an undesirable long and straight uninterrupted access extending to the rear of the site.
34. Following the amendments to the scheme, proposed plot 1 will still appear most visually prominent to the public realm. The proximity of plot 1 to its south western boundary is not dissimilar to the proximity of Thistledown Cottage (a relatively modern development) to its north eastern boundary.

The lowered eaves height facing towards Thistledown Cottage helps to visually widen the gap between the two, despite the proximity of both to their respective shared boundaries. The narrow gable and steep pitch of the roof respects historic proportions whilst a mix of contrasting materials (an approach consistent throughout the development) adds interest and articulation to elevations. Whilst it may be possible to catch views of plot 6 from the public realm, views will be limited, partially screened by existing trees and planting, seen in context with existing development which is similarly set back from the highway.

35. As the Conservation Officer has stated previously, the proposed development is well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area.
36. The requirements of Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 have been met and the application is considered to accord with Joint Development Management Policies DM2, DM22 and DM17 in this regard. The impact on trees within the conservation area is considered below.

Drainage and flood risk

37. The applicant has produced a sustainable drainage strategy, which ultimately includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF. To address refusal reason 1 of DC/20/0623/FUL (see appendix 1) a CCTV survey of the existing drainage system was undertaken and following this, details of a full sustainable drainage system were submitted.
38. The findings of the CCTV survey concluded that the existing culvert has capacity and is an appropriate route for upstream flows from the development site. However, it was recommended that remedial action is undertaken to replace the broken section of culvert within the site boundary. It would also be beneficial if the 150mm pipe were removed from within the culvert to restore its full section size to reduce the existing flood risk, however as this is within the adjacent properties boundary it is outside of the applicant's responsibility. As per national guidance surface water (rainwater from roofs and private driveways) must be disposed of in accordance with the SUDS Surface Water Drainage hierarchy. This requires consideration to be given in order of priority to:
- a. disposal to the ground (soakaways)
 - b. disposal to a watercourse
 - c. disposal to a public surface water sewer, highway drain or another drainage system
 - d. disposal to a foul or combined sewer
39. The applicants indicate that infiltration testing has shown disposal to the ground is not possible, therefore, the second level of the hierarchy can be

met by providing rainwater storage within tanked permeable pavements, prior to a controlled discharge into the existing culvert.

40. By controlling the rate of run-off via a Hydrobrake, the surface water flow rate from the developed site is reduced by over 50%, therefore reducing the existing surface water flood risk. The applicant's drainage strategy also provides evidence that the drainage network offers sufficient attenuation for the development up to and including the 1 in 100 year storm event with allowance for 40% climate change, the calculations also include a safety factor of 2.
41. Sections of the existing culvert within the site will be replaced and redirected to areas of shared ownership. This allows for the culvert within the site to be maintained by a Private Management Company. The proposal also provides for additional inspection chambers allowing for improved access for any future maintenance work and an increase in volumetric capacity.
42. The drainage strategy and flood risk impact for the site can be summarised as follows:
 - The Site is in FLOOD ZONE 1 and is at very low risk from all other sources of flooding except for a small area of surface water flooding near to the existing entrance. This has been mitigated for within the proposal.
 - The proposed SUDS system will improve the current situation as it will allow surface water run-off to be stored on-site and slowly released into the culvert, reducing surface water flows from site whilst ensuring there is no increase in off-site flood risk.
 - The CCTV survey of the existing culvert has highlighted that sections require remedial work (replacement). The culvert route has been redirected to areas of shared ownership which will be maintained by a Private Management Company. Additional inspection chambers will ensure access for any future maintenance work, such as desilting.
 - Replacement of the culvert within the site boundary which is proposed as part of this development will further improve the current situation as the risk of future blockage will be reduced and the installation of additional manholes will improve access for maintenance in future.
 - The drainage report highlights the fact that removal of the 150mm pipe within the section of culvert in the neighbouring property would be beneficial as this would restore the full cross-sectional size of the culvert and remove the restriction of flow at this point further reducing flood risk in the area. It should however be noted that the development of the site is not dependent upon the pipe being removed due to the reduction in flow and other improvements proposed as part of the development.
 - Foul water from the existing property Milton House is connected to the Anglian Water main sewer located within Thurlow Road. This connection will be maintained.
 - A Maintenance and Management Plan has been developed for the site and is detailed within this report, the plan indicates responsibilities and maintenance requirements of the surface water drainage assets within the

site. A condition of any approval of permission would require accordance with this plan.

43. Suffolk County Council, as Lead Local Flood Authority (LLFA), has reviewed the application and have no objection to the development, which is considered to accord with St Edmundsbury Core Strategy Policy CS2, Joint Development Management Policy DM6 and paragraph 163 of the NPPF in this respect.

Impact on trees and ecology

44. Refusal reasons 2 and 3 of DC/20/0623/FUL, amongst other things, state that the loss of a significant tree on the frontage of the site was also considered to be harmful to the character of the conservation area as it forms part of a group of trees contributing to its amenity. The removal of trees also represents a loss of habitat for bats and birds. The proposed mitigation set out in the Design and Access Statement was not considered sufficient to outweigh this harmful impact representing a net loss in biodiversity. These are issues that have also been raised again by several local residents.
45. As two Ash trees on the site frontage have Ash die-back disease and are to be removed, the revised application provides a replacement tree on the site frontage and uses an innovative tree pit to ensure that the tree roots will not affect the drainage. The remainder of the site is small in area and relatively low in ecological value. Following a full ecological survey, no roosting bats were discovered on the site, though the survey notes that bats are foraging around the site boundary. By implementing the following biodiversity enhancements the development would create a net gain in terms of biodiversity, in accordance with the NPPF and the Joint Development Management Policies DM12:
- 3 x compensatory bat roosting habitat (Schwegler bat box)
 - 3 x Schwegler 1FR Bat Tube
 - 2 x House Sparrow Nest Box
 - 2 x Woodstone Built-in Open Nest Box
 - 4 x Swift Block
 - 4 x Schwegler bird Boxes
 - 2 x Schwegler Hedgehog Domes.
 - Low level bollard lighting to reduce impact
 - Tree replacement
 - Hedgehog friendly boundary fencing (with gaps at intervals)
 - Native soft landscaping
 - Two 1m x 1m habitat piles are also proposed for the site boundary for use by invertebrates, small mammals, amphibians and other wildlife
46. Furthermore, new hedgerows are proposed between the houses. The new hedgerows will be native species and planted in a double staggered row, with at least five whips per linear metre.
47. Subject to the above being required by condition of any approval, the development would have an overall net gain in terms of biodiversity and accord with Joint Development Management Policy DM12 in this regard.

Parking and highway impact

48. The proposed access to the site is directly off Thurlow Road, utilising a new access moved slightly further to the north than the existing access serving Milton House. SCC Highways is satisfied that adequate visibility splays can be satisfactorily achieved taking into account the curvature of the road and the relocated access.

49. Again the significant local objection to the development with respect to highway impact is acknowledged. However the application provides off street and in curtilage parking in excess of highway standards (the site layout indicates 12 resident parking spaces and 3 visitor spaces). SCC Highways comment that 'the applicant is proposing a level of vehicle parking in excess of the Suffolk Guidance for Parking (2019) recommendations and advise that in this specific location we accept the over-provision to counter any possibility of residents regularly parking on-street.'

50. SCC Highways has also made the following specific comments:

- Following our previous comments we are advised that the submitted surface water drainage strategy and discharge to the existing culvert has been accepted by the LLFA, and it is based on this assurance that we recommend the below conditions.
- We note the drainage strategy proposes relaying the first few metres of the existing culverted watercourse and we recommend the chamber is replaced and a new chamber and cover is installed to facilitate easier maintenance. We also request that a highway authority easement is included with the section 278 agreement.
- We advise the tree proposed on the site of the existing (to be stopped up) access will conflict with the culvert and chamber/s. Trees are not recommended to be planted within 6.0m of a piped drainage system.
- We note drawing 19002-41 Rev B does not show the definitive highway boundary. This will need to be ascertained during the section 278 application process.

51. The applicant has provided an amended plan indicating that the replacement tree closest to the culvert will be planted in a tree pit that will retain its roots. All the other comments will be taken into account with the final details required for the section 278 application process (this being the agreement with the Local Highway Authority to execute highway works).

52. Subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Joint Development Management Policies DM2 and DM45 in this regard.

Residential amenity

53. Proposed plots 1 and 5 are considered to have a direct impact on the amenity of existing properties. Thistledown Cottage to the south of the site is a two-storey dwelling which shares a common side boundary. The side elevation of the proposed dwelling (plot 1) would have a separation distance of approximately 5 metres from the eaves of plot 1 to the gable end of Thistledown Cottage. Although Thistledown Cottage has ground floor side

secondary windows, the proposed plot 1 is effectively single storey at the boundary with no overlooking windows. High-level rooflights provide light to the upper rooms on the south side of the dwelling. The residential amenity impact is not therefore considered harmful.

54. Whilst proposed plot 5 (similar in design to plot 1) would change the outlook of The Old Bakery dwelling, taking into account the lower eaves height and high-level roof lights of the proposed dwelling, the impact in terms of it being overbearing will not be significantly harmful. The amended scheme achieves a 4-metre separation distance to the garden boundary with the Old Bakery and a 5-metre separation distance to the closest part of the eaves of the single- storey projection of plot 5. Intervening landscaping will also help to mitigate any impact.
55. Overall, the layout of the site has been revised so that the dwellings are located further away from The Old Bakery, provide more space between Plot 1 and Thistledown Cottage, and are set further back from the road. The garden sizes of plots 2, 3, 4 and 5 have also been increased. The impact on existing residential amenity is considered acceptable and in accordance with Joint Development Management Policies DM2 and DM22 in this regard.

Other matters

56. Energy efficiency – Joint Development Management Policy DM7 states that: “All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined.”
57. The applicant has set out the approach to sustainability in a Design and Access Statement, and included in the environmental measures proposed is the following:
- Water use reduction measures including airflow taps and dual flush cisterns etc.
 - All plots are to be provided with below-ground rainwater harvesting.
 - All plots are to be provided with free standing electric/hybrid car-charging points (refer to annotated site plan).
 - All plots are to be provided with 2.4 x 1.8 garden sheds for cycles and garden storage.
 - The dwellings will be fitted with Energy Efficient light bulbs.
 - The dwellings will have ample space for dry recyclables.

- Mechanical Ventilation and Heat Recovery systems (MVHR) will be installed to each dwelling – each dwelling design incorporates dedicated space in this respect.
- Where white electrical goods are provided these will be 'A' rated for energy efficiency.

58. In respect of water efficiency, all new residential development should demonstrate a water consumption level of no more than 110 litres per day (including external water use). This is reflective of Part G2 of the Building Regulations. Accordingly, a condition shall be applied to the planning permission to ensure that the above water consumption level is achieved.

Conclusion:

59. The scheme accords with Core Strategy Policy CS4 and is acceptable in principle. The development scheme (as amended) has satisfactorily demonstrated that the proposed 5 dwellings can be accommodated without detriment to highway safety, residential amenity, and the character of the conservation area in accordance with relevant policies and the NPPF. The response to the previous reasons for refusal of application DC/20/0623/FUL can be summarised as follows:

60. Previous refusal reason 1 (drainage and flooding) – This amended planning application now includes a detailed assessment of the existing culvert and a comprehensive analysis of the existing drainage capacity, along with a carefully considered solution to a sustainable drainage system for the proposal. Both the Local Lead Flood Authority and SCC Highways accept the drainage proposal. The application demonstrates that the proposed development will not cause, or contribute to, a risk of flooding on or off the site.

61. Previous refusal reason 2 (harm to the conservation area) – As Officers concluded with the previous application on the site, the proposed development is well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area. Along with other planting, the amended application also proposes the repositioning of Plot 1, creating an opportunity for a similar, healthy replacement tree to be planted at the front of the site.

62. Previous refusal reason 3 (impact on biodiversity) – Notwithstanding that the previous application was supported by Officers in terms of biodiversity, this amended application now includes proposed enhancements that represent a considerable increase over the previous scheme. This is an even greater 'net-gain' for the site.

63. Previous refusal reason 4 (impact on neighbouring amenity) - Notwithstanding the Officer's view that the previous proposal was acceptable

in terms of amenity impact, the layout of the site has been revised so that the proposals are located further away from The Old Bakery, provide more space between Plot 1 and Thistledown Cottage, and are set further back from the road. The garden sizes at Plots 2, 3, 4 and 5 have also been increased. These amendments further reduce the amenity impact of the proposal.

Recommendation:

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

1. 3-year planning permission time limit
2. In accordance with approved plans
3. No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Before any development or any demolition work hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details: -
 - (a) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
 - (b) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
 - (c) noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - (d) dust, dirt and vibration method statements and arrangements;
 - (e) site lighting.

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

5. The hours of demolition, site clearance and construction activities, including deliveries to the site and the removal of waste from the site, shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No demolition, site clearance or construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

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

6. No security lights or street lighting shall be erected on site without the submission of details to, and written approval from, the Local Planning

Authority to ensure a lighting environment of low district brightness at residential properties.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality.

7. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in 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. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

8. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in 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. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

The remediation strategy shall be implemented as approved.

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in 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. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

10. The access shall be completed mainly in accordance with Drawing No.19002-41 Rev B; with an entrance width of at least 4.5m and be available for use before first occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to highway safety.

11. Prior to the development hereby permitted being first occupied, the access onto the C668 Thurlow Road shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access and to reduce the risk of loose material migrating onto the highway in the interests of highway safety.

12. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing number 19002-30 Rev D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

13. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway, either directly from the access and courtyard, or indirectly from the surface water drainage attenuation or outfall. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

14. All HGV and construction traffic movements to and from the site over the duration of the demolition and 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 or equipment 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 construction delivery traffic.
- Means to ensure no damage will be done to the highway, including the carriageway, footway and verge, by construction and/or delivery traffic. This will include a before and after condition survey/s.
- Means to ensure no surface water, mud or other construction debris can flow or be deposited onto the highway.
- Means to ensure sufficient space is provided on site for the parking and manoeuvring off all construction site and delivery vehicles.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment.

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 and residential areas.

15. The use shall not commence until the area(s) within the site shown on drawing 19002-30 Rev C, for the purposes of loading, unloading, manoeuvring and parking of vehicles and the secure storage of cycles has been provided and thereafter that area(s) 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.

16. Before the access is first used visibility splays shall be provided as shown on Drawing 19002-41 Rev B with an X dimension of 2.4m and a Y dimension of 90m 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 highway safety.

17. The development shall be carried out strictly in accordance with the approved Arboricultural Impact Assessment by Skilled Ecology dated 8th February 2021.

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

18. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal Including a Protected Species Assessment by Skilled Ecology (January 2021) 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. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

20. The demolition of the existing dwelling on site shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- ii) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

21. No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency

measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

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.

22. The strategy for the disposal of surface water (Dated Apr 2021, Ref: Ver 6) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

23. Within 28 days of practical completion of the last dwelling, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks, in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 to enable the proper management of flood risk with the county of Suffolk.

24. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

- 25.No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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 HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).

- 26.No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and the provision made for analysis, publication and dissemination of results and archive deposition.

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 HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0367/FUL](https://www.stedmundsbury.gov.uk/DC/21/0367/FUL)

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APPENDIX 1 – DC/20/0623/FUL refusal reasons

Permission is hereby REFUSED by the Council as Local Planning Authority for the purpose of the above Act and Orders for development proposed in the application shown above.

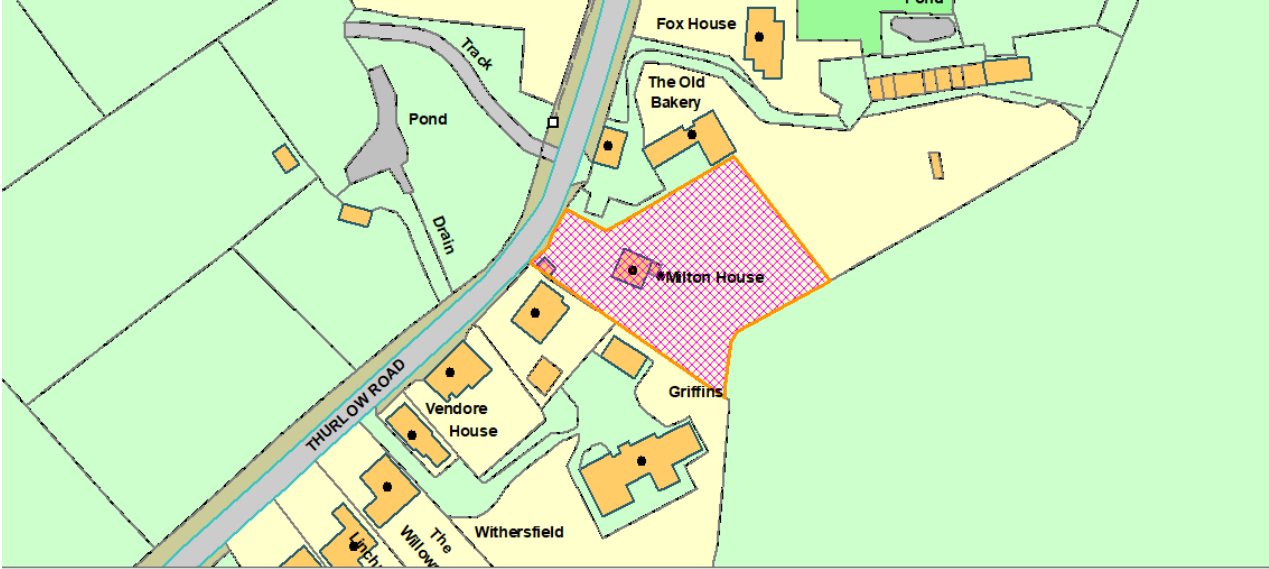
The reason(s) for the Council's decision to refuse permission are:

1. Without full details regarding the condition of the culvert and chamber to satisfy the highway authority that there will be no risk of highway flooding from surface water from the development, it has not been demonstrated that a satisfactory drainage scheme is achievable on the site. The application is therefore contrary to the requirements of the St Edmundsbury Core Strategy Policy CS2, Joint Development Management Policy DM6 and paragraph 163 of the NPPF in this respect.
2. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, Joint Development Management Policies DM17, DM1, DM2 and DM22, all of which, seek to protect heritage assets and ensure good design appropriate for the character and context of the site. The site is wholly within the Withersfield conservation area and in this case the courtyard style layout of a group of 5 dwellings, would depart from the mainly linear form of this part of the village harming its appearance. The loss of a significant tree on the frontage of the site is also considered to be harmful to the character of the conservation area as it forms part of a group of trees contributing to its amenity. The application does not therefore preserve or enhance the conservation area and does not accord with Joint Development Management Policies DM17, DM1 and DM2. Having regard to paragraph 196 of the NPPF, the less than substantial harm to the significance of a designated heritage asset (Withersfield conservation area) is not outweighed by any public benefit.
3. Joint Development Management Policy DM12 states that for all development, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. In this case scale of development proposed, 5 dwellings including hard-surfaced areas and parking, results in very little space for new planting and biodiversity enhancements to replace the three trees and grassed areas being lost. The loss of trees also represents a loss of habitat for bats and birds. The proposed mitigation set out in the Design and Access Statement is not considered sufficient to outweigh this harmful impact representing a net loss in biodiversity. The development does not therefore accord with Joint Development Management Policy DM12.
4. Thistledown Cottage adjoining the site to the south currently has a relatively open aspect to its northern boundary, with ground floor windows

to the gable end of the dwelling. The proposed development introduces a new dwelling of significant scale and form within 5 metres of the gable end. This is considered to be overbearing and harmful to the existing amenity of this dwelling. Furthermore, the Old Bakery to the north west of the site currently enjoys a relatively verdant boundary to Milton House. Proposed plot 6 would be sited close to this existing boundary resulting in the loss of existing vegetation and trees. A two-storey dwelling would be positioned within 5 metres of the existing boundary. This would result in harm to the amenity of the Old Bakery by virtue of over-bearing and additional noise disturbance. This would be contrary to Joint Development Management Policy DM2, which amongst other things, requires new development to avoid harm to existing residential amenity.

DC/21/0367/FUL

Milton House Thurlow Road Withersfield



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Schedule of Floor Areas:

Plot	Scale	Bedrooms	m ²	ft ²
1	1.5 storey	3	97	1,045
2	2 storey	4	144	1,550
3	2 storey	4	148	1,595
4	2 storey	3	97	1,045
5	1.5 & single	3	135	1,455
Total		17	621	6,690

Site Area: 0.19ha
Development Density: 26uph

Parking:
Required Parking Provision by standards:
12No. resident's spaces + 2No. visitor's spaces
Proposed Parking Provision:
12No. resident's spaces + 3No. visitor's spaces

Note: Parking provision has been calculated on a dwelling-by-dwelling bases and summarised above.

Ecology Key

- Swift Block
- Schwegler 2H Bird Boxes
- 4 x Eco Integrated Bat Boxes
4 x Schwegler 1FR Bat Tube
- Schwegler Hedgehog Dome
- Woodstone open bird box
- Hedgehog Gaps under Fences
- Vivara Pro Integrated Sparrow Boxes
- Habitat Piles
- Schwegler 1B Bird Boxes

For detailed information on Ecology, refer to separate Ecological Appraisal, prepared by Skilled Ecology

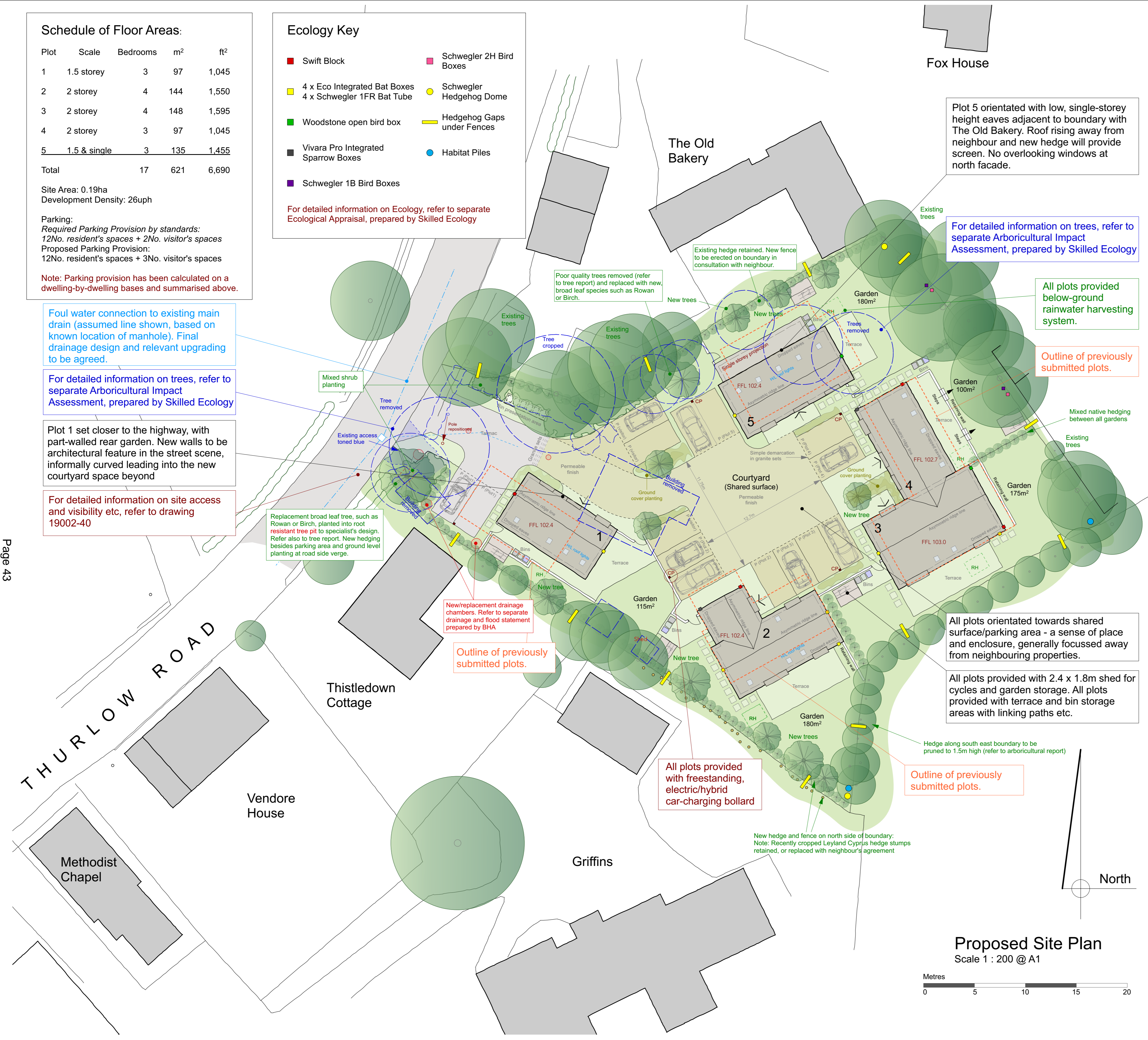
Foul water connection to existing main drain (assumed line shown, based on known location of manhole). Final drainage design and relevant upgrading to be agreed.

For detailed information on trees, refer to separate Arboricultural Impact Assessment, prepared by Skilled Ecology

Plot 1 set closer to the highway, with part-walled rear garden. New walls to be architectural feature in the street scene, informally curved leading into the new courtyard space beyond

For detailed information on site access and visibility etc, refer to drawing 19002-40

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Plot 5 orientated with low, single-storey height eaves adjacent to boundary with The Old Bakery. Roof rising away from neighbour and new hedge will provide screen. No overlooking windows at north facade.

For detailed information on trees, refer to separate Arboricultural Impact Assessment, prepared by Skilled Ecology

All plots provided below-ground rainwater harvesting system.

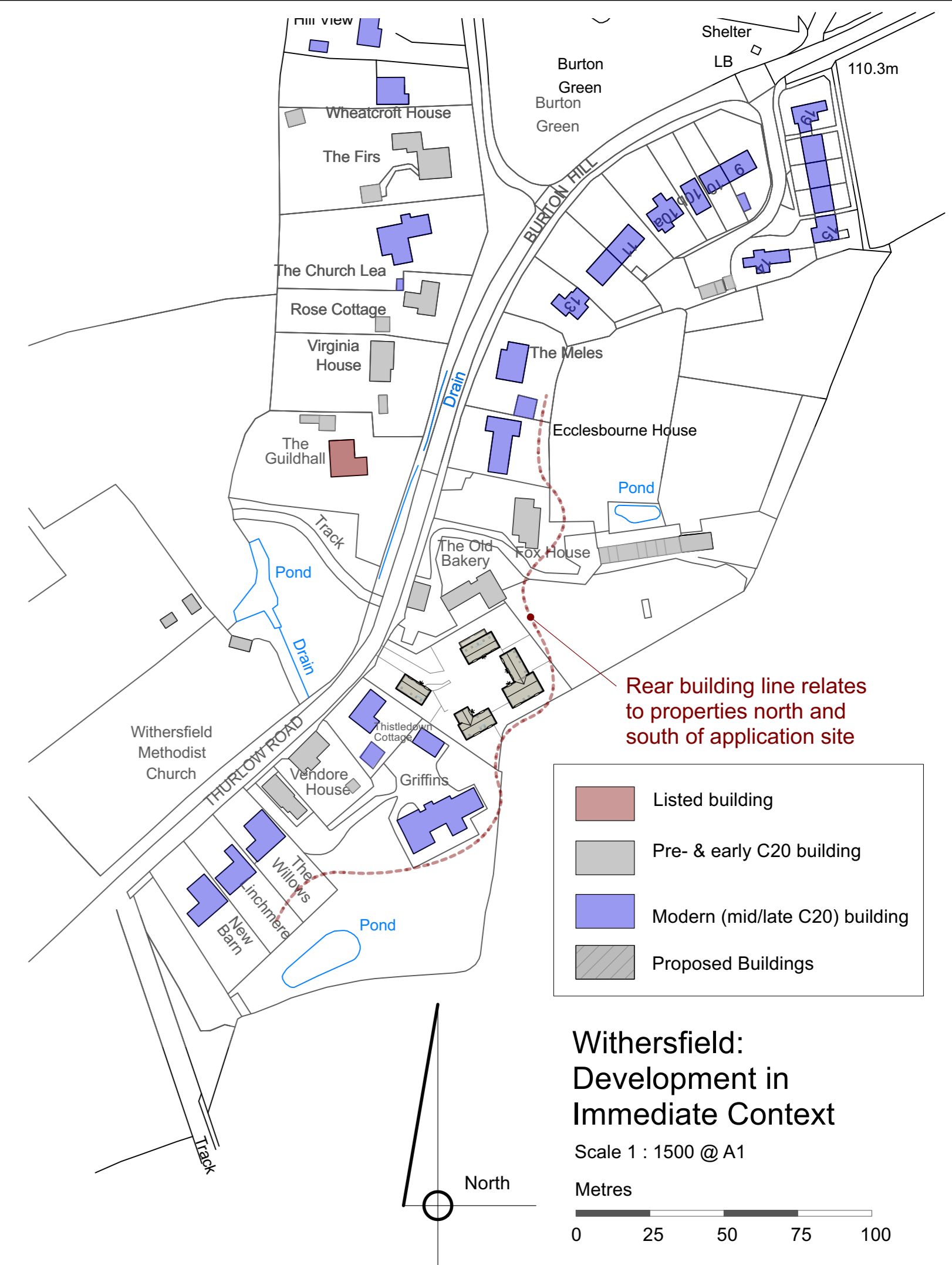
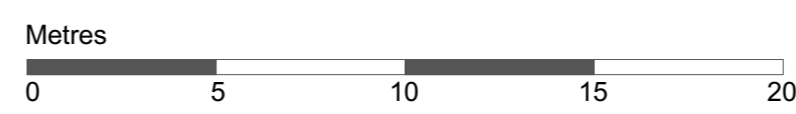
Outline of previously submitted plots.

All plots orientated towards shared surface/parking area - a sense of place and enclosure, generally focussed away from neighbouring properties.

All plots provided with 2.4 x 1.8m shed for cycles and garden storage. All plots provided with terrace and bin storage areas with linking paths etc.

All plots provided with freestanding, electric/hybrid car-charging bollard

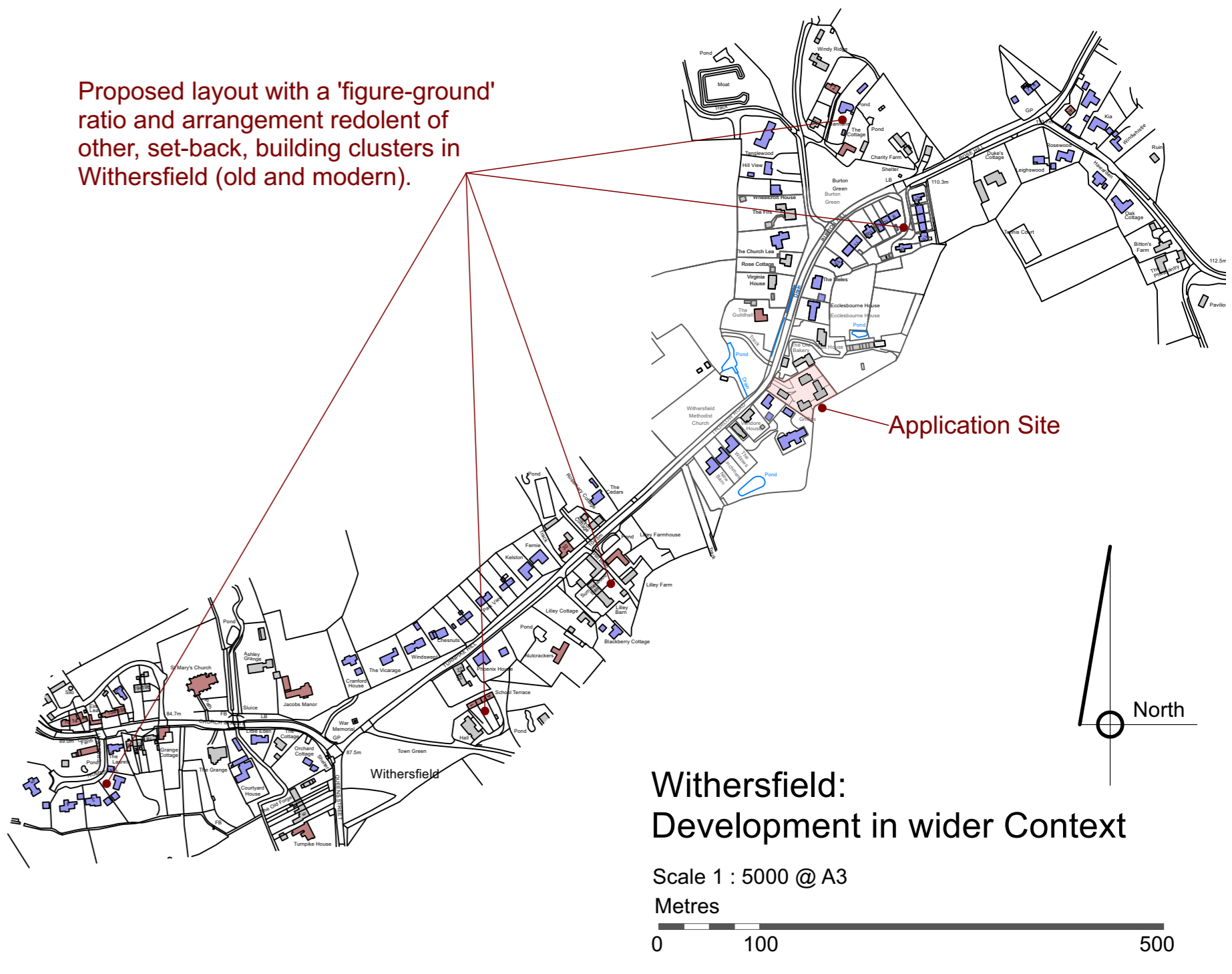
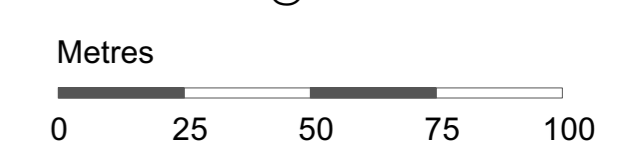
Proposed Site Plan
Scale 1 : 200 @ A1



Rear building line relates to properties north and south of application site

- Listed building
- Pre- & early C20 building
- Modern (mid/late C20) building
- Proposed Buildings

Withersfield: Development in Immediate Context
Scale 1 : 1500 @ A1



Proposed layout with a 'figure-ground' ratio and arrangement redolent of other, set-back, building clusters in Withersfield (old and modern).

Withersfield: Development in wider Context
Scale 1 : 5000 @ A3



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

Revisions		Revisions	
A	Ecology updated	02.02.21	
B	Landscaping amended.	03.02.21	
C	Revised to suit drainage strategy.	26.04.21	
D	Replacement tree note amended.	25.05.21	

Revisions		Revisions	

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J.A.P. Architects

Project	Proposed Residential Development at Milton House, Withersfield for Mr P Daniels and Associates		
Title	Proposed Site Layout		
Scale	1 : 200/1500 @ A1	Date	November 2020
Drawing No.	19002 - 30		Revisions
			A B C D

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Development Control Committee

23 June 2021

Planning Application DC/20/2212/HH – Woodlands, The Pound, Hawstead

Date registered:	16 December 2020	Expiry date:	10 February 2021
Case officer:	Adam Yancy	Recommendation:	Approve application
Parish:	Hawstead	Ward:	Horringer
Proposal:	Householder planning application - three bay cart lodge and machinery store with first floor guest accommodation above		
Site:	Woodlands, The Pound, Hawstead		
Applicant:	Mrs Karen Cuthell		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Adam Yancy

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Background:

This application is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as the Parish Council objected to the application, contrary to the officer's recommendation of APPROVAL.

Proposal:

1. Planning permission is sought for a cart lodge which is located to the front of the host dwelling. The cart lodge will have three open bays, plus a two-bay enclosed storage area, and will also have accommodation on the first floor, including guest style bedroom accommodation plus shower room and open plan 'studio' space.
2. The proposed cart lodge measures 15 metres in depth and 4.25 metres in width. It also measures 6.5 metres to the ridge. The proposed cart lodge is positioned approximately 9 metres from the boundary with the neighbouring property at Spinney Cottage and 18 metres from the boundary with main road. The building is to be constructed of stained boarding, pan tiles and red facing brick.
3. Amended plans have been received during the course of the consideration of this matter that moved the proposed building further away from the western site boundary. Re-consultation took place in relation to these amended plans.

Site details:

4. The site is located in the countryside and consists of a detached two storey dwelling which is set back from the highway behind trees and otherwise located within a generous plot. The boundary to the front and side of the property consists of mature trees which screens most of the site from the public domain. The trees on the site are not subject to a Tree Preservation Order and neither is the site located within a Conservation Area. The dwelling to the west, known as Spinney Cottage, is Grade II listed.

Planning history:

5.

Reference	Proposal	Status	Decision date
DC/14/0306/CLP	Certificate of Lawfulness for Proposed Development - Use of single storey link extension between existing dwelling and annexe	Application Granted	16 April 2014

Consultations:

6. Conservation officer - The proposed development is located outside a conservation area but is located east of Spinney Cottage a grade II listed building. Spinney Cottage is 1'1/2 storeys with a later 1'1/2 storey and single storey extension added to the east in close proximity to the boundary between Woodlands and Spinney Cottage. Spinney Cottage is set back from the pavement edge with development sited either side albeit

Woodlands is set further into the site. Views looking towards the site from Spinney Cottage are limited and vice versa screened by existing mature planting. Should the planting be removed it would not open up a wide and long uninterrupted planned view but rather a view across a neighbouring property's garden looking towards development on the edge of the village. Whilst views of the roofscape may be possible through the planting I do not consider these views would affect how the asset is appreciated or adversely affect its significance. I therefore have no objections to the proposed development.

7. Tree officer – I have reviewed the Arboricultural Impact Assessment and have no objections subject to conditions.

Representations:

8. Hawstead Parish Council – Hawstead PC first considered this application at its meeting on 14 January 2021. The meeting was attended by three residents who objected to these proposals; no statements in support of the application were received. The meeting considered the planning application together with the comments made by the residents and the following issues;
9. (i) the planning application form contains various anomalies/inaccuracies, including the statement that no trees will need to be removed (there will; some are marked with a cross), the assertion that the proposed structure cannot be seen from the footpath (it will be); the statement that there are no trees within falling distance of the proposed development (there are);
- 10.(ii) no pre-application advice has been taken;
 - (iii) the proposal is planned to sit very close to neighbouring property despite the size of the plot;
 - (iv) as a building intended for ancillary use to main building its unclear why it is situated outside the fence/security arrangements in Woodlands;
 - (v) the building is large and with its chimney, juliet balcony and substantial first floor accommodation has potential to be used in a variety of ways other than simply as ancillary accommodation there is no justification given as to the proposed scale, yet the structure is equivalent in size to the village hall;
 - (vi) the dominant impact the proposed structure would have on the street scene as one enters the village; the development would be out of character with its surroundings;
 - (vii) the structure could be sited in the garden rather than woodland belt to avoid loss of trees;
 - (viii) it would be a shame if further trees around this property were to be lost many trees have recently been cut down,
 - (ix) the close proximity to a listed grade II property;
 - (x) the location to the front of the property would set an unacceptable precedent;
 - (xi) the proposed use of the studio needs clarification;
 - (xii) no detail of proposed heating in the accommodation is given;
 - (xiii) the ground floor accommodation will effectively comprise a substantial five bay cart lodge/machinery store;
 - (xiv) JDMP 2015 Policy DM24.

A statement from the tree warden was considered which made following points; (a) the proposed location is in an area of deciduous broadleaf mature woodland; (b) SCC has declared a climate emergency; (c) the proposals will result in the unnecessary destruction of this mature woodland belt; there are other siting options available to the applicant

which would not result in the loss of this woodland belt; (d) no meaningful mitigation has been offered; (e) the proposals would result in an unnecessary and ill-advised loss of woodland which will have an unacceptable impact on local biodiversity; the loss of such habitat within the village is lamentable. It was unanimously AGREED that the Council would OBJECT to these proposals on grounds of scale, location, necessary loss of trees, visual impact and breach of policy DM 24 JDMP 2015.

11. The Council considered the re-consultation at its meeting on 26 April 2021. Following full discussion it was UNANIMOUSLY AGREED that the Council's original OBJECTION (18 January 2021) should be re-stated; those present considered that the relatively minor adjustment in location did nothing to address the previously stated objections regarding the scale of the building, the loss of trees to facilitate the new building and the negative impact on the residential amenity of neighbouring property. The meeting concluded that the proposals still did not meet the criteria of JDMP 2015 policy DM24. The meeting noted that there was no particular justification provided for a building of this scale and size to the front of the property, in front of the building line and there was concern about the potential for it to be used as a standalone dwelling or similar in the future. Councillors noted that the planning authority have recently taken local enforcement action elsewhere in this village in relation to development in front of the building line; other planning permissions recently granted in the village have restricted the height of proposed development; the Council accordingly urges the planning authority to take a uniform approach in relation to this proposal, given its proposed location in front of the building line and its excessive height. Councillors expressed dismay at the ongoing loss of trees at this gateway point to the village and disappointment that there is no protection in place to safeguard this group of trees which make such a valuable contribution to the appearance of the village. The impact of the loss of such woodland on neighbouring listed property was highlighted.

12. Ward Member – No comments received.

13. Neighbour representations

14. Comments received from the neighbouring property at Park House, their summarised comments are as follows:

- Concerns in regard to the loss of trees on the site
- Impact on listed building at Spinney Cottage

Comments were also received in relation to the amended plans which they maintained their objection.

15. Comments received from the neighbouring property at Ballacraigne, their summarised comments are as follows:

- Concerns over loss of trees
- Scale and position of the proposed building

Comments were received in regard to the amended plan which they maintained their objections.

16. Comments received from the neighbouring property at Cullum Cottage, their summarised comments are as follows:

- Impact on listed building
- Impact on trees and biodiversity

No comments received in relation to the amended plans.

17. Comments received from the neighbouring property at Little Owl, their summarised comments are as follows:

- Impact on listed building
- Impact on amenity of neighbouring property
- Impact on trees
- Scale of proposal

No comments were received in regard to amended plans.

18. Comments received from the neighbouring property at Spinney Cottage, their summarised comments are as follows:

- Impact on listed building
- Impact on amenity
- Loss of trees
- Scale of proposal

Comments were received in relation to the amended plans which they maintained their objections to the proposal.

Policy:

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

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Impact on Listed Buildings
- 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
- Rural Vision 2031

Other planning policy:

21. National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Impact on Character of Street Scene/Surrounding Area
- Impact on Amenity
- Impact on Trees
- Impact on Listed Building
- Other Matters

Principle of Development

24. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings, which is the relevant provision in this case, will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the dwelling. It is also a requirement that the proposal will not lead to overdevelopment of the curtilage, nor that it affects the amenity of nearby properties.

25. In this case, the proposal is for the construction of a detached cart lodge to the front of the site. The curtilage of the site is large enough to accommodate the proposal without overdevelopment occurring. Therefore, it is considered that the proposal is acceptable in principle.

Impact on Street Scene/Surrounding Area

26. The proposal is positioned to the front of the site and in front of the existing dwelling. Therefore, consideration must be given for the proposal and its impact on the host dwelling and the surrounding area. The proposed cart lodge is of a clearly notable scale, containing five parking / storage bays, plus accommodation above. However, given the scale of the existing host dwelling, plus the generous plot on which both would sit, plus the set back from the road and the extent of retained soft landscaping, the proposal would still be subservient to the host dwelling in terms of its overall height and scale.

27. The boundary to the front and side of the dwellings consists of mature tree cover which does help screen the proposal from the public domain. In addition, the application proposes to reinforce the boundary with further planting, which will help provide further screening. Given the scale of the building, there would be some views of the roofscape from the public domain, but this would not be considered to be harmful in terms of impact the character or appearance of the surrounding area and it is also noted that the building itself is attractively designed using suitable materials, including red plinth brickwork, stained boarding for the walls, and plain tiles of the roof. Given the set back from the road and the size of the property frontage this conclusion would remain, even if the site was not bounded by soft landscaping.
28. Third party comments were also received in regard to the scale of the proposed building and its impact on the character and appearance of the surrounding area. Although the proposed cart lodge is of a notable scale, it would still remain subservient to the host dwelling in terms of its overall scale and height, and otherwise positioned spaciouly within a generous plot. Given its position which is to the front of the site, there may be some views of the proposal from the public domain, in particular the roofscape. However, given the remaining tree cover on the boundaries of the site and the additional planting which would be conditioned, it is considered that a building of this scale to the front of the site would not result in an adverse impact on the character or appearance of the host dwelling or the surrounding area and would therefore comply with Policies DM2 and DM24, plus CS3.

Impact on Amenity

29. The proposed cart lodge is positioned approximately 9 metres from the boundary with the neighbouring property at Spinney Cottage. The building proposed has a height of 6.5 metres to the ridge. The proposed cart lodge has three rooflight windows positioned on the side elevation which faces towards the neighbouring property at Spinney Cottage. These are shown to be obscure glazed, and could be conditioned to be so, plus fixed shut. There is also an external staircase and timber landing area to the south end of the proposed outbuilding. The standoff distance, plus the existing intervening soft landscaping, added to the fixed obscure glazed nature of these rooflight windows would limit any potential overlooking of the private amenity space of the neighbouring property at Spinney Cottage to a level that is considered to be acceptable. In addition, the boundary between the two properties consists of trees which would obscure views of the cart lodge from the neighbouring property. Given this and the separation, it is considered that the proposed cart lodge would not result in a materially adverse impact on the amenity of the neighbouring property in terms of loss of light, overlooking or to otherwise have an overbearing impact.
30. Third party comments were also received in regard to the impact on amenity of the neighbouring property at Spinney Cottage. As mentioned above, given the separation distance of the cart lodge from the boundary of the site and the remaining tree cover on the boundary of the property, it is considered that the proposal would not result in an adverse impact on the amenity of the neighbouring property in terms of loss of light or overlooking of the private amenity space. This would be subject to

conditions in relation to obscure glazing and non-openable rooflight windows on the west elevation. Therefore, officers have no concerns in this regard.

Impact on Trees

31. The proposal will result in the loss of nine trees which are positioned further into the site and away from the frontage. These trees are not considered to be of a high amenity value and as such the tree officer does not object the removal of these trees. These trees are not subject to a Tree Preservation Order and neither are they located within a Conservation Area and therefore the removal of trees would not require consent.
32. Third party comments have been received in relation to the cart lodge. One of these objections is in relation to the loss of existing trees on the site and the impact on the trees to be retained. In regard to this, consent would not have been required for the prior removal of the trees on the site as it is not covered by a tree preservation order. In addition, the tree officer has considered that the proposed cart lodge is positioned a sufficient distance away from the trees not to be of a concern. A tree protection and Arboricultural Method Statement would be conditioned to ensure that retained trees are protected during the construction of the cart lodge.
33. The proposal will not result in the loss of any trees positioned on the boundary of the property and the proposal was amended to ensure that building would be positioned away from the root protection areas of these trees. An arboricultural impact assessment was submitted with the application. The tree officer has reviewed the details and confirmed no objection to the proposal subject to conditions for a tree protection plan and arboricultural method statement, and subject to a tree planting condition which would see more trees planted on the boundary of the site to increase the screening of the proposal from the public domain. The Tree Officer has also confirmed that the existing trees, whilst of some value, are not worthy of formal protection.
34. Therefore, there is no objection in regard to the proposal and its impact on the surrounding trees.

Impact on Listed Building

35. The neighbouring property at Spinney Cottage is a Grade II listed building and as such, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.
36. In this regard, the proposed cart lodge is positioned 9 metres from the boundary with the neighbouring listed building, which itself sits on the boundary. Although the proposed building is generous in scale it would also be screened by existing mature planting on the boundary of the site which would obscure views of the proposal from the neighbouring property.

37. In addition, the conservation officer has reviewed the proposal and has concluded that given the existing mature planting on the boundary of the property, which would obscure views of the proposed outbuilding from Spinney Cottage, and vice versa, that it is considered that the proposed development would not affect how the asset is appreciated or otherwise adversely affect its significance. Furthermore, the conservation officer has also stated that even if the planting were to be removed that it would not open up a wide and long uninterrupted planned view but rather a view across a neighbouring property's garden looking towards development on the edge of the village. The conservation officer has also explained that whilst views of the roofscape may be possible through the existing planting, that any such views would not affect how the heritage asset is appreciated or adversely affect its significance.

38. Third party comments were also received in regard to the impact on the neighbouring Grade II listed building at Spinney Cottage. Given the position of the listed building and the remaining tree cover that will screen most of the proposed cart lodge from the listed building the conservation officer has concluded that the proposal would not result in an impact on the setting of the listed building and therefore would comply with policy DM15.

39. Therefore, the conservation officer has no objections in regard to the proposal, even in the eventuality that the onsite screening planting were to be removed. Given this, it is considered that the proposal would not result in an adverse impact on the setting of the listed building and would comply with Policy DM15.

Other Matters

40. Objections were received from Hawstead Parish Council (PC) in regard to the proposal. Their comments were mostly in line with objections received from neighbouring and nearby properties as reported above. However, the PC also made comments in regard to concerns that the proposed cart lodge had the potential to be used as an outbuilding in the future. In this case the building includes accommodation to be used in conjunction with the main dwelling, and this can be controlled by a condition, as recommended below.

Conclusion:

41. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with Policies DM2, DM25, DM24 and CS3 and the National Planning Policy Framework.

Recommendation:

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

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

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

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

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

Reference number	Plan type	Date received
20/92/01	Existing block plan	16 December 2020
20/92/03	Proposed elevations & floor plans	16 December 2020
20/92/02 A	Proposed block plan	1 April 2021
(-)	Heritage statement	31 March 2021
(-)	Arboricultural assessment	31 March 2021

- 3 Prior to commencement of development a detailed Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall show the extent of root protection areas, details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. The AMS shall include details of all construction measures within the root protection areas of those trees on and adjacent to the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation for hard surfaces, boundary treatments and service routes. The TPP and AMS shall include a schedule of monitoring and a programme of arboricultural supervision.

The development shall be carried out in accordance with the approved TPP and AMS unless agreed in writing by the Local Planning Authority.

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

- 4 Prior to completion of the development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include 3x standard (10-12cm girth) *Acer campestre* in the locations shown on drawing 'UTC-0585-P05-TPP'. Planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period shall be provided. All tree planting shall be carried out in accordance with those details and at those times.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 The cart lodge hereby permitted shall be occupied only in conjunction with and for purposes ancillary to the residential use of the existing dwelling known as Woodlands to which it is associated and together they shall form a single dwelling house.

Reason: To enable the Local Planning Authority to regulate and control the development, in accordance with policy DM24 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 5 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Before the cart lodge hereby permitted is first occupied/brought into use, the three rooflight windows in the rear / south west elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.

Reason: To prevent the overlooking of adjacent properties in order to ensure that residential amenity is not adversely affected, in accordance with policy DM2 and DM24 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/2212/HH](https://www.westsuffolk.gov.uk/DC/20/2212/HH)

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A-info updated - building relocated to address concerns. -25/03/21

dean jay pearce architectural design & planning ltd 2 / 3 Milestone, Hall Street, Long Melford Sudbury, Suffolk, CO10 9HZ T: 01787-378797 E: dean_pearce@l.j.p.co.uk		
Project:		
Proposed ancillary outbuilding / guest accommodation / studio.		
Site Address:		
Woodlands, The Pound, Hawstead, BSE, IP29 5NJ		
Applicant:		
Mrs K Cuthell		
Drawing title:		
PROPOSED SITE PLAN		
scales: 1 / 200 (A1)	drg no:	rev:
date: 12 / 2020		
drawn: djp	20/92/02 / A	
checked:		
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Development Control Committee

23 June 2021

Planning Application DC/21/0640/HH – 60 The Street, Barton Mills

Date registered:	23 March 2021	Expiry date:	18 May 2021 EoT 25 June 2021
Case officer:	Alice Maguire	Recommendation:	Refuse application
Parish:	Barton Mills	Ward:	Manor
Proposal:	Householder planning application - detached double garage with new driveway		
Site:	60 The Street, Barton Mills, IP28 6AA		
Applicant:	Les Belsberg		

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:

Alice Maguire

Email: alice.maguire@westsuffolk.gov.uk

Telephone: 07904 3899

Background:

This application is presented to Development Control Committee following consideration at Delegation Panel on the 18 May 2021. It was presented to the Delegation Panel due to the support from the Parish Council.

This is a resubmission of a previously refused proposal determined at a previous Development Control Committee. The application is recommended for REFUSAL.

Proposal:

1. Planning permission is sought for one detached garage and vehicular driveway. The proposed garage is two bay, and measures 6.500 metres in depth, 13.400 metres in length, with a height to the eaves of 3.300 metres and an overall height of 4.800 metres. There is an existing access and driveway into the site, which is proposed to be resurfaced.
2. The proposed garage will be within the residential curtilage of 60 The Street, Barton Mills. It will be located in close proximity to the western boundary of the site in front of the existing dwelling. It will be set back approximately 14 metres from the front boundary and highway.
3. An application for a detached garage and new driveway was refused at Development Control Committee on 18.11.2020. The garage measured the same in footprint and was 1.000 metre higher to the ridge. The overall height of the proposal under this application is 4.800 metres.

Site details:

4. The application site comprises of a detached, modern infill property located within the Barton Mills settlement boundary. Access is achieved to the site from The Street. The property is also located centrally within the Conservation Area.

Planning history:

6.

Reference	Proposal	Status	Decision date
DC/20/1063/HH	Householder Planning Application - (i) Garage (ii) vehicular driveway improvements	Application Refused	19 November 2020
F/2012/0245/HOU	Erection of detached double garage with Media Room/Gym over	Refuse	4 October 2012

Representations:

7. Parish Council:

05.05.2021:

The Parish Council has no objections to and strongly support the application based on the proposal affecting no neighbouring properties and there were no issues in relation to other similar garages in the area.

Ward Member:

8. Councillor Brian Harvey requested that the application was referred to Development Control Committee at Delegation Panel on 18 May 2021.

Conservation Officer:

9. "The proposed location remains forward of the principal elevation and as a result would continue to be regrettable. It is appreciated there is a mix of development within the conservation area some of which similarly includes garaging forward of the principal elevation. Such an arrangement however does not necessarily contribute towards the character or appearance of the conservation area and would not, in this instance, follow the arrangement of properties either side of the application site. That said the proposed development has been reduced in overall height to the extent the ridge height of the garage roof will now sit below the ridge height of the single storey side extension diminishing in scale and therefore reducing the prominence of an ancillary structure in a prominent location.

Whilst I continue to raise concerns due to its proposed location, the reduced scale is such that I no longer consider the proposed development would cause the extent of harm where a refusal would be warranted. I therefore raise no objection".

Neighbour representations

10.5 letters of support have been received. Their comments are summarised and include the following:

- Proposal is significantly away from street and mostly blocked by matured trees.
- Minimal effect on street scene.
- Garage and drive will significantly reduce number of vehicles parked to the front, improving the garden landscape.

Policy:

11. 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 Forest Heath District Council.

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

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM17 Conservation Areas
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage.
- Policy DM46 Parking Standards
- Core Strategy Policy CS5 – Design and Local Distinctiveness

Other planning policy:

13. National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Impact on the street scene / Conservation Area
- Impact on neighbour amenity
- Design and Form
- Parking and access
- Previous reason/s for refusal

Principle of development

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

16. The proposal seeks approval for the construction of a detached garage and resurfacing of the existing vehicular driveway. Policy DM24 states that within settlement boundaries, planning permission for the alteration or extension to dwellings, including annexes and development within the curtilage, will be permitted subject to certain criteria. This states that proposals should respect the character, design and scale of the existing dwelling and immediate and wider area, should not result in over-development of the curtilage and should not adversely affect the residential amenity of occupants of nearby properties.
17. The principle of development is therefore acceptable, subject to compliance with DM2, DM24 and, given the site is within the conservation Area, DM17. These matters will be assessed in more detail below.

Impact on the street scene / Conservation Area

18. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based. It also states that they should maintain or create a sense of place, preserve or enhance the setting of Conservation Areas and not involve the loss of gardens and important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement.
19. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
20. Policy DM17 states that proposals for all development within Conservation Areas should preserve or enhance the character or appearance of the area, be of an appropriate scale, form, height and massing, which respects the area's character and setting, retaining important natural features such as open spaces and plot divisions, and demonstrate a clear understanding of the significance of the area.
21. Given the location of the proposed garage, forward of the principal elevation of No. 60, views of the development will be visually prominent from both the street scene and wider Conservation Area.
22. The site is located centrally within the Conservation Area, and No. 60 itself is a generous modern infill dwelling within the street scene. The character of this area comprises of large, open frontage plots which are of low density and have a verdant and open character which contributes towards its special character. Within the Barton Mills Conservation Area Appraisal (2008), it is noted that some of the key characteristics of the conservation area include the low density, attractive variation in space between buildings, and the important green spaces. It also refers to the infilling of plots during the 20th century, which would include the plot at No. 60. It states that these plots are mainly at a low density, so that the landscape features dominate, so much that the character is still rural and not suburban.
23. The proposed garage is considered to interrupt the open character of this area, given its prominent position and overall scale. Its prominent location forward of the principal elevation will compromise the otherwise uninterrupted spacious character of the large front gardens enjoyed by 60 The Street and its immediate neighbours, affording undue prominence to an ancillary structure forward of the principal elevation. The overall scale, height and massing of

the structure is not considered to maintain or create a sense of place and consequently will not preserve or enhance the character or appearance of the conservation area.

24. The reduction in overall height by one metre from the previously refused scheme has been acknowledged and is considered to result in a modest improvement, reducing the overall bulk and massing. However, it is not considered to be a sufficient reduction to overcome the excessive scale and prominent location within the plot in relation to the dwelling and wider area. The Conservation Officer still raises concerns in respect of the location of the garage, albeit has not raised an objection to the application.
25. It is acknowledged that there are some other examples within the street scene further away from the site, of garages to the front of properties, such as at No. 68. It is however considered that the other examples are not comparable in their scale, nor location, given that the properties from No's. 58-66 are set back further from the highway with a more open, spacious character.
26. An application for a single storey detached garage at No. 60 was considered and refused at Development Control Committee on 4 October 2012 (F/2012/0245/HOU). This application is comparable in its position within the plot, and its scale and form. This application proposed a garage which would have a height to the ridge of 5.7m, depth of 6.5m and width of 13.6m. The development was also proposed to be located in the front garden of the property, approx. 15m from the front boundary. This application was refused on the grounds that the bulk and massing of the proposed garage was of an excessive scale in relation to the dwellinghouse, and that it dominates a prominent location within the site, out of keeping with the character of the existing dwelling. It was also refused on the basis that the design and character failed to take into account its conservation area setting, and the design, bulk and mass of the proposed building detracted from the appearance of the conservation area. Given the comparable location, design and form of the proposed garage to the previously refused application, it is considered that these reasons for refusal are still relevant. The policy context has since been updated, however the issues set out here still remain and are relevant to the consideration of this application.

Impact on neighbouring amenity

27. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity.
28. The proposed garage will be located to the western side of the plot, and as such, No. 58 would be most adversely impacted. The proposed garage is located close to the boundary, to the north west of No. 58 so will not cause overshadowing and given that this is adjacent to the front of the neighbouring property and is an area that is used as vehicular parking space and not private garden space, it is not considered that any adverse detrimental impacts to the residential amenity of No. 58 will arise.
29. The proposal is therefore considered to accord with Policy DM2, in relation to impact on neighbouring amenity.

Design and form

30. Policies DM2 of the Joint Development Management Policies Document and CS5 of the Core Strategy seek to ensure that developments produce designs that respect the scale, character, density and massing of the locality.
31. Policy DM24 states that proposals for development within settlement boundaries will be permitted where they respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area.
32. The proposed garage is for two large cars, with space for additional storage. It is considered to be of an excessive scale, measuring 13.400 metres in length, with an overall height of 4.800 metres. The Suffolk guidance for parking document (2019) states that a car port or garage access or door width should be a minimum width of 2.400 metres. This highlights that the length of 13.400 metres for a two bay garage is significantly larger than would otherwise be required for such a structure.
33. The height of the garage has been reduced as part of this application, however, these changes are not considered to overcome the bulky scale and form of the garage, and its prominent location to the front of the property. The garage is not considered to respect the scale or character of the immediate or wider area.
34. The proposal is therefore considered to be contrary to Policies DM24, DM2 and CS5, with respect to its design and form.

Parking and Access

35. Policies DM2 and DM46 both state that proposals for all development should produce designs that are in accordance with standards, that maintain or enhance the safety of the highway network and provide appropriately designed and sited car parking.
36. This application seeks improvements to the vehicular driveway, and a double garage. There is an existing access to the site. There is an existing integral garage at the property, however it is believed that this has been converted into a plant room. There is currently sufficient parking on the vehicular driveway, and the proposal will create two additional parking spaces. In conclusion, the proposal meets the parking standards set out by Suffolk Highways and is considered to be in accordance with Policies DM2 and DM46, in relation to parking and access.

Previous reason/s for refusal

37. Application referenced DC/20/1063/HH was refused on the basis that the proposed garage was considered to be a large, bulky and visually prominent addition that would compromise the open character of the conservation area, in conflict with policies CS5 of the Core Strategy, policies DM2, DM17 and DM24 of the Joint Development Management Policies Document, and the National Planning Policy Framework.

38. This application has been amended through the reduction of the overall height of the proposed garage by 1.000 metre. The reduction is considered to result in a minor improvement by slightly reducing to the overall bulk and massing of the garage. However, the proposal is still considered to appear dominant and out of keeping with this particular part of the street scene by its size and positioning within the plot, in what is an area that offers a sense of openness as part of its character. As such, it is still considered that the former refusal reason is still relevant and the amendment has not overcome this.

Conclusion:

39. In conclusion, policy DM2 permits development that recognises the key features and characteristics, maintains or creates a sense of place, preserves or enhances the setting of Conservation Areas, and does not involve the loss of important open, green or landscaped areas. Policy DM24 allows development within settlement boundaries, where it respects the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area. Policy DM17 also seeks ensure that development within conservation areas preserves or enhances the character and appearance of the area, to be of an appropriate scale, form, height and massing, and to retain important open spaces and demonstrate a clear understanding of the significance of the area. It is not considered that the proposed garage complies with the provisions of Policies DM2 and DM24 given that it is of a large scale and form that results in a harmful impact on the character and appearance of the area which is characterised by open, spacious and verdant plots.

40. As the proposal is contrary to policies within the development plan and core strategy, as well as the provisions of the National Planning Policy Framework (2019) as set out above, the recommendation is one of refusal.

Recommendation:

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

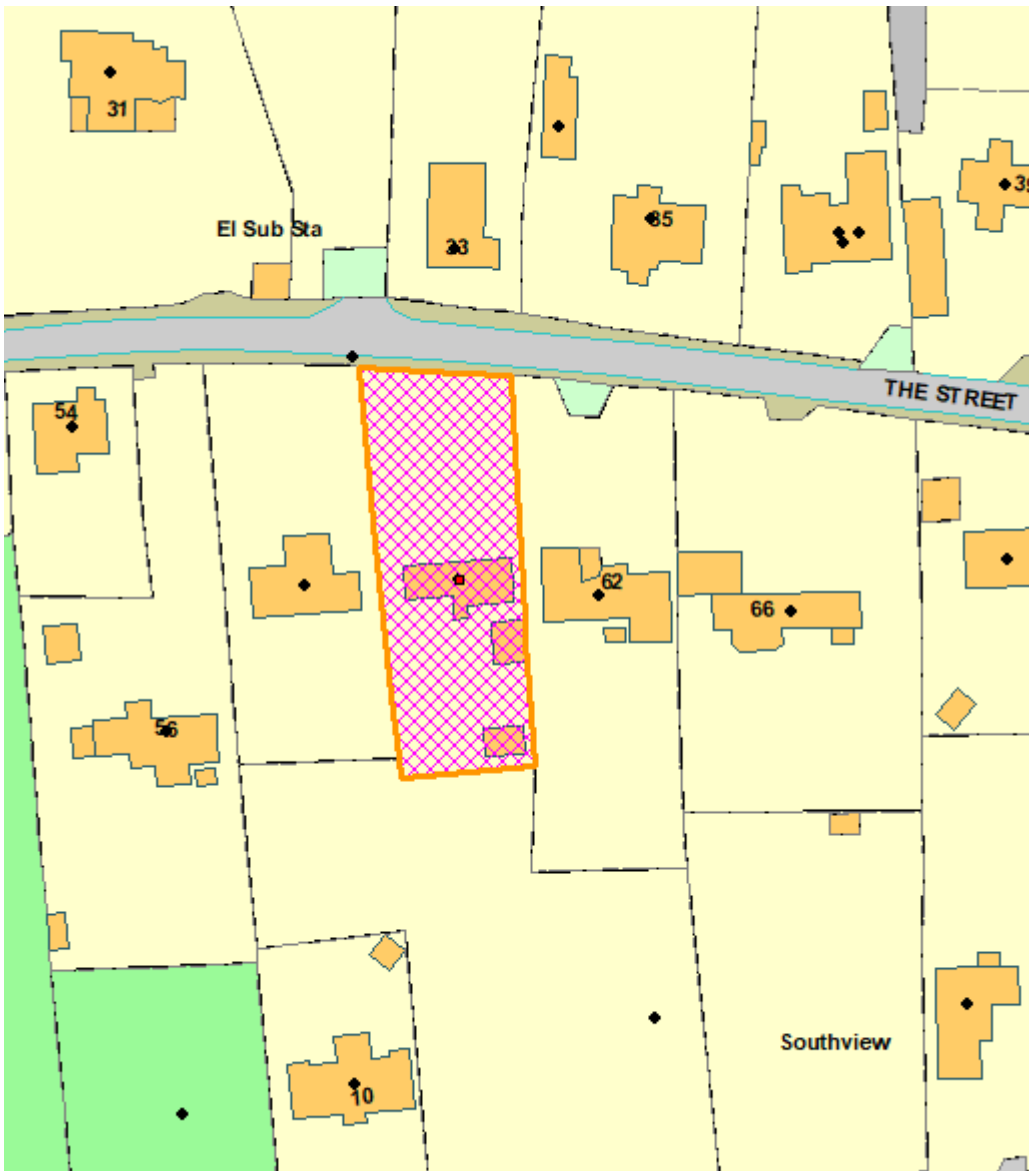
1. The pattern of development in this particular part of the village comprises of large, detached properties that are set back from the highway with large front gardens which offer a sense of openness. This spaciousness is considered to contribute positively to the character and appearance of the area. The proposed garage is considered to be a large, bulky and visually prominent addition that will compromise the open character of the area. The proposed garage is therefore considered to be in material conflict with policy CS5 of the Core Strategy, policies DM2 and DM24 of the Joint Development Management Policies Document, and the advice contained within the National Planning Policy Framework which seeks to ensure that new development is sympathetic to the local character.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/0640/HH>



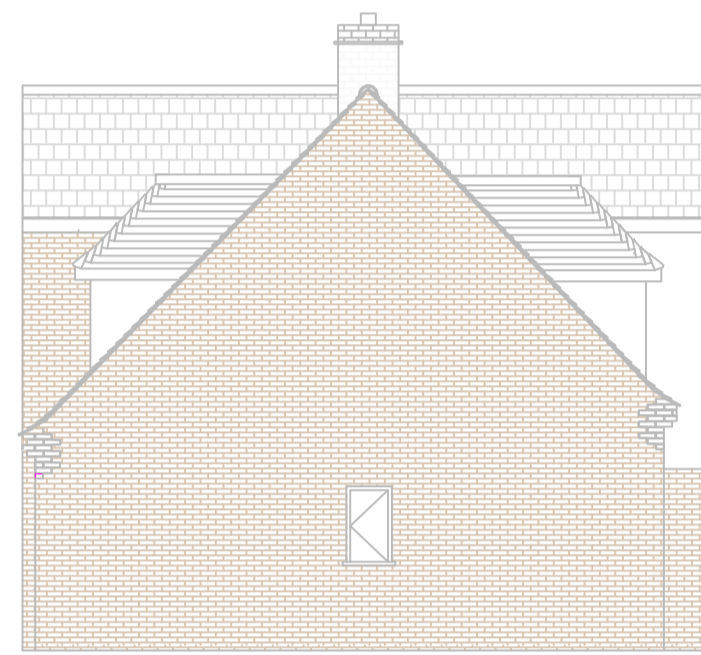
DC/21/0640/HH – 60 The Street, Barton Mills



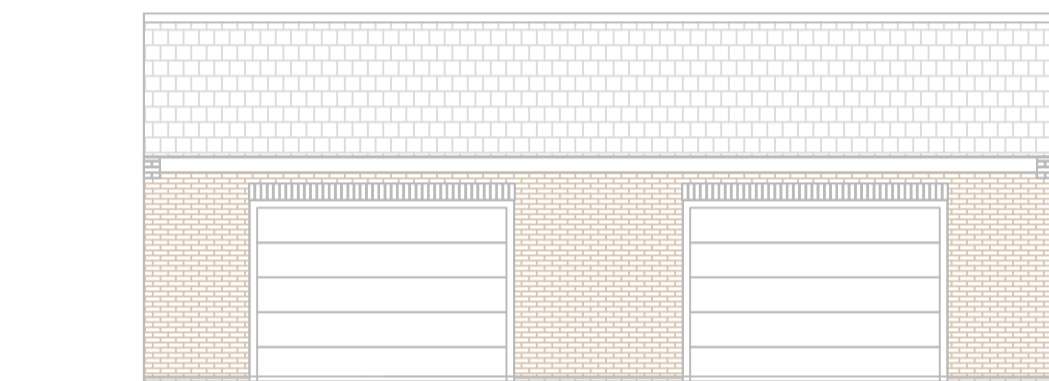
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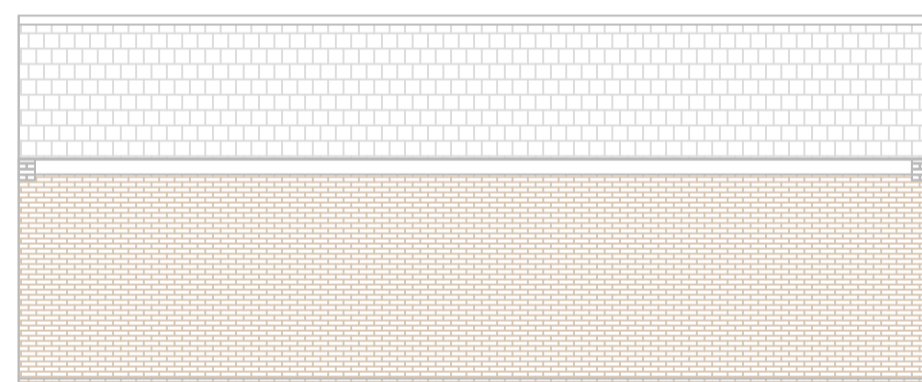
Proposed Front Elevation 1-100



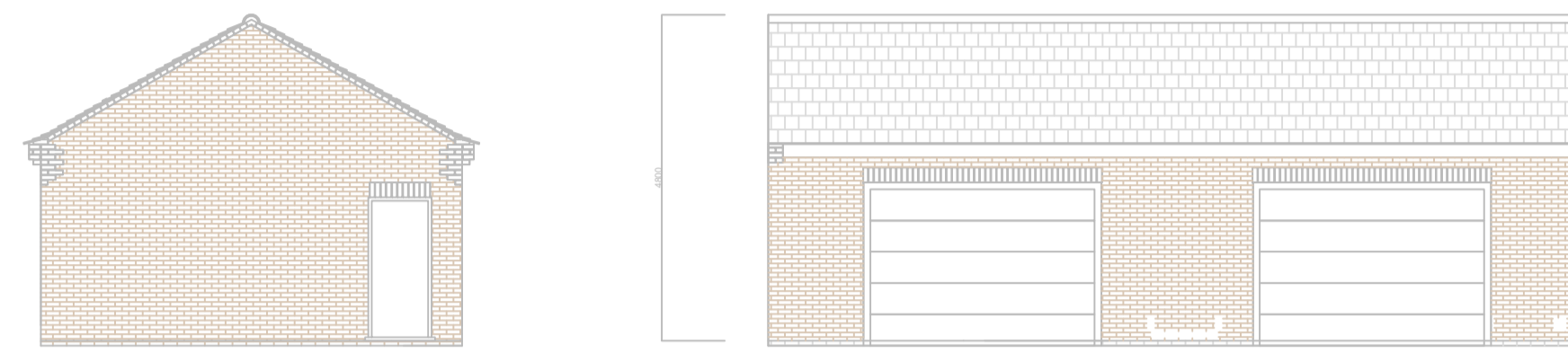
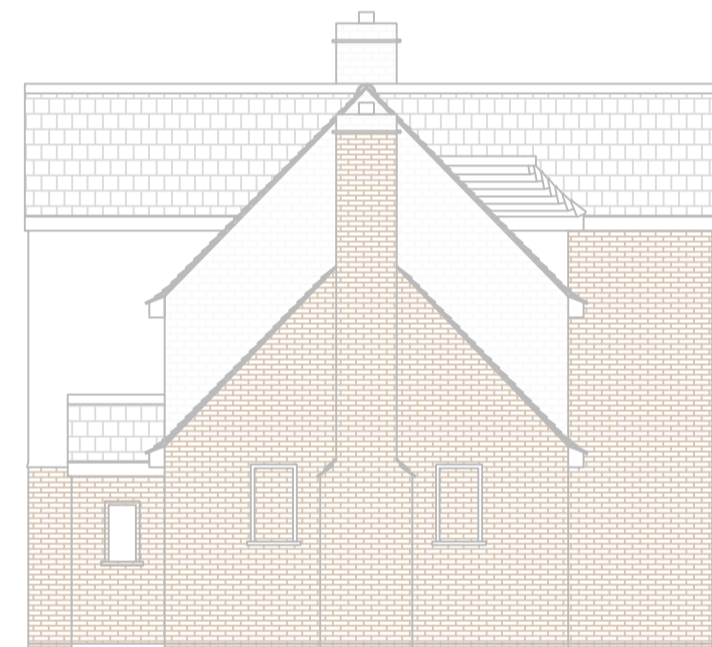
Proposed Side Elevation 1-100



Scale Metres

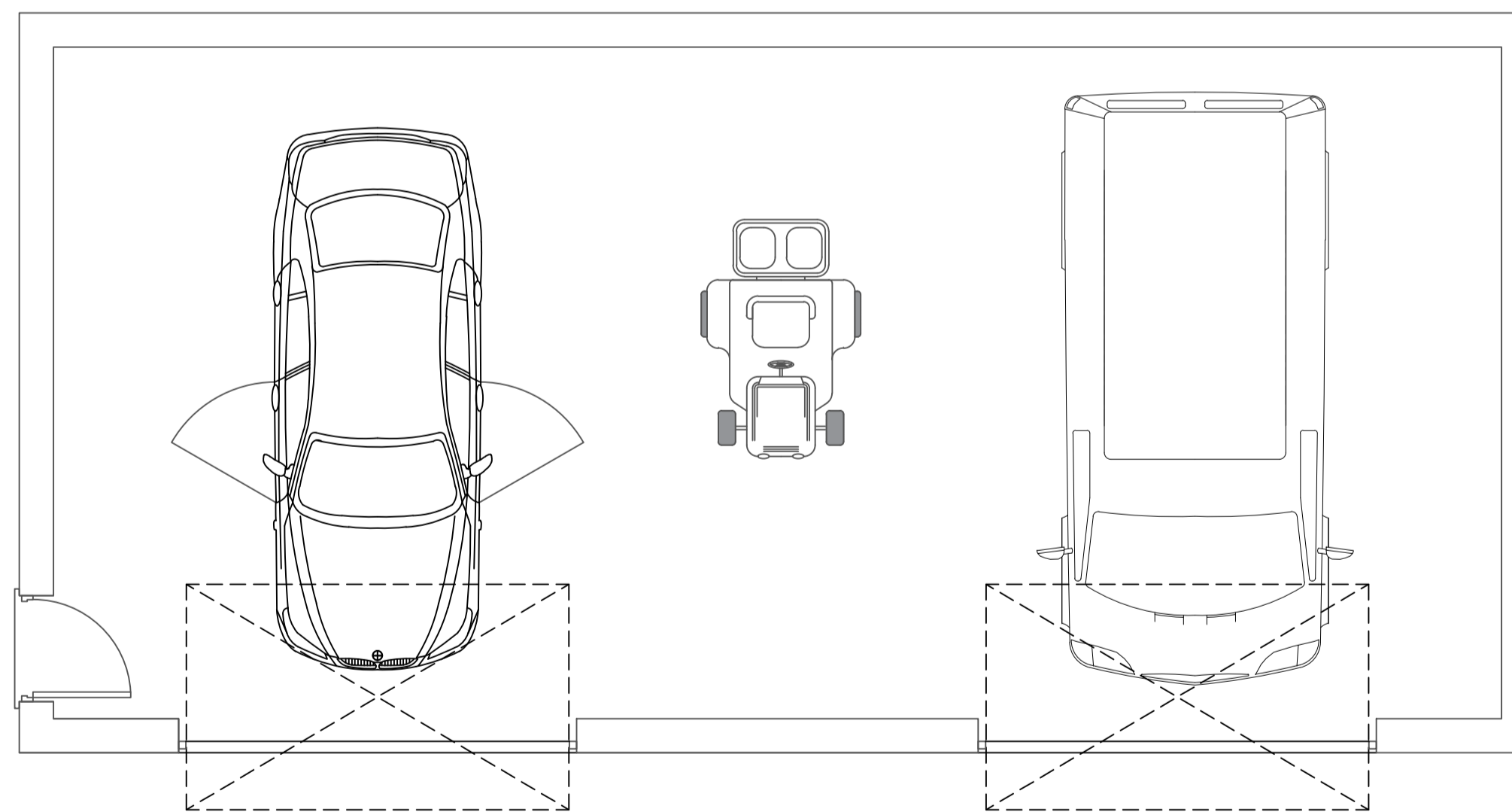
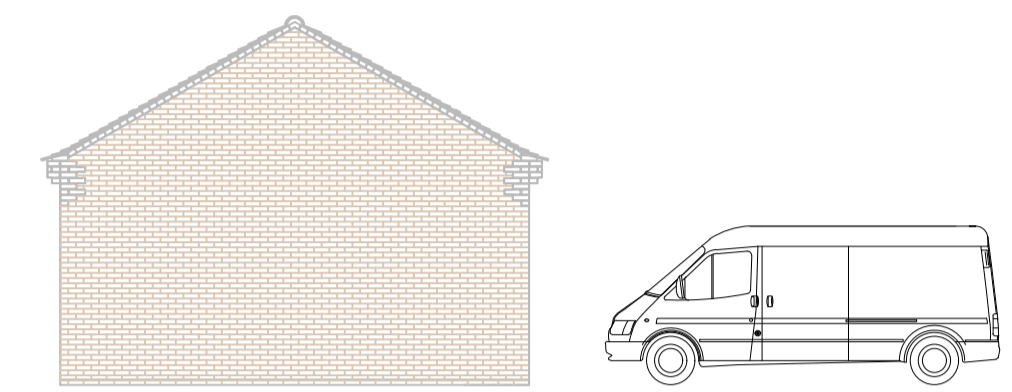


Proposed Side Elevation 1-100



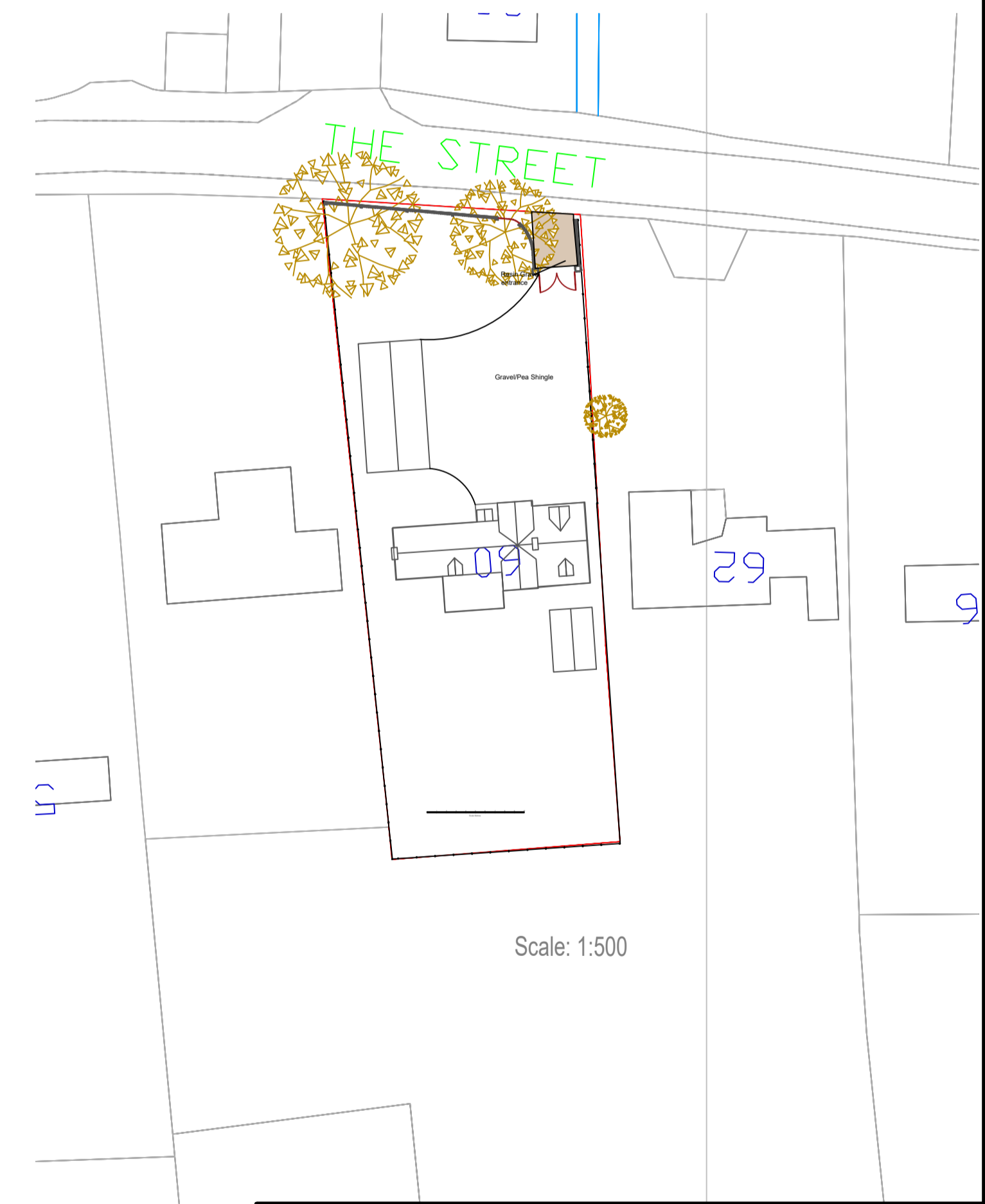
Garage Elevations 1-100

Scale Metres



Proposed Garage Layout 1-50

Scale Metres



Scale: 1:500



These drawings are for DESIGN purposes only. 2TDB are not liable for unforeseen problems in build. Please DO NOT Scale this drawing, dimensions must be checked on site before building works commence & any discrepancies reported.

Orchestral Close, Barton Mills, Suffolk, IP28 6AF

Proposed Layout & Elevations

60 The Street Barton Mills IP28 6AA

Mr Les Belsberg

No:	Revision:	Date:	Date:
			22/03/2021
			Scale: 1:50/1:100/1:500
			Drawn By: KK
			Drawing No: 041D
			Paper Size: A1

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Development Control Committee

23 June 2021

Application DC/21/0536/P14JPA – Vicon House, Western Way, Bury St Edmunds

Date registered:	10 March 2021	Expiry date:	5 May 2021 (EOT 25/06/2021)
Case officer:	Olivia Luckhurst	Recommendation:	Not required
Parish:	Bury St Edmunds Town Council	Ward:	Minden
Proposal:	Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 319 roof mounted solar photovoltaic panels to northern and western sections of building		
Site:	Vicon House, Western Way, Bury St Edmunds		
Applicant:	West Suffolk Council		

Synopsis:

Application under the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Recommendation:

It is recommended that Prior Approval is not required.

CONTACT CASE OFFICER:

Olivia Luckhurst

Email: Olivia.Luckhurst@westsuffolk.gov.uk

Telephone: 07971 534416

Background:

The application has been brought to Development Control Committee as West Suffolk Council are the applicants. The Local Planning Authority is satisfied that the proposal meets the criteria set out within the relevant regulations and therefore concludes that prior approval is not required.

Proposal:

1. Installation of 319 roof mounted solar photovoltaic panels to northern and western sections of the building. The proposed solar panels will be hidden behind existing parapet sheeting and angled to face south with 89 panels positioned on the north of the building and 230 panels positioned on the west of the building.

Site details:

2. The application site comprises of a two storey building located within the Bury St Edmunds settlement boundary on a site allocated for employment. The site is accessed via Western Way with car parks located to the east, south and west. The building is surrounded by industrial units and commercial premises and has been constructed from brick and vertical cladding.

Planning history:

3. There is extensive planning history for the site which can be found online, but none directly relevant to this prior approval application.

Representations:

4. No representations received as the prior approval process set out in the permitted development regulations does not require any form of consultation or notification.

Policy:

5. This is not a relevant consideration for prior approval applications such as this.

Officer comment:**Legislative background**

6. Development consisting of the installation of solar equipment on non-domestic premises is permitted development under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Developers (in this case West Suffolk Council) are required to apply to the Local Planning Authority for determination as to whether their prior approval will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. As part of their assessment the Local Planning authority (LPA) are also required to determine whether the proposed development complies with any conditions, limitations and restrictions specified in Class J applicable to the development in question.

Permitted development limitations

7. The solar pv panels would be mounted on the roof of the building and would not protrude more than 0.2 metre above the highest part of the roof slope. The panels would also not extend to within 1 metre of the external edges of the roof plane. The application building is not on article 2(3) land, is not a designated scheduled monument and is not a listed building or within the curtilage of a listed building. As such, the proposal does not breach any of the relevant limitations set out within Class J.

Design/external appearance

8. The solar equipment in this case would be sited on the flat roof of a commercial building. The building itself is of a utilitarian design and set within an area allocated for general employment with buildings of similar design and uses. The application site is located on a corner plot and is visible from the public realm, however, the building in question measures 7.2m in height and the proposed solar panels will be positioned on a flat roof hidden behind the existing parapet and therefore, will not have a detrimental impact on the appearance of the building or street scene. The nearest residential property is located some 70m away to the south which is considered to be a sufficient separation distance and as such would not be adversely affected by glare. Overall it is considered the proposal is acceptable in terms of its design and external appearance

Conclusion:

9. The proposal is not considered to raise any adverse issues in respect of design and external appearance or neighbour amenity. The proposed panels will not be installed on a pitched roof and the highest part of the solar panels would not be higher than 1m above the highest part of the roof. The panels allow for a separation distance of more than 1m to the external edge of the roof and the site is not located within a conservation area, nor is the building listed. Therefore, The Local Planning Authority is satisfied that the proposal meets the criteria set out within the relevant regulations and prior approval is not required.

Recommendation:

10. It is recommended that **PRIOR APPROVAL IS NOT REQUIRED** as to the design or external appearance of the development.

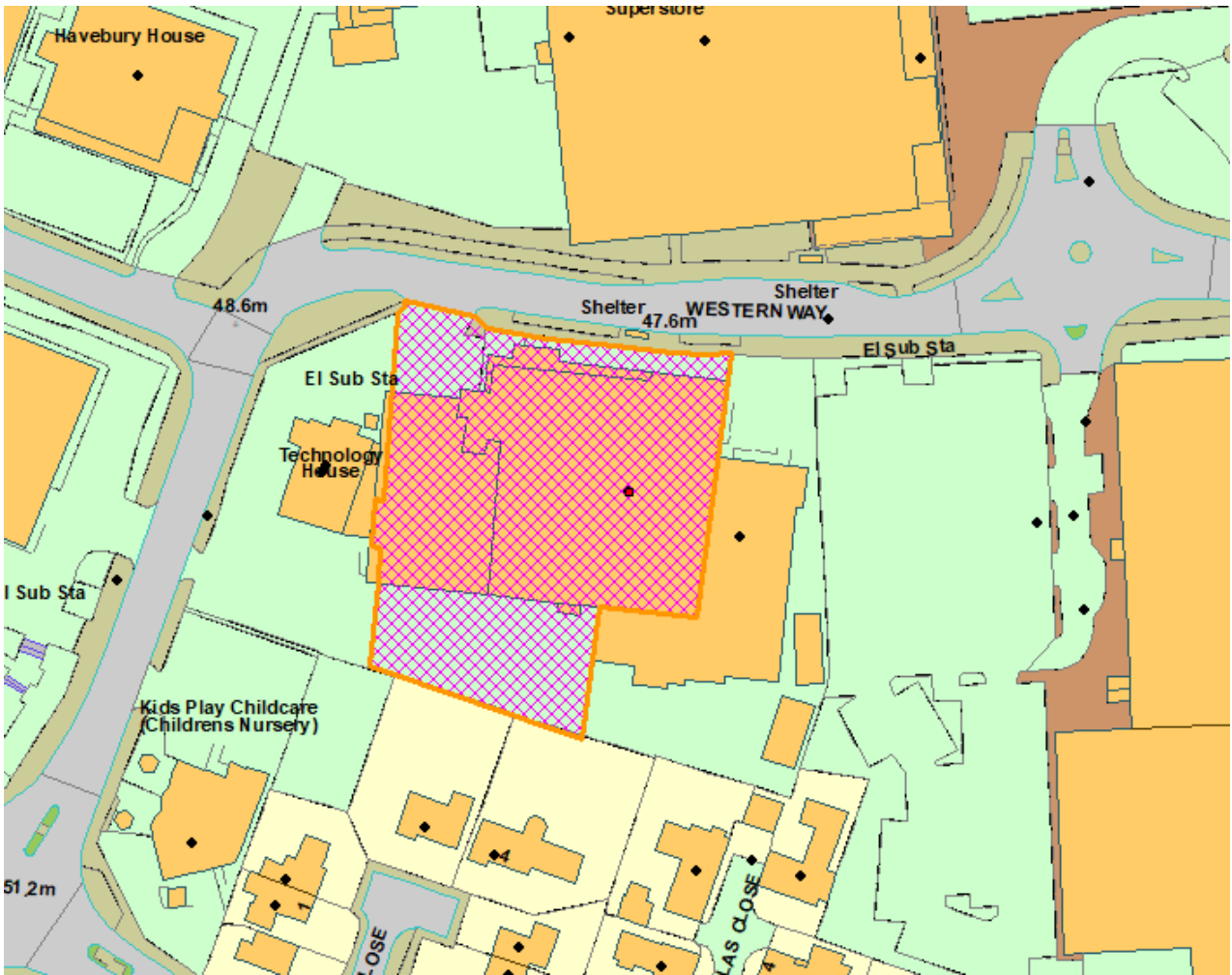
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0536/P14JPA](https://www.dorsetcouncil.gov.uk/DC/21/0536/P14JPA)

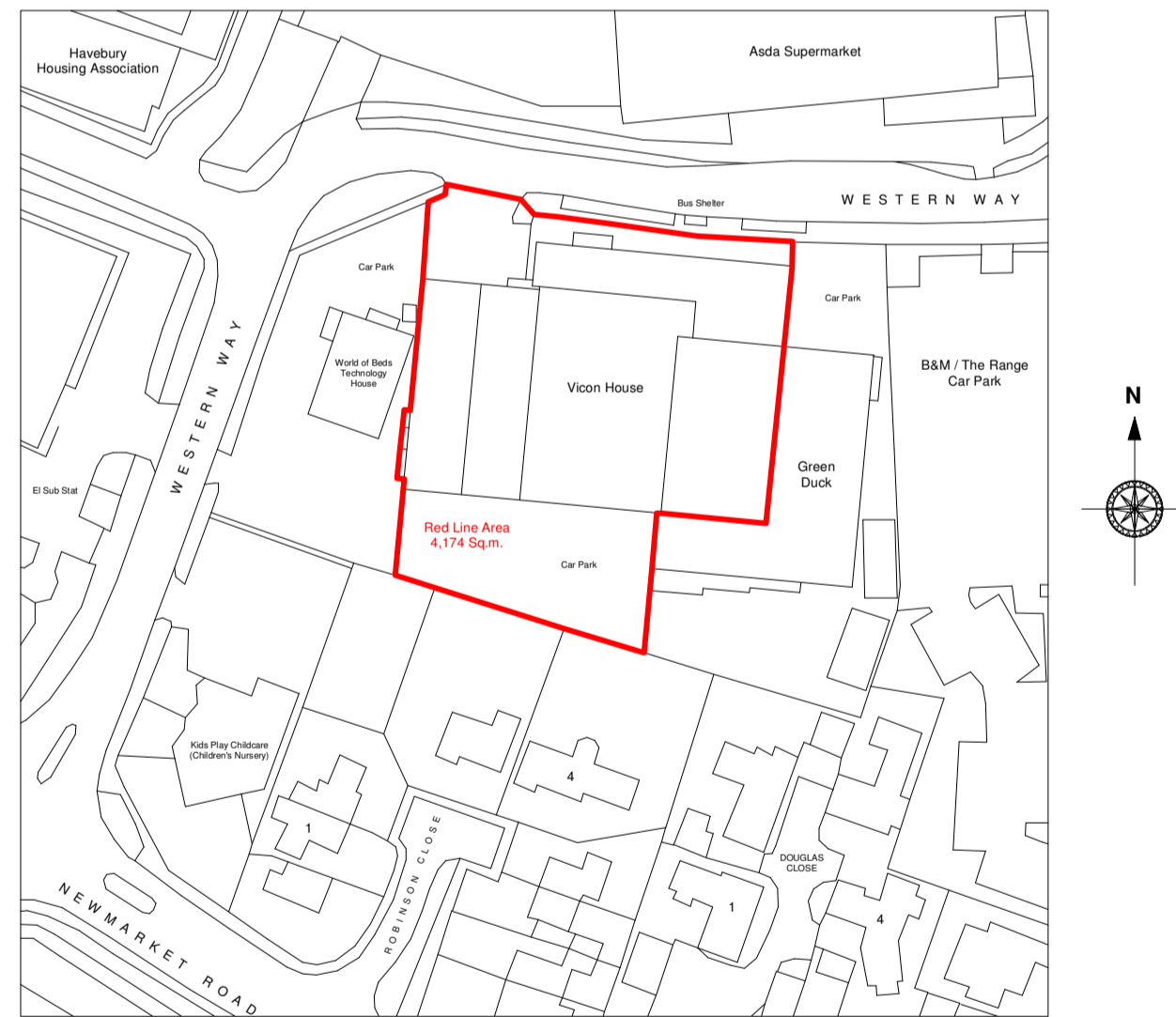
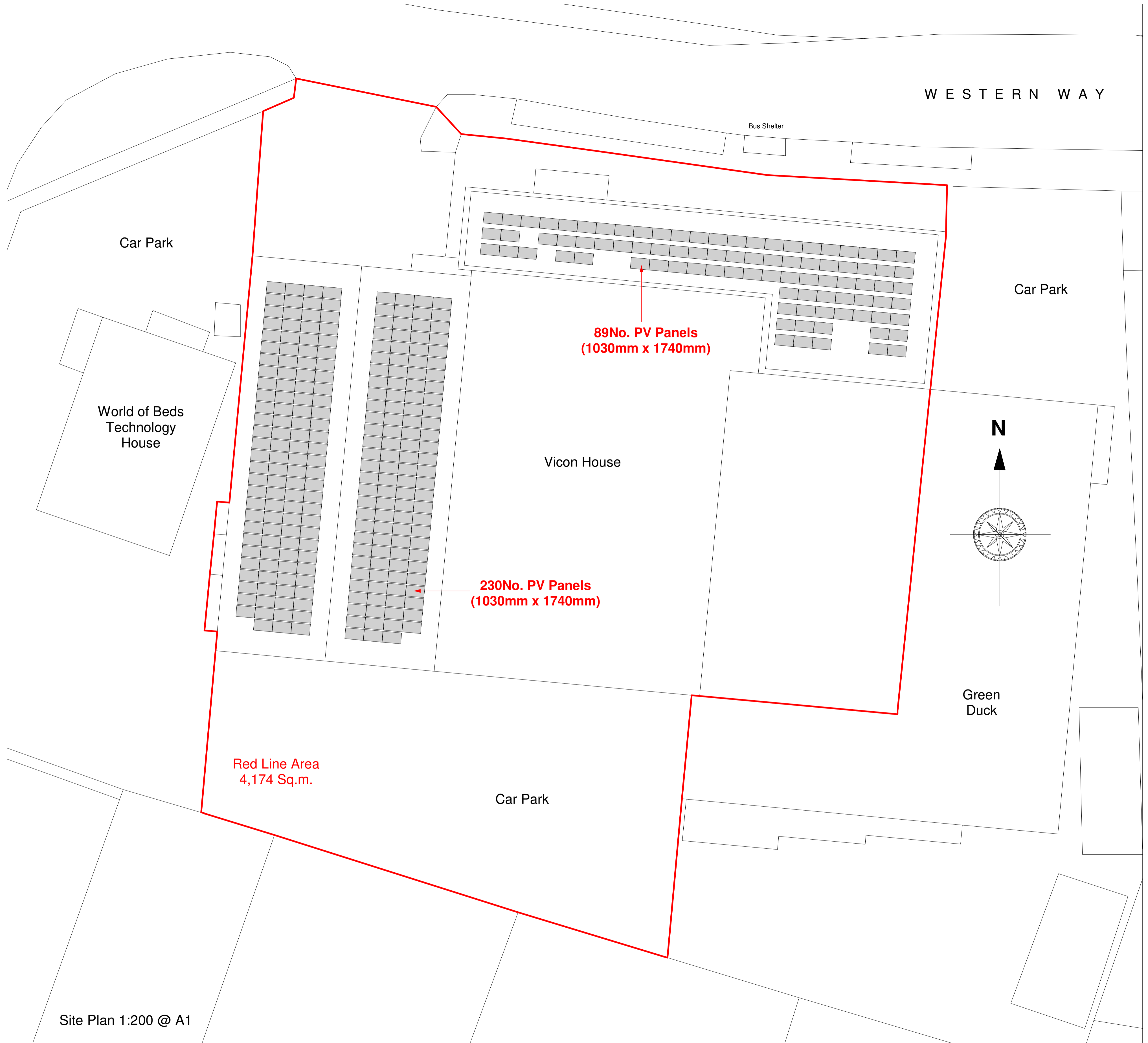
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DC/21/0536/P14JPA - Vicon House, Western Way, Bury St Edmunds, Suffolk IP33 3SP



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Location Plan 1:1250 @ A1

VICON HOUSE, 2 WESTERN WAY, BURY St. EDMUNDS. PROPOSED SITE PLAN

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Development Control Committee

23 June 2021

Application DC/21/0537/P14JPA – Mildenhall Hub, Sheldrick Way, Mildenhall

Date registered:	10 March 2021	Expiry date:	5 May 2021 (EOT 25/06/2021)
Case officer:	Olivia Luckhurst	Recommendation:	Not required
Parish:	Mildenhall	Ward:	Mildenhall Queensway
Proposal:	Prior Approval Application under Part 14 of the Town and Country Planning (General Permitted Development) Order 2015 - Installation of 410 roof mounted solar photovoltaic panels to north western wing of building		
Site:	Mildenhall Hub, Sheldrick Way, Mildenhall		
Applicant:	West Suffolk Council		

Synopsis:

Application under the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Recommendation:

It is recommended that Prior Approval is not required.

CONTACT CASE OFFICER:

Olivia Luckhurst

Email: Olivia.Luckhurst@westsuffolk.gov.uk

Telephone: 07971 534416

Background:

The application has been brought to Development Control Committee and West Suffolk Council are the applicants. The Local Planning Authority is satisfied that the proposal meets the criteria set out within the relevant regulations and therefore prior approval is not required.

Proposal:

1. Installation of 410 roof mounted solar photovoltaic panels to north western wing of building. The panels will be hidden behind an existing parapet, angled to the south, with 276 panels positioned on the north of the building and 134 panels located on the west of the building.

Site details:

2. The application site is located within the Mildenhall settlement boundary and is accessed via Sheldrick Way. The site is host to a mixed use building including leisure facilities, health care, a library, Mildenhall College Academy and offices for Suffolk Constabulary, West Suffolk Council and Suffolk County Council. The site is not located within a conservation area, nor is it host to any listed buildings.

Planning history:

3. There is extensive planning history for the site which can be found online, but none directly relevant to this prior approval application.

Representations:

4. No representations received as the process contained in the regulations for prior approval does not require any form of consultation or notification.

Policy:

5. This is not a relevant consideration for prior approval applications such as this.

Officer comment:**Legislative background**

6. Development consisting of the installation of solar equipment on non-domestic premises is permitted development under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Developers (in this case West Suffolk Council) are required to apply to the Local Planning Authority for determination as to whether their prior approval will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land. As part of their assessment the Local Planning authority (LPA) are also required to determine whether the proposed development complies with any conditions, limitations or restrictions specified in Class J applicable to the development in question.

Permitted development limitations

7. The solar pv panels would be mounted on the roof of the building and would not protrude more than 0.2 metre above the highest part of the roof slope. The panels would also not extend to within 1 metre of the external edges of the roof plane. The application building is not on article 2(3) land, is not a designated scheduled monument and is not a listed building or within the curtilage of a listed building. As such, the proposal does not breach any of the relevant limitations set out within Class J.

Design/external appearance

8. The solar equipment in this case would be sited on the flat roof of a commercial building. The building itself is of a modern and relatively utilitarian design located away from the road frontage and is well screened by existing trees and hedging and therefore, will be only partially visible from the public realm. The building in question measures 13.5m in height and the proposed solar panels will be positioned on a flat roof hidden behind the existing parapet and therefore, will not have a detrimental impact on the appearance of the building or street scene. The nearest residential property is located some 324m away to the east which is considered to be a sufficient separation distance and as such would not be adversely affected by glare. Overall, it is considered the proposal is acceptable in terms of its design and external appearance.

Conclusion:

9. The proposal is not considered to raise any adverse issues in respect of design and external appearance or neighbour amenity. The proposed panels will not be installed on a pitched roof and the highest part of the solar panels would not be higher than 1m above the highest part of the roof. The panels allow for a separation distance of more than 1m to the external edge of the roof and the site is not located within a conservation area, nor is the building listed. Therefore, The Local Planning Authority is satisfied that the proposal meets the criteria set out within the relevant regulations.

Recommendation:

10. It is recommended that **PRIOR APPROVAL IS NOT REQUIRED** as to the design or external appearance of the development.

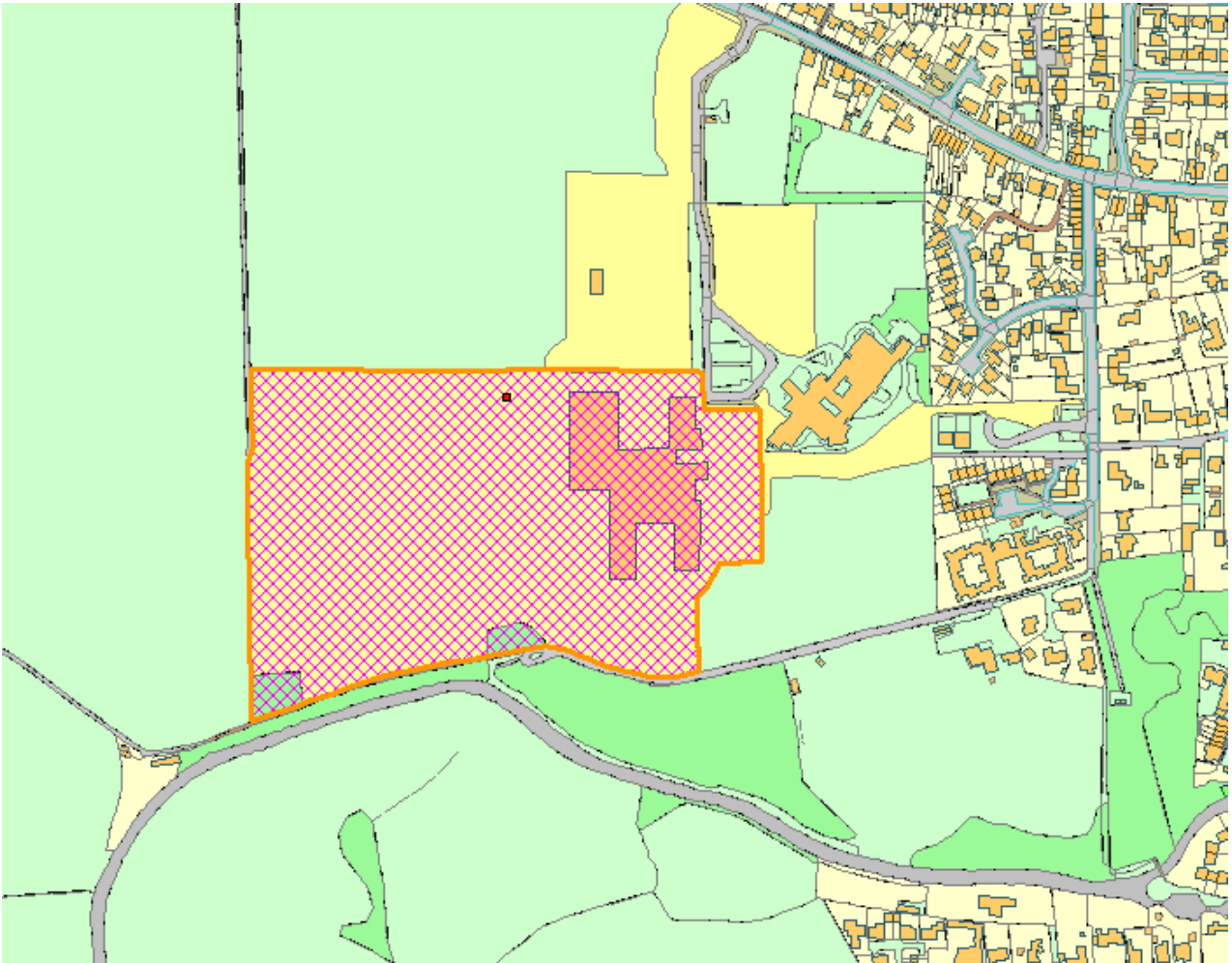
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0537/P14JPA](https://www.barnet.gov.uk/DC/21/0537/P14JPA)

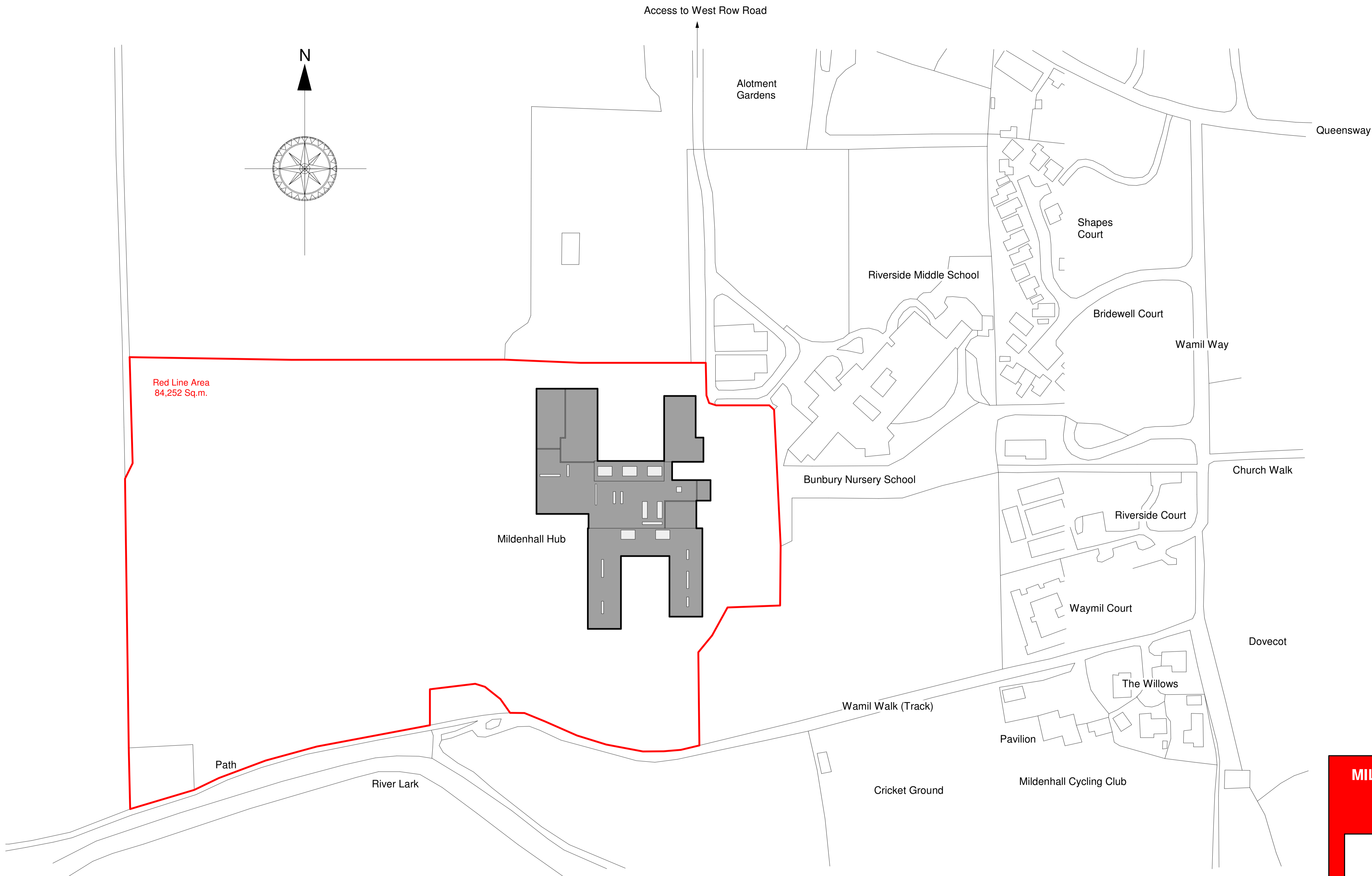
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DC/21/0537/P14JPA - Mildenhall Hub, Sheldrick Way, Mildenhall, IP28 7JX



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Red Line Area
84,252 Sq.m.

**MILDENHALL HUB, SHELDRIK WAY,
SUFFOLK, IP28 7JX
LOCATION PLAN**

Anglia Design
architects . surveyors **LLP**
mail@angliadesign.co.uk www.angliadesign.co.uk

London Office: 30 Ribish House, Newcourt Street, St Johns Wood, London NW8 7AD
tel: 020 7722 9568 fax: 0870 131 3804
Norwich Office: 11 Charing Cross, Norwich, Norfolk, NR2 4AX
tel: 01603 666676 fax: 01603 784536



**Proposed Solar PV Panels at
The Mildenhall Hub, Sheldrick Way,
Mildenhall, Bury St. Edmunds,
Suffolk, IP28 7JX
For West Suffolk Council**

**Date: Feb. 2021 Scale: 1:1250 Dwg No. TL-4532-21-1
Location Plan**

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Development Control Committee

23 June 2021

Planning Application DC/21/0750/FUL – Brandon Sports Centre, Church Road, Brandon

Date registered:	7 April 2021	Expiry date:	2 June 2021 (EOT until 24/06/2021)
Case officer:	Olivia Luckhurst	Recommendation:	Approve application
Parish:	Brandon	Ward:	Brandon Central
Proposal:	Planning application - two external condensation units on west elevation		
Site:	Brandon Sports Centre, Church Road, Brandon		
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:

Olivia Luckhurst

Email: Olivia.Luckhurst@westsuffolk.gov.uk

Telephone: 07971 534416

Background:

The application has received no objections, however, as West Suffolk Council are the applicants for the proposed works, the application must be determined by the Development Control Committee.

Proposal:

1. Planning permission is sought for the installation of two external condensation units on the west elevation of the building.

Site details:

2. The application site is located outside of the Brandon settlement boundary and is therefore considered as countryside in planning policy terms. The site is accessed via Church Road and is host to Brandon Sports Centre, a two storey building constructed from red brick and steel with upvc and aluminium windows and doors. The building is partially screened to the south by existing trees located next to the site entrance and a public foot path is located to the east of the site. The closest residential property is positioned 37m from the building and is screened by existing trees which run along the footpath. The site is not positioned within a conservation area, however, it is located adjacent to the Brandon Conservation area to the south of the site.

Planning history:

3.

Reference	Proposal	Status	Decision date
DC/20/2244/FUL	Planning application - a. insertion of two external doors and seven windows to north elevation b. replacement of external condensation units on north elevation c. external door to south elevation	Application Granted	3 March 2021

Other applications at the site can be viewed online through Public Access.

Consultations:

4. **Parish Council**
No objections
5. **Natural England**
No objections
6. **Public Health and Housing**
Awaiting response – comments to be reported verbally or through a late paper.

Representations:

7. No representations received

Policy:

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM17 Conservation Areas

Policy DM41 Community Facilities and Services

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

10. National Planning Policy Framework (NPPF)

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

Officer comment:

11. The issues to be considered in the determination of the application are:
 - Principle of development
 - Impact on the Conservation area
 - Impact on amenity
 - Design and Form/Impact on the Street Scene

Principle of Development

12. Policy DM41 - Community Facilities, 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.

13. The existing leisure centre offers sport and leisure provision for the community and the aim of this application is to improve and upgrade the Council owned building to offer more attractive facilities for all ages. The current building is considered to function well, however, the recently approved (DC/20/2244/FUL) changes would allow for a more effective use of space and internal layout changes however, the centre requires more sufficient ventilation in the form of external condensing units.
14. The centre's mechanical ventilation needs require 2no. additional condenser units to be fitted on the external façade of the leisure centre in addition to the 5no units which were approved through application DC/20/2244/FUL. The location of the existing condenser units faces towards the playing fields but the existing supporting structure does not allow for additional units to be fixed onto these. The proposed works will also enable the re-use of the existing mechanical and electrical system to connect the condenser units to.
15. As the proposed works are considered to improve an important community facility in the form of a sports centre, it is considered that the development is acceptable and complies with policy DM41.

Impact on the Conservation area

16. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
17. The application site is located adjacent to the Brandon conservation area which borders the site to the south along Victoria Avenue. Given the minor nature of the proposed works, it is not considered that the development would have an impact on the setting of the conservation area and is therefore compliant with policy DM17.

Impact upon Amenity

18. The site is bordered by trees and a public footpath to the south which provides natural screening to the dwellings on Victoria Avenue to the south east. The nearest dwelling to the sports centre is located 37m away. The proposed condensation units will be located on the western elevation which faces onto the sports centre's carpark and an area of trees and hedging which will help to screen the additions. Beyond the car park are agricultural buildings and a St Johns Ambulance building, therefore, no residential properties will be impacted by the proposed works. Given the minor scale of the additions and the sufficient separation distance to the nearest dwelling, it is not considered that the addition would have an unacceptable impact on residential amenity, therefore, the development is considered to comply with policy DM2.

Design and Form/Impact on the Street Scene

19. Given the existing appearance and nature of the building, the proposed works are considered to be minor and would not have an impact on the character or appearance of the area. The majority of the works would not be visible from

the public realm and the materials proposed match those of the host building. Overall, the proposed works are considered to improve the functionality of the existing building without having a detrimental impact on the street scene. The proposal is therefore considered to comply with policy DM2 and CS5.

Conclusion:

20. 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:

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

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

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

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

Reference number	Plan type	Date received
1798-SBA-XX-00-DR-A-1001 REV P01	Proposed ground floor plan	7 April 2021
1798-SBA-XX-00-DR-A-1003	Existing ground floor plan	7 April 2021
1798-SBA-XX-XX-DR-A-201 REV P05	Existing elevations	7 April 2021
1798-SBA-XX-XX-DR-A-202 REV P08	Proposed elevations	7 April 2021
1798-SBA-XX-XX-DR-A-901 REV P06	Location & block plan	7 April 2021

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

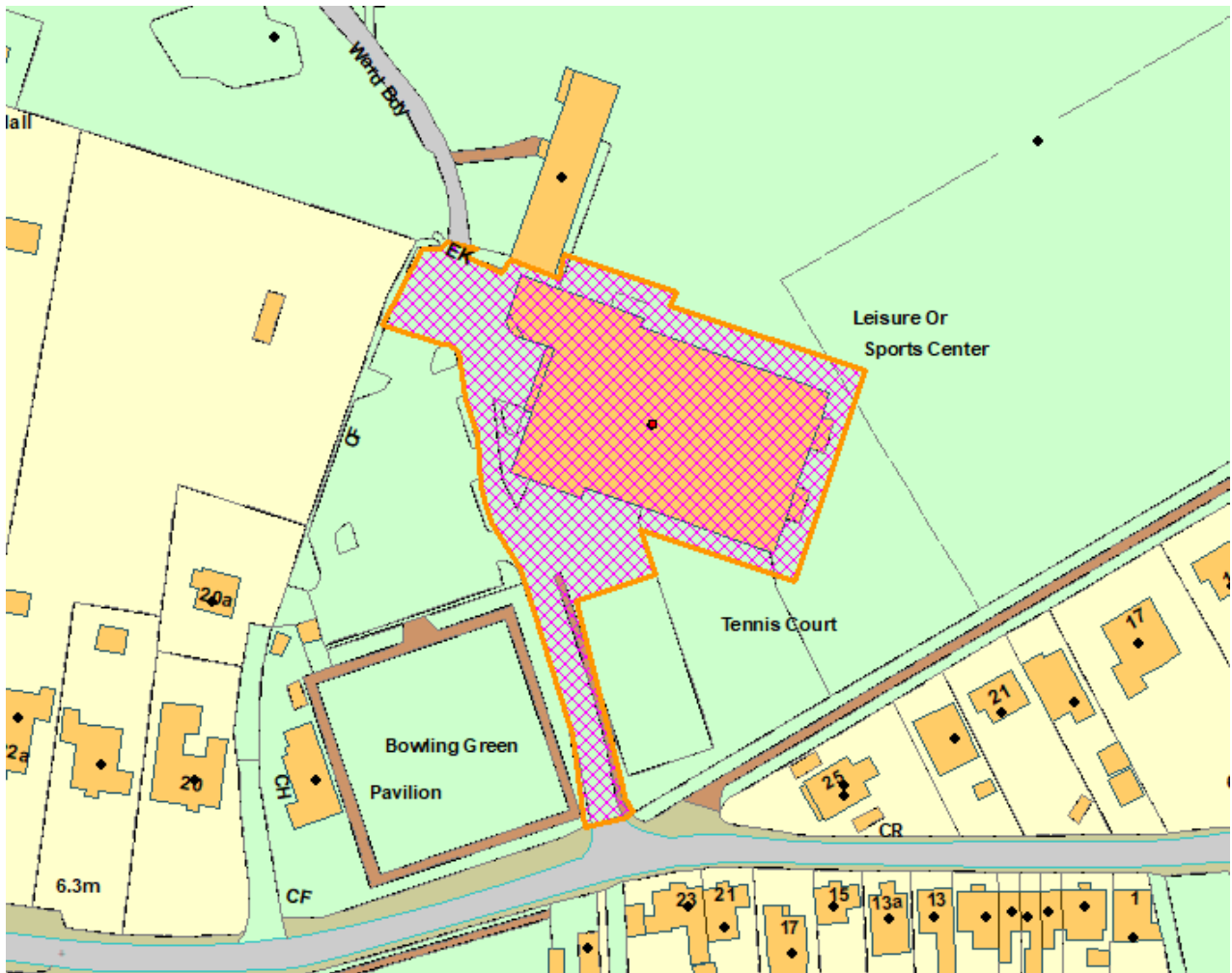
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/0750/FUL>

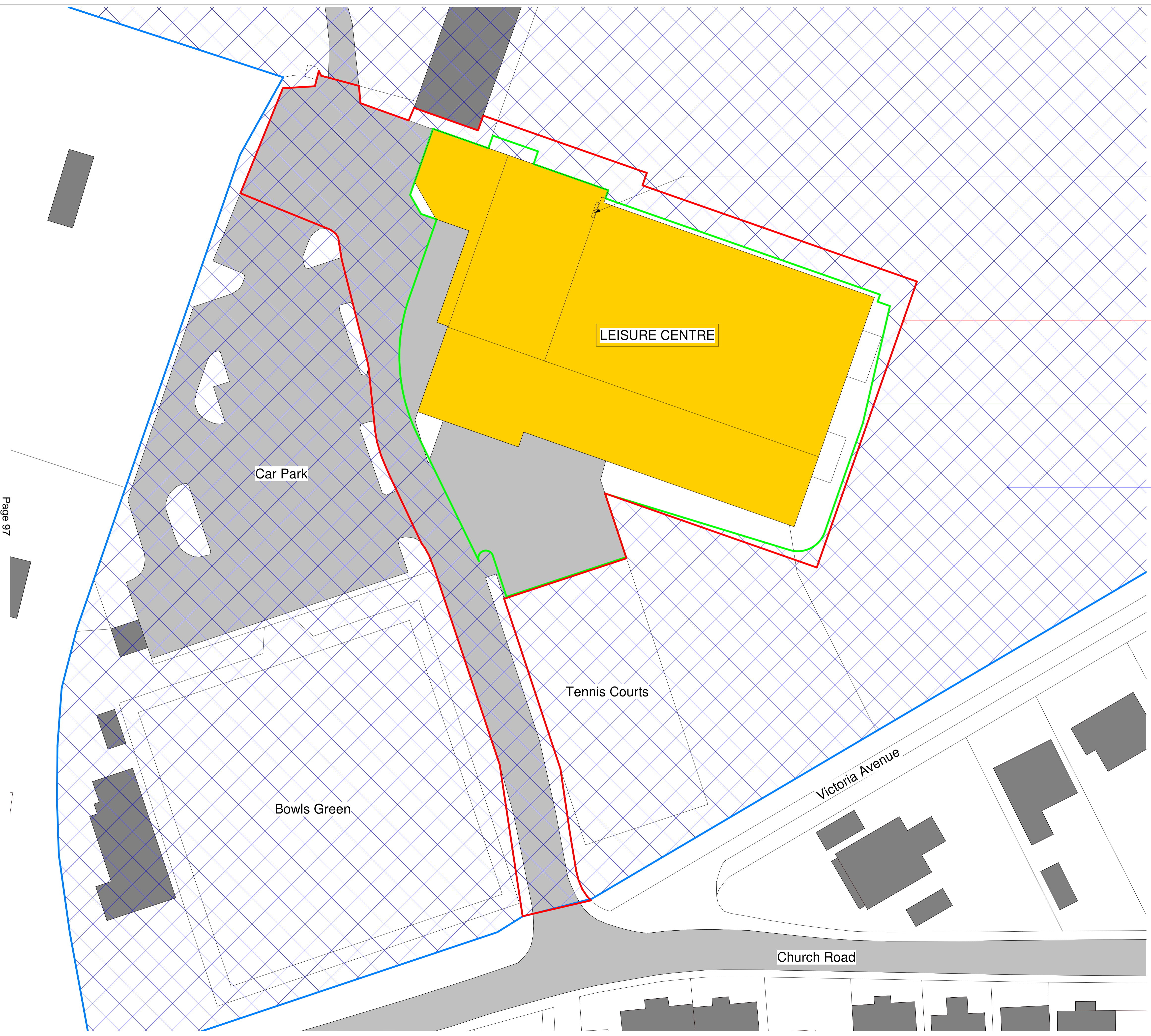
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Page 97

- No. Note
- All dimensions to be verified on site by GENERAL CONTRACTOR prior to any work, setting out or shop drawings being prepared.
 - © copyright SAUNDERS BOSTON LIMITED. All rights reserved. This drawing remains the property of SAUNDERS BOSTON LIMITED at all times and may not be reproduced or copied in whole or in part without their prior written consent.
 - This drawing and related specifications are for use only in the stated location.
 - This drawing is to be read in conjunction with all other Consultants drawings and specifications.
 - Drainage has not been surveyed and any/all pipe locations and below ground drainage runs are indicative.
 - It is assumed that all works will be carried out by a competent contractor who will be working, where appropriate, to an approved method statement.

NOTE:
Building has not been surveyed. Walls and columns locations are indicative. All dimensions to be confirmed on site prior to carrying out any building/demolition works.

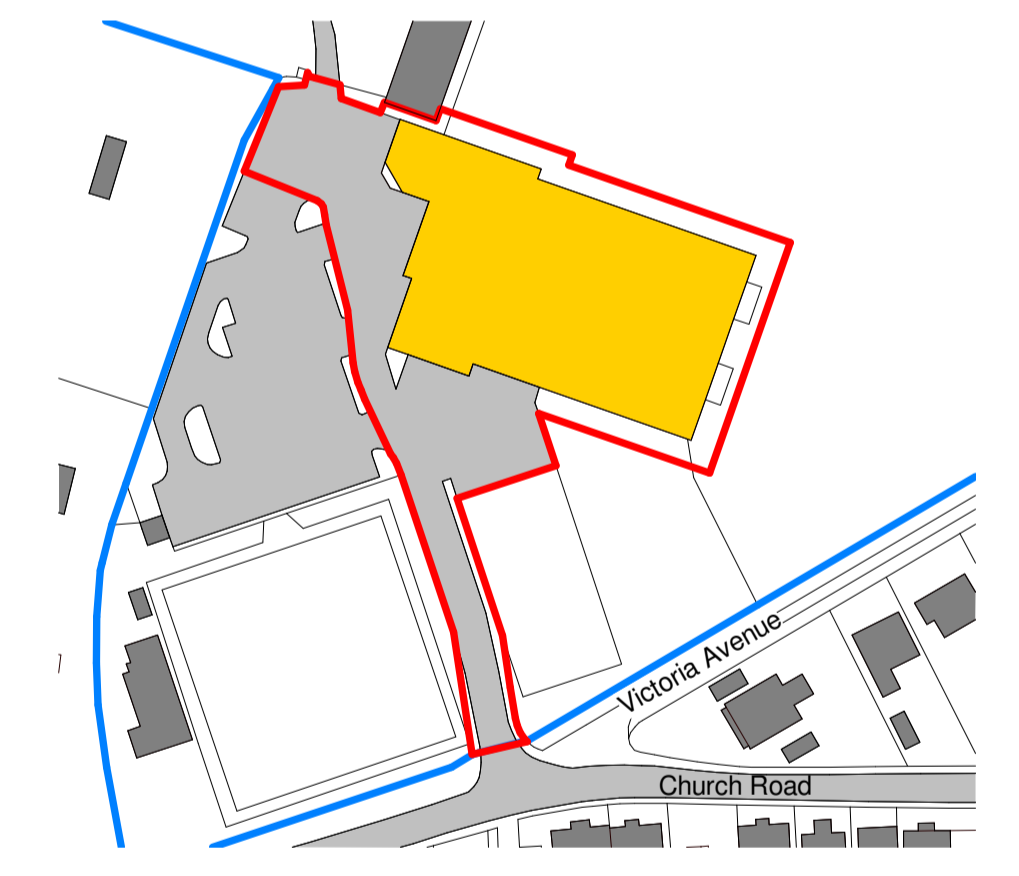
Location plan has been extracted from an OS survey map (ProMap).
Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432
All pitch locations and dimensions are indicative.

Condenser units

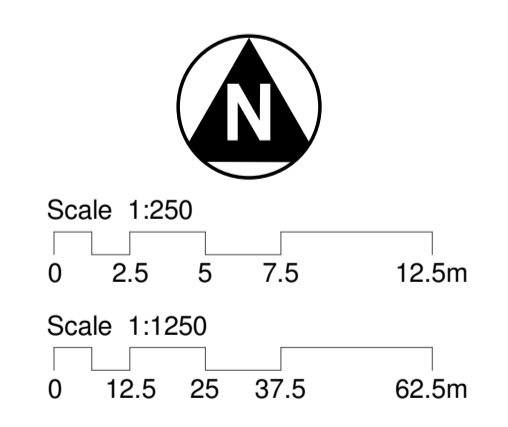
PLANNING BOUNDARY

LEISURE CENTRE OWNED FREEHOLD BY WEST SUFFOLK COUNCIL

BRANDON REMEMBRANCE PLAYING FIELD OWNERSHIP



Site Location Plan
1 : 1250



No.	Revision	Date	Chk.	Auth.
P06	Condenser units added	23/04/2021	NS	BR
P05	Issued For Planning	11/12/2020	NS	BR
P04	Blue hatch omitted where the land is owned by the Council	24/11/2020	NS	BR
P03	Issued for Building Control	17/11/2020	NS	BR
P02	Issued for Planning (for prior approval by Client)	16/11/2020	NS	BR
P01	Initial Design Proposal	11/03/2020	NS	CR

Location Plan
1 : 250

Saunders Boston Architects
The Generator, The Gallery, King's Wharf
The Quay, Exeter EX2 4AN
T 01392 346627
www.saundersboston.co.uk

West Suffolk Council / Alliance Leisure

Job
Brandon LC

Drawing
Location Plan

Scale
As indicated @A1

Revision
P06

SBA Project Code 1798	Drawn BR	Date 19/03/20	Checked NS	Suitability Code	project 1798-SBA-XX-XX-DR-A-901	originator BR	zone NS	level NS	type CR	role BR	number 901
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Development Control Committee 23 June 2021

Planning Application DC/21/0676/FUL – 36 High Street, Haverhill

Date registered:	29 March 2021	Expiry date:	24 May 2021 (EOT18 June 2021)
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning application - a. change of use from financial services (class E(c)) to a hot food takeaway (Sui Generis) b. external extraction and ventilation system to the rear c. redecoration of shop frontage		
Site:	36 High Street, Haverhill, CB9 8AR		
Applicant:	Papa John's (GB) Ltd		

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:

Savannah Cobbold

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 07971 534117

Background:

1. The application is referred to Development Control Committee as West Suffolk Council is the landlord of 36 High Street, Haverhill.

Proposal:

2. The application seeks planning permission for the change of use from financial services (class E(c)) to a hot food takeaway (sui generis). The change of use will incorporate the installation of external extraction and ventilation equipment and changes to the shop frontage.

Application supporting material:

- Application form
- Location and block plan
- Existing floor plans
- Existing elevations
- Proposed floor plans
- Proposed elevations
- Vent and extraction statement
- Planning, design, and access statement
- Certificate B

Site details:

3. The application site is located within the settlement boundary for Haverhill, fronting onto High Street. The site currently comprises a vacant unit which previously accommodated a use within financial services. The building is situated within the town centre boundary and primary shopping area for Haverhill.

Planning history:

4.

Reference	Proposal	Status	Decision date
DC/16/2686/P3JPA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015- Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3) to create 58 dwellings	Application Withdrawn	17 January 2017
SE/11/1410	Planning Application - Change of use of from Class A1 (Shops) to Class A2 (Financial & Professional Services)	Application Granted	12 January 2012

Consultations:

5. The following summarised comments have been received as part of the consultation process.
6. Public Health and Housing
No objections subject to conditions.
7. Waste Management
No comments.

Representations:

8. Town Council

NEUTRAL

The Town Council welcome a business to the Town Centre, filling a unit which has predominately been empty for a number of years. However, the Town Council would highlight that the ventilation system should be designed for the exhaust to vent into an open area, currently the design shows the vent to be under an office block.

Due to parking restrictions in the High Street, deliveries to the premises and delivery drivers should be using the rear of the shop.

9. Neighbours

A total of one representation has been received from the owner/occupier of 28 Spring Close. The following comments were received:

- Haverhill High Street does not need another fast food place especially pizza as there are already three
- Haverhill has become a fast food high street that won't bring people to the town and help it thrive

10. Comments were also received from Councillor John Burns, Ward Member for Haverhill East. The following points were raised:

- Ventilation proposal takes no account of the fact it will vent into an enclosed area at the rear underneath an office block
- Needs to be ascertained that the bins can safely be accommodated within the curtilage of the tenancy building
- No mention of deliveries; it needs to be noted that the High Street is currently closed between 10am and 4pm everyday and no vehicles are allowed into it
- States that there will be 20 full time employees. For the opening hours and type of business, these very rarely would employ that number
- Delivery drivers are being stated they will use the rear car park
- The opening hours are questionable; Haverhill does not have a night time economy and the application suggests that there are no residential properties. Many residential units are above the shops

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

12. 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 DM35 Proposals for main town centre uses

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy HV1 Presumption in Favour of Sustainable Development

Vision Policy HV19 Haverhill Town Centre Masterplan

Other planning policy:

13. National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of development
- Impact on residential amenity
- Impact on street scene/character of the area
- Other matters

Principle of development

16. The site is located within the Town Centre boundary and Policy DM35 states that support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following:
 1. shopping (Use Class A1)
 2. financial and professional services (A2)
 3. food and drink (A3, A4, A5)
 4. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses
 5. business (B1) offices
 6. visitor accommodation
17. Following on from this, in September 2020 a revision to the use classes order was made. Class A has been revoked and Class A 1/2/3 are effectively replaced with new Class E (a, b, c). A4/5 uses are not covered by the new Class E and become defined as Sui Generis. Whilst there has been a lot of changes regarding planning in high streets and town centres with the advent of Class E and changes to the General Permitted Development Order, the recent consulted changes to the NPPF (2021) did not propose to alter the need for LPAs to allow a suitable mix of uses to ensure town centre's long-term vitality and viability. Policy DM35 remains an up to date, current development plan policy. Some types of use are appropriate in the town centres. Financial and professional services (previously A2) and food and drink (previously A3) in addition to hoot food takeaway (previously A5) are all considered appropriate town centre uses, and full weight may be given to compliance with Policy DM35.
18. The second part of DM35 sets out an appropriate mix of uses to secure town centre vitality and viability in a primary shopping area. The existing use (A2) was not previously in retail use (A1) and so there is no worsening for criteria (a) regarding the number of A1 uses in adjoining units and the proposed uses (previously A3 and A5) will not result in three or more non-retail adjoining uses, thereby according with Policy DM35.
19. Given this, the proposal, now seeking to change to a Sui Generis use following the revised Use Class Order, the proposal is considered acceptable given the mix of surrounding units.

Impact on residential amenity

20. The proposal, located along Haverhill High Street, is not considered to adversely impact upon the residential amenity of occupants of nearby dwellings. High Street is characterised by various retail units and food establishments, some of which contain residential premises above. In this case, the premises above 36 High Street, Haverhill appear to primarily be offices used in conjunction with AXA which is widely spread above Coral, Savers, the entrance to AXA and Greggs. The nearest residential unit at first floor appears to be above Henderson's Newsagent, which is currently vacant. Therefore, residential premises are not located directly above the unit and it is considered residential amenity in this case will not be materially affected.

21. It is noted that a representation has been received from the owner/occupier of 28 Spring Close. Comments have been made in relation to the type of business proposing to occupy this unit. This relates to Haverhill not needing another fast food establishment and how this will not help Haverhill Town Centre thrive. In response to these comments, this is not a material planning consideration. From a planning perspective, the unit is located within the town centre and primary shopping area where policy DM35 would apply. There are a mix of units within the immediate area, including retail units. The loss of a previous A2 unit is not considered detrimental to the vitality of Haverhill High Street.

Impact on street scene/character of the area

22.36 High Street is currently a vacant unit. The proposal seeks to bring this unit back into use in the form of a hot food takeaway, Papa John's Pizza. Changes will be made to the front of the shop in order to add relevant branding and shop front decoration. At the rear, relevant changes will be made to incorporate ventilation and extraction equipment, however this is similar to that at 40 High Street which accommodates Route 66 Diner. The changes needed to rebrand the existing unit are not considered to adversely impact the character and appearance of the area given the town centre location and mix of shopfronts and signage within this area. At this stage, no details of the proposed signage have been provided, and in any event would be subject to a separate application under the Advertisement Regulations if needed.

Other matters

23. It is noted that a representation has been received from Cllr John Burns who represents Haverhill East in which concerns relating to opening hours, parking issues, residential amenity and traffic and highways have been expressed. The representation states that it needs to be ascertained that the bins can safely be accommodated within the curtilage of the tenancy building and no infringe into the service area. The Council's waste management team who are responsible for bin collection have confirmed no objections to the application.

24. Comments have also been made in relation to deliveries; the representation states that there is no mention of how deliveries to the premises will be made. The agent confirmed in an email dated 21 May 2021 that deliveries would be made to the rear of the building. This would therefore not affect the closing of High Street between 10am and 4pm where vehicles are not allowed through.

25. Questions were raised about the number of employees, and whether it would in fact be 20. Whilst this figure has not been able to be clarified with the agent, the provision of some employment opportunities is to be welcomed, and plainly this is a benefit which also weighs in favour, however many jobs are created, not least noting the length of time the premises have remained vacant for.

26. The red line plan for the proposal shows adequate shared parking space.

27.. It has been stated in representations that Haverhill does not have a night-time economy. The applicant has also asserted that there are no

residential properties in the vicinity. In this case, whilst there are residential units above the premises along High Street, the premises above are office space associated with AXA. Public Health and Housing noted the proposed hours of opening will be from 11am until 11:45pm Sunday – Thursday and Bank Holidays and from 11am to 1am on Fridays and Saturdays. Similar takeaways in the area including Papillon Pizza at 54 High Street are conditioned to midnight on each day of the week to protect the amenities of occupiers of nearby premises. It was therefore recommended that the closing hours of the proposed hot food takeaway are consistent with, and limited to, the operating hours of other takeaway units within the vicinity. This was agreed by the agent in an email dated 21 May 2021.

28. In relation to comments received regarding the ventilation system, public health and housing note that full details of the proposed extraction and ventilation system have been submitted in the document 'Supporting Information on the Proposed Extraction System and Plant' and as detailed in the schematic drawing no. PJES/04 – Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. It is understood that a canopy would be installed over the entire cooking area, incorporating grease baffle filters, with an extraction system to remove heat produced from the pizza oven. The system will include a Woods Powerbox fans together with a 500JM woods axial fan for the supply air, as detailed in Appendix C. The installation will include podded 2D silencers compatible with the fans which reduce the sound break-out levels on both fans by 15dB. The ducting will be lined with acoustic material and a two-stage carbon filtration system, exiting to the rear (south-west) of the property via a wall mounted louvre grille. In addition to the extract louvre grille, a fresh air intake grille and a condenser unit will be installed on the rear (south-west) elevation to operate the internal cold store at the premises. The unit specified for installation at this store is a WintsysR404-A (WIN4517Z or WIN4519Z) and the product information is included in Appendix D. The extract ventilation equipment will be installed internally, and the acoustic properties of the building envelope will therefore further reduce noise breakout to neighbouring properties. In addition, the quiet operation and proposed location of the condenser unit should not give rise to any disturbance within the offices above or nearest noise sensitive premises. It is therefore considered that if all the methods and plant specifications identified in the supporting information on the proposed extraction system and plant are adopted, there should be no adverse impact from noise or odours on neighbouring properties.

29. A condition will be added to any approval ensuring the ventilation and extraction equipment are installed in accordance with the submitted details. Hours of operation and delivery hours will also be conditioned to minimise impact on residential amenity.

30. The Town Council provide a neutral response to the application and welcome a business to fill an empty unit. They highlight in their response that the ventilation system should be designed for the exhaust to vent into an open area, currently the design shows the vent to be under an office block. As explained above, public health and housing raise no concerns with the proposed ventilation/extraction equipment and request that this is adhered to via planning condition.

- 31.They also request that deliveries to the premises and delivery drivers should be using the rear of the shop. This has been confirmed via email by the agent on 21 May 2021, that deliveries are likely to take place at the rear.
- 32.Whilst it is noted that no cycle storage has been shown on the plans, it is considered unreasonable to condition this. This is because the agent advised the local planning authority that there is not enough space to accommodate cycle storage at the rear of the premises. However, on balance, this is not considered to weigh against the scheme taking into consideration the town centre location, as there is ample opportunity for use of cycle storage off site.

Conclusion:

- 33.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:

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

1. The development hereby permitted shall be commenced no 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:

Drawing No.	Plan type	Date received
20119-01 REV B	Location and block plan	29 March 2021
20119-02	Existing floor plans	29 March 2021
20119-03	Existing elevations	29 March 2021
20119-10	Proposed floor plans	29 March 2021
20119-11	Proposed elevations	29 March 2021
	Vent and extraction statement	26 March 2021
	Planning, Design and Access statement	29 March 2021

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

3. Before the premises hereby approved is open to the public all plant and equipment, including the kitchen ventilation and extracting system, shall be installed in accordance with the 'Supporting Information on the Proposed Extraction System and Plant' submitted on 26 March 2021, and the Proposed Floor Plans and Proposed Elevations, Drawing Nos: 20119-10 and 20119-11 respectively, submitted on 29 March 2021.The installation shall include suitable noise and odour mitigation measures as detailed in

the schematic Drawing No. PJES/04 –Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. Thereafter the system shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

Reason: To protect the amenity of occupiers in the vicinity, 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.

4. The opening hours of the premises shall be restricted to between 11:00 and 23.45 hours Sunday to Thursday, Bank and Public Holidays and between 11:00 and 00:00 hours on Friday and Saturday. All customers shall have vacated the premises by the stated closing times.

Reason: To protect the amenity of occupiers of properties in the vicinity, 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.

5. Deliveries to the premises shall only take place between 08:00 and 18:00 hours on Mondays to Saturdays. There shall be no deliveries on Sundays, Bank or Public Holidays.

Reason: to protect the amenity of occupiers of properties in the vicinity, 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.

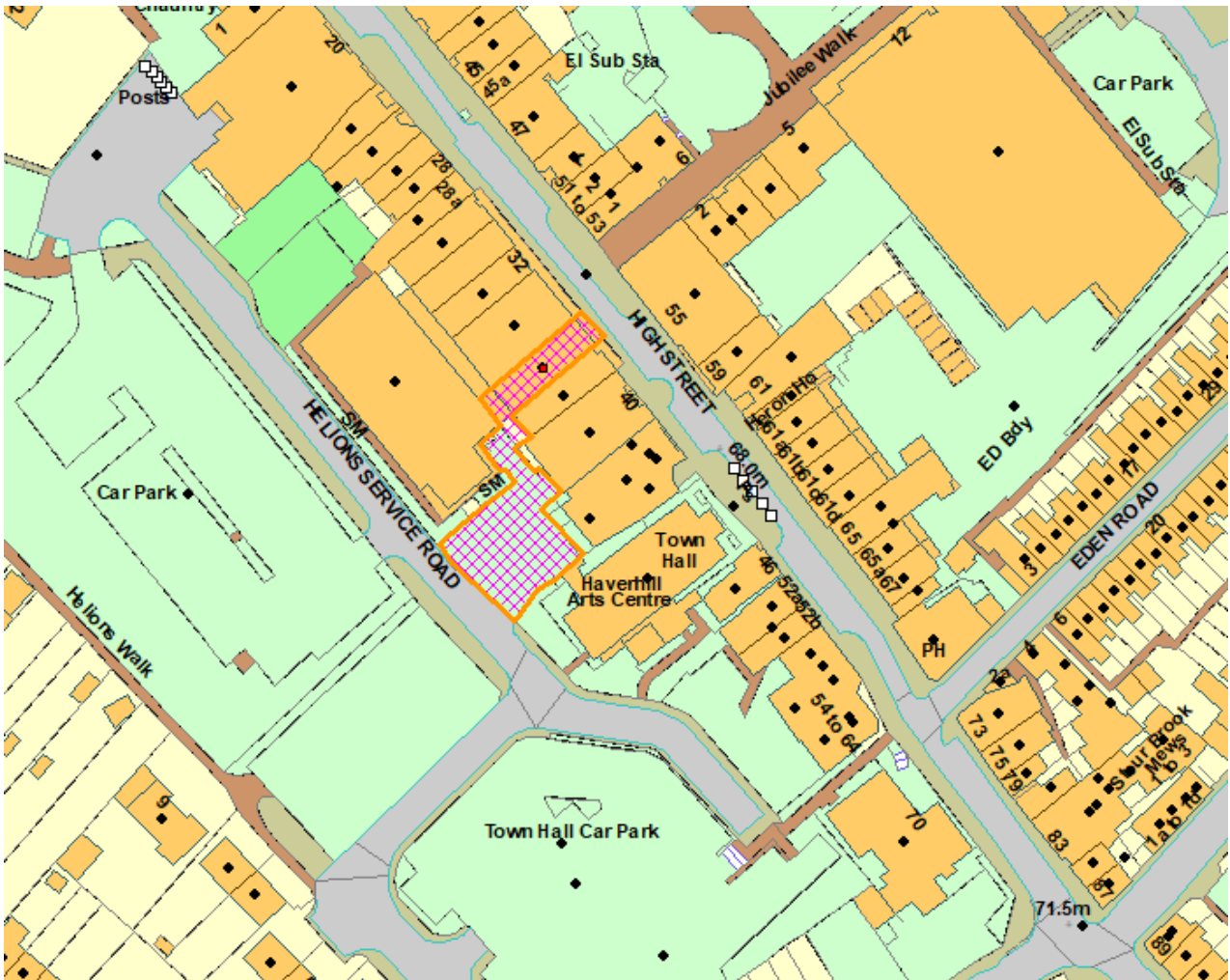
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0676/FUL](https://www.westsuffolk.gov.uk/DC/21/0676/FUL)

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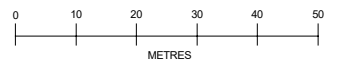
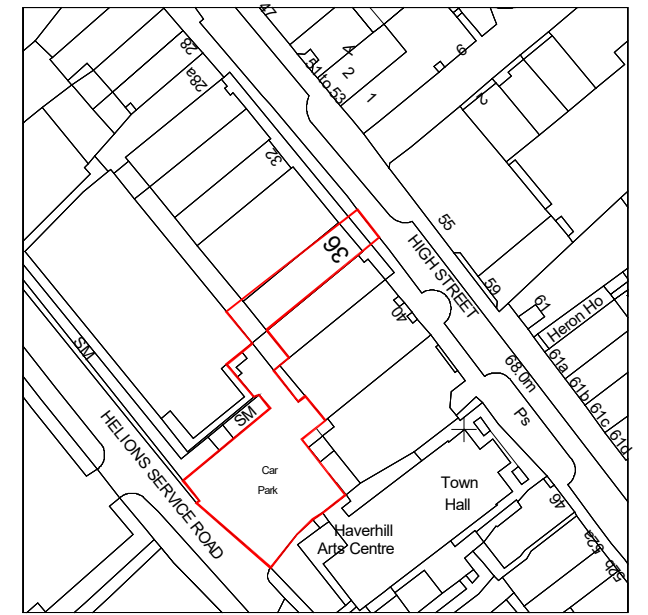
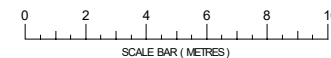


DC/21/0676/FUL - 36 High Street, Haverhill, CB9 8AR



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BLOCK PLAN
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LOCATION PLAN
1:1250@A3

Page 111

SM

HELIONS SERVICE ROAD

SM

Car
Park

Haverhill
Arts Centre

Town
Hall

55
HIGH STREET
59
40

68.0m
Ps

PLANNING ISSUE

B	DRAWING REVISED	23.3.21	MAS
A	DRAWING REVISED	15.3.21	MAS

REV	AMENDMENT	DATE	CHKD

MA DESIGN
MARTIN ANTHONY DESIGN LIMITED

CLIENT
-

PROJECT
36 HIGH STREET
HAVERHILL
SUFFOLK
CB9 8AR

DRAWING TITLE
LOCATION & BLOCK PLAN

SCALE 1:250@A3 1:250@A3	DRAWN BY MAS	CHECKED BY -	DATE DEC'20
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TO BE PRINTED ON A3 AT 100% OR NO SCALING

DRAWING NUMBER 20119-01	REVISION B
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