

# Development Control Committee

<b>Title</b>	<b>Agenda</b>											
<b>Date</b>	<b>Wednesday 6 October 2021</b>											
<b>Time</b>	<b>10.00 am</b>											
<b>Venue</b>	<b>Conference Chamber</b> <b>West Suffolk House</b> Western Way Bury St Edmunds, IP33 3YU											
<b>Full Members</b>	<p style="text-align: center;"><b>Chair</b> Andrew Smith</p> <p style="text-align: center;"><b>Vice Chairs</b> Mike Chester and Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><b>Conservative Group (10)</b></td> <td>Carol Bull Andy Drummond Susan Glossop Brian Harvey</td> <td style="vertical-align: top;">Ian Houlder David Roach Peter Stevens</td> </tr> <tr> <td style="vertical-align: top;"><b>The Independent Group (5)</b></td> <td>Richard Alecock John Burns Jason Crooks</td> <td style="vertical-align: top;">Roger Dicker David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><b>Labour Group (1)</b></td> <td>David Smith</td> <td></td> </tr> </table>			<b>Conservative Group (10)</b>	Carol Bull Andy Drummond Susan Glossop Brian Harvey	Ian Houlder David Roach Peter Stevens	<b>The Independent Group (5)</b>	Richard Alecock John Burns Jason Crooks	Roger Dicker David Palmer	<b>Labour Group (1)</b>	David Smith	
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<b>Interests – declaration and restriction on participation</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.											
<b>Quorum</b>	Six Members											
<b>Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting</b>												
<b>Committee administrator</b>	<b>Helen Hardinge</b> - Democratic Services Officer <b>Telephone</b> 01638 719363 <b>Email</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>											

<b>Venue</b>	<p><b>Conference Chamber</b>  <b>West Suffolk House</b>          Western Way          Bury St Edmunds          IP33 3YU</p>
<b>Contact information</b>	<p>Telephone: 01284 763233          Email: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a>          Website: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a></p>
<b>Access to agenda and reports before the meeting</b>	<p>The agenda and reports will be available to view at least five clear days before the meeting on our website.</p>
<b>Attendance at meetings</b>	<p>This meeting is being held in person in order to comply with the Local Government Act 1972. Measures have been applied to ensure the health and safety for all persons present at meetings. We may also be required to restrict the number of members of the public able to attend in accordance with the room capacity.</p> <p>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 that apply to the meeting.</p> <p>For further information about the venue, please visit <a href="https://www.westsuffolk.gov.uk/contact-us.cfm">https://www.westsuffolk.gov.uk/contact-us.cfm</a></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>
<b>Public participation</b>	<p>Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available via the separate link on the agenda's webpage for this meeting.</p>
<b>Accessibility</b>	<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>
<b>Recording of meetings</b>	<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>

<b>Personal information</b>	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: <a href="https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm">https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm</a> or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.
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## 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 via the separate link on the agenda's webpage for this meeting

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## **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/altered, 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)
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- Member Training
  - In order to ensure robust decision-making all members of Development Control Committee are required to attend Development Control training.

## Notes

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

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

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# Agenda

## Procedural matters

### Part 1 – public

1. **Apologies for absence**
2. **Substitutes**  
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 12**  
To confirm the minutes of the meeting held on 1 September 2021 (copy attached).
4. **Declarations of interest**  
Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.
5. **Planning Application DC/21/0706/VAR - Oakfield Surgery, Vicarage Road, Newmarket** **13 - 24**  
Report No: **DEV/WS/21/037**  
  
Planning application - removal of conditions five and six and variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows
6. **Planning Application DC/17/1252/FUL - Land off Cavendish Road, Clare** **25 - 74**  
Report No: **DEV/WS/21/038**  
  
Planning Application - 53no. dwellings with associated access, infrastructure and landscaping
7. **Planning Application DC/21/1198/FUL - Land North of Green Acre, Thetford Road, Ixworth Thorpe** **75 - 102**  
Report No: **DEV/WS/21/039**  
  
Planning application - Three dwellings (following demolition of existing dwellings) Amended plans submitted 24<sup>th</sup> August

**8. Planning Application DC/21/1366/FUL - West Suffolk House, Western Way, Bury St Edmunds**

**103 - 124**

Report No: **DEV/WS/21/040**

Planning application - Installation of battery container, and associated foundations and fencing

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 1 September 2021** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Richard Alecock

Diane Hind

Carol Bull

James Lay

Jason Crooks

Andy Neal

Susan Glossop

David Palmer

Brian Harvey

David Roach

Ian Houlder

Peter Stevens

## 165. **Welcome**

The Chair formally commenced the meeting, welcomed all present to the Development Control Committee and invited the Democratic Services Officer to advise that that an 'internal test' of the live streaming equipment was taking place by the Council. The recording would not be made available in the public arena.

The Chair also reminded the Committee that items 7 and 10 had been withdrawn from the agenda.

Lastly, Members were made aware that a short post-Committee briefing session would be undertaken on close of the meeting.

## 166. **Apologies for absence**

Apologies for absence were received from Councillors John Burns, Andy Drummond and David Smith.

Councillor Roger Dicker had also advised that whilst he had an appointment to attend that morning he would endeavour to join the Committee late, if possible. But asked that his apologies were recorded if he was unable to do so. (*Note: Councillor Dicker was unable to join the meeting and was therefore recorded as an apology.*)

## 167. **Substitutes**

The following substitutions were declared:

Councillor Andy Neal substituting for Councillor John Burns;

Councillor James Lay substituting for Councillor Andy Drummond; and

Councillor Diane Hind substituting for Councillor David Smith.

168. **Minutes**

The minutes of the meeting held on 4 August 2021 were unanimously confirmed as a correct record and signed by the Chair.

169. **Declarations of interest**

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

170. **Planning Application DC/21/0152/HYB - Land South of Burwell Road, Exning (Report No: DEV/WS/21/031)**

*(Councillor Susan Glossop asked that it be noted that whilst she had been involved in the Exning Development Brief in her role as Cabinet Member for Growth she had not taken any part in the application that was before the Committee.)*

**Hybrid Planning Application - A. Full planning for 205 dwellings, garages, new vehicular accesses, pedestrian/cycle accesses, landscaping and associated open space and B. Outline planning - early years education facility**

This application was referred to the Development Control Committee as the Officer's recommendation of approval was contrary to the view of Exning Parish Council.

The Senior Planning Officer advised that the site in question was allocated in the Site Allocations Local Plan (SALP) 2019 under Policy SA12(a) which was adopted in September 2019. This site was known in the SALP document as Land South of Burwell Road and West of Queens View. Policy SA12(a) of the SALP 2019 document sets out that 15 hectares of land is allocated for residential development, with an indicative capacity of 205 dwellings.

The policy detailed that a Development Brief should be prepared which would help to determine access arrangements, landscaping and the delivery of a cycle path between the site and the village of Burwell. It then goes on to state that planning applications for the site should only be determined once the Development Brief has been adopted by the Local Planning Authority. A Development Brief was adopted for the site in April 2021, as referenced in detail within Report No DEV/WS/21/031.

Members were advised that during the course of the application amendments were made to the layout and design of the scheme and additional information was submitted regarding landscaping, air quality, transport, highways and drainage.

At the time of the agenda being published a 14-day re-consultation was being undertaken with neighbours and the Parish Council to inform them of the latest changes to the footpaths and house types. Attention was drawn to the

supplementary 'late papers' which set out further comments received from neighbouring residents and the Officer's response to these.

Members were also informed that an additional representation had been received from 149 Burwell Road after the late papers had been issued; the comments made within that representation which related to the Committee report would be read out under the public speaking part of the meeting.

Also within the late papers was an explanation in respect of the application's reference number and the suffix used.

Lastly, following further discussions with the Highways Authority and the applicant/agent a number of amendments had been made to the conditions proposed.

Therefore, a full list of revised conditions was included within the late papers and Officers were recommending that the application be approved subject to these (as opposed to those listed in the report) and the completion of a Section 106 Agreement.

As part of her presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

The Committee's attention was drawn to Paragraph 73 of the report and the inaccurate reference therein to "three storey dwellings" which was to be disregarded.

Reference was also made to a related ongoing enforcement matter in respect of Phase 1 of the scheme. The Officer reminded Members that this matter was not pertinent to the determination of the application before them.

Speakers: Dr Jean Whitaker (local resident) spoke against the application  
Zachary Cater (local resident) spoke against the application  
Councillor Terry Wood (Chair of Exning Parish Council) spoke against the application  
Darren Cogman (agent) spoke in support of the application  
*(Neither Dr Whitaker or Mr Cater attended the meeting to personally address the Committee and instead the Democratic Services Officer read out pre-prepared statements on their behalf.)*

Considerable debate took place on the application with some Members voicing concern at the lack of engagement undertaken by the applicant with the Parish Council and local residents.

A number of questions were posed which the Senior Planning Officer responded to and drew attention to the relevant conditions in respect of; those requested by Anglian Water, the ongoing monitoring in relation to the Travel Plan, electric charging points and the various sustainability measures in connection with the development.

The Officer also highlighted that the space standards compliance applied to all affordable housing units (61 in total) together with 123 of the market

dwelling units. She also advised that discussions were still ongoing in respect of the cycle link from Exning to Burwell.

Councillor James Lay raised specific concerns in relation to the wider highways impact the application could have on the roads into neighbouring Burwell and Newmarket. He also referenced the lack of available services for future additional residents in that, to his knowledge, local medical centres and primary schools were already at capacity.

The Service Manager (Planning – Development) drew attention to Paragraph 17 of the report which contained the Highways Authority’s response to the application and which did not identify any required improvement works to the wider highways network. She also reiterated that the site was allocated in the Site Allocation Local Plan and impacts such as highways matters had been thoroughly tested through the Examination process for the Plan.

The Senior Planning Officer also advised that East Cambridgeshire District Council was consulted on the application due to the proximity to Burwell and the traffic assessment that was undertaken took the pending Burwell residential developments into consideration.

Councillor Andy Neal highlighted Paragraph 111 of the report and the reference to the landscaping buffer. He raised concern that the buffer proposed in the scheme conflicted with the Development Brief as it had been reduced in size to accommodate a footpath. Councillor Neal suggested that instead of reducing the size of the buffer the number of dwellings could have been reduced to allow the footpath and therefore maintain the required 15m landscape buffer.

In view of the wider highways concerns, the landscape buffer conflict and perceived lack of engagement by the applicant with the Parish Council Councillor Lay proposed that the application be deferred to allow Officers additional time in which to raise these specific matters with the applicant and Highways Authority, in order to seek additional information. This was duly seconded by Councillor Neal.

Upon being put to the vote and with 12 voting for the motion and with 3 against, it was resolved that

#### Decision

Consideration of the planning application be **DEFERRED** to allow Officers additional time in which to raise the wider highways concerns and proposed landscaping buffer with the applicant and Highways Authority, in order to seek additional information. And to enable an opportunity for the applicant to undertake further engagement with the Parish Council.

171. **Planning Application DC/19/2155/FUL - Storage Tank, Station Yard, Station Road, Barnham (Report No: DEV/WS/21/032)**

**Planning Application - Continued use of heating fuel storage and distribution business (Class B8), retention of 4 storage tanks, 1 storage container, 2 fuel distribution points, 1 office portacabin,**

## **associated hard standing, underground interceptor tank, lighting and installation of 5th storage tank**

This application was originally referred to the Development Control Committee on 4 August 2021 following consideration by the Delegation Panel but was subsequently withdrawn from the agenda.

The Senior Planning Officer advised Members that the original proposal description stated 'Continued use of heating fuel storage and distribution business (Class B8)'. The description was subsequently amended to reflect the structures already installed and a fifth tank which was proposed. A 14 day re-consultation on the change in description was then undertaken.

Officers were recommending that the application be approved, subject to conditions set out in Paragraph 61 of Report No DEV/WS/21/032.

As part of her presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

Members were advised that since publication of the agenda one further late representation had been received from a neighbouring resident, largely reiterating previously raised concerns particularly in respect of the number of vehicle movements from the site.

Speakers: John Bauer (neighbouring resident) spoke against the application  
Councillor John Bauer (Barnham Parish Council) read out a statement on behalf of the Parish Council against the application  
Councillor Andrew Smith (Ward Member: Barnham) spoke on the application  
Jonny Rankin (agent) spoke in support of the application  
*(Mr Rankin did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)*

Considerable discussion took place on the application, with Members posing a number of questions to the Senior Planning Officer who responded in respect of; the history of operation on the site, surface water drainage, the other businesses operating at the Gorse Industrial Estate and the Traffic Regulation Order in place on the adjacent highway.

Some of the Committee voiced concern on the operating hours set out in conditions 8 and 9, and the impact this could have on residential amenity. Likewise, queries were also raised in respect of the proposed acoustic fence and how it would be established if the fence was adequately mitigating noise.

The Service Manager (Planning – Development) explained that the Senior Planning Officer could liaise with colleagues in Public Health and Housing in order to re-word the related condition (No 5) to include relevant post-construction assessment to ensure that the fencing had achieved its aim.

Councillor Jim Thorndyke therefore proposed that the application be approved, as per the Officer recommendation, but with amendments to the condition relating to the acoustic fencing (as above) and with operating hours

being restricted to 7am-7pm Monday to Friday, 7am – 1pm Saturday and with no operation permitted on a Sunday or Bank Holiday. This was duly seconded by Councillor Ian Houlder.

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

### Decision

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 Within 3 months of the date of this permission a scheme to improve the existing oil storage and proposed new oil storage shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved, within 6 months of the planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner.  
The details shall demonstrate that the tanks meet the standards equivalent to those laid out in 'The control of Pollution (Oil Storage) (England) Regulations 2001' and include but not be limited to evidence that:  
The existing tanks and proposed tank have secondary containment that is impermeable to both the fuel and water, with no opening used to drain the system.
  - There is a minimum volume of secondary containment at least equivalent to the capacity of the tank plus 10%.
  - All fill points, vents and gauges are located within the secondary containment.
  - All fill points and tank vent pipe outlets are designed to discharge downwards into the bund.
  - Associated above ground pipework is protected from accidental damage.
  - Impact protection is provided around the tanks and pipework, to prevent accidental impact from moving vehicles on the site.
  - Overfill protection mechanism and alarms are in place.
  - Leak detection and an alarm system is in place with a mechanism to alert the operator remotely if a spill occurs when the site is unmanned.
  - Timeframe for implementation of the approved scheme.
- 3 Within 6 months of planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner, a scheme to dispose of all surface water and install oil separators, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within the agreed timescales. The scheme shall include the following details:
  - A surface water drainage and oil separator plan;
  - Oil separator specifications including details of how the interceptor can be shut off to prevent discharges in the event of a pollution incident;
  - Information to show that the loading/unloading areas and the

- existing and proposed oil storage tank are/will be situated on an impermeable surface that drains to the separator;
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Infiltration through contaminated land has the potential to impact on groundwater quality; and
  - Timeframe for implementation of the approved surface water disposal and oil separators scheme.
- 4 Prior to any works in relation to the installation of the acoustic fence or works within the RPA of the trees shown to be retained 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 x 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.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
- 5 Within three months of the date of this permission a noise screen must be installed around the northern end of the site at a height of 2.5m in accordance with the details set out in the SRL Noise Report (Ref. 42908ASRL-RP-YA-01-S2-P01 P01, dated 25.10.2019) and shown in Figure 3 of the report, unless agreed otherwise in writing with the Local Planning Authority. All noise mitigation measures shall be maintained thereafter in accordance with the approved details. The gate of the acoustic fence shall be shut during all loading, unloading and HGVs idling on site.
- 6 The site shall operate a maximum fleet of 9 HGV tankers.
- 7 The total number of HGV movements to and from the site shall not exceed 30 per day.
- 8 HGV movements to and from the site shall only take place between the hours of 7am to 7pm Monday to Friday and 7am to 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.
- 9 No loading or unloading shall take place and no plant or machinery shall be used on the site except between the hours of 7am to 7pm Monday to Friday and 7am to 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.
- 10 From two weeks after the date of this permission the owners/operators of the site shall commence and keep an up-to-date log of all HGVs movements associated with the site which shall include the times and registration of the vehicles entering/leaving the site each day. The Register shall be made available for inspection by the Local Planning Authority within 24 hours of request.
- 11 Within one month of the date of this permission lighting details shall be

submitted to and approved in writing by the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties. Any lighting not approved within 3 months of this permission, or within a period agreed otherwise, shall not be operated at any time.

- 12 Visibility splays shall be provided as shown on Drawing No. 1534 VP3 with an X dimension of 2.4 metres and a Y dimension of 120 metres 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.
- 13 Construction works including the installation of the acoustic fence must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures implemented in full.
- 14 Within 3 month of this permission details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales within 12 months of the date of this permission and thereafter retained as so installed.
- 15 Within three months of the date of the permission a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 16 Within 6 months of the date of this permission, at least 1 electric vehicle charge point shall be provided at reasonably and practicably accessible locations within the site. One additional parking space shall be provided with the infrastructure in place for future connectivity. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

*(On conclusion of this item Councillor Jim Thorndyke left the meeting at 12.22pm. The Chair then permitted short comfort break before continuing with the rest of the agenda.)*

172. **Planning Application DC/21/1198/FUL - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/WS/21/033)**  
**\*\*WITHDRAWN FROM AGENDA 31/8/21\*\***

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

173. **Planning Application DC/21/0640/HH - 60 The Street, Barton Mills  
(Report No: DEV/WS/21/034)**

**Householder planning application - detached double garage with new driveway**

This application was originally referred to the Development Control Committee on 23 June 2021 following consideration by the Delegation Panel but was withdrawn from that agenda following the receipt of amended plans on 21 June 2021.

Members were advised that the application was a resubmission of a similar proposal which had been previously considered by the Development Control Committee on 18 November 2020 and was subsequently dismissed at appeal.

As part of her presentation the Principal Planning Officer outlined the changes that had been made to the scheme since the November 2020 proposal.

Officers were recommending that the application be refused for the reason set out in Paragraph 46 of Report No DEV/WS/21/034.

Speakers: Councillor Brian Harvey (Ward Member: Manor) spoke on the application  
Les Belsberg (applicant) spoke in support of the application

Following Councillor Harvey's speech, the Lawyer advising the meeting drew Councillor Harvey's attention to the Planning Code of Conduct and the reference therein to the importance of Ward Members (who were also Members of the Committee) retaining an open mind up to the point where a decision is made on an application. Councillor Harvey then advised the Chair that he would abstain from the vote.

Councillor Diane Hind considered the reason for refusal to be subjective and was of the view that the proposal would not adversely impact on the streetscene or the Conservation Area, and therefore proposed that the application be approved, contrary to the Officer recommendation. This was duly seconded by Councillor James Lay.

The Service Manager (Planning – Development) advised the Committee that Officers would not consider it necessary to invoke the Decision Making Protocol and a Risk Assessment would not be required.

The Principal Planning Officer then advised the meeting of the conditions that could be appended to a permission if granted.

Upon being put to the vote and with 10 voting for the motion, 3 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, 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 application form dated 23.03.2021.
4. No development above slab level shall take place until details of the garage doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

174. **Planning Application DC/21/1536/FUL - West Suffolk Council, College Heath Road, Mildenhall (Report No: DEV/WS/21/035**

**Planning application - Installation of two metre high security fencing including personnel and vehicle access gates, to external boundary**

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

As part of his presentation the Planning Officer showed 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/21/035.

Attention was drawn to Paragraph 5 of the report and Members were advised to disregard the incorrect reference therein to no comments having been received from the Ecology and Landscape Officer. The comments from said Officer were included elsewhere in the report.

The Committee was also advised that the applicant and Tree Officer were continuing to have ongoing discussions, the outcome of which would inform the detail of the arboricultural condition(s) referenced within the recommendation at No 3.

Councillor David Roach proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Andy Neal.

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 approved plans and documents.
3. Arb condition(s) depending on applicant response.

175. **Planning Application DC/21/1366/FUL - West Suffolk House, Western Way, Bury St Edmunds (Report No: DEV/WS/21/036)**  
**\*\*WITHDRAWN FROM AGENDA 31/8/21\*\***

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

The meeting concluded at 1.10 pm

**Signed by:**

**Chair**

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## **Development Control Committee 6 October 2021**

### **Planning Application DC/21/0706/VAR – Oakfield Surgery, Vicarage Road, Newmarket**

<b>Date registered:</b>	16 April 2021	<b>Expiry date:</b>	16 July 2021(EOT to 08.10.2021)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket East
<b>Proposal:</b>	Planning application - removal of conditions five and six and variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows		
<b>Site:</b>	Oakfield Surgery, Vicarage Road, Newmarket		
<b>Applicant:</b>	Reed		

**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](mailto:gary.hancox@westsuffolk.gov.uk)

Telephone: 07867 976817

## Background:

**This application is presented to Development Control Committee following consideration at Delegation Panel on the 7 September 2021. It was presented to the Delegation Panel due to an objection from the Town Council. The application is recommended for APPROVAL.**

## Proposal:

1. The application proposes the variation of the approved 10 dwellings to allow for the use of UPVC windows instead of wooden windows. To do this the applicant is seeking to vary condition two (approved plans) and remove conditions five and six of permission DC/17/1614/FUL (details of wooden windows).
2. The application originally proposed the use of UPVC doors, however this no longer forms part of the changes.

## Site details:

3. The site is located at the eastern edge of the town within the settlement boundary formerly accommodating a doctor's surgery comprising a two-storey modern building and associated parking. The site is within the Conservation Area and contains several significant protected trees and has an established verdant character. The previous surgery building was modern and understated in terms of appearance and design and was set within the grounds of the site behind a boundary wall. Directly to the east of the site are the Machell House racing stables (Grade II Listed), and to the north and west is residential development. The Rous Memorial Cottages to the west of the site are also Grade II Listed, being former alms-houses dating to 1878, they are two storey although of modest scale and mass forming an open court. The buildings are in the Queen Anne Revival style.
4. An approved development of 10 flatted dwellings is currently being constructed on the site.

## Planning history:

Reference	Proposal	Status	Decision date
DC/17/1614/FUL	Planning Application - 10no. dwellings with associated vehicular access and parking	Application Granted	6 June 2018
DCON(A)/17/1614	Application to discharge conditions 4 (materials), 9 (dust control) and 10 (method statement) of application DC/17/1614/FUL	Application Granted	2 March 2021
DCON(B)/17/1614	Application to discharge condition 12 ( screen wall and fence), 13 (landscaping) and 14 (arboriculture impact	Application Granted	8 April 2021

**Consultations:**

Conservation Officer

5. No objection - the revised window details show dimensions more comparable to timber windows than previous proposals. The proposed windows would therefore more accurately replicate the overall appearance of timber windows and assimilate well into the conservation area.

Public Health and Housing

6. Public Health and Housing would not wish to raise any objections or make any comments with regard to the above planning application for the removal of conditions five and six and the variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows and doors at the development at Oakfield Surgery, Vicarage Road, Newmarket.

**Representations:**

Town Council

7. OBJECT to the proposals. Newmarket Town Council considers that proposals for UPVC windows and doors are inappropriate for this location. This objection is based on the need to preserve and enhance the special character and appearance of the designated conservation area.

**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 District 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:

Core Strategy Policy CS3 - Landscape Character and the Historic Environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM17 Conservation Areas

## **Other planning policy:**

### National Planning Policy Framework (NPPF)

10. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision-making process.

### Newmarket Neighbourhood Plan

11. Policy NKT1: Traditional Features and Materials for Developments within the Conservation Area

Proposals for new development within the designated conservation area should preserve or enhance the character or appearance of the designated Newmarket Conservation Area. In particular, development proposals should:

- i. complement surrounding buildings which are described in the Conservation Area Appraisal as making a positive contribution to its character or appearance;
- ii. complement any surrounding listed buildings; and
- iii. use appropriate local, vernacular materials insofar as they are appropriate to the proposal concerned.

## **Officer comment:**

12. Having regard to Section 73 of the Town and Country Planning Act 1990 (TCPA), this planning application seeks permission to develop land without compliance with conditions previously attached. In this case, the applicant wishes to remove conditions five and six and vary condition two of planning permission DC/17/1614/FUL to allow the use of UPVC windows and doors.
13. Paragraph (2) of Section 73 of the TCPA 1990 states that;  
  
'...the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'
14. As this application only seeks to remove specific conditions and change the wording of a specific condition relating to the use of wooden windows and the submission of window details, there is no need to reconsider the principle and detail of the application again, unless there has been significant changes in circumstance on site, and/or significant changes to the development plan or national policy.
15. In this case the application only seeks to change windows of the approved building, with all other aspects of the scheme remaining as approved. The proposed UPVC windows have been amended in accordance with the comments of the Conservation Officer who requested alternative windows

closer in appearance to the approved timber windows, which were considered to be an appropriate approach in the original proposals.

16. 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.
17. The amended UPVC window details set out on drawing OAK 111 show dimensions that better resemble those of the timber windows already approved, which were considered to be acceptable originally. The building is set back from the public highway and the windows will generally be seen 'at a distance' and as a result the difference between the window material will barely be discernible. The Conservation Officer is therefore of the opinion that the new window details are considered to be acceptable. Taking this into account the character and appearance of the Conservation Area will be preserved in accordance with the requirements of Section 72 of the Town and Country Planning (Conservation and Listed Buildings) Act 1990.
18. Newmarket Town Council have objected to the proposals and drawn attention to policy NKT1 of the Newmarket Neighbourhood Plan. This is a development plan policy which needs to be considered in the determination of this application and is reference in this report in the policy section. In most circumstances within a conservation area the use of timber windows and doors is appropriate and considered a more vernacular material. However, in this particular case, the applicants are proposing the use of a high quality UPVC product that is so similar to historic timber fenestration in terms of design, scaling of glazing bars etc., that the difference is not considered to be discernible. The preservation of the character of the conservation area, and the use of materials that are (as amended) appropriate to the new build proposed, is therefore considered to accord with the requirements of Policy NKT1 of the Newmarket Neighbourhood Plan.

### **Conclusion:**

19. The proposed UPVC window details, as amended, preserve the character and appearance of the Conservation Area and accord with the requirements of Core Strategy policy CS5, Joint Development Management Policies DM2 and DM17, Newmarket Neighbourhood Plan Policy NKT 1, and the NPPF (2021) in that regard.

### **Recommendation:**

20. Having regard to the existing planning permission and its conditions, some of which have been discharged, 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:

OAK-111 – Window details  
1805-10 Rev C – Site Layout  
1805-11-Rev A  
1805-12 – Elevations  
TIP 18 323 – Tree Survey  
TIP 18 323.1 – Tree Survey  
10-7865-XX-DR-D2000 P4 – Drainage plan  
Location Plan

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

3. The development shall be completed in accordance with the drainage details submitted under condition 3 of permission DC/17/0614/FUL, discharged by DCON(C)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. The development shall be completed in accordance with the materials submitted under condition 4 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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

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

Reason: In the interests of the amenity of future occupiers of the dwellings.

7. The development shall be completed in accordance with the dust mitigation details submitted under condition 9 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

8. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: In the interests of water efficiency in accordance with the requirements of Policy DM7 of the Joint Development Management Policies.

9. The development shall be completed in accordance with the screen walls and fences details submitted under condition 12 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

10. The development shall be completed in accordance with the landscaping details submitted under condition 13 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

11. The development shall be completed in accordance with the arboricultural method statement submitted under condition 14 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

12. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No 1805/10 C and shall be made available for use before the occupation of any dwelling. It shall be retained thereafter in its approved form.

Reason: To ensure that accesses are located at an appropriate position in the interest of road safety and/or to avoid multiple accesses which would be detrimental to highway safety.

13. No dwelling shall be occupied until the area(s) within the site shown on drawing no. 1805/10 C for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3, Part 1, Class A, B, C, D and E of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.

Reason: To ensure that the satisfactory appearance and amenity of the development/locality is maintained.

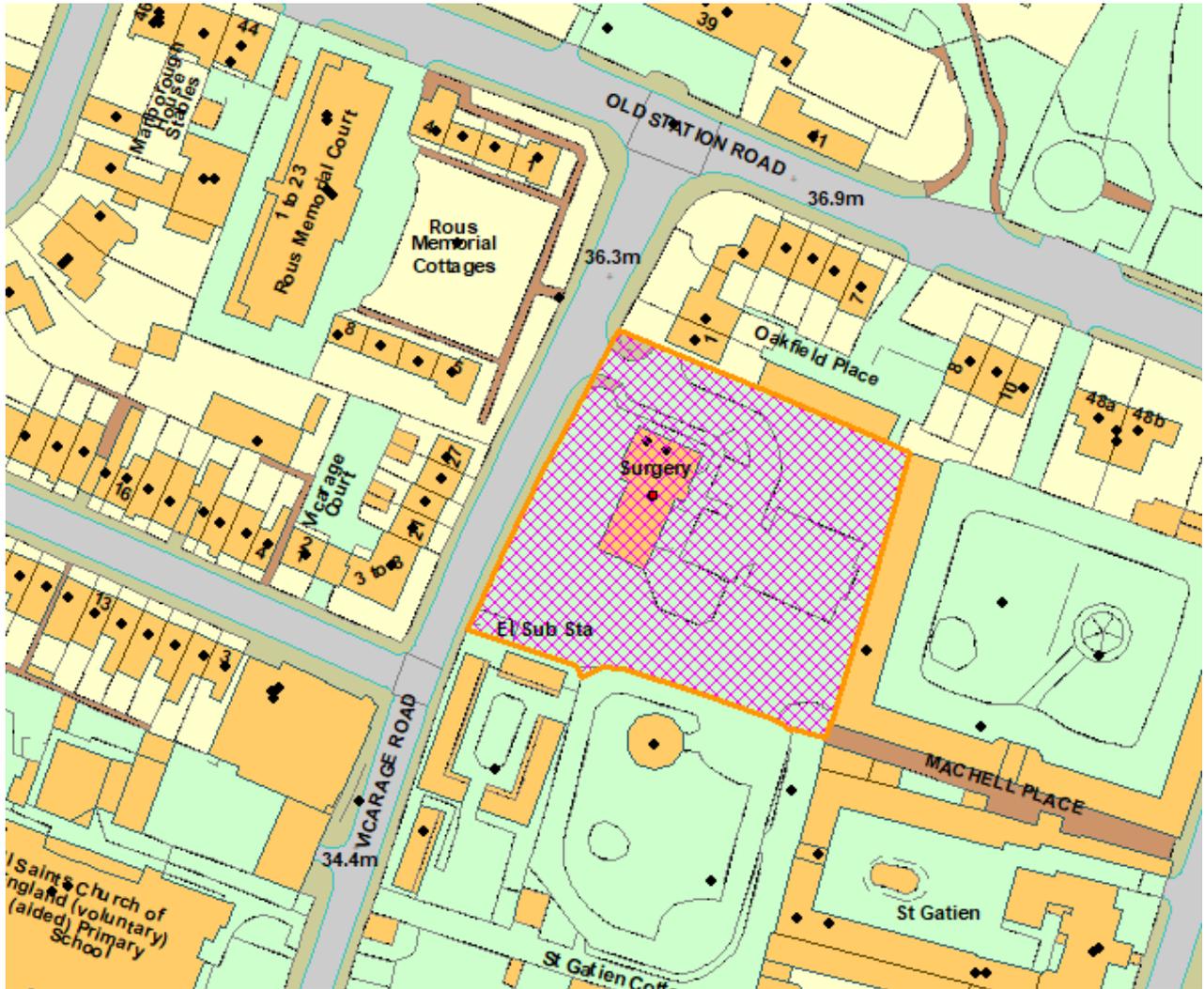
15. Before occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with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

Supplementary informative: The applicant is hereby advised that options for complying with this condition are varied and could be any one or more of a number of measures, proportionate, reasonable and relevant to the site in question. These include, but are not limited to, integrated bird boxes, integrated bat boxes, native berry-bearing trees/shrubs, native pollinating plants or wildflower areas, and where adjacent to Green Infrastructure potentially hedgehog domes, hedgehog highways (connecting gardens through small holes in boundary fences) or hibernacula, wildlife pond, and / or compost heaps.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with the provisions of Policy DM12 of the Joint Development Management Policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0706/VAR](#)

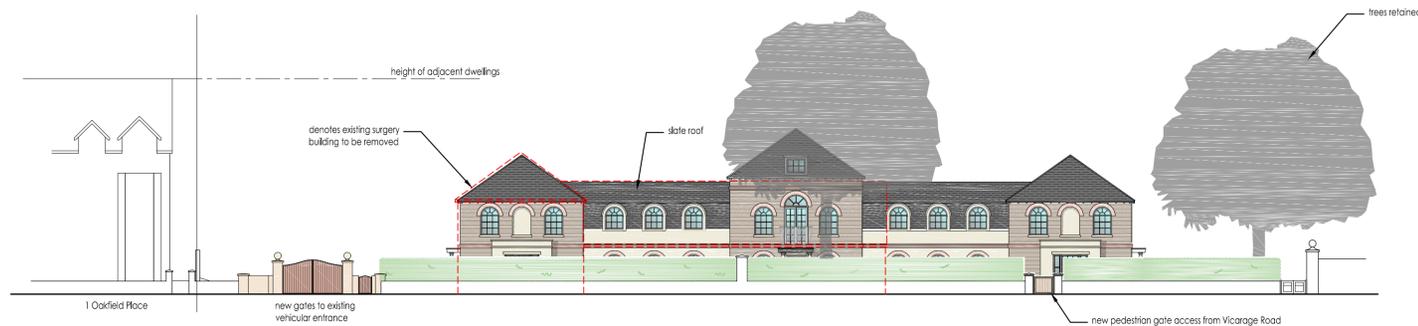


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Contractor to check dimensions and notify any discrepancies or errors to the company immediately

Index	Revision	Date
Rev A	Updated in accordance with latest AIA	12.01.18
Rev B	Updated in accordance with Highways comments	07.03.18
Rev C	2 additional visitors spaces added to planners requirements	10.04.18

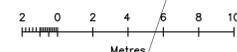
**MATERIALS:**  
 Buff facing brickwork walls  
 Cream through render  
 Natural slate roof  
 Timber windows painted white  
 Lead dormer cheeks



Proposed Street Scene SCALE 1:200@A1



Proposed Site Layout Plan SCALE 1:200@A1



**PLANNING**

**PROJECT**  
 PROPOSAL FOR 10 NO. NEW DWELLING UNITS  
 OAKFIELD SURGERY  
 VICARAGE ROAD  
 NEWMARKET  
 CB8 8HP

**CLIENT**  
 OAKFIELD SURGERY

**TITLE**  
 PROPOSED SITE LAYOUT & STREET SCENE

**DRAWN** AS    **CHECKED** DB

**DATE**    OCTOBER 2017

**SCALE**    1:200 @ A1

**DRG NO**    1805/10

**REVISIONS**    A    B    C

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## **Development Control Committee 6 October 2021**

### **Planning Application DC/17/1252/FUL – Land off Cavendish Road, Clare**

**Date registered:** 24 July 2017      **Expiry date:** **EOT - 30/11/2021**

**Case officer:** Penny Mills      **Recommendation:** Approve application

**Parish:** Clare Town Council      **Ward:** Clare, Hundon and Kedington

**Proposal:** Planning Application - 53no. dwellings with associated access, infrastructure and landscaping

**Site:** Land off Cavendish Road, Clare

**Applicant:** LAND Charter Homes Group

**Synopsis:**

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

**Recommendation:**

That the application be approved subject to the recommended conditions and following the signing of a S106 agreement.

CONTACT CASE OFFICER:

Penny Mills

Email: penny.mills@westsuffolk.gov.uk

Telephone: 01284 757367

## **Background:**

**This application was originally submitted in 2017 but its determination was delayed due to landownership issues which have now been resolved.**

**The proposals have been reassessed against current policy and a fresh full consultation has been carried out.**

**This application has been referred to the Development Control Committee following a call-in from the local Ward Member (Councillor Nick Clarke). Clare Town Council have also raised concerns with the application.**

**The site has previously been the subject of consultation with key stakeholders and the local community as part of the preparation and adoption of a Development Brief, which was formally adopted by the Council in 2016.**

### **1.0 Proposal:**

1.1 The application seeks full planning permission for 53 dwellings and associated access, infrastructure and landscaping.

### **2.0 Application supporting material:**

Drawing / Document	Reference number
Location Plan	J1072982-CB-01
Site layout Plan	4164-01 REV K
Plot 1 - Elevations	4164/03 B
Plot 1 - Grd. & 1st Floor Plans	4164/04 rev B
Plots 2&3 - Elevations	4164/05 rev A
Plots 2&3 - Grd. & 1st Floor Plans	4164/06 rev B
Plots 4-6 - Elevations	4164/07 rev B
Plots 4-6 - Grd. & 1st Floor Plans	4164/08 rev B
Plots 7-10 - Elevations	4164/09 rev B
Plots 7-10 - Grd. & 1st Floor Plans	4164/10 rev B
Plots 11&12 - Elevations	4164/11rev A
Plots 11&12 - Grd. & 1st Floor Plans	4164/12 rev A
Plots 13&14 - Elevations	4164/13 rev A
Plots 13&14 - Grd. & 1st Floor Plans	4164/14 rev A
Plot 15 - Elevations	4164/15 rev A
Plot 15 - Grd. & 1st Floor Plans	4164/16 rev B
Plot 16 - Elevations	4164/17 rev B
Plot 16 - Grd. & 1st Floor Plans	4164/18 rev A
Plots 17-19 - Elevations	4164/19 rev A
Plots 17-19 - Grd. & 1st Floor Plans	4164/21 rev A
Plots 20-23 - Elevations (1)	4164/22 rev A

Plots 20-23 - Elevations (2)	4164/23 rev A
Plots 20-23 - Grd. Floor Plan	4164/24 rev A
Plots 20-23 - 1st Floor Plan	4164/25 rev A
Plot 24 - Elevations	4164/26 rev A
Plot 24 - Grd. & 1st Floor Plans	4164/27 rev B
Plot 25 - Elevations	4164/28 rev A
Plot 25 - Grd. & 1st Floor Plans	4164/29 rev A
Plot 26 - Elevations	4164/30 rev A
Plot 26 - Grd. Floor Plan	4164/31 rev A
Plot 27 - Elevations	4164/32 rev A
Plot 27 - Grd. Floor Plan	4164/33 rev A
Plot 28 - Elevations	4164/34 rev A
Plot 28 - Grd. Floor Plan	4164/35 rev A
Plot 29 - Elevations	4164/36 rev A
Plot 29 - Grd. Floor Plan	4164/37 rev A
Plot 30 - Elevations	4164/38 rev A
Plot 30 - Grd. & 1st Floor	4164/39 rev A
Plot 31 - Elevations	4164/40 rev A
Plot 31 - Grd. & 1st Floor Plans	4164/41 rev A
Plot 32-33 elevations	4164/42
	4164/43
Plot 34 elevations	4164/44
	4164/45
Plots 35-37 elevations	4164/36
	4164/
Plot 38 elevations	4164/48
	4164/
Plot 39-40 elevations	4164/50
	4164/
Plot 41-42 elevations	4164/52
	4164/
Plot 43-45 elevations	210P1
Highways works on cavendish Road, overview.	045/2011/24 rev P2
Highway Works on Cavendish Road West of site entrance (1-3 of 6)	045/2011/21 rev P2
Proposed Access and Offsite Highways Works (4-6 of 6)	045/2011/22 rev P5
Residential Access Visibility Assessment	045/2011/30 RevP1
Vehicle Tracking and Max Refuse Collection Points	045/2011/27 Rev P2
Existing Surface Water Flow Paths and Outfall Route	045/2011/02 Rev P1
Proposed Surface Water Drainage Layout	045/2011/03 Rev P4
Drainage Standard Details and Pond Cross Section	045/2011/04 Rev P1

Other supporting reports/documents:

- Tree Survey, AIA and Protection Plan including Arboricultural Report
- Geophysical Survey Transport Statement October 2016
- Updated Traffic Survey (045/2011/06-CAG) (April 2021)
- Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Contaminated Land and Geotechnical Assessment
- Ecological Scoping Survey and updated survey 2021
- Great Crested Newt Triturus Cristatus Survey
- Landscape Strategy Report
- Brief for an Archaeological Evaluation and proposed TT Plan
- Flood Risk Assessment and Drainage Strategy

### **3.0 Site details:**

- 3.1 The application site is located on the eastern edge of Clare, which is designated as a Key Service Centre in the Core Strategy. The site is located on the northern side of Cavendish Road, with the Stour Valley Community School to the west of the site, open fields to the north and a residential dwelling, which is also a listed building, to the east.
- 3.2 The site is within the development envelope and has a residential allocation in the Rural Vision 2013.
- 3.3 The site is approximately 2.2 hectares and is currently used as a paddock, with two small stables on the site. The boundaries are formed by a mix of hedges and trees.
- 3.4 The proposed site does not contain any public rights of way (PROW).

### **4.0 Planning history:**

- 4.1 There are no relevant planning applications relating to the site.

### **5.0 Consultations:**

- 5.1 The application has been subject to amendments and additional information has been submitted during the course of the application. The consultation responses set out below represent the current position and are a summary of the latest responses received.
- 5.2 Full copies of consultation responses are available to view online through the Council's public access system using the link below.
- <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6APDHFY00>
- 5.3 Suffolk County Council is abbreviated to SCC in the consultation responses set out below.

5.4 **Anglian Water** –comments summarised below:

- Wastewater:  
The foul drainage from this development is in the catchment of Clare Water Recycling Centre that will have available capacity for these flows
- Used Water network  
The sewerage system at present has available capacity for these flows.
- Surface water disposal:  
The proposed method of surface water management does not relate to Anglian Water operated assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

5.5 **SCC Lead Local Flood Authority** –comments summarised below:

- Confirmation following submission of additional documents that the previous recommendation of approval subject to conditions still applies.
- Recommended conditions relating to provision of detailed surface water drainage scheme, submission of details of the drainage system components for inclusion of the Flood Risk Asset Register and submission of a construction surface water management plan.

5.6 **Natural England** – Confirmed no comments to make on application.

- Advised to refer to standing advice and in house ecology services.

5.7 **West Suffolk Environment Team** –comments summarised below:

- Contamination:  
Agree that the risk from land contamination is low and no further specific investigation is required at this point. Recommend a contamination informative on any decision
- Air quality:  
The provision put forward by the applicant in terms of EV charging is acceptable. Suggest that the development is granted with a condition to secure this.

5.8 **West Suffolk Waste Team** – comments made summarised below:

- Requested a swept path analysis to confirm there is sufficient space for the waste recovery vehicle to manoeuvre and turn.
- Noted that the waste recovery vehicle should be able to pull up next to the bins, with a dropped kerb to enable the crew to easily move the bins to and from the RCV.
- Collection crews should not have to carry individual waste containers or move wheeled containers in order to facilitate their collections.
- Requested that the drag distances for householders to present their bins be indicated on the plans. The Suffolk Waste Partnership Technical Guidance for Residential and Commercial Developments states that

any designated storage area within the boundaries of the property should not be more than 30m distance from the collection point, to minimise the distance householders need to move their waste

5.9 **West Suffolk Public Health and Housing** –comments summarised below:

- Concerns with the size of the proposed bedroom accommodation, particularly within the three and four bedroom dwellings.
- Noted that there is no statutory legislation with regard to minimum sizes of bedroom, living or kitchen accommodation in new dwellings but advised that to prevent overcrowding, bedrooms to be occupied by a single person should have a minimum floor area of 6.5 sq.m and bedrooms to be occupied by two persons should have a minimum floor area of 9.5 sq.m.
- Recommended that the floor area of all bedroom accommodation is reviewed so as to ensure that they would meet at least the recommended minimum standard.
- Conditions recommended to minimise the impact of the development, during construction, on the existing residential occupiers in the vicinity of the application site and to ensure that the internal ambient noise levels of the proposed dwellings comply with current guideline

5.10 **West Suffolk strategic Housing:** - comments summarised below:

- Strategic Housing support this application in principle to provide 30% affordable housing in line with Policy CS5. There will be a 0.9 commuted sum required.
- The required tenure split required is 80% affordable rented and 20% intermediate.
- The latest schedule of accommodation confirms the affordable dwellings meet Nationally Described Space Standards (NDSS) and the bedrooms meet the recommended minimum single and double room size in line with Statutory Overcrowding Part 10 of the Housing Act 1985.
- The applicant has now resolved the issues that I previously raised.

5.11 **West Suffolk Landscape and Ecology:** comments summarised below:

- Advised updated ecological surveys would be required.
- Requested conditions relating to tree protection, detailed landscape plans and landscape implementation and maintenance.

5.12 **West Suffolk Parks and Infrastructure:** comments summarised below:

- Confirmed that a contribution of £39,822.00 is required as a contribution in lieu of on-site play / recreation space.

5.13 **West Suffolk Conservation Officer:** comments summarised below:

- No objections were highlighted in regard to this application and its impact upon the adjacent listed building – Clare Hall Farm.

5.14 **Suffolk Wildlife Trust: comments summarised below:**

- Suffolk Wildlife Trust – Care should be taken with the timing of works to remove a section of hedgerow (works should not be carried out during the bird nesting season). Suggested that swift boxes are incorporated into the dwellings and hedgehog permeable boundaries are maintained.

5.15 **SCC Archaeology** – comments summarised below.

- Confirmed that the application area has already been subjected to an archaeological trial trench evaluation and no further archaeological work is required.

5.16 **SCC Highway Authority** – comments summarised below:

- Further to the Highway Authority's letter dated 14 August 2017 and 26 August 2021. We have reviewed the applicant's subsequent response to our comments and the revised drawings which address the matters raised.
- The application proposes improvements to the existing footway, changes to carriageway width, changes to highway signs and changes to road markings. These details, other technical specifications and commuted sum payments are matters to be approved, if a planning grant is awarded, under a S278 agreement. We have previously indicated that the use of different colour road surfaces is undesirable for future highway maintenance reasons.
- The Highway Authority notes the site was allocated in the Rural Vision (Policy RV11 Clare). The internal layout of the site is acceptable but it is not clear if the internal site roads are to be dedicated as highway maintainable at public expense or not.
- The application has evidenced that a safe access onto the highway can be achieved for all users so in that regard the application is in accordance with the NPPF.
- Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions relating to: access details; access visibility; details of internal roads and paths; delivery of internal roads and paths; off-site highways works; refuse and recycling provision; parking and turning; and, ditch crossing.

5.17 **SCC Highways Travel Plan Officer:** Comments summarised below:

- Recommend a condition to secure a Travel Information Pack to be approved by the Local Planning Authority and Highway Authority, before being provided to each occupier of each dwelling.

5.18 **Suffolk County Council Public Rights of Way and Access** – comments summarised below:

- Confirmed no rights of way on the site
- Request for S106 contribution of £74,500 to mitigate for increase in use of local routes and to provide local sustainable transport link for the development.

5.19 **SCC Contributions:** Table of infrastructure and associated S106 contribution requests copied below:

Infrastructure	Contribution
Secondary School – 9 pupils arising - £23,775 per place	£213,975.00
Sixth form – 2 pupils arising – £23,775 per place	£47,550.00
Libraries improvements	£12,296.00
Waste improvements	£6,572
S106 monitoring fee per trigger	£500

5.20 **Suffolk Fire and Rescue** – Comments summarised below:

- Require a condition for the installation of fire hydrants.

5.21 **Design Out Crime:** comments summarised below:

- Concerns with the use of rear parking and the lack of surveillance to deter car crime and concern for the safety of rear access paths.
- Concerns with the positioning of garages and carports set back from the frontages of dwellings. Advise that if they remain in their proposed locations that dusk to dawn security lighting should be installed to the side of properties and if possible the carport should be secured with lockable gates.
- There needs to be a strong all round external perimeter of 1.8m close boarded fencing as stated on the development plans. Alternatively 1.5m close boarded fencing with 300cm trellis is acceptable.
- Recommend a solid 1.8m wall is incorporated in line with other proposed wall boundaries between the front of plot 30 and the rear of plot 52 instead of just bushes (vegetation).
- Recommend that 1 metre metal hooped railings are installed around the planned communal areas.

5.22 **NHS Clinical Commissioning Group (CCG)** – comments summarised below:

- The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

- The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- NHS England calculates the level of contribution required, in this instance to be £31,800.00 Payment should be made before the development commences.
- West Suffolk CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.
- West Suffolk CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

## 6.0 Representations:

Full copies of consultation responses are available to view online through the Council's public access system using the link below.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6A PDHFY00>

### 6.1 Ward Member, Cllr Nick Clarke – call in request below:

"I would like to call in this application in order for it to be considered by the planning committee. This is a large development in the historic small town of Clare which is likely to have a significant impact on residents and on the character of the town. Clare Town Council asked for this to be 'called in' in its minutes dated 17th December 2017. The Chair and Vice Chair support the request for the 'call in' in an email to me on 17th May 2021.

It is important that a development application of this size in a special town like Clare should be considered in public."

### 6.2 Town Council: Most recent comments summarised below:

- This development will bring the total of recently approved houses in Clare to around 170 (which exceeds the stated local plan housing allocation for Clare by nearly 50%) without any corresponding upgrading or investment in local infrastructure.
- Capacity of existing services to cope with existing/increased demand is uncertain.
- Current public transport serving Clare is extremely limited; there are so few bus services that it is inevitable that most residents of the new dwellings will have to use cars for commuting which will lead to additional pressure on both the road system, traffic flows and parking around town. It is unreasonable for residents to have to absorb yet more impact from these proposed additional homes without any corresponding upgrade in relevant infrastructure.

- There are instances of odour emanating from the local sewerage treatment plant which can blight the area. Sewerage outflows have also been an issue recently. Residents continue to complain of problems with the existing sewerage infrastructure; it is of concern that Anglian Water state that there is adequate capacity in the system to deal with additional housing as residents' lived experience is that the existing infrastructure cannot cope with its current load, let alone additional load created by this proposal. The Town Council is not satisfied that this issue has been adequately resolved.
- It is understood that a commuted sum for offsite play equipment will be made available under the planning gain package.
- This development will extend to the very limit of the 30mph zone. Our own VAS data indicates that high speeds exceeding ACPO limits are regularly observed in the 85th percentile at this point as confirmed within the Transport Statement provided by the developer. It is requested that the speed limit to the east be extended by a suitable distance beyond the development. This would provide an additional element of road safety for the increased number of pedestrians using the pavements to access all schools (nursery, primary & secondary) in both directions during the peak hours when the majority of the excessive speeds are recorded....
- CTC is still requesting that either the 30mph limit is extended eastwards or a 40mph buffer is put in place together with the picket fence gateways at the start of the new zone (there is some question as to whether there is room to install the picket gateways at the existing 30mph limit as currently proposed in any event). This would slow speeding traffic before it reaches the development and the crossing to access the new right of way which is part of the proposal.
- In terms of the proposed highway impact mitigation measures ... The previous consultation included measures for highway safety including widening of the pavement (with corresponding removal of central hatching) along Cavendish Road between the development site and along to the junction with Harp Lane where it ends before pedestrians must cross the A1092 to access the opposite footpath into Clare. It was previously suggested that a buff road surface and dropped kerbs would be laid at this point to alert drivers as there is insufficient visibility for a pedestrian crossing of any sort at this point.
- The proposal to achieve a wider pavement is supported; how accessibility and safety is to be managed at the pedestrian crossing point needs further thought - additional features to support and enable safer crossing of the road with drop kerbs and new texture/colour road surface to alert drivers are welcome in principle; however the impact of two telegraph poles and wire connections in the middle of the pavement at the bottom of the hill (photos attached) has not yet been obviously considered in relation to pedestrian safety and this needs to be done. 30mph roundels and dragon's teeth painted on the road were previously proposed; these seem inappropriate on the entrance to an historic town such as Clare, would inevitably wear away and require regular painting.

- The Council is concerned that the traffic scheme appears largely unchanged since 2017 despite continuing unacceptable vehicle speeds being recorded in this area; traffic volumes will increase as a result of the new development which lies immediately next to the school; recent discussions with SCC had lead the Town Council to understand that a speed buffer zone to the east was actively under consideration.
- The Town Council would request that no permission is granted until full engagement with the relevant officer has been achieved particularly in relation to the suggestion for a speed buffer zone (or similar) designed to reduce speeds of approaching traffic.
- Welcome the provision of a new cycle/pedestrian path opposite the school entrance connecting to the railway walk of the Country Park. We have concerns for the management and maintenance of this new 'footpath', given the limited funds within the SCC budget and would appreciate details of which organisation will take ownership of the footpath upon completion. Clare Castle Country Park Trust which controls the railway walk should be invited to comment before any formal decision is made.
- Early adoption of roads and a management plan for the long term maintenance of the estate as a whole but particularly of the basins in the public open spaces are essential
- We also wish to raise a significant policy issue. This development offers a welcome range of smaller units reflecting the needs of Clare's population as found in our recent Community Plan. However, unlike rural exception sites, current West Suffolk policy offers no prioritisation to Clare families or workers, reflecting localised needs. We believe this policy should be re-examined with regard to the next local planning document (the replacement for Rural Vision 2031)
- Residents of Clare will not necessarily benefit from the additional affordable homes and yet the town will be subject to increased impacts as a result of this development.
- The Carter Jonas letter dated 22/7/21 explains why 15 rather than 16 affordable dwellings are proposed. The Town Council requests that the 0.9 affordable unit should be rounded up to a whole unit and provided in place of a commuted sum in order to maximise the amount of available affordable housing offered by this proposal.
- Cllr N Clarke has requested that solar panels and broadband is provided as part of the design; The Town Council supports this request.

### 6.3 **Clare Society:** Comments summarised below:

The Clare Society would like to make the following observations regarding the above application. we consider that these are incorporated as Conditions of Approval from WSCC planning officers.

Speeding

- Cars regularly exceed 30mph in the limit when passing both the school and proposed entrance to the site.
- Concern in relation to the proposed crossing of the Cavendish road. The answer could lie in two separate new priority lanes been given to outgoing vehicles?
- Visibility from both the school and the housing site are considerably impaired. These lanes would slow down traffic entering the town. The 30mph sign could also be moved beyond Clare Hall with a short 40mph sign as well.

#### Pavements

- Not wide enough ( less than 6ft in many places). There are at least two telegraph poles in the middle of the footpath towards the town with at present mobility scooters and buggies having to divert into the carriageway. we believe further pedestrian movement from the estate will only add further risks of injury to the existing problem.

#### Flooding

- Development lacks any real form of green space. With global warming the chances of severe flooding are more likely. Without green space we do not believe two ponds dug along the entrance to the site are sufficient to stop flooding of the carriageway and beyond. All the out of town developments around the town of Clare have a central green space and these are an important feature of these developments.

#### Sewage

- Anglian water have advised there is still capacity at their water treatment works. We question whether when it rains like a monsoon(100mm in Haverhill recently) like so many other water authorities, they do not have the capacity to cope and are forced to discharge raw effluent and flood water into the river Stour. We already have a flooding problem including raw sewerage opposite the Ashen road when it pours with rain for any length of time.

#### Trees and landscape

- Little or no thought regarding the planting of trees in amongst the development. The existing tree planting scheme does not constitute a green corridor. It lacks detail and the LSDP arboricultural Survey and Report suggests removing tree growth overhanging the site on the western border. This we believe should be avoided at all cost as the trees that are there will if large parts of them are cut back become structurally unstable. We believe all trees on the boundaries should be listed in order for their wellbeing to be monitored by a qualified WSCC tree officer. Further enhancement of the site should be carried out to include more trees on the northern boundary and trees and shrubs to the front of the site to enhance the development from the Cavendish road.

#### Housing.

- Question the architectural approach. The plans are uninformative in that there is no visual street scene either from the Cavendish road or within the estate. There would appear to be no reference as to what materials are proposed except by looking at every house elevation.

- Only the low cost housing on the west side of the site have been updated with a little more detail of construction. The other 37 units have their original hand drawn sketch plans. These appear to be copied from a bog standard pattern book and sadly plonked on the site without further thought.
- Concerned that like so many other out of town developments in Suffolk, the elevations of all the units look deadly boring, all with rendered walls (some possibly brick), various roof tiles and slates to relieve the boredom and in general would appear to be taken off a computer programme.
- The developer has sadly not used the services of a local architect who is totally familiar with all developments in Clare and would undoubtedly in our opinion have produced something considerably better in design than this.
- Lack of outdoor space, no generosity of internal or external space, layout of dwellings to obtain the maximum in the site area is but a trade mark of most recent housing estates in the county.

The Clare Society is not against the principle of a development in the Cavendish Road. We believe it will bring prosperity to the town and school. What it wants to see from WSC and the developer is a well thought out development with commitments by the developer and WSC being carried out in the interests of this historic town.

#### 6.4 **Public Representations**

Site notice posted, advertisement placed in the East Anglian Daily Times and 14 nearby addresses notified.

One representation received raising the points summarised below. A full copy is available to view on the public planning file online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ORLK6APDHFY00>

#### **Highways**

- The visibility splays cross the front of plots. Is this legal and how would this be maintained in the future?
- Are SCC Highways confident that the proposed widening of the pavement along this stretch of road will be sufficient for mobility scooter users and parents with buggies etc to safely pass beside them without having to step into the road?
- The proposed road crossing on the A1092 and access to new Right of Way linking to the Railway Walk in the Country Park is at the limit of the 30mph limit. Are WSC officers satisfied that the proposed crossing will be safe for pedestrians without any additional traffic calming measures other than the proposed 30mph roundels and dragons teeth? Will the proposed new Public Right of Way be a condition included in any approval?

#### **Amenity**

- The frontages of plot 11 and 12 face very closely onto the parking spaces for 22 cars. Will this impact their amenity?
- Plots 5,6, 7, 8 and 9 have no residential amenity space.

### **Visual amenity / landscape**

- Apart from the trees and planting proposed for the public open space to the front of the development, there are no other shrubs indicated and only 8 other trees shown on the Structural Landscape plan. All are deciduous varieties which would seem to indicate that, come winter, the social housing areas, in particular, will consist of a bleak outlook of roads, pavements, brickwork and close boarded fence panels more in keeping with an inner city or major urban development.
- The density should be reduced to create actual homes and not a development of little boxes.

### **Infrastructure**

- Has there been a re consultation with NHS England?
- Have officers taken into account the fact that the Stonehall GP practice has closed?
- This development represents 150% of the original allocation for Clare.
- Can Anglian Water confirm that these additional connections will not impact on other properties at the bottom of the hill and further afield in the town? There are existing Anglian Water issues in the town.
- The proposed plans make no mention of high-speed broadband connections.

### **Other**

- Concern with the residential parking areas access via alleyways to the back of properties. Will these be lit for crime prevention?
- Other developments in Clare have worked with the local community to improve their layout.
- Could the attenuation ponds be enclosed with black metal railings which can be seen around Clare to safeguard children while enabling easy access for maintenance.

## **7.0 Policy:**

7.1 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.

7.2 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:

### **St Edmundsbury Core Strategy 2010**

- Policy CS1 - St Edmundsbury Spatial Strategy
- Policy CS2 - Sustainable Development
- Policy CS3 - Design and Local Distinctiveness
- Policy CS4 - Settlement Hierarchy and Identity
- Policy CS7 - Sustainable Transport
- Policy CS8 - Strategic Transport Improvements

## **Joint Development Management Policies Document 2015**

Policy DM6 Flooding and Sustainable Drainage

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM4 Development Briefs

Policy DM7 Sustainable Design and Construction

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM15 Listed Buildings

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM44 Rights of Way

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

## **Rural Vision 2031**

Policy RV1 - Presumption in favour of Sustainable Development

Policy RV11 - Clare

7.3 Other relevant policy and planning guidance is set out below:

### **National Planning Policy Framework (NPPF):**

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

### **Cavendish Road Development Brief 2016:**

The Development Brief provides a detailed framework for development on the site and includes information on the physical site constraints and an indication of how it is intended to be developed.

The Development Brief was adopted informally by St Edmundsbury Borough Council on 27 September 2016 and is a material consideration in the determination of any future planning application on the site.

## **8.0 Officer comment:**

- 8.1 This section of the report begins with a summary of the main legal and legislative requirements before entering into a discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

### **Planning and Compulsory Purchase Act 2004 (as amended)**

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The principle of development in relation to the development plan and the conformity of the proposals with key policies is discussed through the rest of this report.

### **The Conservation of Habitats and Species Regulations 2010**

- 8.3 The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by Regulation 61 of The Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.4 Consideration has been given to these regulations during the assessment of the application and it was concluded that the requirements of Regulation 6 are not relevant to this proposal and appropriate assessment of the project would not be required. The application site is not in the close vicinity of any designated (European) sites of nature conservation.

### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations)**

- 8.5 A residential development of this nature is an urban development project as listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 8.7 The development area does not exceed 5 hectares and the number of dwellings does not exceed 150. As such, the development does not exceed the threshold criteria listed in column 2 of Schedule 2. The site does not fall within a sensitive area as defined within the regulations. It is therefore considered that the development is not EIA development and an Environmental Statement is not required to accompany the application.

### **Natural Environment and Rural Communities Act 2006**

- 8.8 The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

- 8.9 The potential impact of the application proposals upon biodiversity interest is discussed later in this report.

### **Equality Act 2010**

- 8.10 Consideration has been given to the provisions of Section 149 of the Act (public sector equality duty) in the assessment of this application. The proposals do not raise any significant issues in this regard.

### **Crime and Disorder Act 1998**

- 8.11 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application and the comments of the Design Out Crime Office have been considered in assessing the design and layout.

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 8.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;
- 8.13 In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.14 Section 72(1) of the same Act states;  
...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.15 The impact on heritage assets are discussed later in this report.

### **Principle of Development**

- 8.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The relevant parts of the West Suffolk Development Plan are the adopted Core Strategy, the Rural Vision 2031 and the adopted Joint Development Management Policies Document 2015.
- 8.17 National planning policies set out in the NPPF and the adopted development brief are also key material considerations.
- 8.18 The application site is located within the settlement boundary for Clare and is allocated for development under Policy RV11 of the Rural Vision 2031.
- 8.19 Within policy RV11 this site is labelled site b. In respect of site b, the policy states the following:

“On site (b) the amount of land available for development, location of uses, access arrangements, design and landscaping will be informed by a Development Brief for the site. Applications for planning permission will only be determined once the Development Brief has been agreed by the local planning authority.

Land off Cavendish Road (b) must incorporate proposals for enhancing footpath and cycleway access to the town centre.

Strategic landscaping and open space must be provided on all sites to address the individual site requirements and locations.”

- 8.20 A Development Brief has been prepared for the site and was adopted by the Council in September 2016. As such, in principle, an application for the development of the site could be acceptable provided that all other elements of the policy are met and other policies within the Development Plan are satisfied.
- 8.21 The proposed development is for 53no. dwellings which is lower than the indicative capacity of 64no. dwellings set out within Policy RV11b. This provides results in a density of 24 dwellings per hectare.
- 8.22 Whilst there is a need to make the best use of land, the number of dwellings in this application has been established as a result of the Development Brief process to create the most appropriate form of development. In this context, the slight reduction from the indicative capacity is considered to be acceptable.
- 8.23 Other elements of policy RV11 relate to the detail of the proposal and are better considered in relation to the key areas of consideration in this case, which are:
- Design, layout and amenity
  - Access, movement and connectivity
  - Landscape, open space, ecology and biodiversity
  - Flood risk and drainage
  - Heritage impacts
  - Affordable Housing
  - Sustainability
  - Planning obligations

### **Design, layout and amenity**

- 8.24 The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development. It goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 8.25 These design aspirations are reflected in policy DM2, which states that proposals for all development should create a sense of place and/or local character. In the case of residential schemes, Policy DM22 states that proposals should create a coherent and legible place that is well structured so that it is visually interesting and welcoming. New dwellings should be of

high architectural quality and should function well, providing adequate space, light, and privacy.

- 8.26 Developments should also ensure that future residents have a satisfactory level of amenity and that the amenity of nearby residents are not adversely affected.
- 8.27 The proposed layout of the development accords with and further develops the Concept Layout Plan that forms part of the adopted Development Brief. The design of the dwellings and their layout is also informed by Development Brief, which includes an assessment of the town's architectural vocabulary and advises on the historic context of Clare, the scale and pattern of development and appropriate materials and detailing.
- 8.28 The Development Brief discusses the key features in terms of the scale and pattern of development. It identifies the pattern of development as mainly linear, with built-up frontages sitting close to the back edge of the pavement in the town centre, punctuated by narrow accesses. These are often through archways and narrow cuts, opening into spaces beyond the principal street frontages. The brief highlights the small green spaces and occasional gaps in the frontages allowing additional greening of the street. It goes on to identify that towards the edge of the town individual properties predominate. These vary in scale and appearance creating terraced forms of linked individual buildings where the roofs vary from gable ends at right angles to the road to ridges running parallel.
- 8.30 The proposed development seeks to draw on the development patterns described in the brief and contains a mix of house types and sizes including four single storey properties. This variety in the house types and sizes along with the detailing and varying roof-forms creates visual interest and reflects the variety of forms found within the town.
- 8.31 The principal frontage to Cavendish Road would be viewed through a front boundary hedge where the properties would look onto an area of public open space, acknowledging the rural setting of the site. In contrast to this, and in keeping with development within the town, the main the spine road through the site would create a tighter knit built up frontage of mainly linked and terraced properties set closer to the back edge of the highway giving a feeling of enclosure. This would then be punctuated by small squares and courtyard development, accessed from the spine road.
- 8.32 The eastern edge of the site creates a more open, less dense form of development respecting the soft boundary with the adjoining Clare Hall farm and through the centre of the scheme a tree-lined pedestrian route would allow views through the site and improve permeability.
- 8.33 The precise materials would be secured through a planning condition, but the palate would include a mix of red brick, buff brick, render, plain tiles, pantiles and slate which are considered to be appropriate for this development.
- 8.34 In terms of residential amenity, with the exception of the four 1 bed flats, all the properties would have access to good sized private gardens. The one-bedroom units would still have access to outdoor space in the form of an outdoor area shared between ground and first floor properties. The

proposed dwellings are also positioned appropriately so as not to give rise to unacceptable impacts on amenity through overlooking or by being overbearing.

- 8.35 The site incorporates an area of public open space to the front of the site, easily accessible to future residents, which would be separated from Cavendish Road by a bank, a new hedge and tree planting. A green pedestrian link runs through the centre of the site connecting the northern part of the development to the open space at the front. Improved links will also be delivered to off-site recreational space.
- 8.36 All of the affordable housing units would meet Nationally Described Space Standards and bedroom sizes have been altered to ensure that in the affordable units, where maximum occupancy is required, all rooms meet the minimum guidelines as advised by the Public Health and Housing Officer.
- 8.37 In terms of the open market housing, 71% of the units meet or exceed NDSS in terms of total floorspace. The dwellings have also been updated so that all the proposed bedrooms provide a minimum floor area of 6.5 sq m. and 9.5 sq m. for bedrooms to be occupied by one or two persons respectively.
- 8.38 It is noted that whilst the affordable units will be required to be filled at a maximum occupancy rate, future residents of the open market properties may choose to use the smaller bedroom differently, for example as a home office space.
- 8.39 There is no statutory requirement in terms of the minimum size of bedroom and no specific standard of overall size is required by any current development plan policies. Policy DM22 (k) requires that new dwellings are fit purpose and function well, providing adequate space, light and privacy. Looking at the proposed dwellings in the round it is considered that they would meet the requirements of the current policy.
- 8.40 In terms of the amenity of neighbouring occupiers, it is considered that the new dwellings would be sufficiently distant from any neighbouring properties to ensure that they would not have any adverse impact on amenity by introducing overlooking or by being overbearing.
- 8.41 In terms of the safety of the development, comments were received by the Design Out Crime Officer. These focus on the use of rear parking and accesses and the associated lack of surveillance. Concerns were also expressed over the use of setback parking and advice was provided in terms of the types of boundary treatments that would be most appropriate in terms of crime reduction and prevention.
- 8.42 There is often a balance to be struck between the principles of secure by design and other urban design requirements. In this case the set back of garages and rear parking areas do result in some tension in terms of maximising security. However, the layout reflects the concepts agreed in the Development Brief and create a form of development that respects the built form within Clare, rather than a more suburban form with on plot parking in front of every dwelling.

- 8.43 In order to create a locally distinctive form of development that includes terraces and linked properties that create a sense of enclosure to the street, some of these forms of development are therefore considered on balance to be acceptable.
- 8.44 The Design Out Crime Officer has suggested some possible mitigation measures such as the use of specific boundary treatments and the use dusk to dawn security lighting on some properties. These measures could be secured through a condition.
- 8.45 Overall, it is considered that the proposed development would create a locally distinctive sense of place that responds to the Development Brief. The architecture is of a high quality, and appropriate to its location and future residents would have a good level of amenity. The layout also provides sufficient space for soft landscaping and provides access to outdoor spaces both on and off the site.
- 8.46 The development is therefore considered to be in accordance with policies CS1, CS2 and CS3 of the St Edmundsbury Core Strategy 2010, Policies DM2, and DM22 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP. The proposals are also considered to meet the requirements of the Development Brief in terms of the quality of the design and layout of the development and the level of public and private amenity provided for future occupants.

#### **Access, Movement and connectivity**

- 8.47 The NPPF promotes all forms of sustainable transport, advising that development should provide for high quality walking and cycling networks. It goes on to advise that development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.
- 8.48 Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network and policy DM46 confirms that the authority will seek to reduce over-reliance on the car and promote more sustainable forms of transport. This is also an aspiration of the adopted Development Brief.
- 8.49 Suffolk County Council's Green Access Strategy (2020-2030) promotes sustainable travel options for all and seeks opportunities to enhance public rights of way, including new linkages and upgrading routes where there is a need, to improve access for all and support healthy and sustainable access between communities and services. This is echoed in policy DM 44 which states that improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements and/or providing access to the countryside or green infrastructure sites.
- 8.50 A single vehicular access to the site is proposed via a new priority junction off Cavendish Road (A1092) located towards the western side of the site.

The access is within the 30mph speed limit zone on Cavendish Road which commences from the south eastern corner of the site.

- 8.51 The access proposed in this application accords with the access put forward in the development brief in terms of type and location and is considered to be acceptable by the Highway Authority subject to a condition to secure the required visibility splays.
- 8.52 Following a delay in the determination of the application, an updated traffic survey was required to be carried out in April 2021 as the existing Transport Statement (October 2016) was considered to be out of date.
- 8.53 In accordance with the new traffic speed data, it advises that the proposed visibility splays should be 2.4m x 95m to the east and 2.4m x 115m to the west. The previously submitted proposed access visibility splays were 2.4 x 43m to the west and 2.4 x 100m to the east. The increased visibility splay to the west from 2.4 x 43m to 2.4 x 115m can be achieved within the site and the adjacent highway and would not encroach onto third party land.
- 8.54 A concern has been raised in a public representation regarding the revised visibility splay which goes across the front of a number of plots, with an annotation on the plan stating that no planting above 600mm is permitted. This is an acceptable and routine way in which to secure a visibility splay for a new development. The visibility splays would be secured in perpetuity by a planning condition which would run with the land.
- 8.55 Notwithstanding the acceptability of access as discussed above, the applicant's transport consultant has recently provided further information in relation to why this type of access was advanced as opposed to a roundabout junction in response to comments raised by the Ward Member.
- 8.56 They advise that a roundabout junction, with a two opposing major flow arms and a minor (low flow) side arm, results in imbalanced flows leading to unsatisfactory junction operation. They also advise that roundabouts typically have poor pedestrian and cycle accident rates and by layout, are disadvantaging these road users contrary to the latest Suffolk County Council and government guidance, which puts pedestrian and cyclists above motorised users in the road user hierarchy.
- 8.57 The amount of land required for a roundabout would be greater than the proposed junction and would ideally require land on the southern side of the A1092. A roundabout in this location could also cause significant visual intrusion, especially with the level of street lighting and signing required, to what is currently a very rural setting.
- 8.58 Policy RV11 which allocates the site for development contains a requirement that the development must incorporate proposals for enhancing footpath and cycle access to the town centre. To meet this requirement, off-site improvements works are proposed as part of the development. These were recently reviewed, and a revised set of drawings submitted following the updated survey information. The proposed measures are acceptable to the local highway authority subject to the final detail being secured by a condition.

- 8.60 The off-site highways propose the following measures:
- An improved access into the school site allowing the junction to be crossed in two stages, which is not currently possible,
  - A pedestrian/cycle route from the development to the school,
  - A new crossing point to the west of the new access to an extended footway on the southern side of Cavendish Road to provide a connection to a new off-road route to the south,
  - New road markings to the east including dragons teeth and 30mph speed limit markings with alternative surface treatment and village gateway signs to be agreed with the highway authority.
  - Additional road marking and warning signs to the west of the site on Cavendish Road
  - Additional dropped kerb and tactile crossing points to the west of the site Footway widening along parts of cavendish Road.
- 8.61 In respect of the footway widening, the Highways Officer and Town Council highlighted a potential conflict with an existing pole/street light which reduced the available width of the footway. The applicant has confirmed that this is to be retained in situ and included within the footway extent. They have highlighted that the Department for Transport Inclusive Mobility guidance (DfT December 2016) provides details of different widths required for mobility impaired and visually impaired people and states that 1.5 m should be regarded as the minimum acceptable giving sufficient space for a wheelchair and walker to pass. The absolute minimum where there is an obstacle should be 1m clear space. In the location in question, past the localised pinch point there is 1.429m clear width available with this footway shown as 1.8m total width.
- 8.62 The measures above include the widening of the southern footway on Cavendish Road opposite the access to the development to enable a connection to a new off-road route across the field to the south linking the proposed development with the railway walk to Care Country Park and then on to the town centre. The Rights of Way Officers have requested a contribution to be secured through a S106 which would provide the funding for this route to be delivered.
- 8.63 Recently, questions have been raised over the appropriateness of upgrading the existing right of way to enable its use by cyclists. Whether or not this takes place would be determined through discussions with the Country Park and others and cannot be determined within this application. However, the infrastructure that would be provided to connect to the route would be the same regardless of its status. The new link would also be of benefit and necessary to facilitate safe and sustainable links to the town whether it is ultimately for cyclists and pedestrians or pedestrians only.
- 8.64 Within the site the applicant intends to construct estate roads and footpaths to adoptable standards. The carriageway will have a minimum width of 5.5m with a 1.8m footway and car parking for dwellings will be provided in accordance with the adopted standards.
- 8.65 The Highways Officer raised a concern that the waste vehicles could not adequately turn within the site. However, the applicant has provided tracking drawings which demonstrate that this is not the case.

- 8.66 Potential development to the east has also been highlighted by the highways officer and it was requested that consideration be given to how occupants here could travel safely to that site. The applicant has advised that an internal pedestrian link from the development to the south-east frontage boundary, utilising the stopped up vehicular access, could provide for future pedestrian routes towards the east and this has been indicated on the plans.
- 8.67 Clare Town Council has raised concerns regarding the speed of vehicles as they enter and exit the village, despite a 30mph speed limit being in place. The Town Council has asked that the speed limit is extended further to reduce vehicle speeds as they pass the site and the crossing points on Cavendish Road. The local highway authority has consistently maintained that an extension to the speed limit is not necessary to make this development acceptable in highway safety terms. However, this does not prohibit ongoing discussions being advanced between the Town Council and the Highway authority separately to the determination of this application.
- 8.68 Overall, the proposed access is considered to be safe, the local highway network will continue to operate retaining significant capacity, and the proposed off-site mitigation enhances pedestrian safety and sustainability in accordance with the allocation. The proposed new footpath link will further improve the connectivity of the site with the town centre and other points of interest such as Clare Country Park. The development is therefore considered to be in accordance with Development Plan policies and the Development Brief in respect of highways.

#### **Landscape open space, ecology and biodiversity**

- 8.69 The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts, and enhancements commensurate with the scale of the development.
- 8.70 The development has been laid out with areas of strategic landscape, respecting that the site is on the rural edge of the town. The development would retain the mature trees and vegetation on the eastern and western boundaries to help minimise the impact on the landscape and tree protection measures during development would be secured by condition. Additional tree and hedgerow planting is proposed to the northern and southern boundaries and an area of public open space to the front of the site, will further filter views across the site and soften the impact of the development on the surrounding landscape.
- 8.71 The area of public open space to the front of the site would provide informal green space but would not include any formal play equipment or marked out sports provision. This space has been designed with natural surveillance from the properties to the north which would front on to it whilst also allowing for a clear separation between the public and private space.

- 8.72 A contribution towards play and recreational facilities in lieu of on-site provision would be secured as part of a S106 agreement and would enable additional and enhanced provision at the Country Park and/or the recreation ground, both of which would serve the future residents of this development.
- 8.73 An Ecological Scoping Survey and Great Crested Newt Survey were carried out and submitted to support the application. The Ecological Scoping Survey concluded that the site is of low ecological value with no bats, owls, badgers or reptiles recorded on site. The Great Crested Newt Survey concluded that there was no evidence of newts. The local planning authority is therefore satisfied that the proposed development will not have an adverse impact on any protected species.
- 8.74 An updated Preliminary Ecological Appraisal was prepared in May of this year due to the time that had lapsed since the original appraisal. This confirmed the original conclusions that no further surveys are required.
- 8.75 A number of ecological mitigation and enhancement measures are proposed including landscaping and tree planting throughout, the provision of an area of open space to comprise a meadow with tree planting, two attenuation ponds, hedgehog gaps under the close boarded fencing between the plots and bird boxes.
- 8.76 The main area of informal open space to the south of the site will comprise a meadow-grass habitat with areas of wetland and semi-wetland habitat in the south-east and south-west corners. Tree planting is also proposed in this area with the existing hedge on the southern boundary to be replaced with a mixed-species native hedgerow. Other pockets of soft landscaping are also proposed within the development, which will enhance biodiversity.
- 8.77 The Council's landscape and Ecology Officer is satisfied with the landscape and ecology proposals, subject to appropriate conditions to secure appropriate details compliance with the approved plans.
- 8.78 The development would not introduce any adverse effects on protected species or sites, subject to following the recommendations of the submitted reports.
- 8.79 Subject to final detailed landscape plans and securing the biodiversity enhancement measures, it is considered that the proposed development is acceptable in terms of landscape, open space, ecology and biodiversity.
- 8.80 The development is therefore considered to be in accordance with policies CS1 and CS2 of the St Edmundsbury Core Strategy 2010, Policies DM2, DM11, DM12 and DM13 of the Joint Development Management Policies Document 2105 and the guidance set out in the NFFP.

### **Flood risk and drainage**

- 8.81 The surface water drainage system for the development consists of an attenuated flow into a nearby watercourse. The attenuation is provided via an open feature located within the development's open space which utilises a system of shallow basins with an upper balancing meadow

provided for events in exceedance of the 1in30 year event. This balancing meadow will therefore only fill with water during severe rainfall events and will drain down into the lower basins and into the watercourse shortly after the event as the stored volumes reduce. Details of the future management of the suds features that sit within the open space along with the open space itself can be secured by condition.

- 8.82 Suffolk County Council, as the Lead Local Flood Authority (LLFA), has been actively involved in the evolution of the surface water drainage strategy and recommended a number of changes to the scheme as originally submitted. The LLFA has now confirmed its agreement to the drainage strategy and subject to the imposition of a planning condition requiring the final detailed scheme to be agreed, raise no objection to the proposal.
- 8.83 Anglian Water has also confirmed that they have no concerns with the scheme in terms of wastewater, used water network and surface water and have confirmed that there is available capacity for this development.
- 8.84 Concerns have been raised by the Town Council suggesting that Clare is subject to foul drainage concerns in contradiction to the assessment provided by Anglian Water.
- 8.85 Although not obliged to seek further justification of the capacity within the existing Anglian Water foul network, the Developer has been liaising with Anglian Water to understand the nature of these concerns and any reports of foul water flooding which affect Clare presently.
- 8.86 As part of a commitment to the minimising the effect any new development may have on the community, the applicant has advised that a programme for connections to the foul public sewer will be agreed with Anglian Water to ensure any off-site remedial or reinforcement works that are planned have been co-ordinated.
- 8.87 The reinforcement and provision of capacity within sewerage infrastructure is a statutory obligation of Anglian Water as Sewerage Statutory Undertaker. It is considered that, given the formal statutory response of Anglian Water to this planning application, the completion of works to the Anglian Water system should not be subject to planning conditions on this development
- 8.88 It is considered that the proposed drainage strategies are appropriate to the scale of development and that it has been demonstrated that surface water can be managed within the site to ensure that the development does not cause or exacerbate flooding elsewhere. The proposal is therefore considered to accord with policy DM6 of the Joint Development Management Policies Document and the guidance contained within the NPPF.

### **Heritage Impacts**

- 8.89 The site is located on the edge of Clare and would not impact on the historic core of the town and the conservation area.
- 8.90 Clare Hall, a Grade II listed building adjoins the eastern boundary of the site. The building itself is located approximately 40m from the boundary

with the site and is separated from it by tree and shrub planting. The scheme has been designed with lower density housing along the eastern boundary to minimise any impact from the development. The Conservation Officer is satisfied that the proposal will have no adverse impact on Clare Hall or its setting and as such the proposal complies with policy DM15 in this regard.

- 8.91 In terms of below ground heritage assets, the County Council Archaeological Service has confirmed that the application area has already been subjected to an archaeological trial trench evaluation and no further archaeological work is required.
- 8.92 The development is therefore considered to be acceptable in terms of the impact on heritage assets and does not give rise to any conflict with the relevant Development Plan Policies DM15, DM17 and DM20 of the Joint Development Management Policies Document and Core Strategy Policy CS2.

### **Sustainability**

- 8.93 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, this objective can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.94 The NPPF sets out three overarching objectives in achieving sustainable development which are interdependent and need to be pursued in mutually supportive ways. These are: an economic objective, a social objective and an environmental objective.
- 8.95 The mix and type of housing proposed which includes affordable housing, would help to foster a vibrant and healthy community with a range of homes to meet the needs of present and future generations. The development is also considered to be well-designed with a high-quality architectural approach with detail and variety creating an attractive and locally distinct place that will have new green spaces and provide access to existing green infrastructure.
- 8.96 The necessary infrastructure needs to support this development are secured through condition and S106 planning obligations. Measures to improve biodiversity would also be secured by condition and a sustainable urban drainage system taking account of adjustments for climate change has been incorporated into the scheme.
- 8.97 The development would also bring improvements to sustainable links to the town including a new off-road footpath connection.
- 8.98 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate and should help to (inter alia) shape places in ways that contribute to radical reductions in greenhouse gas emissions.
- 8.99 West Suffolk Council declared a climate emergency in 2019 and the West Suffolk Local Plan, which is currently being prepared will play a key role in

implementing the Government and council's ambitions to reduce greenhouse gas emissions and adapt to climate change. Until the new plan is in place it is the existing policies in the Core Strategies of the former Forest Heath and St Edmundsbury areas, and in the Joint Development Management Policies local plan must be applied to all proposals for new development

- 8.100 Policy DM7 of the Joint Development Management Policies Document requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), and requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
- 8.101 The Design and Access Statement sets out that the properties will meet the Building Regulations in relation to water use, the installation of low-energy light bulbs, low-flow sanitary applications and reduced energy consumption through the use of high levels of insulation. Properties will also incorporate water butts to reduce reliance on the use of potable water for garden maintenance.
- 8.102 The Ward Member Councillor Clarke has requested that solar panels be included within the development to provide onsite renewable energy generation. In light of the current development plan policies, the use of a specific renewable technology is not something that the local planning authority can insist upon. However, the applicant has advised that this is something that they would be willing to include.
- 8.103 It is considered that the most appropriate way to secure this or other renewable energy technologies would be through the use of a condition requiring the submission of an energy and sustainability statement for the development detailing how the development adheres to the broad principles of sustainable design and construction, how energy efficiency will be optimised through the use of technology, materials, insulation and construction techniques and what renewable or low carbon sources of energy will be included in the scheme.
- 8.104 A condition would also be used to secure provision for electric vehicle charging points to promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document.

### **Affordable Housing**

- 8.105 Policy CS5 of the Core Strategy requires developments to provide 30% affordable housing. In this case the 30% of the total development would equate to 15.9 dwellings. In such cases the local planning authority cannot compel the developer to round up the figure to the nearest whole and a commuted sum is sought for the part dwelling.
- 8.106 In this case the development will deliver 15 affordable units on site with a tenure split of 80% affordable rent and 20% intermediate or shared ownership. The provisions for the affordable housing and the appropriate commuted sum would be secured as part of the S106.

8.107 The Strategic Housing Officer initially raised concerns with the unit sizes for the affordable units. The applicant has subsequently made amendments to the proposals to increase the floor area in line with the minimum space requirements stipulated by the Nationally Described Space Standards as shown in the table below:

PLOT NUMBER	PLOT SIZE	PROPOSED FLOOR AREA (M <sup>2</sup> )	MINIMUM SPACE REQUIREMENTS (M <sup>2</sup> )
Plot 1	4-bedroom 6-person	111.6	106
Plot 2	3-bedroom 5-person	93.8	93
Plot 3	3-bedroom 5-person	93.8	93
Plot 4	3-bedroom 5-person	94.6	93
Plot 5	1-bedroom 2-person	50.0	39
Plot 6	1-bedroom 2-person	54.9	39
Plot 7	2-bedroom 4-person	79.2	79
Plot 8	1-bedroom 2-person	50.4	39
Plot 9	1-bedroom 2-person	55.1	39
Plot 10	2-bedroom 4-person	79.2	79
Plot 11	2-bedroom 4-person	80.4	79
Plot 12	2-bedroom 4-person	80.2	79
Plot 43	2-bedroom 4-person	79	79
Plot 44	2-bedroom 4-person	79	79
Plot 45	2-bedroom 4-person	79	79

8.108 Additionally, the applicant has provided a more detailed schedule including the bedroom floor areas for these units demonstrating that these are in accordance with the minimum size recommendations set out in the Housing Act.

### **Planning Obligations**

8.109 Planning obligations can be secured as to mitigate for any unacceptable impacts in order to make the development acceptable. Such obligations must only be sought where they are:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.'

8.110 The following obligations have been requested to mitigate for the impacts of this development:

Affordable Housing:

8.111 The Council's Housing Officer has confirmed support for the scheme and the provision of affordable housing on the site. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider can be secured through the S106.

8.112 As noted earlier in the report the application proposes 15 affordable dwellings as part of the development. As 30% of the development would equate to 15.9 dwellings the additional 0.9 of a dwelling will be secured as a contribution. This is in accordance with the provisions set out in the Council's Affordable Housing Supplementary Planning Document.

#### Health:

- 8.113 The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 8.114 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- 8.115 NHS England has calculated that the level of contribution required, in this instance would be £31,800.00 and should be made before the development commences.

#### Open space / play and recreation:

- 8.116 The development triggers a requirement for public open space to serve the future occupants in accordance with Development Plan policies and the Councils' adopted Supplementary Planning Document.
- 8.117 In lieu of the provision of formal play and recreation space onsite a contribution of £39,822.00 is sought for improvements in play and recreation facilities in the vicinity of the development to serve future occupants. This could be directed to the Country park or the recreation ground as both sites would be easily accessible from the development.

#### Public Rights of Way improvements:

- 8.118 The County Council has requested a contribution of £74,500 to mitigate for increase in use of local routes and to provide local sustainable transport link for the development. This would be used to deliver the off-road sustainable route identified in the Development Brief.

#### Education:

- 8.119 Suffolk County Council as education authority has currently identified a need for contributions in respect of Secondary School (9 pupils with a total cost of £213,975.00) and sixth form (2 pupils arising with a total cost of £47,550.00).

#### Libraries

- 8.120 Based on a proportionate approach, the County Council has requested a contribution of £11,488 towards improvements to library facilities. An additional £16 per dwelling for new stock has also been requested which the local planning authority does not currently consider to be CIL compliant. Further evidence and justification on this point will be sought from the County if it is to be included within the S106.

#### Waste

- 8.121 Based on a proportionate approach the County Council is requesting a contribution of £124 per dwelling towards a new recycling centre. The local planning authority is seeking further evidence and justification on this point regarding CIL compliance.

8.122 The provisions as described above ensure that the effects of the development proposal on local infrastructure, in terms of affordable housing, education, libraries, play and recreational space, public rights of way, healthcare, and waste would be acceptable. The S106 would therefore secure the necessary improvements to existing infrastructure within Clare and the local area in accordance with Core Strategy Policy CS13

8.123 With the exception of the additional libraries contribution and waste contribution, officers are satisfied that they meet the three tests of planning obligations set out in the NPPF, and are therefore justified in planning terms. Further information will be sought in relation to the additional libraries request and the waste contribution. The recommendation at the end of this report makes provision to secure the libraries and waste contributions should it subsequently be justified to do so.

#### **Other matters:**

##### Broadband

8.124 The Ward Member has requested that the development be required to provide highspeed broadband to the new properties.

8.125 Developing a good telecommunications system is an essential part of the future for the West Suffolk and it is important to give it due consideration throughout the development process. However, the planning system's scope and influence with regards to telecommunications is limited with the NPPF requiring local planning authorities to 'support' and 'enable' telecommunication development. The government is seeking to update building regulation legislation in order to install broadband from the outset before development has commenced.

8.126 The existing Local Plan includes a positive policy supporting the provision of telecommunications development. This policy is designed to facilitate the growth and improvement of the telecommunications network whilst keeping the environmental impact to a minimum. It cannot be used to require an individual development to deliver broadband as a planning requirement.

8.127 Notwithstanding the above, the applicant has indicated that they will be looking to deliver broadband to the development.

##### Waste

8.128 Initially, concerns had been raised by our Waste Team over the positioning of waste collection points in some locations within the site. Some of these concerns relate the distances that refuse workers would need to travel to collect the bins, and some relate to the distances that occupants would need to take their bins for collection.

8.129 A revised waste strategy has been submitted which demonstrates that the maximum distance of travel has been reduced to 25 metres in those areas of the site. It is considered that this is a reasonable distance for collection crews to travel in a limited number of locations across the site.

## **Summary and recommendation:**

- 8.130 Section 38(6) of the 2004 Planning Act states planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework reinforces the approach set out in Section 38(6). It emphasises the importance of the plan-led system and supports the reliance on up-to-date development plans to make decisions.
- 8.131 The proposals are in accordance with the adopted Development Brief and meet the requirements set out in allocation RV11 of the Rural Vision.
- 8.132 It is considered that the proposed development would create a well-laid out and attractive development that responds to its rural setting on the edge of Clare and would not adversely effect nearby heritage assets or their settings.
- 8.133 The development would deliver a policy compliant proportion of affordable housing and it is considered that overall, the development would offer a good level of amenity to future occupants whilst not adversely affect the amenity of any existing properties.
- 8.134 The proposals are considered to be acceptable in highway safety terms and the off-site highways mitigation and improvements to the footpath network meet the relevant policy requirements and improve connectivity to the town by means other than by car.
- 8.135 The Lead Local Flood Authority has confirmed that the proposed surface water drainage scheme is acceptable and Anglian Water has confirmed that there are no capacity issues that would affect their ability to accept flows from this development.
- 8.136 The impacts on trees, ecology and landscape are considered to be acceptable and suitable planting and biodiversity enhancements would be secured by condition. Appropriate sustainability measures including electric vehicle charging would also be secured by condition.
- 8.137 Other impacts arising from the development on local infrastructure including health, education, libraries, open space and recreation and public rights of way would be mitigated for through appropriate obligations within a S106 legal agreement.
- 8.138 In light of the above it is considered that the development is in compliance with the relevant development plan policies and with the National Planning Policy Framework and it is therefore recommended for approval.

## **Recommendation:**

9.0 That planning permission is **GRANTED** subject to:

- 1.) The completion of a S106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):
  - Policy compliant level and tenure split of affordable housing

- Contribution in respect of the 0.9 part affordable dwelling.
- Education contribution – Secondary School £213,975.00 and sixth £47,550.00
- Libraries contribution (if deemed compliant with CIL Regulation 122)
- Waste contribution (if deemed compliant with CIL Regulation 122)
- Public rights of way improvements - £74,500
- Off site Play and Recreation - £39,822.00
- NHS - £31,800.00

In the event that there are any substantive changes to the S106 package, then this will go back to the Chair of the Planning Committee to determine whether it is necessary to bring the proposals back before the committee.

2.) The following conditions:

### 1. Time

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

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

### 2. Approved Plans

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

Drawing / Document	Reference number
Location Plan	J1072982-CB-01
Site layout Plan	4164-01 REV K
Plot 1 - Elevations	4164/03 B
Plot 1 - Grd. & 1st Floor Plans	4164/04 rev B
Plots 2&3 - Elevations	4164/05 rev A
Plots 2&3 - Grd. & 1st Floor Plans	4164/06 rev B
Plots 4-6 - Elevations	4164/07 rev B
Plots 4-6 - Grd. & 1st Floor Plans	4164/08 rev B
Plots 7-10 - Elevations	4164/09 rev B
Plots 7-10 - Grd. & 1st Floor Plans	4164/10 rev B
Plots 11&12 - Elevations	4164/11 rev A
Plots 11&12 - Grd. & 1st Floor Plans	4164/12 rev A
Plots 13&14 - Elevations	4164/13 rev A
Plots 13&14 - Grd. & 1st Floor Plans	4164/14 rev A
Plot 15 - Elevations	4164/15 rev A
Plot 15 - Grd. & 1st Floor Plans	4164/16 rev B
Plot 16 - Elevations	4164/17 rev B
Plot 16 - Grd. & 1st Floor Plans	4164/18 rev A
Plots 17-19 - Elevations	4164/19 rev A

Plots 17-19 - Grd. & 1st Floor Plans	4164/21 rev A
Plots 20-23 - Elevations (1)	4164/22 rev A
Plots 20-23 - Elevations (2)	4164/23 rev A
Plots 20-23 - Grd. Floor Plan	4164/24 rev A
Plots 20-23 - 1st Floor Plan	4164/25 rev A
Plot 24 - Elevations	4164/26 rev A
Plot 24 - Grd. & 1st Floor Plans	4164/27 rev B
Plot 25 - Elevations	4164/28 rev A
Plot 25 - Grd. & 1st Floor Plans	4164/29 rev A
Plot 26 - Elevations	4164/30 rev A
Plot 26 - Grd. Floor Plan	4164/31 rev A
Plot 27 - Elevations	4164/32 rev A
Plot 27 - Grd. Floor Plan	4164/33 rev A
Plot 28 - Elevations	4164/34 rev A
Plot 28 - Grd. Floor Plan	4164/35 rev A
Plot 29 - Elevations	4164/36 rev A
Plot 29 - Grd. Floor Plan	4164/37 rev A
Plot 30 - Elevations	4164/38 rev A
Plot 30 - Grd. & 1st Floor	4164/39 rev A
Plot 31 - Elevations	4164/40 rev A
Plot 31 - Grd. & 1st Floor Plans	4164/41 rev A
Plot 32-33 elevations	4164/42
	4164/43
Plot 34 elevations	4164/44
	4164/45
Plots 35-37 elevations	4164/36
	4164/
Plot 38 elevations	4164/48
	4164/
Plot 39-40 elevations	4164/50
	4164/
Plot 41-42 elevations	4164/52
	4164/
Plot 43-45 elevations	210P1
Highways works on cavendish Road, overview.	045/2011/24 rev P2
Highway Works on Cavendish Road West of site entrance (1-3 of 6)	045/2011/21 rev P2
Proposed Access and Offsite Highways Works (4-6 of 6)	045/2011/22 rev P5
Visibility Assessment	045/2011/30 RevP1
Vehicle Tracking and Max Refuse Collection Points	045/2011/27 Rev P2
Existing Surface Water Flow Paths and Outfall Route	045/2011/02 Rev P1
Proposed Surface Water Drainage Layout	045/2011/03 Rev P4

Drainage Standard Details and Pond Cross Section	045/2011/04 Rev P1
Interception Drain to North Boundary	045/20112/05 P2

Reason: To define the scope and extent of this permission

### **3. Construction and site management plan – pre commencement**

Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation.

The programme shall include:-

- a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities;
- b. access arrangements for contractors' vehicles (locations and times), parking and turning for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials and a methodology for avoiding mud from the site tracking onto the highway with a strategy for remedy of this should it occur.
- 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: This condition is pre-commencement as it relates to details that must be agreed before any work commences in order to safeguard the amenity of neighbouring properties in accordance with policy DM2 of the Joint Development Management Policies Document 2015. The condition is also required to avoid the hazard caused by site personnel parking on the highway, to avoid mud and debris being brought on to the highway.

### **4. Construction Surface Water - pre-commencement**

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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

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

Reason: This condition is pre-commencement to ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan

## **5. Detailed surface water drainage – pre-commencement**

No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (FRADS) by GH Bullard Associates, ref. 045/2011/FRA Rev E and dated Feb 2018 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off to greenfield runoff rates (5l/s) and at least 734m<sup>3</sup> of surface water storage on site, as outlined in the FRADS. Details to be submitted include:-

1. Dimensioned drawings showing all aspects of the surface water drainage system (including an impermeable area plan). Section details of the proposed storage areas shall also be submitted showing the level benches.
2. Modelling or similar method shall be submitted to demonstrate that the surface water discharge to the receiving watercourse will be restricted to 5l/s for all events up to the critical 1 in 100yr +CC rainfall event.
3. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100yr rainfall event including climate change.
4. Modelling of the pipe network in the 1 in 30yr rainfall event to show no above ground flooding.
5. Modelling of the volumes of any above ground flooding from the pipe network in a 100yr + climate change rainfall event, along with topographic plans showing where water will flow and be stored to ensure there is no flooding to buildings on the site and there is no flooding in the immediate area due to offsite flows. These flow paths will demonstrate that the risks to people are kept to a minimum.
6. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse.
7. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
8. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

Reason: The condition is pre-commencement to ensure that the appropriate details to deliver the approved strategy are secured to ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure that the proposed development can be adequately drained.

## **6. Site Access - Pre commencement**

Before any plant, machinery or materials are brought onto the site and prior to the first commencement of development, full details of the proposed construction site access (including the position of any gates to be erected, visibility splays provided and drainage or other existing infrastructure to be altered) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first use or any other part of the development taking place and no other access to the site shall be used during the construction phase.

Reason: This condition is pre-commencement to ensure that the site access for construction purposes is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

## **7. Deliveries Management Plan - pre commencement**

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

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

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

Reason: This condition is pre-commencement as it relates to details that must be agreed before any work commences in order to reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

## **8. Access details - Prior to access construction**

Prior to the access being constructed details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

The ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.

Reason: To ensure an appropriate and safe access into the development and to ensure uninterrupted flow of water and reduce the risk of flooding of the highway.

## **9. Offsite highway work - pre commencement**

No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on Drawing Nos. 045/2011/22 REV P5 and have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.

Reason: To ensure the appropriate final details for the highway improvements to be finalised at an early stage to enable them to be carried out at an appropriate time to improve the safety of pedestrians and other road users.

#### **10. Internal road details - pre commencement**

Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, street lights, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This condition is required to be pre-commencement as it relates to the design of sub surface structures to ensure that roads/footways are constructed to an acceptable standard.

#### **11. Fire Hydrants – pre-commencement**

No development shall commence until a scheme for the provision of fire hydrants within the application site have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: The condition is pre-commencement to ensure the adequate supply of water for firefighting/community safety.

#### **12. Tree protection - pre commencement**

The trees shown on drawing number LSDP11418.01 Rev A shall be protected in accordance with BS5837: 2012 before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.

Reason: The condition is pre-commencement to ensure that appropriate protection is in place prior to work commencing to ensure that the most important and vulnerable trees and landscape features are adequately protected during the period of construction.

#### **13. Construction hours - during construction**

The hours of construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to between 07:00 and 18:00 hours on Mondays to Fridays and 08:00 and 15:00 hours on Saturdays. No construction activities shall take place at the application site on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenity of neighbouring properties in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

#### **14. Vegetation Clearance – during construction**

Notwithstanding the approved details or any details submitted in compliance with the requirements of any other conditions imposed upon this grant of planning permission, there shall be no clearance of any existing vegetation upon the site or other site clearance works during the bird nesting season (March - September inclusive), without the written agreement of the local planning authority following the submission of survey information, undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

Reason: In the interests of protecting nesting birds and to comply with policies DM11 and DM12 of the Joint Development Management Policies Document.

#### **15. Sustainable Design and Construction details – pre-above ground**

No development above ground level shall take place until, an energy and sustainability statement for the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development adheres to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of renewable and other technology, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.

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.

#### **16. Designing out opportunities for crime – pre-above ground**

No above ground construction shall take place until the details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include as a minimum:

- details of the anti-crime features to be provided for each dwelling including the use of security lighting, where appropriate;
- details of measures to improve the safety of rear access paths including the use of gates, boundary treatments and lighting; and
- Details of boundary treatments to provide safe and secure private amenity spaces and clear demarcation of public and private spaces.

All work shall be carried out in accordance with the approved details.  
Reason: To ensure that the development is appropriately designed to reduce the likelihood of crime in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

### **17. Waste Strategy – pre-above ground**

Notwithstanding the information submitted with the application, no development above ground level shall take place until a waste strategy has been submitted to the local planning authority and agreed in writing.

Such a strategy shall include full details of the bin storage and collection points including presentation areas for individual dwellings and groups of dwellings. The details shall clearly indicate presentation points and the properties they would serve and shall include details of the distances from dwellings to those bin presentation points where they are not on the property.

Reason: To ensure adequate provision for bin storage and bin presentation in the interests of visual and residential amenity and to ensure the safe operation of the highway within the development in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

### **18. Fire hydrants – pre above ground**

No above ground construction shall take place until a scheme for the provision of fire hydrants has been submitted to the local planning authority and agreed in writing. The fire hydrants shall be provided in accordance with the approved scheme and thereafter retained in their approved form.

Reason: To ensure an adequate supply of water for firefighting in the interests of community safety.

### **19. Boundary Treatment - pre above ground**

Notwithstanding the details previously submitted in relation to the boundaries of the site, no construction above ground level shall take place on the site until full details of the boundary treatments within 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 and in the case of hard boundaries must include provision for hedgehog permeability (with gaps of 13x13cm at ground level).

The approved boundary treatments in relation to residential plots shall be constructed or erected before the dwelling to which it relates is first occupied. Other on site boundary treatments shall be completed before the first occupation of any dwelling on the site. Where boundaries include soft landscaping, planting shall be done so within 12 months of the date on which those details are agreed or in accordance with a timetable agreed in writing with the local planning authority. 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.

Reason: To ensure the use of appropriate boundary treatments in the interests of visual and residential amenity and to ensure boundary treatments do not adversely affect connectivity of the site for hedgehogs in accordance with policies DM2, DM12 and DM22 of the Joint Development Management Policies Document 2015.

## **20. Hard landscaping - pre above ground**

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

Reason: To enhance the appearance of the development in accordance with policy DM2 and DM22 of the Joint Development Management Policies Document 2015.

## **21. Soft Landscaping and Biodiversity Enhancement Details - Pre above ground**

Notwithstanding the structural landscaping details provided, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. Planting should include native species and a mixture of trees and shrubs that provide nectar, fruit, or seeds to maximise foraging opportunities for invertebrates, birds, and bats.

Additional biodiversity enhancements should include the creation of additional hibernation features suitable for use by amphibians and the provision of artificial bird and/or bat boxes targeted towards species that are notable regionally or nationally.

The approved scheme of soft landscaping and biodiversity enhancement works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available

planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development and enhance biodiversity in accordance with policies DM2 and DM12 of the Joint Development Management Policies Document.

## **22. Materials - prior to construction**

No construction using visible facing or roofing materials take place until details of those facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance that respects the character of the area in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document and the guidance set out in the adopted Development Brief.

## **23. Access Surface Water - pre above ground**

Prior to any construction above ground level taking place on the site, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

## **24. Visibility splays - prior to first use of the access**

Before the access is first used visibility splays shall be provided as shown on Drawing No. 045/2011/22 REV P5 with an X dimension of 2.4 metres 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: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

## **25. Carriageway and footway construction - prior to first occupation**

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: To ensure that satisfactory access is provided for the safety of

residents and the public.

## **26. Parking - prior to first occupation**

Prior to the first occupation of any of the dwellings hereby approved, the areas within the site shown on Drawing No. 4164-01 REV K for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage have been provided and thereafter that those areas shall be retained and used for no other purposes.

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

## **27. Cycle storage for dwellings – Prior to occupation**

Prior to the first occupation of any dwelling, the cycle storage for that dwelling, as indicated on drawing no. 8946/22 rev C shall be provided. Where it is indicated that this will be within the rear garden it shall be provided in the form of enclosed, secure storage with a minimum size of 3m<sup>2</sup> shall be provided prior to the first occupation of that dwelling.

Reason: To ensure the provision of adequate cycle parking to promote sustainable transport in accordance with the North West Bury St Edmunds Masterplan, policies DM2, and DM22 of the Joint Development Management Policies Document 2015 and chapter 8 and 9 of the National Planning Policy Framework 2019.

## **28. Refuse/recycling bins - prior to first occupation**

The areas to be provided for storage and presentation for collection of Refuse/Recycling bins as shown on Drawing No. 4164-01 REV K shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

## **29. Public Open Space and landscape management and maintenance – prior to first occupation**

Prior to the first occupation, full details of the proposed arrangements for future management and maintenance of the public open space, including the associated suds features, shall be submitted to the local planning authority and agreed in writing.

The details must include a full landscape management plan, including long term design objectives, and maintenance schedules for all soft landscape areas, included associated suds features (other than small privately owned domestic gardens) together with a timetable for the implementation.

The details must also specify the appointed management company or adopting body, and the proposed management arrangement. The open spaces shall thereafter managed and maintained in accordance with agreed details.

Reason: To ensure that public open space is adequately maintained for the benefit of the community and in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **30. EV charging – prior to first occupation**

Prior to first occupation of any dwelling with off street, on plot, parking (Plots 15-16, 19-34, 38, 46 to 53), the relevant dwelling shall be provided with a suitable consumer unit and wiring to allow the future installation of an electric vehicle charge point capable of 7kWh charging at a reasonably and practicably accessible location.

Prior to first occupation of dwellings served by a parking court, the relevant parking court shall be provided with two electric vehicle charge points capable of at least a 7kWh charge, available for communal use.

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

### **31. Suds Components details - prior to first occupation**

No dwelling hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

### **32. Water consumption - prior to occupation**

No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: In the interests of sustainability in accordance with policy DM7 of the Joint Development Management Policies Document 2015.

## Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/17/1252/FUL>

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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## **Development Control Committee 6 October 2021**

### **Planning Application DC/21/1198/FUL – Land North of Green Acre, Thetford Road, Ixworth Thorpe**

<b>Date registered:</b>	28 June 2021	<b>Expiry date:</b>	23 August 2021 EOT requested until 8 <sup>th</sup> October 2021
<b>Case officer:</b>	Jo-Anne Rasmussen	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Ixworth & Ixworth Thorpe	<b>Ward:</b>	Ixworth
<b>Proposal:</b>	Planning application - Three dwellings (following demolition of existing dwellings) Amended plans submitted 24 <sup>th</sup> August		
<b>Site:</b>	Land North of Green Acre, Thetford Road, Ixworth Thorpe		
<b>Applicant:</b>	Frederick Hiam 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:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

## Background:

**This application is presented to Development Control Committee following consideration at Delegation Panel on the 27 July 2021. It was presented to the Delegation Panel due to the support from the Parish Council. The application was previously due to be heard at September's Committee but was withdrawn from the agenda as amended plans were received which required further consideration and consultation.**

**This is a resubmission of a previously refused proposal determined at a previous Development Control Committee and subsequently dismissed at appeal.**

**The application is recommended for REFUSAL.**

## Proposal:

1. Full planning permission is sought for three dwellings. There are currently three dwellings on site and it is proposed that these will be demolished following completion of the development. The development proposes a pair of semi-detached two storey dwellings and a detached bungalow. The total floorspace for the proposed dwellings would be 345sqm.
2. The existing dwellings form a terrace of three. The dwellings are two-storey and relatively modest in size. The total floor space for the existing dwellings is 214sqm<sup>2</sup>.
3. The dwellings would be built within the residential curtilage of the existing cottages, but pulled forward of their current siting to be closer to the highway and eastern boundary of the site.
4. An outline application for five dwellings, replacing the existing three, was refused by committee in 2019, planning reference DC/18/0544/HYB. The decision was appealed, (reference AP/21/0010/STAND) and the Council's decision was upheld and the appeal was dismissed (see working paper 1).

## Site details:

5. The site is located to the west of the A1088 in the village of Ixworth Thorpe, which for planning purposes does not have a settlement boundary and is therefore considered to be countryside. The site consists of a terrace of three, two-storey dwellings. On the northern boundary of the site, running along east to west, is a public footpath.

## Planning history:

Reference	Proposal	Status	Decision date
DC/18/0544/HYB	Hybrid application – (i)full planning application – demolition of 3no.existing dwellings and (ii) outline planning application (means of access to be	REFUSED & appeal dismissed	4/12/2019

considered) for up to 5no dwellings.

### **Consultations:**

7. **Ixworth Parish Council comment:** No Objections, however the Parish Council have stated they would like the methods of heating the properties considered.
8. **Public Health and Housing:** No Objections, subject to conditions
9. **Environment Team:** No Objections subject to condition relating to electric vehicle charging point.
10. **Waste Management:** No Objections, but request bin storage and collection points be included within the application site.
11. **Highways:** No Objections, subject to conditions relating to access, refuse collection, cycle storage and parking
12. **Natural England:** No Comments

### **Local Member comment:**

13. No comments received

### **Representations:**

One letter of representation was received from Green Ixworth, 39 Micklesmere Drive, Ixworth. Their comments are summarised below;

- Similar to previous refusal.
- Site is within the countryside and should therefore abide by the replacement dwelling policy and should be of a similar size to the existing property/conflict with policy
- Sustainability/ Minimum services within the locality/Will create more car use.
- The existing properties should be renovated and refurbished rather than demolished.
- Would remove smaller more affordable dwellings from the hamlet/ could be a rural exception site.
- Concern over heating arrangements/ insufficient details/ solar panels likely to be ineffective.
- No garages or outside storage provided
- Poorly designed dwellings/ access to garden and bins

## **Policy:**

14. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
15. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

### **Joint Development Management Policies Document:**

DM1 Presumption in Favour of Sustainable Development.  
DM2 Creating Places – Development Principles and Local Distinctiveness  
DM5 Development in the Countryside  
DM10 Impact of development on sites of biodiversity and geodiversity importance  
DM11 Protected Species  
DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity  
DM13 Landscape Features  
DM22 Residential Design  
DM27 Housing in the Countryside  
DM46 Parking standards

### **St Edmundsbury Core Strategy December 2010**

Policy CS2 Sustainable Development  
Policy CS3 Design and Local Distinctiveness  
Policy CS4 Settlement Hierarchy and Identity  
Policy CS13 Rural Areas

### **Rural Vision 2031**

Policy RV1 Presumption in Favour of Sustainable Development  
Policy RV3 Housing Settlement Boundaries

## **Other planning policy:**

16. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

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

- Principle of Development
- Previous refusal and appeal
- Impact upon the form and character
- Neighbour amenity
- Highways
- Biodiversity
- Other planning considerations

**Principle of Development**

18. Decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with development plans unless there are material considerations that indicate otherwise.

19. West Suffolk Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". The relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.

20. The Council's settlement strategy derives from a detailed understanding of the character of the area and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel.

21. Ixworth Thorpe does not have a settlement boundary and is identified in the Core Strategy as countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. Policy CS13 further states that development permitted in such locations will only be so much as is necessary, reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.

22. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside. Section g) of this policy supports "the replacement of an existing dwelling on a one for one basis where it can be demonstrated that the proposed dwelling respects the scale and floor area of the existing dwelling and that extensions to existing curtilages are fully justified" as one of those specific instances.

23. The existing dwellings on site are relatively modest, traditional workers' cottages which have a combined floor space of 214sqm. The proposed dwellings are significantly larger with a combined floorspace of 345sqm. A floorplan of the existing dwellings illustrates that two of the properties are

three bedroom and one is two-bedroom. The plans illustrate that the three bedroom properties have a total floor area of 74sqm whilst the two bedroom has 66sqm. Statutory Guidance for Technical Housing space standards (although there is no development plan policy at the moment to support this requirement) states that the minimum space that should be provided within a three bedroom, two-storey house for four people would be 84sqm. The minimum space for a two-storey two bedroom house for three people would be 70 sqm. Therefore the existing properties fall short of providing the minimum space required within the National Space Standards and this fact offers some support in favour of the principle of their replacement.

24. There are no policies within the local plan which would protect or save the existing dwellings and in principle their demolition and replacement would be acceptable. However, DM5 is clear in stating that any such replacement should respect the scale and floor area of the existing dwelling. The proposed dwellings would increase the total floor space of the dwellings provided on site from a modest 214sqm to 345sqm, a significant 62% increase. Further to this, the properties proposed; a pair of semi-detached dwellings and a detached bungalow, all provide three bedrooms, an en-suite to the master bedroom, large entrance halls with built in storage and a study or utility room. As such it is considered that the proposal is not respectful to the modest character and size of the existing dwellings. To provide dwellings of a similar nature to the existing cottages, minimum space standards could be appropriately achieved with a total floor space of 279sqm, which would represent a 30% increase in floorspace, and would be considered suitable for a three bedroom, two storey property for five people. It is not considered the proposed dwellings would be respectful or in-keeping with the size, scale or character of the existing cottages and would therefore fail to comply with DM5. This obvious conflict with the Development Plan is a factor which weighs against the proposal.
25. Further, whilst it is noted there may be enhancements in the construction of the dwellings in terms of sustainability, this would not be sufficient to outweigh the conflict with policy for replacement dwellings and the significant harm to the character of the settlement. Please refer below to paragraphs 32 – 38 for a more detailed assessment of this.
26. Policy DM27 was considered extensively during the previous application. This policy sets out additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are within a closely knit cluster and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semidetached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
27. The proposal is not within a closely knit cluster. It is located in a generally very loose collection of dwellings, which in themselves sit approximately 1.4km south from the closest settlement boundary which is at Honington village which itself has limited services. The proposal is not for a single dwelling or pair of semi-detached dwellings, but a total of three dwellings. As such, the proposal does not accord with the provisions set out within DM27 – this view was echoed in the appeal decision for the previous scheme on this site. This is a further factor which weighs heavily against the scheme.

28. This proposal does not comply with policies CS4, CS13, DM5 or DM27 which all seek to protect the countryside from inappropriate development. DM5 specifically sets out the circumstances within which a replacement dwelling is acceptable and whilst the size of the replacement dwelling does not have to be an exact replica it does have to respect the size and scale of the original dwelling. In this case there is a very clear and significant increase in floorspace which cannot be justified or considered to reflect the modest proportions of the traditional cottages. There is, consequently, a policy conflict here and this failure to meet the provisions of the Development Plan indicate that significant weight should be attached to this conflict against the scheme as a matter of principle.

### **Previous refusal and appeal**

29. The previous application, planning reference DC/18/0544/HYB was refused by Committee in December 2019. The application proposed five dwellings, three being considered replacement dwellings and two being new development. The reason for refusal is set out within the decision notice in working paper 2.

30. The refusal was appealed, (reference APP/F3545/W/20/3245658) however this was dismissed in August 2020, with the inspector stating;

“The appeal proposal which would provide a net gain of up to 2 dwellings, would be situated in the countryside where development is strictly controlled and subject to JDMPD Policies DM5 and DM27. The proposed development does not meet any of the defined circumstances for development in the countryside as set out in Policy DM5 and therefore conflicts with that Policy. I saw at my site visit that the appeal site is not situated within a closely knit cluster of 10 or more dwellings. Rather, Ixworth Thorpe consists of a number of dwellings in a dispersed pattern, with significant gaps between individual and groups of dwellings. The appeal site, consisting of the 3 existing dwellings and an area of open land, does not constitute a small undeveloped plot and the proposal conflicts with Policy DM27.

To conclude on this matter, the proposal is not in a suitable location having regard to policies for housing development in rural areas, and of the development plan policies cited by the Council it is contrary to JDMPD Policies DM5, DM27 and to Policy DM33 which is concerned with the re-use or replacement of buildings in the countryside and to CS Policies CS4 and CS13.”

The inspector stated that the “proposal would harm the character and appearance of the area, contrary to JDMPD Policy DM2 which sets development principles including, amongst other things, that development recognises and addresses key features, characteristics and local distinctiveness and Policy DM13 which includes that development proposals should demonstrate their location, scale, design and materials, will protect, and where possible enhance the character of the landscape including the setting of settlements and the significance of gaps between them. It is also contrary to CS Policy CS3 which is concerned with design and local distinctiveness.”

31. Whilst the previous refusal related to a development of five dwellings (therefore, the addition of two dwellings on the site), rather than just the three replacement dwellings, given the proposed siting of the dwellings, on what is currently open frontage, similarities can be drawn between the

previous refusal and the proposed application in relation to the urbanising impact and harm the development would have upon the open character of the settlement.

### **Impact upon the form and character**

32. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value. Policy DM2 requires development to recognise and address the character of the area.
33. The settlement of Ixworth Thorpe has a small number of dwellings scattered along the highway, there is no defined building line with properties having a loosely grained settlement pattern, with the hamlet retaining an open, rural feel.
34. The proposal would look to re-site the replacement dwellings further to the front of the site, closer to the highway. The existing dwellings are small, traditional workers cottages, with the terrace almost appearing as one dwelling when viewed within the wider landscape, they are set back within the site and are relatively discreet and unobtrusive. Given the scale and design of the proposed properties, combined with the layout, the development would have an urbanising impact upon the site, with the dwellings being significantly more intrusive within the landscape and visible within the street scene. Amended plans were submitted which pulled the dwellings back within the site, however they did not overcome the detrimental impact upon the character of the locality.
35. The siting of the dwellings further to the front of the site is similar to that proposed indicatively within the previous application DC/18/0544/HYB. This application was refused and appealed. When referring to the re-positioning of the dwellings in this location the inspector noted;
- “The appeal scheme would erode the openness of the settlement through the development of the open grassed area and front gardens of the dwellings to be demolished. Whilst there are existing hedges which it is suggested are to be retained, this loss of openness would nevertheless harm the character and appearance of the area.”
36. The small terrace of modestly sized dwellings is typical of the surrounding built character of the locality. There is a more modern bungalow neighbouring the site, however given the loose grain and separation distance between the dwellings this is not considered to be the dominant character of the locality. The design and more specifically the width and span of the new dwellings across the frontage of the site, eroding the open grassed area and front gardens of the dwellings to be demolished results in a more dominant and visually intrusive development, harmful to the character and appearance of the area.

37. The existing dwellings have a total width of approximately 14.5 metres and being set at an angle are between 34.6 metres and 42.6 metres from the eastern boundary of the site. The proposed dwellings have a cumulative width of 30.56 metres (plot 3 is 12.46 metres, plots 1 and 2 are 18.1 metres) and are set at varying points between approximately 10 metres and 19 metres from the frontage of the site. The existing cottages have a footprint of 127sqm whilst the proposed properties have a total footprint of 265sqm. The existing properties have a ridge height of 7.7metres. Plots 1 and 2 have a ridge height of 7.8 metres, the bungalow (plot 3) has a proposed ridge height of 5.8 metres. The significant increase in the width and scale of the properties does not respect the size of the existing dwellings nor is it reflective of their modest character. As such, the design of the dwellings which serves to elongate their width, increases the urbanising impact upon the site. The relocation of the dwellings onto what is currently an open grassed garden area, significantly closer to the public highway, would have an unsympathetic, intrusive and visually harmful urbanising effect on public views of the locality.
38. Para 174 of the NPPF states that development proposals 'should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'. The proposal fails in this regard. The proposal would create a significant level of visual intrusion in this rural location. The siting of the dwellings combined with their scale and design would not be in-keeping with or respectful of the loosely grained and open nature of the settlement of Ixworth Thorpe and would have a materially detrimental impact upon the character and appearance of the area. As such the proposal would not accord with policies CS3, DM2 and DM13.

## **Biodiversity**

39. Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife & Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations (2017, as amended) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications.
40. The Local Planning Authority also has to have regard to conserving biodiversity as part of policy or decision making under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) sets out a list of habitats and species that are of principal importance for the conservation of biodiversity in England.
41. Policy DM10 requires that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
42. The applicant has submitted a nocturnal bat survey, dated October 2019 which found that;
- Evidence of bats was recorded during the initial inspection and further surveys recommended.
  - The nocturnal surveys recorded maximum counts of four Brown Long eared

- and two Common Pipistrelle roosting in the cottages.
  - The demolition will result in the loss of the roosts and a Natural England licence will therefore be required.
  - The licence will need to be supported by appropriate mitigation.
43. The submitted bat survey report advises that a full mitigation package will be required with a Natural England Licence; the conservation significance is very low using a scale of very low to very high and the proportionate mitigation recommended in the Bat Mitigation Guidelines (2004) says for small numbers of common species there should be the following:
- No timing constraints
  - Provision of bat boxes
  - No conditions about monitoring.
44. In this case there will be the provision of bat boxes, comprising of one Integrated Eco Crevice Bat Box and two Integrated Eco Cavity Bat Boxes; these boxes are readily used by the species recorded. The exact location of the bat boxes is yet to be determined but can be agreed by condition if necessary. They would be installed in the new cottages in south facing positions at a height not less than three metres from the ground. The boxes will be complemented by bat friendly lighting; avoiding lighting of the boxes and generally directing light downwards through the use of hoods and cowls as appropriate which will also benefit those species using the site for foraging and commuting. Again this is a matter that could be agreed through the imposition of a condition if required.
45. The report indicates that the preferred work period is October to April; this will have minimal impact on bats as the buildings are thought to be unsuitable for hibernating bats. Again, this is a matter which can be controlled through the imposition of a planning condition.
46. Prior to work commencing an inspection of the buildings will be carried out by the licenced bat worker. Any works to the roof must be carried out by hand and supervised by the licenced bat worker; all other works with the potential to impact on roosting bats will be supervised by the licenced bat worker as required. Prior to commencement of works on site workers will be given a 'tool box' talk on the brief ecology of bats, how to remove materials carefully, what to look for and what to do if a bat is found. Should a bat be found, works will immediately cease and if the bat has not already flown away it will be removed by the ecologist wearing a glove. It will be placed in a cloth bag before being placed into one of the onsite bat boxes which will have already been suitably located. The ecologist will be on call for the duration of the works and workers will have been informed to stop works and call should a bat be found. The ecologist will then visit the site immediately, or instructions provided verbally if bat appears injured and needs instant help. These matters can all be secured through a condition which requires compliance with the provisions of the submitted ecological survey report.
47. Accordingly, with appropriate conditions in relation to mitigation and enhancement works, the proposal is considered to comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as with the provisions of the NPPF in relation to biodiversity.

## **Neighbour Amenity**

48. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity.
49. Plot 1 has a first floor window on the north-west elevation which would serve a hallway. Given the separation distance between the proposed dwelling and the neighbouring property it is not considered this would give rise to overlooking or loss of privacy. Plot two has a first floor window on the south-east elevation which would serve a bathroom, a condition could be attached to ensure this is obscure glazed. Windows on the south-west elevation and north-east elevations of the properties would overlook the highway and countryside.
50. Given the relationship to neighbouring dwellings, design and layout, it is not considered the proposal would result in a harmful impact upon the amenity of the occupiers of the neighbouring dwellings and is therefore compliant with policy DM2 in this respect.

## **Highways**

51. 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.
52. The development would utilise the existing access. Highways have not objected to the proposal but have requested conditions, as stated above. The plans illustrate that two parking places could be achieved for each property and given the level of accommodation this is sufficient and compliant with policy DM46.

## **Other planning considerations**

53. The Parish Council has stated they would like the type of heating of the proposed dwellings taken into account. Details of the sustainability of building techniques to be used on the dwellings is not given, nor is there any comparison or details given as to the sustainability and heating of the existing dwellings, or what could be achieved through renovation of the existing dwellings. However, even if the proposed dwellings could offer benefits in terms of heating methods this would not outweigh the clear conflict with policy identified above.
54. Waste Management has requested bins and refuse storage to be provided on site. Whilst this is not identified on the plans it is clear that the site is of sufficient size to accommodate waste storage bins.

## **Conclusion:**

55. Policy DM5 seeks to resist inappropriate and unsustainable development within the countryside and as such sets out criteria for acceptable forms of development. A replacement dwelling is one such form of development, which in principle could be acceptable, however policy DM5 is clear that any replacement dwelling should respect the floorspace and scale of the existing dwelling. The proposed replacement dwellings have a significant increase in

terms of their floorspace and scale, they are in no way respectful or in-keeping with the character of the existing traditional terrace of dwellings and their modest proportions. As such it is considered the proposal does not accord with the provisions of DM5 and as such represents an unjustified form of development within the countryside.

56. Further to this the re-siting of the replacement dwellings within what is currently an open, grassed garden area would harmfully impact upon the open, rural character of the settlement. The layout, specifically when combined with the increased size of the dwellings and their design would be significantly more intrusive within the streetscene and wider landscape. The proposed dwellings would not be in-keeping with the loosely grained settlement pattern which is an intrinsic characteristic of Ixworth Thorpe, as such, it is not considered the proposal would comply with policies CS3, DM2 and DM13.

57. 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 (2021) as set out above and with no material considerations which would indicate a different decision should be made, the recommendation is one of refusal.

### **Recommendation:**

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

The site is classified as being within countryside and as such policies which seek to protect the countryside from inappropriate and unsustainable forms of development would apply. Whilst policy DM5 allows for replacement dwellings in the countryside, these should be respectful of the scale and floor area of the existing dwelling. The proposed dwellings result in a significant increase in floorspace and the design and scale would not respect or be in-keeping with the modest terrace of properties that exist on the site at present. As such the proposal would be contrary to policy DM5.

Policy DM2 requires that development recognises and addresses key features, characteristics and local distinctiveness and to recognise the character and appearance of the area in which they are proposed. Policy DM13 requires development proposals to protect, and where possible enhance the character of the landscape including the setting of settlements and the significance of gaps between them.

By reason of the location, but in particular, from the expansive layout, the spacing of the buildings and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, causing material harm to the surrounding loosely grained rural character.

The proposal therefore fails to accord with policies DM2, DM5 and DM13 of the Joint Development Management Policies Document 2015, policies CS2, CS3, and CS13 of the St Edmundsbury Core Strategy 2010 and the NPPF, which seeks to ensure new development is sympathetic to local character, including the surrounding built environment and landscape setting and should contribute to and enhance the natural and local environment by recognising

the intrinsic character and beauty of the countryside. The proposal is in clear and significant conflict with both local and national policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1198/FUL](#)

- Working Paper 1 – appeal decision - APP/F3545/W/20/3245658
- Working Paper 2 – WSC refusal decision - DC/18/0544/HYB

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## Appeal Decision

Site visit made on 11 August 2020

**by Philip Lewis BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2020**

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**Appeal Ref: APP/F3545/W/20/3245658**

**Land north of Green Acre, Thetford Road, Ixworth Thorpe IP31 1QH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full and outline planning permission.
  - The appeal is made by Frederick Hiam Ltd against the decision of West Suffolk Council.
  - The application Ref DC/18/0544/HYB, dated 21 March 2018, was refused by notice dated 4 December 2019.
  - The development proposed was originally described as 'erection of five dwellings (three existing dwellings to be demolished)'.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The description of development in the heading above is taken from the submitted application form. Written confirmation has been provided that the description of development was changed to 'Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings'. The Council dealt with the application on that basis and so shall I
3. Full planning permission is sought for the demolition of the existing dwellings, and outline permission is sought for up to 5 dwellings, with all matters reserved except for access. The submitted plans show the site access would be taken off an upgraded existing access. A site layout and indicative elevations plans have also been provided. I have had regard to these solely on an indicative basis in respect of the reserved matters.

### Main Issues

4. The main issues for the appeal are:
  - Whether the proposed dwellings would be in a suitable location having regard to policies for housing development in rural areas;
  - Whether occupants of the proposed development would have reasonable access to shops and services; and
  - The effect of the proposal on the character and appearance of the area.

## Reasons

### *Housing in rural areas*

5. Policy CS4 of the St Edmundsbury Core Strategy (CS) (December 2010) sets the settlement hierarchy for the plan area. In terms of Policy CS4, Ixworth Thorpe is within the countryside. CS Policy CS13 is concerned with Rural Areas and states that development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.
6. The Joint Development Management Policies Document (JDMPD) (February 2015) Policy DM5 is concerned with development in the countryside, and includes, amongst other things, that areas designated as countryside will be protected from unsustainable development. The Policy sets out the circumstances where new or extended buildings would be permitted which include amongst other circumstances, a dwelling for a key worker, small scale residential development of an undeveloped plot as per Policy DM27 and the replacement of a dwelling on a one for one basis.
7. JDMPD Policy DM27 is concerned with housing in the countryside and sets out that proposals for new dwellings in the countryside will be permitted subject to criteria. These are that the development is in a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway, and that the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage. The Policy also includes that permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene. The policy defines a small undeveloped plot as being one which could be filled by one detached or a pair of semi-detached dwellings where the plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.
8. The appellant asserts that JDMPD Policies DM5 and DM27 are out of date and inconsistent with paragraph 78 of the National Planning Policy Framework (the Framework), which is concerned with the promotion of sustainable development in rural areas, including that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. I am satisfied that Policies DM5 and DM27, in setting out circumstances where development will be allowed in the countryside, do allow for housing in rural areas where it would enhance or maintain the vitality of rural communities. Indeed, this is acknowledged in paragraph 5.16 of the JDMPD. Whilst the JDMPD was examined against the provisions of the Framework 2012, I nevertheless find these policies consistent with the current Framework and in terms of paragraph 11 of the Framework, they are not out of date.
9. The appeal proposal which would provide a net gain of up to 2 dwellings, would be situated in the countryside where development is strictly controlled and subject to JDMPD Policies DM5 and DM27. The proposed development does not meet any of the defined circumstances for development in the countryside as set out in Policy DM5 and therefore conflicts with that Policy. I saw at my site

visit that the appeal site is not situated within a closely knit cluster of 10 or more dwellings. Rather, Ixworth Thorpe consists of a number of dwellings in a dispersed pattern, with significant gaps between individual and groups of dwellings. The appeal site, consisting of the 3 existing dwellings and an area of open land, does not constitute a small undeveloped plot and the proposal conflicts with Policy DM27.

10. To conclude on this matter, the proposal is not in a suitable location having regard to policies for housing development in rural areas, and of the development plan policies cited by the Council it is contrary to JDMPD Policies DM5, DM27 and to Policy DM33 which is concerned with the re-use or replacement of buildings in the countryside and to CS Policies CS4 and CS13.

#### *Access to shops and services*

11. Given the limited services, facilities and employment provision at the settlement, residents of Ixworth Thorpe are likely to have to travel to meet everyday needs. Whilst I have regard to the evidence concerning the level of development which has taken place in the village in the past 25 years, I agree that a net increase in dwellings would help to support services and facilities in the area consistent with paragraph 78 of the Framework. However, any such benefits would be very limited given the net increase in dwellings proposed. The lack of footways linking Ixworth Thorpe with services and facilities at RAF Honington, Bardwell and Ixworth, where a wider range of services and facilities are available, means that there is likely to be a dependence upon the private car for the occupiers of the proposed development. The proposal would not therefore be a form of sustainable development envisaged in JDMPD Policy DM5 and CS Policy CS2 which is concerned with sustainable development.

#### *Character and appearance*

12. I saw at my site visit that Ixworth Thorpe is a small settlement, consisting of scattered groups of dwellings within a countryside setting. I observed that the settlement has an open and spacious rural character. The appeal site consists of a modest terrace of 3 cottages which are proposed to be demolished, their front gardens and an area of open grassed land, through which access would be made.
13. Whilst the application for the new dwellings is in outline with all matters reserved except for access, the indicative plans show dwellings laid out across the frontage of the site. Although layout is one of the reserved matters and the plans are indicative in this regard, having regard to the position of the proposed access, the extent of the site proposed and the amount of development, the proposed development would increase the developed area of the village along the road in a form which would not be reflective of the loose grained settlement pattern.
14. The appeal scheme would also erode the openness of the settlement through the development of the open grassed area and front gardens of the dwellings to be demolished. Whilst there are existing hedges which it is suggested are to be retained, this loss of openness would nevertheless harm the character and appearance of the area.
15. The proposal would harm the character and appearance of the area, contrary to JDMPD Policy DM2 which sets development principles including, amongst other

things, that development recognises and addresses key features, characteristics and local distinctiveness and Policy DM13 which includes that development proposals should demonstrate their location, scale, design and materials, will protect, and where possible enhance the character of the landscape including the setting of settlements and the significance of gaps between them. It is also contrary to CS Policy CS3 which is concerned with design and local distinctiveness.

### **Other matters**

16. Reports of ecological survey work submitted by the appellant has confirmed that two species of bat; Brown Long-eared and Common Pipistrelle are using the existing dwellings to roost, whilst a number of other bat species were recorded in the area. The appeal proposal would involve the complete demolition of the existing dwellings and a full mitigation package would be required with a Natural England licence. However, as I am dismissing the appeal for other reasons, I will not consider this matter further.
17. I have taken into account that the proposal seeks to replace a number of dwellings in poor structural condition which it is said would not be viable to upgrade, with ones of greater energy efficiency. I also acknowledge that the Council had previously resolved to grant planning permission for the scheme. However, these matters do not lead me to a different decision.
18. The appellant has referred to several appeal decisions<sup>1</sup> where Inspectors allowed development schemes in the countryside despite there being conflict with development plan policies for development in the countryside. Whilst I do not have the same information which was before those Inspectors, even if the circumstances were similar, given the harm found in this case, those decisions would not lead me to a different conclusion.

### **Conclusion**

19. For the reasons stated and having considered all matters raised, I conclude that the appeal should be dismissed.

*Philip Lewis*

INSPECTOR

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<sup>1</sup> APP/E3525/W/15/3139957, APP/E3525/W/16/3145915



**Application No: DC/18/0544/HYB**

**AGENT**

Mr Phil Cobbold  
42 Beatrice Avenue  
Felixstowe  
IP11 9HB  
United Kingdom

**APPLICANT**

Frederick Hiam Ltd  
C/o Agent

Date Registered: 14 June 2018

Date of Decision: 4 December 2019

**Town And Country Planning Act 1990 (as Amended)**

**Town & Country Planning (Development Management Procedure)  
(England) Order 2015**

**Proposal: Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018**

**Location: Land North Of Green Acre, Thetford Road, Ixworth Thorpe, Suffolk,**

Permission is hereby **REFUSED** by the Council as Local Planning Authority for the purpose of the above Act and Orders for development in complete accordance with the approved plans, specifications and information contained in the application, and subject to compliance with the following reason(s):

- 1 The broad overall aim of paragraphs 77 and 78 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1 and DM5 which aims to protect the countryside from unsustainable and unjustified housing. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited generally within a very loose collection of dwellings, and therefore, as a result of its conflict with Policies DM5 and DM27 cannot be supported as a matter of principle.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.

The application site lies outside of the defined Housing Settlement Boundaries and is therefore classified as countryside where rural area policies of restraint apply. There is a presumption against residential development in such locations as set out in Policies CS4, CS13 and DM5.

Given the remote location of the site it follows that the occupiers of the proposed dwellings would have to travel by car to access shopping, education, recreation, and social facilities. The dwellings would also create demand for additional trips by visitors and service vehicles. There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are over 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Residential development within the countryside is only permitted where it is for affordable housing for local needs, a dwelling for a key worker essential to the operation of agriculture in accordance with the requirements of Policy DM26, infill development within existing clusters in accordance with Policy DM27, or the replacement of an existing dwelling on a one for one basis.

The NPPF represents up-to-date Government planning policy and is a material consideration when determining planning applications. The Framework reiterates that proposals that conflict with the development plan should be refused permission unless material considerations indicate otherwise.

Policy DM2 requires development proposals to recognise the character and appearance of the area in which they are proposed. By reason of the location, but in particular from the expansive layout, the regular spacing of the buildings, and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly

urbanising effect on public views of the locality, creating a significant impact so as to cause material harm to the surrounding loosely grained rural character, contrary to the provisions of Policy DM2.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions of sustainable development. The proposal would be contrary to the pattern of development established in the Core Strategy, and would not respect the character and context of the countryside setting.

The proposal therefore fails to accord with policies DM2, DM5, DM13, DM27, DM33 of the Joint Development Management Policies Document 2015, policies CS2, CS3, CS4 and CS13 of the St Edmundsbury Core Strategy 2010 and paragraphs 77 and 78 in particular of the NPPF, which seek to tightly constrain development in the countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

This decision relates to the following document and drawing references:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
5850-10 REV C	Site Plan	30.11.2018
5850-11 REV C	Location Plan	30.11.2018

The Following policies are considered relevant to the current decision:

Development Management Policy DM1 Presumption in Favour of Sustainable Development  
Development Management Policy DM2 Creating Places Development Principles and Local Distinctiveness  
Development Management Policy DM5 Development in the Countryside  
Development Management Policy DM1 Presumption in Favour of Sustainable Development  
Development Management Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity  
Development Management Policy DM13 Landscape Features  
Development Management Policy DM22 Residential Design  
Core Strategy Policy CS2 - Sustainable Development  
Core Strategy Policy CS3 - Design and Local Distinctiveness  
Core Strategy Policy CS4 - Settlement Hierarchy and Identity  
Core Strategy Policy CS13 - Rural Areas

#### Informatives:

- 1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have

worked with the applicant to resolve any problems or issues arising. In this case the Local Planning Authority attempted to discuss its concerns with the applicant and was able to resolve biodiversity concerns with agreement to an Extension of Time. However, this negotiation was not able to overcome the fundamental 'in principle' concerns.

*David Collinson*

David Collinson  
Assistant Director - Planning & Regulatory Services

Date: 4 December 2019

## NOTES

1 If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78  
Town and Country Planning Act 1990

Listed Building Applications: Section 20  
Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78  
Town and Country Planning Act 1990 Regulation 15  
Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

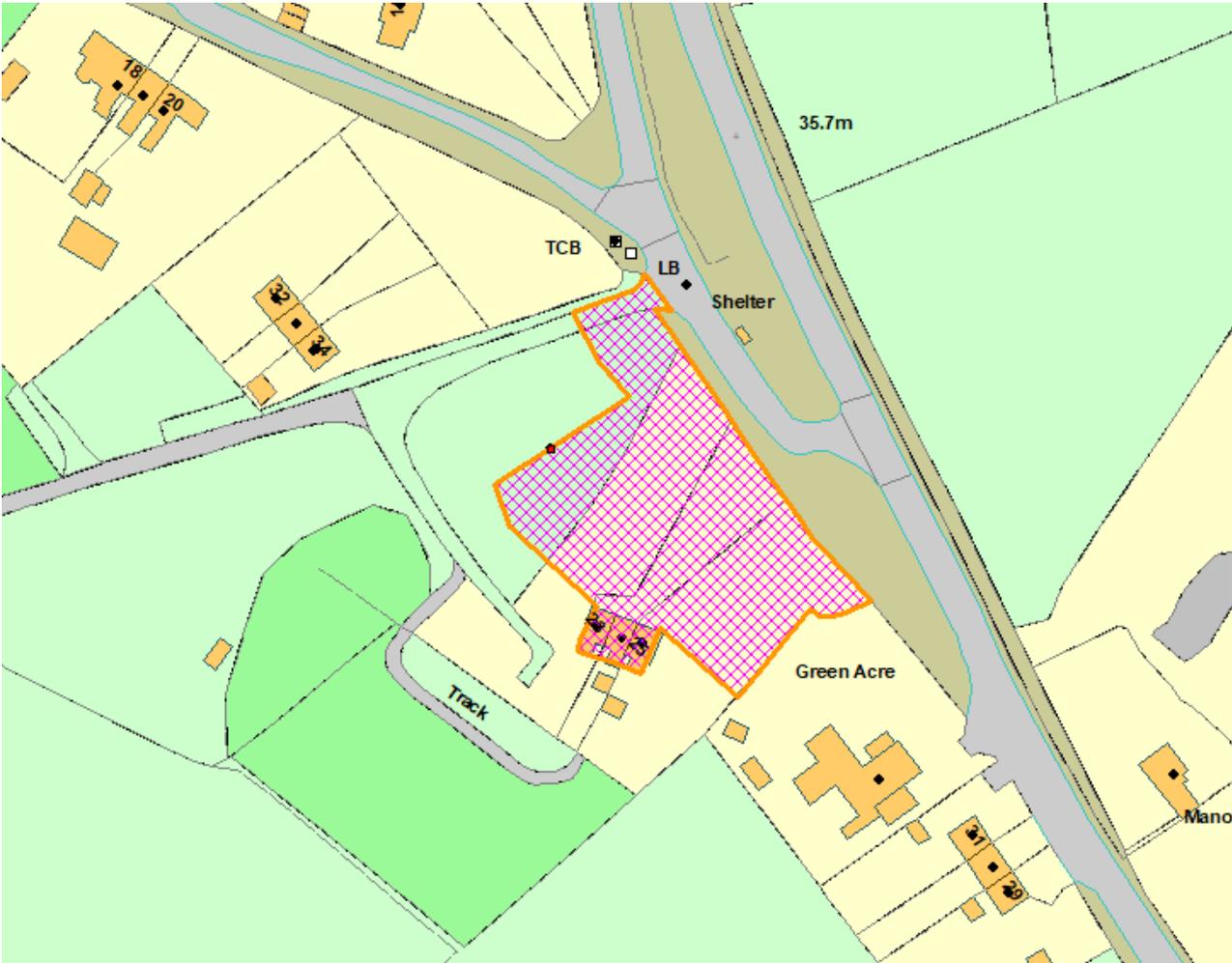
Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/model-notification-notice-to-be-sent-to-an-applicant-when-permission-is-refused> The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could

not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

3. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

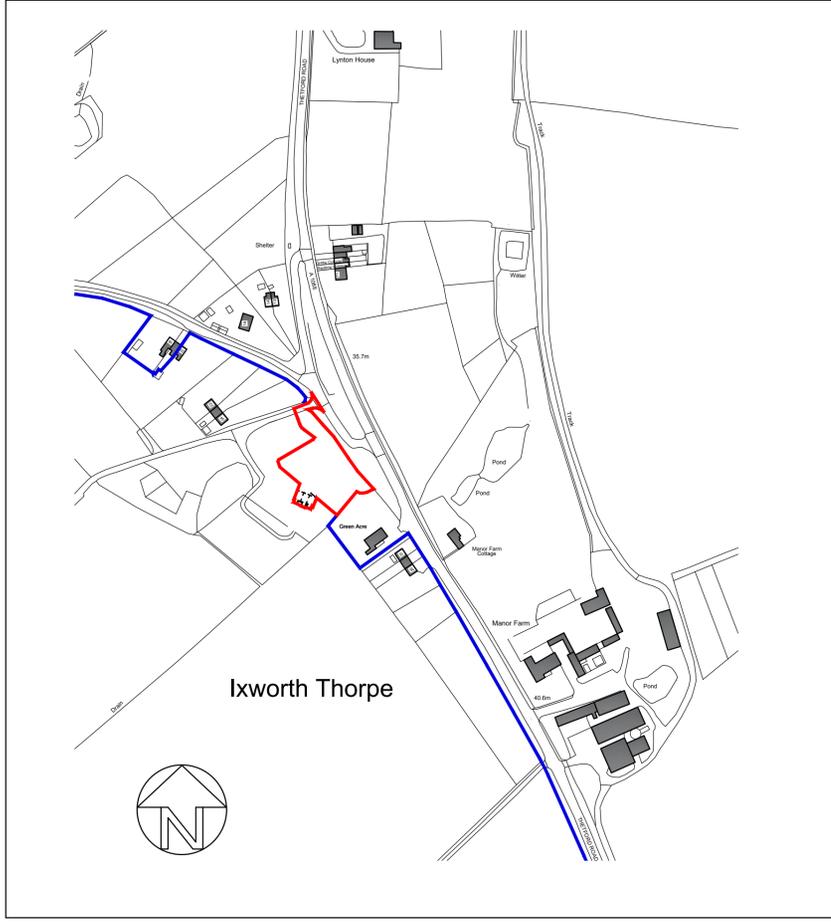


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Site Plan 1 / 200



Location Plan 1 / 2500

**NOTE:**  
 The client should be aware of his/her statutory requirement to appoint a principle designer and principle contractor under the CDM 2015 regulations.  
 Peter Codling Architects does not undertake this H&S role unless specifically appointed.

**PLANNING**

- C Aug 2021 Revised Layout
- B April 2021 Parking
- A Feb 2021 Parking

**PETER CODLING ARCHITECTS**  
 7 THE OLD CHURCH, ST. MATTHEWS ROAD, NORWICH, NR1 1SP Tel: 01603 660408  
 Email: office@petercodlingarchitects.co.uk

Ixworth Thorpe  
 Suffolk

Frederick-Hiam  
 Site and Location Plan

SCALE	1 / 200	1 / 2500	@ A1
JOB NO	5850	100	C
DATE	Jan 2021	DRAWN BY	

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## **Development Control Committee 6 October 2021**

### **Planning Application DC/21/1366/FUL – West Suffolk House, Western Way, Bury St Edmunds**

<b>Date registered:</b>	30 June 2021	<b>Expiry date:</b>	25 August 2021 EOT 13 October 2021
<b>Case officer:</b>	Connor Vince	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Minden
<b>Proposal:</b>	Planning application - Installation of battery container, and associated foundations and fencing		
<b>Site:</b>	West Suffolk House, Western Way, Bury St Edmunds		
<b>Applicant:</b>	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:

Connor Vince

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

Telephone: 07866 913717

**Background:**

**The application was deferred at the Development Control Committee on 4 August 2021. It had been referred to the Development Control Committee as West Suffolk Council is the applicant.**

**The matter was deferred on 4 August in order to allow Officers additional time in which to explore an alternative location for the container.**

**The August Development Control Committee Report is included at Woking Paper 1.**

**The applicant has advised that works towards the setting up of the site compound for the works to the substation, which have been confirmed as permitted development, will commence in late September 2021. These works do not relate to this application under consideration at committee.**

**Proposal:**

1. See Working Paper 1.

**Application supporting material:**

2. The applicant has provided further supporting information following the deferral, as included below.
3. A battery energy storage system (BESS) of 1WM / 1MWh is proposed to provide electrical supply resilience combined with efficient use of existing electrical energy generation systems. The battery system would provide seamless power resilience to West Suffolk House (1MVA output in one hour), as well as providing a storage facility for excess energy generated by existing 85kw and additional future photo-voltaic systems.
4. The system would reduce the imported grid energy by shifting excess generation to offset imported energy during the evening, enabling energy stored during periods of low demand to be utilised when required. The system equipment will be containerised within a weatherproof enclosure.
5. The new installation will complement the future plans for the Western Way Development, reduce the demand for imported energy in addition to minimising abortive works during this project and support West Suffolk Council's commitment to providing sustainable energy sources.
6. The existing 1MVA transformer will be connected to the new switchgear panel, located within the extended substation, through new LV cables mounted on cable ladders. New power cables will be provided between the switchgear panel and external BESS system, laid in underground ducts. The output of the BESS system will then be connected to the existing LV switchboard in West Suffolk House following a similar route underground, to supply existing loads. The existing power connection between the existing transformer and existing LV switchboard will be disconnected and decommissioned.

7. Whilst a number of alternative locations around the site were analysed, namely the existing loading bay (1), the parking bays situated to the front of West Suffolk House (2), the parking bays adjacent to Western Way (3) and the parking bays opposite the proposed site (5) – see Figure 4 below, the proposed location (4) was considered optimal by all parties for the following reasons:
- It is situated away from the existing building to minimise any fire risk
  - It is positioned away from the boundary to obscure any direct views from Western Way
  - It is less visible when looking down from the upper storeys of West Suffolk House
  - Good access for installation and removal of the container
  - Provides a shorter cable route to the substation to minimise temporary disruption
  - Minimises the loss of car parking spaces
  - No impact on existing buried services
  - Minimal disruption for car park users
8. Location 5 (the one suggested by August committee) was carefully considered by the Client and design team during the design process, however following a review of the existing topographical survey (see figure 3 below) it was determined that this location would have significant implications on existing buried services and drainage with clashes between the cable trenching. The substantial costs of re-routing the existing services and disruption that would be caused to the car park users were deemed to be disproportionate to the relatively short time the battery unit would be in position.

Figure 3 – Existing Topographical Survey (area highlighted in yellow)

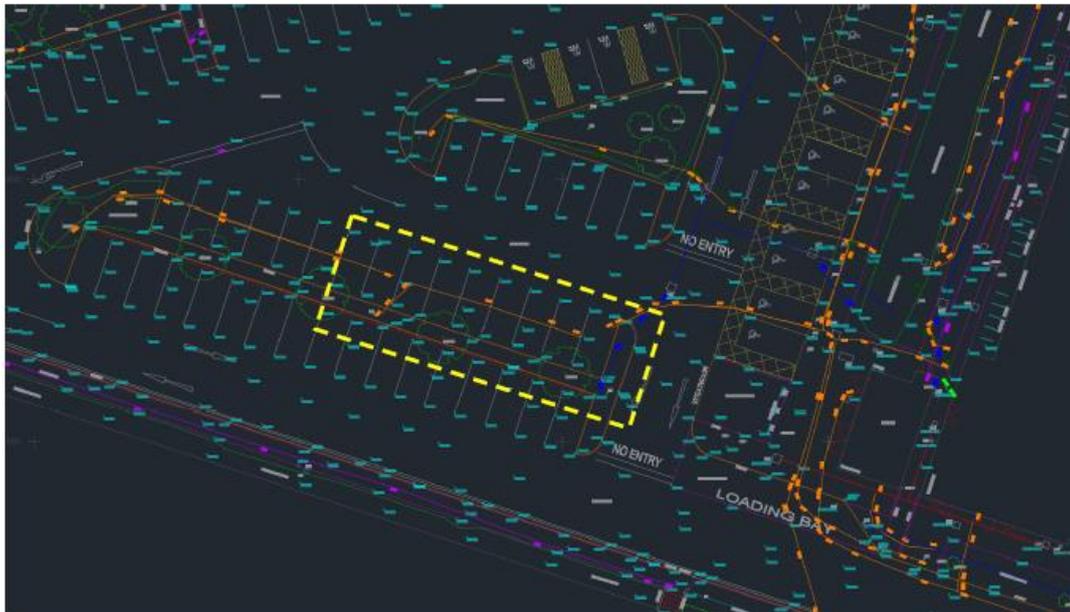


Figure 3 – Existing Topographical Survey (area highlighted in yellow)

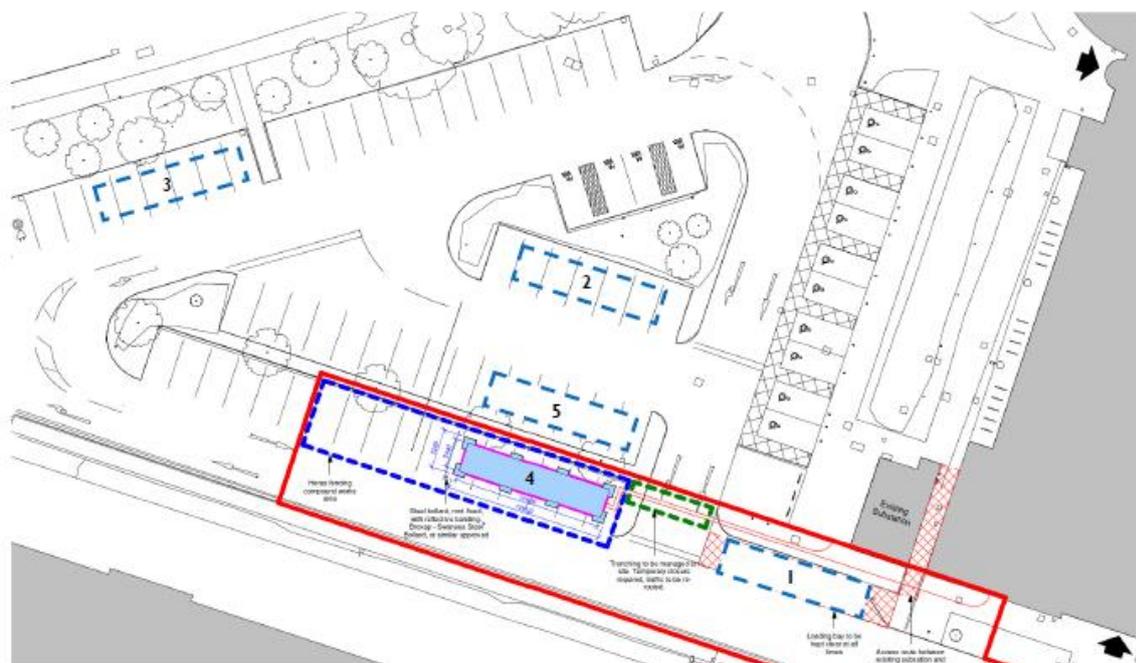


Figure 4 – Alternative Locations

**Site details:**

9. See Working Paper 1.

**Planning history:**

10. See Working Paper 1.

**Consultations:**

11. See Working Paper 1.

**Representations:**

12. No comments received.

**Policy:**

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

NPPF 2021

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM13 Landscape Features

Policy DM46 Parking Standards

**Other planning policy:**

14. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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.

**Officer comment:**

The issues to be considered in the determination of the application are covered in Working Paper 1 and the update below since the last consideration at 4 August Development Control Committee.

15. Officers relayed the concerns of the committee to the applicant in terms of an alternative location for the container. The applicant has provided a detailed explanation as to why the proposed container can not be relocated to the area suggested by the committee. The applicant has explained that siting it in this alternative location would have significant implications on existing buried services and drainage, with clashes between the cable trenching. The substantial costs of re-routing existing services and disruption that would be caused to the car park was deemed by the applicant to be disproportionate to the relatively short time the battery unit would be in situ. A plan has been provided showing the location of underground services and this response is noted and accepted by Officers as being a reasonable explanation for the reasoning behind the decision not to consider an alternative location. In any event, as detailed in Working Paper 1, officers remain of the view that the proposed location of the container is considered to be acceptable in planning terms.

16. The applicant has explained the importance of this proposal to its overall plans for green energy at the West Suffolk site and the links to obtaining significant government grants towards the project linking in to the climate change agenda. Support for proposals such as this is also offered in the NPPF, which was updated in July 2021. Paragraph 158 requires Local Planning Authorities to 'recognise that even small-scale projects provide a

valuable contribution to cutting greenhouse emissions' and that 'authorities should approve the application if its impacts are (or can be made) acceptable'.

17. Since the last Development Control Committee meeting, further information has also been received from the agent regarding the installation of the container. The concrete blocks form foundations, which extend 750mm above ground and penetrate 1150mm below the existing car park surface. The agent advises this is necessary as the existing car park surface is not strong enough to support the weight of the container. This is further referenced as a reason justifying the position of the battery container, to avoid any additional disruption and works that will be caused by the need to reroute all existing services underneath the container unit.
18. Policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. On this point further discussions have taken place with the applicant and the Arboricultural Officer since the August DCC meeting.
19. The two Hornbeam closest to the siting of the container are an important component of the soft landscaping of West Suffolk House. Whilst both trees are young (approximately 10-15 years), they are established, healthy and attractive specimens. They are visually prominent when entering the car park due to their position and the high level of footfall/traffic through the car park elevates their public amenity value.
20. The Arboricultural Officer has assessed the potential impact of these foundations in the absence of a Tree Survey. The two aforementioned Hornbeam trees have the potential to be negatively impacted by root damage through the excavations required for foundations and service trenches and arising from any pruning needed to accommodate the position of the container, plus the possibility of any unintended damage through construction related activities.
21. Ordinarily, it is estimated that the RPA (Root Protection Area) of both trees is circular with a radius of approximately 2 metres (as per the guidance in BS 5837:2012). The proposed site plan appears to show two of the concrete piers to be within the RPAs of these trees. Typically, encroachment into the RPA should be avoided, however, given the young age of the trees and the nature of their environment within a hard surfaced car park, it is likely that the priority rooting area will extend further along the tree pit rather than extending significantly into the parking area. This makes the circular RPA somewhat misleading although this is an estimation of likely root presence and appropriate precautions should be put in place to ensure no significant root damage is caused.
22. The crown form of both trees (fastigate) means that any lateral pruning could detract from their visual amenity. Whether or not this will be necessary is unclear from the submitted plans. It is recommended that information in this regard is submitted to the LPA from an arboricultural consultant prior to the commencement of development.
23. It is expected that plant/machinery will be operated in close proximity to the two trees during the installation of the container. This presents the risk of

direct damage to parts of the trees both above and below ground. A tree protection plan compliant with BS 5837:2012 is therefore recommended.

24. In summary, the Arboricultural Officer considers that the implementation of the proposal can be achieved without significant detriment to both trees subject to specialist input. The Arboricultural Officer therefore has no objection to the proposed development in relation to the impact on the two adjacent Hornbeam trees, subject to the submission of an Arboricultural Method Statement and Tree Protection Plan. These documents can be secured via pre-commencement conditions, although at the time of writing this report the agent has indicated that they are commissioning these reports to be considered as part of this application. Whilst these documents have not yet been assessed by the Arboricultural Officer, should the details of these documents be acceptable, compliance conditions, as opposed to pre-commencement conditions, will be applied accordingly in the event the application is granted planning permission.

25. This specific matter will be updated in the late papers or at the meeting, as appropriate. Nonetheless, and subject to conditions as appropriate, the arboricultural related impacts of the proposal are considered satisfactory.

26. To further support the reconsideration of this matter the applicant has provided further supporting information, as follows –

- A further response to the Suffolk Fire and Rescue comments, confirming that the battery will be connected to the existing West Suffolk House alarm system, and that the system will contain an 'emergency stop' button.
- Details of the temporary 'heras' fencing to surround the site during the construction phase, as well as details of the chain link fence proposed between the foundations.

## **Conclusion**

27. This proposal remains the same as the application previously presented to Members, the Committee is therefore directed to the previous report, included as Working Paper 1, for an overall assessment of the proposals. That report sets out the Officer considerations, as well as the planning balance, and makes a recommendation of approval, subject to conditions. Noting the explanation offered by the applicant as to the proposed preferred siting, the comments received from the Arboricultural Officer in relation to the two Hornbeam trees, the lack of any objections from statutory consultees or third parties and the support offered generally within the development plan and the updated 2021 NPPF in relation to projects to reduce greenhouse emissions, that recommendation remains, as repeated below.

## **Recommendation:**

28. 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.

- 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.

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
(-)	Application Form	29 June 2021
WES051-PEV-XX-XX-DR-A-9100 P02	Amended - Location Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9110 P02	Amended - Existing Site Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9120 P02	Amended - Proposed Site Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9101 P02	Amended - Existing Block Plan	31 August 2021
WES051-PEV-XX-XX-DR-A-9102 P02	Amended - Proposed Block Plan	31 August 2021
WES051 PEV XX ZZ DR A 9410 P02	Amended - Proposed Sections	31 August 2021
WES051-PEV-XX-ZZ-DR-A-9310 P01	Proposed Elevations	29 June 2021
WES051-PEV-XX-XX-DR-A-9150	Existing and Proposed Sections	17 August 2021
WES051-PEV-XX-ZZ-DR-A-9205 P01	Proposed General Arrangement Plans	29 June 2021
N001 - 210248	Battery Location	17 August 2021
N002 - 210248	Fire Safety	17 August 2021
(-)	Supporting Statement	15 July 2021
(-)	Fire Safety Supporting Statement	21 July 2021

- On or before the (insert) day of (insert) 2025 the building hereby permitted shall be removed and the land shall be restored to its condition immediately prior to the development authorised by this permission commencing.

Reason: In the interests of visual amenity given that the building is not considered suitable as a permanent form of development.

- Arboricultural condition(s) depending on applicant response, in the form of a Arboricultural Method Statement and Tree Protection Plan.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/21/1366/FUL>

**WORKING PAPER 1**

**Development Control Committee**  
**4 August 2021**

**Planning Application DC/21/1366/FUL – West Suffolk House, Western Way, Bury St Edmunds**

**Date registered:** 30 June 2021      **Expiry date:** 25 August 2021

**Case officer:** Connor Vince      **Recommendation:** Approve application

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

**Proposal:** Planning application - Installation of battery container, and associated foundations and fencing

**Site:** West Suffolk House, Western Way, Bury St Edmunds

**Applicant:** Oliver Ingwall-King

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Connor Vince

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

Telephone: 07866 913717

## **Background:**

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

**The provision of a battery container, associated foundations and fencing was previously considered as part of the application for a certificate of lawfulness for proposed development at the site, reference DC/21/0946/CLP – it was withdrawn from that application as it was considered to need planning permission and could not be carried out as permitted development under the regulations. This amended application DC/21/0946/CLP for the extension to the substation was considered at Development Control Committee on 7 July 2021 and was granted.**

## **Proposal:**

1. The application seeks planning permission for the installation of a battery container measuring 12.592 metres in length, 3.263 metres in width and 3.742 metres in height.
2. As per the supporting statement, the proposal is intended to complement the future plans for the Western Way Development, reduce the demand for imported and support West Suffolk Council's commitment to providing sustainable energy sources.
3. The system would reduce the imported grid energy by shifting excess generation from the solar array at West Suffolk House during the day to offset imported energy use during the evening, enabling generated energy to be stored during periods of low demand in order to be utilised when required. The system equipment will be containerised within a weatherproof enclosure.
4. The battery container is estimated to remain on site for approximately four years. Once the main Western Way Development is complete, the battery will be moved across to the new Energy Centre building, the site made good, and the six parking spaces that would be occupied by the battery container would be reinstated.

## **Application supporting material:**

- Application Form
- Location Plan
- Existing Block Plan
- Existing Site Plan
- Proposed Block Plan
- Proposed Site Plan
- Proposed Sections
- Proposed Elevations
- Proposed General Arrangement Plans
- Supporting Statement
- Fire Safety Supporting Statement

**Site details:**

5. The application site is situated at Western Way, within the settlement boundary for Bury St. Edmunds. The application site comprises of a section of vehicular parking spaces. The wider site comprises of West Suffolk House and includes associated vehicular, motorcycle and cycle parking, as well as other associated buildings used by West Suffolk Council.

**Planning history:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/21/0946/CLP	Application for lawful development certificate for proposed use or development - a. extension to the existing sub-station building, reconfiguration of associated footpath and motorbike parking spaces b. installation of new battery container and associated foundations and fencing	Application Granted	7 July 2021

**Consultations:****Town Council:**

No objections based on information received.

**Ward Member:**

No comments received.

**SCC Highways:**

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.

We note the car park in question is under subscribed and, given the changes to the office structure from pre-Covid to now, this is unlikely to change.

**Ramblers' Association:** No comments received.

**Suffolk Fire and Rescue Service:**

Having read through the supplied documentation it is my understanding that the BESS is to be combined in a container, which is to be positioned away from the main building, and includes the power conversion itself, the batteries, voltage transformer and switch-gear, and all auxiliary components, as well as the energy management system, which includes a means of shutting down the unit in an emergency. It is also noted that a fire detection system is included and linked to internal safety systems to operate an emergency shut down, and operation of an internal suppression system as necessary.

I have the following comments to make:-

- I am not able to determine if the Fire Alarm for the BESS is linked in any way to the main building Fire alarm, and although it may be considered a stand alone unit, consideration should be given to having the unit fire alarm interfaced with the main fire alarm panel, to give early warning of fire within the unit.
- It is also recommended that the unit can be shut down by the use of an external isolation switch in an emergency. This is normal and may already be part of the control system, but I was not able to confirm.

**Arboricultural Officer:**

The siting of the container, as shown on the proposed block plan, has the potential to affect the two Hornbeam which are positioned immediately adjacent to the indicated location. They are marked on the plan although no supporting information has been submitted to be able to determine if the position or crown spreads of the trees are accurate. Both trees are important features of the soft landscaping of the car park, and are particularly prominent owing to their location near the entrance way. They are fastigate varieties which possess an upright growing habit and conical crown form. If pruning is required to facilitate the position of the container then this is likely to significantly adversely impact their visual amenity. Similarly, if any direct damage occurs during the installation/delivery of the container then this will also have a significant impact on the long term amenity afforded by the trees. It would be strongly recommended that sufficient measures are put in place to prevent unintended damage, and that the container is positioned so that no pruning is required.

**Representations:**

6. No comments received from any adjoining occupiers

**Policy:**

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

NPPF 2021

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM13 Landscape Features

Policy DM46 Parking Standards

**Other planning policy:**

8. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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.

**Officer comment:**

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

- Principle of Development
- Scale, Layout & Design
- Impact on Amenity
- Highway/Parking Impacts
- Other Matters

**Principle of Development**

9. The proposed development has been assessed against policy DM2 and is considered generally to be acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity and highway safety. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
10. Policy DM8 confirms that all proposals for the generation or recovery of low carbon or renewable energy will be encouraged subject to the proposal being able to demonstrate its low carbon or renewable energy credentials and, to the satisfaction of the LPA, that due regard has been given to the impact of off-site and on-site power generation infrastructure including achieving underground connections.
11. West Suffolk House, and the wider site, provides office space for West Suffolk Council and other local authority occupiers. The application proposes the provision of a battery container, as well as block foundations sited on top of the existing surface and boundary fencing, to complement the future plans for the Western Way Development, reduce the demand for imported energy and support West Suffolk Council's commitment to providing sustainable energy sources.
12. The proposed works are therefore considered acceptable in principle given their support from policy DM8. However, further consideration must be

given in relation to policy DM2, regarding the appearance and location of the battery container in relation to services and amenity.

### **Scale, Layout & Design**

13. The provision of a battery container to the south west of the main West Suffolk House building, will occupy six car parking spaces and measure 12.592 metres in length, 3.263 metres in width and 3.742 metres in height. The metal battery container will be placed on above ground concrete block foundations, with chainlink fencing and metal bollards added to segregate the container from the wider car park.
14. The proposed battery container will be visible from the wider site area, as well as from Western Way to the north and Beetons Way to the east. Given the openness of the wider site, views would be readily achievable of the container. The structure itself and its form, materials, and siting make it a somewhat utilitarian proposal. This, plus its positioning within and across existing car parking spaces, will to some degree erode the well laid out car parking and setting to the building, inevitably causing some harm to the character and appearance of the area. This harm will however be limited by the position of the battery back from the highway, and by the fact that views will be filtered if not screened by the existing car park and boundary landscaping. Furthermore, when appreciated in the likely main view from Western Way the container will be seen against the backdrop of the adjacent off site building, which is materially taller and itself industrial in character. This will significantly limit the degree to which this structure is harmful in this context. Nonetheless, the only conclusion that can be drawn is that the proposal will have a minor negative impact upon both the setting of West Suffolk House and upon the wider area and this is a factor that weighs against the scheme.

### **Impact on Amenity**

15. Whilst the site is considered open, there are no residential dwellings within close proximity. Office buildings border the site to the south, west and north east, with soft landscaping further bordering the site to the north, beyond which is the Olding Road depot building. Given the minor scale of the proposal and the fact that the nearest residential dwellings are not only some distance away but that any intervisibility will be obscured by existing off site buildings, and by the natural topography of the land, it is not considered that the proposal would have an unacceptable impact on residential amenity, therefore, the development is considered to comply with policy DM2.

### **Highway/Parking Impacts**

16. Given the nature of the proposed works, the battery container will occupy six car parking spaces of the West Suffolk House car park for the duration the battery container is in situ. As per the supporting statement, the container has been positioned close to the kerb line to maximise the number of spaces retained.
17. Consideration must also be given in this respect to the profound change in working patterns as a consequence of the pandemic, and of the way office space is now used. Even allowing for the return to the office of some staff,

and for the repurposing of some space for other users, the fact remains that demand for car parking is likely to be significantly reduced, and that in this context the loss of six spaces in this location is not considered to raise any issues of highway safety that would justify a refusal, particularly noting the temporary nature of this proposal. This is a notion further supported by Suffolk County Council as highway authority, which raises no objection to the proposed development.

## **Other Matters**

18. The submitted details indicate that the proposal will be sited on concrete foundations sitting at the current car parking level, with no intrusive below ground works. On this basis officers are satisfied that there will be no material harm to the existing soft landscaping within the car park. Consultation with the Arboricultural Officer has confirmed this position, subject to the inclusion of an informative note on the decision notice which highlights the measures advised to be undertaken in relation to the potential pruning of the two adjacent hornbeam trees, if required, incorporating the necessary measures to prevent unnecessary damage to the trees.
19. A consultation has been undertaken with the Suffolk Fire and Rescue Service. The provision of a battery container will be positioned away from the main building of West Suffolk House and includes the power conversion unit, the batteries, voltage transformer and switch-gear, and all auxiliary components, as well as the energy management system, which includes a means of shutting down the unit in an emergency. It is also noted that a fire detection system is included and linked to internal safety systems to operate an emergency shut down, and operation of an internal suppression system as necessary.
20. As confirmed by Suffolk Fire and Rescue, consideration should be given by the operator to having the unit fire alarm interfaced with the main fire alarm panel integrated into the main West Suffolk House building to give early warning of fire within the unit. It is also recommended that the unit can be shut down by the use of an external isolation switch in an emergency.
21. Noting the comments received from Suffolk Fire and Rescue, the points raised will be added as informative notes to the decision notice as none of the points raised would be land use planning matters that could otherwise be controlled by a condition.

## **Planning Balance**

22. Were this proposal for the permanent siting of the structure then it is considered likely that the harm identified to the character and appearance of the area would be sufficient to justify a refusal of planning permission. However, noting that this proposal is sought for a period of up to four years, noting this can be conditioned, and noting the very obvious benefits as articulated above in relation to the provision of an energy capture system to store energy generated by the solar panels at West Suffolk House and which is not otherwise able to be immediately used, this does inevitably make this a balanced matter.

23. Reflecting carefully on this balance, Officers are of the opinion that the benefits of this proposal outweigh the harm, not least given the time limited nature of any harm. Support is also offered in this respect by the reduced demand for car parking at West Suffolk House as a result in the profound shifts in working patterns caused by the pandemic, which further supports the loss of a modest number of spaces. A conclusion that this proposal is acceptable is dependent upon the imposition of a condition requiring the battery container to be removed and the land restored to its former condition, within four years from the date of the permission.

**Conclusion:**

24. 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:**

25. 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.

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
(-)	Application Form	29 June 2021
WES051-PEV-XX-XX-DR-A-9100 P01	Location Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9110 P01	Existing Site Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9120 P01	Proposed Site Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9101 P01	Existing Block Plan	29 June 2021
WES051-PEV-XX-XX-DR-A-9102 P01	Proposed Block Plan	29 June 2021
WES051 PEV XX ZZ DR A 9410 P01	Proposed Sections	29 June 2021
WES051-PEV-XX-ZZ-DR-A-9310 P01	Proposed Elevations	29 June 2021
WES051-PEV-XX-ZZ-DR-A-9205 P01	Proposed General Arrangement Plans	29 June 2021
(-)	Supporting Statement	15 July 2021
(-)	Fire Safety Supporting	21 July 2021

## Statement

3. On or before the (insert) day of (insert) 2025 the building hereby permitted shall be removed and the land shall be restored to its condition immediately prior to the development authorised by this permission commencing.

Reason: In the interests of visual amenity given that the building is not considered suitable as a permanent form of development.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1366/FUL](#)

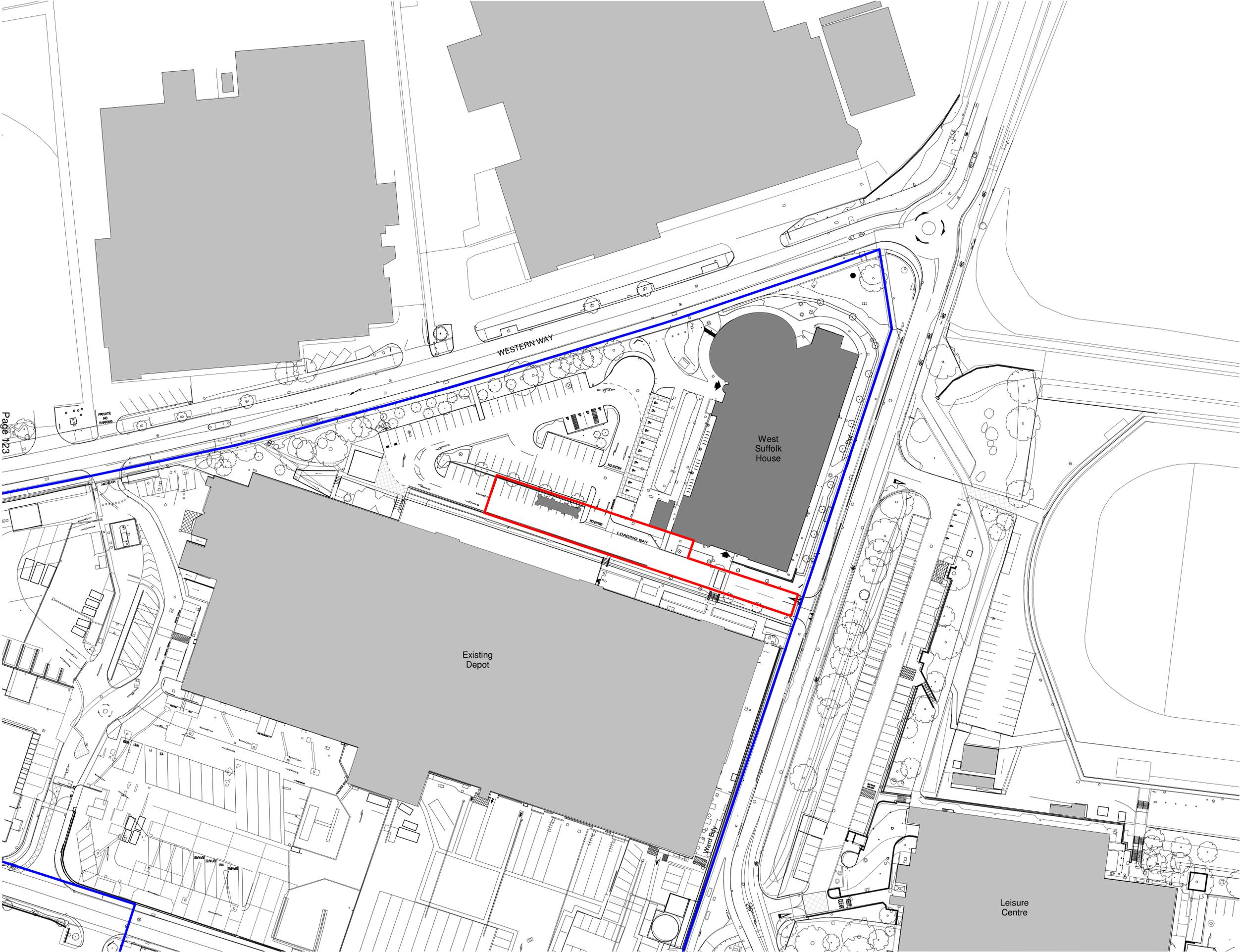
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VISUAL SCALE 1:500 @ A1



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NO DIMENSIONS TO BE SCALED FROM THIS DRAWING

CDM - RESIDUAL HAZARDS The following are considered to be significant risks relevant to this drawing, which could not be fully mitigated or removed through design:

None identified

- Application Area (890m²)
- Ownership Boundary

P02	Arrows revised for Planning	31.08.21	CPO	R10
P01	Issued for Planning	28.06.21	CPO	R10
Revision		Date	Drn	Chk
This document references the following files:-				
Reference Name		Status	Revision	
WES051-XX-ZZ-M3-A-0001		30	P01.1	

Client  
**West Suffolk Council**

Project  
**Battery Energy Storage System  
Western Way Development**

Drawing Title  
**Proposed Block Plan  
Battery Container  
Planning**

Suitability Status  
**S2 - Suitable for Information**

Job No.	Scale	Size	Rev
<b>210248</b>	<b>1 : 500</b>	<b>@ A1</b>	<b>P02</b>

Drawing Number  
**WES051 - PEV - XX - XX - DR - A - 9102**

Client Code	Originator	Zone	Level	Type	Role	Number
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