

# Development Control Committee



<b>Title</b>	<b>Agenda</b>											
<b>Date</b>	<b>Wednesday 4 October 2023</b>											
<b>Time</b>	<b>10.00am</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> Jon London and Phil Wittam</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><b>Conservative Group (7)</b></td> <td style="vertical-align: top;">Carol Bull Mike Chester Susan Glossop Rachel Hood</td> <td style="vertical-align: top;">Ian Houlder Sara Mildmay-White Andrew Smith</td> </tr> <tr> <td style="vertical-align: top;"><b>Independents (5)</b></td> <td style="vertical-align: top;">Mick Bradshaw Roger Dicker Andy Neal</td> <td style="vertical-align: top;">Jim Thorndyke Phil Wittam</td> </tr> <tr> <td style="vertical-align: top;"><b>Progressive Alliance Grouping (4)</b></td> <td style="vertical-align: top;">Diane Hind Jon London</td> <td style="vertical-align: top;">Lora-Jane Miller-Jones David Smith</td> </tr> </table>			<b>Conservative Group (7)</b>	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith	<b>Independents (5)</b>	Mick Bradshaw Roger Dicker Andy Neal	Jim Thorndyke Phil Wittam	<b>Progressive Alliance Grouping (4)</b>	Diane Hind Jon London	Lora-Jane Miller-Jones 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, other registerable or non-registerable interest which they have in any item of business on the agenda, <b>no later than when that item is reached</b> and, when appropriate, to leave the meeting prior to discussion and voting on the item.											
<b>Quorum</b>	Six Members											
<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>											

*Details of site visits overleaf...*

**SITE VISITS WILL BE HELD ON MONDAY 2 OCTOBER 2023 AT THE FOLLOWING TIMES:**

**The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following sites:**

- 1. Planning Application DC/22/1774/FUL - Land South and West of 9 to 12, Bridewell Lane, Bury St Edmunds, IP33 1RE**  
Planning application - one dwelling  
**Site visit to be held at 9.40am**
  
- 2. Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket, CB8 7BY**  
Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)  
**Site visit to be held at 10.25am**

**On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.15am.**

**Where otherwise required for this agenda, 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.**

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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 on the Council's website.

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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/changed, together with the material planning basis for that change.
  - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
  - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
  - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
  - Members can choose to;
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
    - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee.

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

## Notes

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

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

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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 - 22**

To confirm the minutes of the meeting held on 6 September 2023 (copy attached).

**4. Declarations of interest**

Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable 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/23/0895/FUL - Little Moseleys, The Green, Fornham All Saints**

**23 - 46**

Report No: **DEV/WS/23/029**

Planning application - four dwellings with associated car parking and access

**6. Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket**

**47 - 64**

Report No: **DEV/WS/23/030**

Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)

**7. Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill**

**65 - 90**

Report No: **DEV/WS/23/031**

Planning application - change of use from residential (C3) to residential children's home (C2)

- 8. Planning Application DC/22/1774/FUL - Land South and West of 9 to 12, Bridewell Lane, Bury St Edmunds** **91 - 110**  
Report No: **DEV/WS/23/032**  
Planning application - one dwelling
- 9. Planning Application DC/23/0664/RM - Hereward House, 2A Hereward Avenue, Mildenhall** **111 - 128**  
Report No: **DEV/WS/23/033**  
Reserved matters application - a. submission of details under DC/21/1950/OUT appearance, landscaping, layout and scale for plot 3 b. including details reserved by conditions 8 (cycle storage), 13 (biodiversity enhancement), 14 (hard and soft landscaping) and 15 (landscape management plan) of DC/21/1950/OUT
- 10. Planning Application DC/22/2228/FUL - Land off Friday Street, West Row** **129 - 162**  
Report No: **DEV/WS/23/034**  
Planning application - 10 dwellings with associated access and garages (following demolition of existing dwellings) as amended by plans received 28 April 2023

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 6 September 2023** at **10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Jon London and Phil Wittam

Mick Bradshaw

Rachel Hood

Carol Bull

Ian Houlder

Mike Chester

Sara Mildmay-White

Roger Dicker

Andy Neal

Susan Glossop

Jim Thorndyke

Donna Higgins

David Smith

Diane Hind

**In attendance**

Tony Brown (Ward Member: Haverhill South East)

Don Waldron (Ward Member: The Rows)

## 368. **Apologies for absence**

Apologies for absence were received from Councillor Lora-Jane Miller-Jones.

## 369. **Substitutes**

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Lora-Jane Miller-Jones.

## 370. **Minutes**

The minutes of the meeting held on 2 August 2023 were confirmed as a correct record and signed by the Chair, subject to the following amendments:

### **363. Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds (Report No: DEV/WS/23/017)**

The sentence "the Committee was also displayed visual mock-ups" be amended to read "the Committee was also *shown* visual mock-ups".

### **364. Planning Application DC/23/0211/FUL - The Packhorse Inn, Bridge Street, Moulton (Report No: DEV/WS/23/018)**

The misspelling of "lourve" be corrected to "louvre".

**371. Declarations of interest**

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

**372. Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds (Report No: DEV/WS/23/022)**

*(Councillor Diane Hind declared, in the interests of openness and transparency, that she had attended Bury St Edmunds Town Council's meeting when the Town Council considered the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item.*

*Councillor Donna Higgins also advised, for clarity, that whilst she was also on the Town Council she had not been present when this application was discussed.)*

**Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking**

The application was originally referred to the Development Control Committee on 2 August 2023 as the proposed development was of a substantial scale and on an edge of town location, where it was likely to have significant impact on the landscape and character of the area.

Bury St Edmunds Town Council objected to the application. A Member site visit was held prior to the August Committee.

At the August meeting Members resolved that they were minded to grant the application, contrary to the Officer recommendation, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape.

Accordingly, the Decision Making Protocol was invoked, requiring a risk assessment to be produced which set out the potential risks that might arise should planning permission be approved contrary to Officer recommendation.

The preparation of a risk assessment report also enabled Officers to seek a further response from the Council's Landscape Consultant in respect of mitigation, to produce a list of proposed conditions, and to confirm the views of the application site from the Abbey Gardens (as queried during the debate on the application by Members in August).

Officers were continuing to recommend that the application be refused, for the reason set out in Paragraph 25 of Report No DEV/WS/23/022.

Reference was made to a letter sent by the applicants to all Members of the Development Control Committee following the August meeting. The Principal Planning Officer responded to the points raised in the letter within his presentation.

The Principal Planning Officer also drew attention to correspondence he had received from Eastgate Community Association who raised queries as to whether the conveyor system within the proposed feed mill would generate noise audible in the surrounding area. In response the Officer highlighted the conditions included in order to control any noise impact from the scheme.

Speakers: Sarah Broughton (objector) spoke against the application  
*(The Chair explained that whilst Councillor Broughton was a West Suffolk District Councillor she was speaking on the application in a personal capacity.)*  
Danny Johnson (applicant) spoke in support of the application

During the ensuing debate, a number of Members again remarked on the historic and economic importance of British Sugar to the local area.

Some of the Committee also argued that the existing sugar beet factory did not impact on the tourism brought to the region and by definition they did not believe the proposed scheme would negatively impact on this either.

In response to questions, the Principal Planning Officer confirmed that the feed mill development would generate a mixture of high and low skilled jobs.

Councillor Ian Houlder spoke in favour of the application. He stressed the local and regional economic benefits that would be brought about by the scheme, which outweighed the harm to the countryside landscape, and also made reference to national sustainability benefit that the feed mill would generate by reducing the import of soya to the country.

Councillor Houlder therefore proposed that the application be approved, contrary to the Officer recommendation, subject to the conditions as set out in the report. This was duly seconded by Councillor Phil Wittam.

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

### Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape, together with the national sustainability benefit that the feed mill would generate by reducing the import of soya to the country, 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, unless otherwise stated.
3. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the

approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
  - b) loading and unloading of plant and materials
  - c) piling techniques (if applicable)
  - d) storage of plant and materials
  - e) provision and use of wheel washing facilities
  - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
  - g) site working and delivery times
  - h) a communications plan to inform local residents of the program of works
  - i) provision of boundary hoarding and lighting
  - j) details of proposed means of dust suppression
  - k) details of measures to prevent mud from vehicles leaving the site during construction
  - l) haul routes for construction traffic on the highway network and
  - m) monitoring and review mechanisms
  - n) Details of deliveries times to the site during construction phase.
4. All HGV delivery traffic movements to and from the site once the development has been completed, shall be subject to a Deliveries Management Plan which shall be submitted and approval in writing to the Local Planning Authority for approval. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
  5. The new estate road junction as shown on Drawing No. 23156-11-GA Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials ie not for the purpose of constructing the new estate road/junctions.
  6. Before the development above ground level is commenced, details of a new pedestrian crossing on Compiegne Rd roundabout eastern arm and a footway on the eastern side of Hollow Road connecting the site entrance and the existing footway on Hollow Road shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and fully completed prior to the feed mill becoming operational.
  7. The use shall not commence until the areas within the site shown on Drawing No.10051785-ARC-WS-00-DR-AR-1106 for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycles has been provided and thereafter the areas shall be retained, maintained and used for no other purposes.
  8. Before the access is first used visibility splays shall be provided as shown on Drawing 23156-11-GA Revision F and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
  9. No development above ground level shall take place until a scheme for the provision and implementation of water efficiency measures during

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

10. The development shall achieve BREEAM Excellent standard. This should be evidenced by a BREEAM fully-fitted certificate upon completion. The development shall achieve a Final BREEAM Excellent rating in accordance with the requirements of the relevant BREEAM scheme. The projects Final Certificate must be issued to the local planning authority within a maximum of 6 months post completion.
11. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) The parking of vehicles of site operatives and visitors;
  - ii) Loading and unloading of plant and materials;
  - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;
  - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
  - v) Wheel washing facilities;
  - vi) Measures to control the emission of dust and dirt during construction;
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste;
  - ix) Noise method statements and noise levels for each construction activity including any piling and excavation operations;
  - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
12. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13.00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
13. During any site preparation and throughout the construction phase of the development hereby permitted the dust mitigation measures outlined in Table 13 'Proposed Dust Mitigation Measures based on IAQM Guidance' in the Arcadis Technical Appendix 8.1: Construction Dust

Assessment for Land off Compiegne Way, Bury St Edmunds Environmental Statement dated June 2022 shall be employed.

14. The rating level of noise emitted from any external plant, equipment or machinery associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB (LA90 - 5dB) in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s), with all external plant, equipment or machinery operating at typical capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
15. A post-completion noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.
16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities (both ARCADIS July 2022) report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
17. The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.
18. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

- i) Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
19. An updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development above ground level. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives, including delivery of Biodiversity Net Gain, based on up the updated version of the Site Assessment Biodiversity and Environmental Net Gain Opportunities (ARCADIS July 2022)
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organisation responsible for implementation of the plan.
  - h) Ongoing monitoring and remedial measures including: a Bird Monitoring Strategy and Biodiversity Net Gain monitoring, incorporating relevant requirements from the Biodiversity and Environmental Net Gain Opportunities report.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
20. All planting within the approved scheme of soft landscaping works as shown on the Proposed Landscape Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00002 Rev. P2) and Planting Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00004 Rev. P2) 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.
21. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); 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 refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

22. Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with BS: 5837 2012 (as amended), 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, hardstanding, roads and footpaths; and 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 Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.
23. No development above ground level shall take place until a Landscape Management Plan scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The details should include the long-term design objectives, management responsibilities and maintenance schedules, specifications, and periods for all hard and soft landscape areas, together with a timetable for the implementation of the Landscape Management Plan. The management plan shall include details of the arrangements for its implementation and establishment. The Landscape Management Plan shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s).
24. Prior to commencement of development above ground level, an Environment Colour Assessment (ECA) shall be produced (using the Natural Colour System) submitted to and approved by the Local Planning Authority. The colour palette which is developed through the ECA process must be based on 'on-the-ground' surveys and supported by a desk-top study, which provides an analysis and synthesis of the colours found within the local landscapes. This study must then inform the colour palette for built form, boundary treatments, materials and hard & soft surfaces.
25. The development shall operate in complete accordance with the approved Travel Plan (RM/SC/10051785-DTA-XX-WS-RP-TP-0004-D), dated 4th July 2022.
26. The strategy for the disposal of surface water (Dated: Jun 2022 Ref: 10051785-ARC-SW-ZZ-RP-CE-00001 Rev 03) and the Technical Note



(Dated: Dec 2022 Ref: 10051785-ARC-XX-XX-TN-CE-00005-P01) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

27. Within 28 days of practical completion, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
28. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction.
29. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - i) A site investigation scheme,
  - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
  - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
30. No occupation/operation of any part of the development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.
31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
32. Prior to first operational use of the site, at least 20% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

33. All HDVs delivering raw product to, or distributing final product from, the permitted development shall have Euro VI compliant engines. The site shall keep a log of all deliveries to and from the site, including as a minimum the date of the delivery and the registration number of the HDV. The log shall be made available for inspection by the local planning authority on request.
34. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

*(On conclusion of this item the Chair permitted a very short comfort break.)*

**373. Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket (Report No: DEV/WS/23/023)**

*(Councillor Rachel Hood declared a disclosable pecuniary interest in this item and advised that as she had made a personal representation in respect of the application she had sought the Monitoring Officer's advice and would be withdrawing from the meeting during the Committee's consideration of the application.)*

**Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)**

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 1 August 2023.

Newmarket Town Council objected based on their suggested conditions not being applied to the application.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 46 of Report No DEV/WS/23/023 and inclusive of a further proposed condition outlined in the Principal Planning Officer's presentation, to require the windows and doors of the swimming pool building to remain shut during use of the pool for lessons.

The Principal Planning Officer also showed videos of the site by way of a virtual site visit and reminded the Committee that whilst the application was retrospective in nature, this was not a Material Planning Consideration.

Speakers: Tim Merrell (on behalf of Patricia Merrell, neighbouring objector) spoke against the application  
Rachel Hood (neighbouring objector) spoke against the application  
Stephen Redhead (applicant) spoke in support of the application  
*(Whilst Councillor Hood was a West Suffolk District Councillor she was speaking on the application in a personal capacity and, as previously advised to the meeting, she left the room when the public speaking concluded.)*

During the debate some Members posed questions in respect of the rules and regulations required to operate a private pool as a commercial venture. The Principal Planning Officer explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

The Officer also confirmed, in response to further questions, that the application was to be assessed on a permanent basis and it was not considered appropriate to grant a one-year trial permission, as suggested by the Town Council.

Whilst members of the Committee recognised the need for additional swimming lesson capacity in the District, particularly for those with additional needs who may be more suited to a smaller facility, concerns were also raised on the amenity impact of the surrounding residential area, especially at the start/end of the lessons when there was likely to be increased vehicle movements.

Accordingly, Councillor Andy Neal proposed that consideration of the application be deferred in order to allow a Member site visit to take place. This was duly seconded by Councillor Ian Houlder.

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

#### Decision

Consideration of the application be **DEFERRED**, in order to allow a Member site visit to take place.

*(On conclusion of this item Councillor Rachel Hood rejoined the meeting.)*

374. **Planning Application DC/23/0217/FUL - Manor Croft, 40 Hamlet Road, Haverhill (Report No: DEV/WS/23/024)**

*(Councillor David Smith declared, in the interests of openness and transparency, that he had attended Haverhill Town Council's meeting when the Town Council considered the application. However, he stressed that he would keep an open mind and listen to the debate prior to voting on the item.)*

#### **Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)**

This application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Member, where it was decided that the application should be determined at the Development Control Committee.

A Member site visit was held prior to the meeting and as part of her presentation to the Committee the Planning Officer also showed videos of the site.

The Planning Officer also advised Members that one further neighbour objection had been received since publication of the agenda; which largely reiterated the points/comments raised in previous representations and summarised in the report.

Officers were recommending that planning permission be granted, subject to the conditions set out in Paragraph 45 of Report No DEV/WS/23/024 and inclusive of one further suggested condition in respect of the details of the ground works required to facilitate the proposed parking areas.

Speaker: Paddy Capell (neighbouring resident objector) spoke against the application  
*(Ms Capell was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on her behalf)*

In response to comments made by Members, particularly in respect of the parking provision proposed as part of the scheme, the Chair reminded the Committee that they were to determine the application before them and not seek to "redesign" the proposal.

The Service Manager (Planning – Development) also highlighted that Suffolk County Council as the Highways Authority were content with the parking as proposed in the plans.

Councillor Sara Mildmay-White proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 12 voting for the motion, 2 against and with 2 abstentions it was resolved that

#### Decision

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

**1. Time limit**

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

**2. Compliance with plans**

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

**3. Parking and manoeuvring**

The use shall not commence until the area(s) within the site shown on the proposed site plan, submitted to the Local Planning Authority on 12 July 2023 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

**4. Cycle storage**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning

Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

**5. EV charging**

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

**6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

**7. Number of children**

At no time shall more than four children be in residence at the premises.

**8. Staff Members**

At no time shall more than three members of staff be present at the site.

**9. Ground works**

Prior to the first use of the dwelling as a children's home, details of the ground works required to facilitate the proposed parking areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

**375. Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill (Report No: DEV/WS/23/025)**

*(Councillor David Smith declared, in the interests of openness and transparency, that he had attended Haverhill Town Council's meeting when the Town Council considered the application. However, he stressed that he would keep an open mind and listen to the debate prior to voting on the item.)*

**Planning application - change of use from residential (C3) to residential children's home (C2)**

This application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined at the Development Control Committee.

A Member site visit was held prior to the meeting and as part of her presentation to the Committee the Planning Officer also showed videos of the site.

The Planning Officer also advised Members that one further neighbour objection had been received since publication of the agenda; which largely reiterated the points/comments raised in previous representations and summarised in the report.

Officers were recommending that planning permission be granted, subject to the conditions set out in Paragraph 38 of Report No DEV/WS/23/025.

Speaker: John Edwards (neighbouring resident objector, speaking on behalf of himself and other fellow residents in Tasman Road) spoke against the application  
Robert Smith (neighbouring resident objector) spoke against the application  
Councillor Tony Brown (Ward Member: Haverhill South East) spoke against the application  
*(Mr Smith was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on his behalf)*

Considerable discussion took place on the application, with a number of Members raising concerns principally in relation to the parking provision and the impact of the scheme on neighbouring amenity; in view of the property being within a relatively small residential cul-de-sac.

Whilst comments were also made on the outside amenity space of the property in question, it was recognised that the premises could be used as a domestic residential property and the residents would have access to the same outside amenity space. It was further appreciated that the outside space could be amended/improved and that did not require planning permission.

A number of questions were posed in relation to safeguarding and the regulations required to operate a residential children's home.

The Service Manager (Planning – Development) explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

Councillor Phil Wittam proposed that the application be refused, contrary to the Officer recommendation, due to the Committee's concerns in relation to parking and the amount of amenity space for the intended residents. This was duly seconded by Councillor Sara Mildmay-White.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would be invoked and the motion would be 'minded to' and subject to the production of a Risk Assessment for future consideration by the Committee.

This would also enable Officers to seek a further response from the Highways Authority, in relation to the specific concerns raised by Members in relation to vehicle movements and parking.

Upon being put to the vote and with 11 voting for the motion, 4 against and with 1 abstention, it was resolved that

### Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the Committee's concerns in relation to parking and insufficient amenity space for the intended residents. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

*(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting. During the interval Councillor Jim Thorndyke left the meeting at 1.15pm.)*

### 376. **Planning Application DC/23/0951/HH - 1 Derby Place, Great Barton (Report No: DEV/WS/23/026)**

**Householder planning application - a. first floor side extension b. flat roofs replaced with pitched roofs c. replacement cladding to all elevations c. insert window to rear elevation first floor**

This application was considered by the Delegation Panel on 15 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.

In addition, Ward Member Councillor Beccy Hopfensperger requested that the application be brought forward to the Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.

Officers were recommending that the application be refused for the reason as set out in Paragraph 29 of Report No DEV/WS/23/026.

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

Speaker: Phil Cobbold (on behalf of the agent) spoke in support of the application

Councillor Jon London proposed that the application be approved, contrary to the Officer recommendation, as he did not consider the proposal to be visually intrusive/dominant and would not harm the character of the area. This was duly seconded by Councillor Phil Wittam.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked, as the impact on the character of the area was a subjective consideration, and the motion for approval would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, the Case Officer then outlined conditions which could be appended to a planning permission.

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

#### Decision

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

**1. Time Limit – Detailed**

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

**2. Approved Plans**

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

**377. Planning Application DC/23/0454/FUL - Land adjacent 72 The Street, Holywell Row (Report No: DEV/WS/23/027)**

*(The Service Manager (Planning Development) informed the meeting that she had sought advice from the Monitoring Officer and in order to avoid the potential perception of conflict/bias she would leave the meeting during the Committee's consideration of this application.)*

#### **Planning application - one dwelling**

This application was considered at the Delegation Panel on 18 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.

In addition, Councillor Don Waldron (Ward Member) requested that the application be brought forward to Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.

A Member site visit was held prior to the meeting. Attention was drawn to the supplementary 'late papers' which were issued after publication of the agenda and which set out the correct site plan and outlined a correction to the measurements referred to in Paragraph 2 of Report No DEV/WS/23/027.

The Committee was advised that planning permission had been originally sought for a larger two-storey dwelling with a pitched roof. The scale of the dwelling had since been reduced and was reflected within the amended proposed site layout, floor plans and elevations.

Officers were recommending that planning permission be refused for the reason set out in Paragraph 50 of the report.

Speakers: Councillor Don Waldron (Ward Member: The Rows) spoke in support of the application



Kevin Watts (agent) spoke in support of the application

Some Members who attended the site visit spoke on their reservations over the size of the proposed dwelling, the small rear garden and its proximity to the neighbouring residences. Whilst the current family ownership of the surrounding properties was noted members of the Committee recognised that this may not always be the case.

In contrast, other Committee members highlighted that properties within large scale major developments were often far more densely populated within a site and located much closer to each other.

Councillor Mick Bradshaw, fellow Ward Member for The Rows, spoke in support of the application which he considered would fit well into the surrounding area and was appropriate for the location. This was duly seconded by Councillor Ian Houlder who spoke in support of the design of the proposed dwelling.

The Principal Planning Officer explained that the Decision Making Protocol would not need to be invoked, as the impact on Policies DM2 and DM33 was subjective, and the motion for approval would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, it was suggested the Director (Planning and Growth) be given delegated authority to agree final wording of relevant conditions to be appended to a permission, in consultation with the Chair and Vice Chairs of the Committee.

Councillor Donna Higgins advised the meeting that as she had not attended the site visit she would abstain from the vote on this occasion.

Upon being put to the vote and with 10 voting for the motion, 4 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. Time Limit – Detailed**

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

**2. Approved Plans**

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

**3. Construction Hours**

Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 to 13.00 Saturdays

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

**4. Limit Water Use**

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

**5. Bin Storage and Presentation**

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on drawing 407\_10\_D be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

**6. Boundary Treatment**

No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

**7. External Lighting (HRA Condition)**

No external lighting shall be installed at the site. Should the need arise in the future, prior to installation of any external lighting including for access, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site and in the surrounding landscape that are particularly sensitive for nocturnal protected species and show how and where external lighting will be installed (through the provision of appropriate plans and technical specifications) so that it can be clearly demonstrated that lighting will be minimised and areas to be lit will not cause disturbance or prevent protected species using their territory. Any external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**8. New Residents (HRA Condition)**

Prior to first occupation, an information pack for future occupiers that highlights the sensitive nature of the nearby protected nature conservation sites, how to avoid disturbance to any nesting birds in the area and nearby alternative recreation and dog walking sites shall be submitted to and agreed in writing with the Local Planning Authority. The agreed information pack shall be provided to future occupiers thereafter.

**9. Construction Work (HRA Condition)**

To prevent any possible disturbance to Woodlark or Nightjar, no construction work shall be carried out during the bird breeding season nesting season (March to August). If it is not possible to avoid work

during this period, a survey shall be carried out within 400m of the working area by a suitably qualified ecologist in advance of works commencing. If any Woodlark or Nightjar nests or actively breeding pairs are encountered, works shall not commence until a further survey confirms that any nesting attempts are concluded, and any chicks have fledged. Construction works shall only take place in daylight hours.

#### **10. Soft Landscaping (HRA Condition)**

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The 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. The approved scheme of soft landscaping 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.

#### **3. Noise Mitigation**

Prior to first occupation of the dwelling hereby approved:

- i) All of the noise protection and mitigation works associated with the dwelling as detailed in the Sound Solution Consultants Acoustic Design Statement Technical Report 39466-R1 for the Proposed Residential Development, Land adjacent to 72 The Street, Hollywell Row, Bury St. Edmunds, Suffolk, IP28 8LT (Document Reference: 39466-R1, Date: 08/03/2023) shall be completed in their entirety in accordance with the approved details.
- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works.

#### **4. Parking**

The use shall not commence until the area(s) within the site shown on **Drawing No. 407/10/B** for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

#### **5. Hard Landscaping**

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

features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

#### **6.Materials**

The development hereby permitted shall be constructed entirely of the materials detailed on the approved plans and application form.

### **378. Planning Application DC/23/1023/HH - Fen Street Farmhouse, Fen Street, Hopton (Report No: DEV/WS/23/028)**

#### **Householder planning application - a. replacement of the existing roof coverings b. replacement of the existing rainwater goods and c. insulating render to the exterior walls**

This application was considered by the Delegation Panel on 15 August 2023 as Hopton Parish Council objected to the application, contrary to the Officer recommendation of approval.

The Panel agreed the matter should be referred to Development Control Committee for a decision.

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

Attention was drawn to the supplementary 'late papers' which were issued after publication of the agenda and which set out further supporting information from the applicant.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 24 of Report No DEV/WS/23/028.

Councillor Carol Bull made reference to an omission from the report, in that she as Ward Member for the application attended the Delegation Panel in question and had requested that it be determined by the Development Control Committee.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke on the application

Rex Thornborough (applicant) spoke in support of the application

During the debate a number of Members made reference to the modifications that had previously been made to the property such as the solar panels on the outbuildings. The fact that the Council's Conservation Officer had not objected to the scheme was also remarked upon.

However, other Committee members spoke on the importance of historic thatched properties in the Suffolk landscape and highlighted the fact that the dwelling was a Non-Designated Heritage Asset (NDHA).

Councillor Mike Chester proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Diane Hind.

Upon being put to the vote and with 9 voting for the motion, 5 against and with 1 abstention it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 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, unless otherwise stated.

The meeting concluded at 2.50pm

**Signed by:**

**Chair**

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## **Development Control Committee**

### **4 October 2023**

#### **Planning Application DC/23/0895/FUL - Little Moseleys, The Green, Fornham All Saints**

<b>Date registered:</b>	8 June 2023	<b>Expiry date:</b>	3 August 2023 EOT agreed until 09.10.2023
<b>Case officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Fornham All Saints	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Planning application - four dwellings with associated car parking and access		
<b>Site:</b>	Little Moseleys, The Green, Fornham All Saints		
<b>Applicant:</b>	Mr C Browne		

**Synopsis:**

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

**Recommendation:**

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

## CONTACT CASE OFFICER:

Britta Heidecke

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## **Background**

**The application has been referred to the Development Control Committee because its recommendation for APPROVAL conflicts with an objection from the Parish Council and would be a departure from the Development Plan given the site is outside of the settlement boundary. This is explained in more detail in the planning officer comments section.**

**Outline planning permission was granted on the application site in July 2017 for four dwellings, following the demolition of an agricultural workshop, with all matters reserved and subject to a number of conditions. Reserved matters were granted in January 2021. Since the grant of outline permission, the site had been cleared and the agricultural workshop demolished.**

**Whilst this application has been submitted on the basis that the previous permission has expired, there is a reasonable likelihood that the earlier permission is extant, and this is explored further in the officer comments.**

### **Proposal:**

1. Planning permission is sought for the construction of four dwellings each with a garage and private amenity space. Vehicular access is via an existing access off Hengrave Road through the rural Moseleys Farm business park and a pedestrian and cyclist access to The Green into the village.

### **Application supporting material:**

2. Application form  
Existing and proposed plans  
Planning Statement  
Heritage Statement  
Ecology Report

### **Site details:**

3. The site is situated between the existing dwelling of Little Moseleys (east) and the Grade II listed residential property Moseleys Barn and garden wall to the west, south of the residential development of Chestnut Close and north of Moseleys Farm Business park. The application site is within the countryside in planning policy terms and abuts the settlement boundary to the north and east. The site is within the Fornham All Saints Conservation Area and comprises of Little Moseleys dwelling (to be retained) with garage and garden and the area previously occupied by a large, steel framed agricultural building and associated yard and hard standing, which have recently been cleared.
4. Little Moseleys is a generous detached dwelling with detached garage. The dwelling and private garden are screened from the adjacent open countryside to the east, the business park and adjacent dwellings by established conifer hedging and a number of trees. East of the existing dwelling is a large commercial building and the wider field around the access off Hengrave Road is a preferred site (5.05a) within the West Suffolk Local



Plan Preferred Options (Regulation 18) stage for further commercial development.

5. To the south of the site lies Moseleys Farm Business Centre with a range of business units including a café which essentially are all orientated towards the yard.
6. The site is accessed by an existing shared vehicular access off Hengrave Road to the west of the site. A pedestrian and cycle path runs through the business park to The Green in the village centre.

### **Planning history:**

7. There are a number of householder type applications in relation to Little Moseley dwelling which are not relevant for the consideration of this application. There are also numerous applications in relation to the Business Park. The most relevant applications for the consideration of this application are listed below, which granted outline permission and reserved matters in 2017 and 2021 respectively. The pre-commencement conditions in relation to Archaeology and Contamination have been part-discharged.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/17/0029/OUT	Outline Planning Application (All matters reserved) - 4no. dwellings (following demolition of barn)	Application Granted	19 July 2017
DC/20/1355/RM	Reserved Matters Application - Submission of details under DC/17/0029/OUT - the means of access, appearance, landscaping, layout and scale for the construction of 4no. dwellings	Application Granted	4 January 2021
DCON(A)/17/0029	Application to part discharge 4a (site investigate) and discharge condition 7 (archaeology) of application DC/17/0029/OUT	Condition(s) Part Discharged	18 April 2023

### **Consultations:**

#### **8. Parish Council**

`We object to this planning application due to its visual impact. The impact on the surrounding residents has not been taken into consideration.

The orientation of the houses on plot 2 and 3 will directly affect the residents in Chestnut close.

We support the comments from Moseley's Barn, The Green and agree that an easement or right of way must be put in place to allow for the upkeep of the Listed building.

A maximum of four houses should be allowed on this plot even if the plot is sold.'

**9. Ward Councillor**

No comments received.

**10. Suffolk Wildlife Trust**

'The proposed site appears to be vegetated and could support protected species which may be impacted by proposals or development could impact protected species nearby. Records from Suffolk Biological Information Service show a number of protected species are present within the vicinity, including hedgehogs. Proposal plans do not show how the development will deliver a net gain for biodiversity, required under the National Planning Policy Framework.

We therefore wish to submit a holding objection until a Preliminary Ecological Appraisal has been undertaken to confirm whether any mitigation and compensation for protected species is required, and to identify suitable biodiversity enhancement measures for the site, such as integrated bat and bird boxes, and native tree and hedgerow planting.'

Officer note: A Preliminary Ecological Appraisal has subsequently been undertaken and submitted which sets out adequate mitigation and enhancement measures as considered in more detail in the officer section below.

**11. Waste Management Operations Manager**

'A suitable road service would be required for 26 tonne along with a turning area and bin collection point needs to be at edge of properties.'

Officer note: The applicant has provided amended plans do demonstrate a turning area for waste collection vehicles and confirmed in plan that the access will be constructed to take 26-ton vehicles. Details can be secured by condition.

**12. Conservation Officer**

27.07.2023: 'The proposed development is very similar if not the same as that previously approved. In the absence of any significant change on policy I raise no objection to the proposed development.'

Officer note: The conservation officer noted the following at outline application stage – 'The location of the site, whilst in a conservation area, is tucked away and largely screened by the existing listed barn with runs perpendicular to the road (The Green). Glimpses of the existing modern workshop building can be viewed from the green, however it is not a building of any architectural interest which needs to be retained, its demolition therefore is supported. The cross section details of the indicative scheme demonstrates a reduction in ridge heights and overall scale to that of the existing workshop. The impact of the development therefore on both the setting of the listed building and the character or appearance of the conservation area is considered to be minimal if at all. I

therefore have no objections to the principle subject to details of the design and materials.

Comments on Reserved Matters Application: 'The revised proposals detail a modest reduction in overall size to include a reduction in footprint and height to some and the separation of some of the garages etc. We are also advised sufficient access to Moseley's barn is now possible.

On this basis I have no objections to the revised proposals subject to the following conditions:

Roof tiles - Tiles specified include Marley old English dark red. – the specification is unclear but it would appear these are concrete which is unacceptable. The weathered finish is also less desirable where a natural finish is desirable. A traditional clay pantile without the weathered finish is recommended.

Feature cladding – is specified as Hardieplank – a natural timber is desirable from a conservation point of view particularly given the presence of the timber cladding to Moseleys barn.

Bricks are acceptable.

Timber windows are acceptable no details required.'

### **13. Private Sector Housing and Environmental Health**

No objection subject to conditions to secure noise insulation to ensure adequate internal amenity for the proposed dwellings, restrict construction hours and external lighting.

### **14. Environment Team**

No objection subject to conditions to secure contamination investigation. Note that electric vehicle charge points in the interest of air quality will be enforced by the building regulations.

### **15. Environment & Transport - Highways**

The proposal is deemed generally acceptable, but the Highway Authority (HA) noted that the measurements for the garages were unclear. To count towards parking these should be 6 by 6m internally and each dwellings should be provided with electric vehicle charging.

Officer Note: The internal measurements for the garages are 6 by 6m. Dimensions are now shown in plan. Electric vehicle charge points can be secured by condition.

## **Representations:**

16. Representations from three neighbouring properties have been received neither objecting nor supporting the application but raising the following summarised points:

Moseleys Barn:

- Agreement with heritage statement but note that access for maintenance is required to the listed building Moseleys Barn. Suggest that future occupiers of plot 3 and 4 are informed that access for scaffolding is sometimes required and that the garage on plot 3 is moved away by a metre.

Officer note: Whilst maintenance access to the listed building from the application site is a civil matter, online guidance suggests that scaffold platforms which are required for access by personnel require a minimum clear width of 500mm,. The garage to plot 3 is sited a minimum of 1.2m away from the boundary fence of Moseleys Barn and the north west corner of Moseleys Barn itself, and there are no other buildings within 5m of the side of Moseleys Barn. Access for maintenance of the side of Moseleys Barn would therefore not be prevented by the proposed development.

6 Chestnut Close:

- To ensure that the adjacent properties are not unduly affected and the character of the conservation area is not adversely affected the number of houses should be restricted to 4 and plots 2 and 3 should be designed so that upstairs windows do not directly overlook properties in Chestnut Close.

7 Chestnut Close:

- Note that the scheme is virtually the same as the previously approved scheme.
- Seek reassurance that there would be no increase in number or change to house type in future if the land was sold.

**Policy:**

17. 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.

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

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS13 - Rural Areas

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM8 Low and Zero Carbon Energy Generation

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

NPPF 2023

**Other planning policy:**

19. The National Planning Policy Framework (NPPF) was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

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

- Principle of Development
- Design and layout, Impact on Heritage Assets
- Residential Amenity

- Highways Matters
- Ecology
- Other matters

### **Principle of Development**

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
22. The application site is outside the settlement boundary for Fornham All Saints. Policy CS1 sets out the St Edmundsbury Spatial Strategy and CS4 designates Fornham All Saints as an Infill Village. These are villages that only have a limited range of services. In these villages, the policy only supports infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary. This would be dependent on other environmental and infrastructure constraints.
23. RV3 confirms housing settlement boundaries for the Infill Villages listed in Appendix 2 (including Fornham All Saints). The policy states 'Planning permission for new residential development, residential conversion schemes, residential redevelopment and replacement of an existing dwelling with a new dwelling will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan'.
24. The application site lies outside of, but directly adjacent to the settlement boundary of Fornham All Saints to the south and west. The proposal does therefore conflict with policies CS4 and RV3.
25. Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and sets out circumstances where housing would be acceptable. This proposal does not fall within the provisions of policy DM5 and as such it would be a departure from the Development Plan if planning permission is approved.

### **Other Material Considerations and Conclusion on Principle of Development**

26. Outline planning permission for 4 dwellings following the demolition of an existing agricultural workshop was granted in 2017. Subsequently the workshop has been demolished. The extent to which this permission can be implemented is a material consideration which needs to be taken into account when determining this current application.
27. The Town and Country Planning Act 1990 deals with the issue of commencement as follows: By virtue of section 56(1) development of land is taken to be commenced: (a) if the development consists of the carrying out of operations, at the time when those operations are begun; (b) if the development consists of a change in use, at the time when the new use is instituted; (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).

28. Section 56(2) goes on to provide that development shall be taken to be begun on the earliest date on which any material operation "comprised in the development" begins to be carried out. The effect of section 56 is that permissions may be 'kept alive' indefinitely, i.e. remain legally extant and capable of full implementation despite a time limit condition, if works or actions to implement them have lawfully commenced.
29. These material operations are listed at section 56(4) of the Act and they are as follows:
- A. any work of construction in the course of erection of a building;
  - AA. any work of demolition of the building;
  - B. the digging of a trench which is to contain the foundations, or part of the foundations of any building;
  - C. the laying of any underground main pipe to the foundations or part of the foundations of a building, or to any such trench mentioned in para (B).
  - D. any operation in the course of laying out or constructing a road or part of a road;
  - E. any change in the use of the land which constitutes material development.
30. On this basis it is considered that the previous planning permission is likely to be extant. It is officers opinion that the on the basis that the demolition of the building on site has taken place the permission is likely to be extant, previous permission is capable of being implemented and is therefore a material consideration to be taken into account in determining this application.
31. However, planning history is also a material consideration and whilst the National Planning Policy Framework (NPPF) has been updated since planning permission has been granted, the recent changes do not affect how the proposal would be assessed and the local plan policy context has not changed since the previous applications were considered.
32. Further material considerations include the site specific matters. Policy CS13 Rural Areas states (inter alia) 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.
33. The existing dwelling Little Moseleys will be retained and would together with the residential development to the north and west and the business units in the south enclose the proposed new dwellings. As such the proposal would not encroach into the open countryside, notwithstanding its technical/policy position within such. The carefully designed residential development is not considered to be harmful to the intrinsic character of the locality or the countryside given that the site is largely enclaved with existing development on three sides.
34. Moreover, the application site is within the conservation area and adjacent to the listed building, Moseleys Barn. The conservation officer supports the redevelopment of the site noting that the indicative cross section details demonstrate a reduction in ridge heights and overall scale to that of the existing workshop. The conservation officer therefore considers that the

proposal will have no adverse impacts upon the setting of the listed buildings or upon the Conservation Area as a result of the removal of the buildings and their replacement.

35. In fact, the proposal was considered to have significant potential to enhance the character and appearance of this part of the conservation area. This would accord with the aims of policies DM17, CS4 and CS13 and is considered to weigh notably in favour of the proposal.
36. Noting the very recent planning history of the site and the material benefit that will arise to the Conservation Area as a result of the redevelopment of the site with a suitably designed residential scheme, making effective use of land, this is considered to be a material consideration of notable weight, such that the principle for this particular proposal can be supported notwithstanding the ostensible conflict with the Development Plan.

### **Design and Layout, Impact on Heritage Assets**

37. The LPA has a statutory obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (ref. 1), to have special regards to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
38. Policy DM17 requires proposals for development within adjacent to or visible from a conservation area to be of an appropriate scale, form, height, massing, alignment and detailed design which respect the area's character and its setting.
39. The NPPF places an emphasis on producing high quality design and raising the standards of build quality. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
40. Policy CS3 of the Council's Core Strategy states that all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
41. Policies DM2 and DM22 acknowledge that the relationship of new buildings with existing development and their integration into the surrounding area is important in achieving a coherent and interesting character and determines acceptable scale and appearance. Collectively they seek to produce coherent and legible places. New developments should recognise and address the key features, characteristics, local distinctiveness and special qualities of the area to produce designs that provide access for all, and that encourage the use of sustainable forms of transport.



42. Policies DM15 (Listed buildings) and DM17 (Conservation Areas) both seek to protect and where possible enhance and better reveal the setting of listed buildings and the conservation area respectively.
43. The Conservation officer previously noted that impact on the character and appearance of the conservation area will be limited due to limited views from the public realm. However, the development was supported on the basis of any development being of a reduced scale to that of the agricultural workshop, to ensure the setting of Moseleys Farm is not adversely affected and the character and appearance of the conservation area is enhanced or better revealed.
44. The proposed dwellings replace a 30m by 20m large and 8.4m high agricultural workshop of utilitarian appearance. The detailed layout and design of the scheme had been carefully negotiated at the reserved matters stage previously and this current scheme is almost identical, with the exception of minor changes to the access into the residential yard.
45. The heritage statement submitted with the application advises that the layout follows the concept of four 'barn-like' dwellings arranged around a central farm courtyard, with shared circulation space and connecting brick walls. It provides suitable density of development for this village edge development. The comprehensively planned yard layout would create a sense of place and provide each dwelling with adequate private amenity space.
46. The dwellings are mostly two-storey with some single and one and a half storey elements, which aids to break up the massing. The dwellings are proportionate to their plot size and reduced in scale compared to the workshop they replace. The dwellings relate appropriately in scale to the surrounding Moseleys barn and dwellings in Chestnut Close.
47. Plot 1 will measure 8.6m in height, 14.3m in width and 11.3m in depth and will be constructed from brick with render and grey timber painted windows and doors. The dwelling will incorporate a timber porch to the front elevation and a stepped down element to the east. The rear of the property will incorporate bi folding doors at ground level and a Juliette balcony to the first floor. The dwelling will also be host to a double carport constructed from red brick and timber posts. The carport will measure 5.2m in height, 6m in width and 6m in depth.
48. Plot 2 will measure 8.6m in height, 15.5m width and 11.2m in depth and will be constructed from red brick, feature cladding and grey painted timber windows and doors. The front elevation of the dwelling incorporates a projecting gable element which will be cladded. Given the location within the conservation area the cladding should be of traditional materials rather than hardiplank, details will be secured by condition. The dwelling incorporates an integrated double garage to the side and a Juliette balcony on the second floor of the west elevation.
49. Plot 3 will measure 8.6m in height, 12.3m in width and 11.7m in depth and will be constructed from red brick, with white render and grey painted timber windows and doors. The front elevations will incorporate a timber porch and bi folding doors. The rear elevation will incorporate a brick

projecting gable element. Plot 3 will be incorporate a detached double carport measuring 5.3m in height, 5.8m in width and 6.5m in depth and will be constructed from red brick with timber posts.

50. Plot 4 will measure 8.3m in height, 12.3m in width and 11.9m in depth and will be constructed from Stockwell antique red brick, cladding and grey painted timber windows and doors. The front elevation will include a porch and the south elevation will incorporate bi folding doors and a Juliette balcony at first floor. The plot will also be host to a detached car port constructed from red brick and cladding and will measure 5.2m in height, 6.4m in depth and 6.5m in width.
51. The dwellings are simple but modern in appearance with traditional proportions and pitched roof lines. The proposal includes a limited palette of traditional, high quality materials, including facing brickwork and brick walls, render, weatherboarding and pantiled roofs, which is appropriate in this location and in keeping with development in the area. On the basis of the above the proposal is considered to comply with the relevant policies and guidance within the NPPF.

### **Residential amenity**

52. The NPPF at para 119 requires decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 130 f seeks to safeguard a high standard of amenity for existing and future users.
53. Policy DM2 states that all developments should, as appropriate not adversely affect residential amenity. Concerns had been raised by No.6 Chestnut Close with regards to potential overlooking and some loss of privacy from first floor windows in the rear elevation of plot 2 and 3. This matter has carefully been considered.
54. Plot 2 has a separation distance between the proposed dwelling with its staggered rear elevation and the rear boundary of between 10 and 12.5m respectively, and approx. 23m to the rear elevation of No.7 Chestnut Close. The rear elevation includes 4 windows, two of which will serve a bathroom and en-suite, one a dressing room and one narrow window is a secondary window within a bedroom.
55. Plot 3 has a separation distance to the rear boundary of 7.6m from the projecting gable and 12m from the rear main elevation. No.6 Chestnut Close does not have any windows in the gable elevation facing the application site. The rear elevation of proposed plot 3 includes a narrow, secondary window serving the bedroom in the gable projection, which would be closest to the neighbour boundary. Being a secondary window this could therefore be obscure glazed. The bedroom window in the main elevation is some 15m away from the amenity space associated with the neighbouring dwelling and is further screened by existing trees and vegetation outside of the application site.
56. The absence of fenestration in the gable end nearest to the application site and the separation distances between the existing and proposed properties are such that the proposal is not considered to result in unacceptable

overlooking or loss of privacy and would accord in this respect with the requirements of policy DM2 and guidance in the NPPF.

57. Additionally, all proposed dwellings meet the nationally described space standards and would benefit from private amenity space such that a good standard of living would also be achieved for future residents, in accordance with policy DM22 and guidance in the NPPF.

## **Highways Matters**

58. The NPPF is clear that development should not be prevented or refused on highways grounds if there would not be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

59. Policy CS7 requires developments to provide for travel by a range of means of transport other than the private car, with an emphasis on walking and cycling.

60. Policy DM2 seeks to ensure that all new development produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

61. Policy DM46 requires all proposals to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.

62. The proposal is for four 4-bed houses, which in accordance with the Suffolk Guidance for Parking require three parking spaces each. All dwellings benefit from two driveway parking spaces and a garage. Whilst not all four garages are wide enough to count as double garages (6x6m), there will be at least three parking spaces per dwelling, which is sufficient in accordance with the adopted parking standards. Cycle storage will be provided in garden sheds.

63. The vehicular access to the development from the existing access off Hengrave Road serves the existing farm, dwelling and business park and is suitable for the additional movements. A separate, safe pedestrian and cyclist access has been included in the proposal and will be secured by condition.

64. The proposal is therefore considered acceptable with regards to highways matters, in accordance with policy DM2 and DM46.

## **Ecology**

65. The Natural Environment and Rural Communities Act (NERC Act) 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. Policy DM11 seeks to prevent adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992),

and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation. And policy DM12 requires that measures are included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.

66. The NPPF also requires decisions to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity (para 174 d) and to identify and pursue opportunities for securing measurable net gains for biodiversity (para 179 b).
67. The Suffolk Wildlife Trust noted that the initial submission was not supported by an ecology report and proposal plans did not show how the development will deliver a net gain for biodiversity, required under the National Planning Policy Framework.
68. Subsequently an ecology report was submitted which sets out mitigation and enhancement measures. The site consisted of approximately 0.2ha of poor condition grassland with large areas of bare ground, hardstanding and tall ruderal vegetation. There are opportunities for nesting birds within site boundaries, but no other protected species were assessed as being present on site.
69. Recommended mitigation includes sensitive timing of vegetation clearance, any external lights associated with the new properties should use warm white lights at <2700k and not illuminate site boundaries and the developer is advised to deal with the rabbits on site humanely before site clearance begins, i.e. using a specialist contractor. Enhancements include new hedgerow planting, bat and swift boxes/ bricks and two sparrow terraces and two house martin or swallow nest boxes.
70. The proposals subject to conditions set out below are considered to comply with policy DM11, DM12 and the NPPF in this respect.

### **Other matters**

71. There are a number of trees within the residential curtilage of Little Moseleys dwelling and beyond the rear boundary. The western part of the site, where the 4 new dwellings will be sited does not contain any significant trees or hedges. The proposal is therefore not considered to have an adverse impact on trees.
72. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The NPPF policies also seek to ensure that new development does not increase the risk of flooding elsewhere. The application site is within flood zone 1, low risk. In terms of flood risk the proposal is sequentially acceptable and accords with local and national policies.
73. Development Management Policy DM6 states that proposals for all new development are required to demonstrate that on site drainage will be managed so as not to cause or exacerbate flooding elsewhere. Given there is no watercourse within the vicinity surface water drainage is not reasonably

considered to be an issue and appropriate measures such as soakaways or SuDS will be covered by building regulations.

74. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.
75. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in this respect, it is therefore considered appropriate to attach a condition to ensure compliance with policy DM7 in this regard.
76. St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality. Part S of the Building Regulations requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space, which is the case in this instance. Therefore, a planning condition requiring EV charging is not required in this instance as this will be enforced by the building regulations,
77. An acceptable written scheme of investigation has already been submitted and approved under DCON(A)/17/0029. SCC Archaeological Services were satisfied that the condition can be part-discharged, noting that there may be a need for further work (full excavation, or monitoring of contractor's groundworks), thus the need to leave parts f and g of the standard condition in place. The archaeological investigation will be complete when the final evaluation report has been submitted and approved, which can be secured by condition to ensure compliance with policy DM20 in this respect.

### **Conclusion:**

78. In conclusion, the proposal does not comply with the relevant development plan policies of settlement restraint for housing development. However, the weight to be attached to this policy conflict is significantly reduced, due to the absence of any harm and the site-specific considerations as set out above including the clear heritage benefit arising from the sympathetic residential redevelopment and the planning history as notable material considerations to justify a departure from the Development Plan in support of the application.

### **Recommendation:**

79. 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

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:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
20 1508 REV B	Location Plan	8 June 2023
20 1508 33 REV A	Proposed elevations	8 June 2023
20 1508 32 REV A	Proposed elevations	8 June 2023
20 1508 31 REV A	Proposed elevations	8 June 2023
20 1508 30 REV A	Proposed elevations	8 June 2023
20 1508 023 REV A	Proposed floor plans	8 June 2023
20 1508 22	Proposed floor plans	8 June 2023
20 1508 21 REV A	Proposed floor plans	8 June 2023
20 1508 31 REV A	Proposed elevations	8 June 2023
20 1508 20 REV A	Proposed floor plans	8 June 2023
20 1508 11 REV B	Sections	8 June 2023
20 1508 010 REV D	Site plan	21 July 2023
20 1508 Block REV A	Block plan	20 September 2023

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

3. Notwithstanding the material details shown on the approved plans, no development above slab level shall take place until details of the proposed roof tiles and feature cladding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with the approved Written Scheme of Investigation. Prior to any investigation taking place a competent person or persons/organisation shall be nominated to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012).on shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition. Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2021).

6. Prior to first occupation the area within the site shown on drawing number 16 1508 02 Rev C for the purposes of providing safe pedestrian access through the site has been provided in accordance with the details submitted and shall be retained and used for no other purposes.

Reason: To ensure that a safe pedestrian route through the site is provided and maintained in order to ensure the pedestrians and vehicles are separated in the interest of the safety of all users of the development.

7. Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No 20 1508 010 REV D for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

8. The areas to be provided for storage of Refuse/Recycling bins as shown on the Drawing No. 20 1508 010 REV D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

9. Prior to any works above slab level details of a bin presentation area outside of the gate into the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of any of the dwellings hereby approved the access and turning area for refuse collection vehicles shall be constructed to accommodate a 32 tonne refuse vehicle and the bin presentation area shall be installed in accordance with the details approved and retained as such thereafter.

Reason: To ensure that suitable space for the presentation of Refuse/Recycling bins is provided, in accordance with policy DM2 and

10. Before occupation details of biodiversity enhancement measures to include where bird boxes, bat bricks or boxes and hedgehog gap 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. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

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

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

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

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. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.



13. Before the dwelling at plot 3 hereby permitted is first occupied, the first-floor window within the gable end projection shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be non-openable up to 1.7m above floor level and shall be retained in such form in perpetuity.

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

14. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays  
08:00 to 13.00 Saturdays

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

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

15. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against external noise. The acoustic insulation of the dwellings unit shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', January 2020.

Reason: To protect the amenities of future occupiers of the dwellings, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

16. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0895/FUL](#)



DC/23/0895/FUL - Little Moseleys, The Green, Fornham All Saints



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**Block plan**

**Project:** Proposed residential development  
Little Moseleys, Fornham All Saints

**Client:** R C Browne and Son

Drwg: 20 1508 BLOCK Revision:

Date: May 2023 Scale: 1 : 500@ A2

The Studio  
Drinkstone Office Park  
Kempson Way  
Bury St Edmunds  
Suffolk IP32 7AR  
Tel: 01284 756166  
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**Rees  
Pryer**  
ARCHITECTS

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## Development Control Committee 4 October 2023

### Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket

<b>Date registered:</b>	5 May 2023	<b>Expiry date:</b>	6 October 2023
<b>Case officer:</b>	Adam Yancy	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket East
<b>Proposal:</b>	Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)		
<b>Site:</b>	Chels, 51A Bury Road, Newmarket		
<b>Applicant:</b>	Mr Daniel Nicholls		

**Synopsis:**

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

**Recommendation:**

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

## CONTACT CASE OFFICER:

Adam Yancy

Email: [adam.yancy@westsuffolk.gov.uk](mailto:adam.yancy@westsuffolk.gov.uk)

Telephone: 01638 719264

## **Background:**

**This application is before Development Control Committee following referral from the Delegation Panel on 1 August 2023. It was then presented before the Development Control Committee on 6 September 2023. The Committee resolved to defer the matter for a site visit.**

**This site visit is scheduled for 2 October 2023.**

**The application is recommended for APPROVAL and Newmarket Town Council object based on its suggested conditions not being applied to the application.**

## **Proposal:**

1. The proposal is for the change of use of the existing residential swimming pool to be used as a swim school. The proposed change of use would not result in the creation of additional floor space nor any external alterations to facilitate the change of use.
2. The proposal has been submitted retrospectively following investigations by the Enforcement team. Consideration of retrospective applications must be made in the same way as any other application.

## **Application supporting material:**

- Application Form
- Site Location Plan
- Existing Floor Plan
- Proposed Floor Plan
- Proposed Block Plan (amendment received on 15<sup>th</sup> June 2023)
- Supporting Statement

## **Site details:**

3. The site consists of a detached single storey dwelling located in the Newmarket settlement boundary and the Newmarket Conservation Area.
4. The site benefits from a generous curtilage with the dwelling being set back from Bury Road. In addition, the site is accessed from a private road off Bury Road, which is shared with the adjacent neighbouring dwellings.

## **Planning history:**

5.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/16/1989/FUL	Planning Application - 2no. detached dwellings with 1no. vehicular access onto Bury Road as amended by drawing no. 20 Rev A received 21st December 2017 reducing accesses from 2no. to 1no.	Application Refused	7 March 2017



DC/17/0731/TCA	Tree in a Conservation Area Notification - Fell 1no Pine Tree (T1 on plan)	No Objection	4 May 2017
DC/18/0274/FUL	Planning Application - 2no. detached dwellings with 1no. vehicular access onto Bury Road as amended by drawing nos. 20A, 21A and 23 received 6th April 2018 removing garages	Application Refused	6 June 2018
DC/18/0276/TCA	Trees in a Conservation Area Notification - 1no. Crab apple (2 on plan), 2no. Sycamore (7 and 10 on plan), 1no. Cypress (11 on plan) Fell	Application Withdrawn	21 March 2018
DC/18/1352/TCA	Trees in a Conservation Area Notification - 1no. White Poplar - fell	No Objection	16 August 2018
DC/19/1091/TCA	Trees in a conservation area notification - (i) 2 no Poplar fell and (ii) 1 no Sycamore fell	No Objection	2 July 2019
DC/19/2055/FUL	Planning Application - (i) 2no. dwellings (ii) vehicular access	Application Refused	20 January 2022
DC/22/1048/TCA	Trees in a conservation area notification - four conifers and two Ash (indicated on plan) fell	No Objection	12 July 2022
DC/23/0423/HH	Householder planning application - a. single storey front extensions b. render to all elevations c. replacement and alterations to windows c. roof light to kitchen c. one detached summer house d. widening of existing entrance and installation of gates	Application Granted	16 May 2023

### **Consultations:**

#### 6. Public Health and House and Housing

12<sup>th</sup> May 2023 - I have considered the application and have no objection. I also have no comment as there are no significant matters that would fall within my remit.

## 7. Suffolk County Council Highways

13<sup>th</sup> June 2023 - Further to the County Council's 'no comment' response dated 05 June 2023, we are making further comments because there does appear to be inconsistency with regard to the volume of parking outside the development site. The site is accessed by a private road and is approximately 70 metres from A1304 Bury Road. The application has denoted that parking will occur within the red line boundary, whereas some of the objections suggest that all associated parking and turning is occurring on the private road. On the CG Swim School web site, it specifically refers to "Free off road parking just outside the entrance to the site." There is an inconsistency in these two parking positions that we recommend be clarified. The Highway Authority would be concerned if parking congestion along the private road led to vehicles needing to reverse across the horse-walk and footway back onto the A1304. The available parking on the private road is not reserved for any one specific group, and as far as we understand can be used by all visitors or residents adjacent to the private road. This matter could be clarified by an additional plan that clearly denotes parking and turning for both residents of 51a, CG Swim School staff and customers. To be robust the application should evidence on-plot parking for the maximum number of visitor vehicles to the site.

27<sup>th</sup> June 2023 - in response to amended block plan - Further to the County Council's 'no comment' response dated 05 June 2023, notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 489A-LA-02 A for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway. Note: The site is accessed by a private road and is approximately 70 metres from A1304 Bury Road.

## 8. The Jockey Club

19<sup>th</sup> June 2023 - I write in connection with the above application. After reading comments on the planning portal, I am concerned that the volume of traffic using the swimming pool is in excess of the "negligible" amount described in the applicant's supporting statement. The private road that leads to the site crosses the very busy Bury Road horsewalk that is used by hundreds of horses every morning on their way to/from the training grounds. Jockey Club Estates would not be in favour of any increase in vehicle movements across the horsewalk before 1pm daily. Jockey Club Estates does not object to the change of use provided that any permission is conditioned as follows:

a. swimming lessons are carried out as per the timetable in the supporting statement, which states that the only morning lessons take place on a Wednesday;

b. the number of swimmers per session is limited to 3 as per the supporting statement, which also states that "most attendees are siblings that come in one car";

c. parking for all swimmers is provided within the site, which will leave the private road clear and enable vehicles crossing the horsewalk to access the private road to do so without delay. I note that the amended block plan now on the website includes parking within the site.

9. Newmarket Town Council

8<sup>th</sup> June 2023 - The Committee voiced no objection, subject to the following conditions: Hours of use to comply with as stated in the application; No parking in residential roads and only to use on-site parking; The number of pupils per session be limited to as stated in the application and that there be a 1-year trial and be reviewed.

10. Conservation Officer (verbal response)

No objection to the application based on the provided information.

**Representations:**

11. Six representations were received in relation to this application, the representations are summarised below. For their full representations, please see the West Suffolk Council website.

12. 51 Bury Road, Newmarket

23<sup>rd</sup> May 2023 Objection –

- Swim school has been running for months without permission, insurance can't be valid they do not have DBS clearance etc.
- The noise has increased as to the pool be located near the back of my house, the use of megaphones can be heard when my windows are open.
- Parking is mad after 3pm as parents park on the private road outside of my house, which create difficulty parking outside my house.
- The opening of the swimming pool has created problems since it has opened.

13. 53A Bury Road, Newmarket

29<sup>th</sup> May 2023 Objection –

- The pool has been rented out since September 2022 and not from April 2023 as claimed in the application.
- Volume of traffic far from negligible and certainly not a single car. There have been occasions where vehicles have parked outside my house on the private road. The proposal would continue to create a large amount of traffic on the private road.
- Vehicles in relation to the swim school have been denied access to park within the site and has caused congestion on the private road.

- Children waiting for lessons have been playing in the garden and causing noise disturbances.

#### 14. Carburg Stables, 49 Bury Road, Newmarket

31<sup>st</sup> May 2023 Objection –

- Concerns that there is not adequate parking for the swim school users on site and the subsequent parking on the lane will cause congestion and restricted movement of vehicles to the local residents.
- Concerns are also raised about the increased volume of traffic on the lane and the increased deterioration of the road surface.

#### 15.43 Bury Road, Newmarket

31<sup>st</sup> May 2023 Objection –

- Noise – Swim school has been in use since last summer. There has been noise from traffic and from Velux windows which are open. Causing impacts to the residential amenity surrounding the site.
- Opening Hours – The supporting statement suggest that the majority of the lessons are in un-social hours which is unacceptable in a residential area. The website also suggests that there can be pool parties at this location which can be any time of the day.
- Other - The Supporting Statement states that a reason for the swim school is for SEN and autistic children; however, the CG Swim School website does not make any reference to this at all. The Newmarket Leisure Centre has an excellent pool with teachers trained to help SEN and autistic children. This is already an excellent facility for the town. Building Regulations and Health & Safety - does this residential swimming pool have the correct building regulations and health & safety requirements to comply with a public swimming pool facility? CG Swim School have been using a flag sign at the entrance to the lane showing the location, effecting visibility onto Bury Road.
- Parking Issues - The Supporting Statement suggests that there will adequate parking within the applicant's site and that 'no vehicles will be parked outside the perimeter of the site' causing 'negligible impact to neighbouring residents'. Experience to date shows this is not the case. The CG Swim School website states that 'off road parking just outside the entrance to the site' is to be used. The Statement says that there is a set limit of five swimmers at one time. This maybe up to five cars, but this excludes the two swim teachers and the applicants' own cars. This may therefore be up to ten cars within the site boundary whilst one lesson is underway, but makes no allowance for overlap, between lessons, which may mean another five cars arriving for the next lesson with nowhere to park. Currently, users of the swimming pool park in the lane which is becomes completely congested, making no allowance for other residents visitors or indeed, their own parking. No.51 Bury Road has had to put up 'Private Parking' signs just so they can park outside their house.
- Plan Queries – The proposed block plan does not show the proposed parking for the site.
- Residential Amenity - We have illustrated above how this proposal will affect the residential properties in this location. The site is enclosed and surrounded by houses; there are no other commercial uses in this

location. This is a quiet residential area and this use has already created distress for many of the residents.

- Traffic/Highways - This private lane is the principal access for eleven houses, serving currently 26 cars, all exiting onto the Bury Road. This excludes access for emergency, delivery, refuse collection and visitors also needing to use the lane, together with the additional traffic which would be caused by this application. This lane is at saturation point, to the extent that at times, vehicles are having to hold on Bury Road, waiting to turn in, whilst others are waiting to get out. This will be exacerbated if this application is granted. The current swim school traffic relies on using the private driveways at the end of the lane for turning (outside the applicant's site) in order to exit the lane in forward gear.
- Horse Walk - The horse walk across the lane is used extensively by the local stables. The visibility onto the walk is not good from cars which cannot see over the fences.

16. Redwood House, 55 Bury Road, Newmarket and Clarehaven Stables, 57 Bury Road, Newmarket

10<sup>th</sup> July 2023 and 11<sup>th</sup> July 2023 Objection -

- We object to this application and support and reiterate all the grounds which have been stated in the objections lodged against this application already, in particular, specifically the objections from 43 Bury Road – noise, opening hours, residential amenity, parking, traffic/highways, and the unsubstantiated claim that this activity is somehow limited for SEND/autistic children and except for Wednesday, never takes place in the mornings.
- The increase in traffic of the important Bury Road horse walk prior to 1pm is unacceptable dangerous. There must be no use of the pool, with increased traffic over the horse walk on any morning before 1pm, as this is dangerous to riders, horses and potentially other pedestrian users. The applicant has put up a sign on Bury Road causing the horses to be frightened and is dangerous to the highway.
- This is a residential neighbourhood and a conservation area. The commercial application is inconsistent with a residential neighbourhood. The neighbours have had their rights to quiet enjoyment of their homes taken away by this inappropriate application. The residents have been upset and inconvenienced by the large numbers of noisy, commercial visitors to this satellite 'swim school' which actually is a residential pool being used for commercial purposes in a residential area. Minibuses attend; mega phones are used; up to 40 cars a day have been coming and going to this residential swimming pool without any concern for the noise/disruption to the neighbouring properties and residents.
- As this is a residential pool: has anyone checked whether the pool complies with H&S regulations for a commercial activity? As it is merely a residential pool why would it? Have Building Regulations been checked? Surely, as an old (over 50 years) pool built in the 1970s is unlikely to conform to current regulations?
- The CG Swim School does not limit itself to SEND/differently abled/neuro-diverse children and appears to be available to all comers, including schools from Soham and Kentford. The website makes this

crystal clear. In fact, there is no specific reference to SEND swimming lessons at all.

- If this application is granted it means that anyone with a pool in any residential neighbourhood can embark on the commercial activity of running a swim school business, open to all comers, in a quiet residential area, depriving the residents of their right to quiet enjoyment of their homes, increasing the volume of traffic exponentially, causing noise, fumes and disturbance to residents, preventing normal parking and diminishing residents amenity.
- The CG Swimschool website advertises Pool Parties (£150 per hour) currently only at the Thetford pool on Sundays. How long before pool parties may be advertised for the Applicant's pool and how could the residents be able to protect themselves from such activity should it occur?

**Policy:**

17. 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.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM17 Conservation Areas

Policy DM46 Parking Standards

Policy DM48 Development Affecting the Horse Racing Industry

Core Strategy Policy CS5 - Design quality and local distinctiveness

Newmarket Neighbourhood Plan 2020 Policy NKT5 – Provision for New and Growing Business

**Other planning policy:**

19. 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:**

20. The issues to be considered in the determination of the application are:
- i. Principle of Development
  - ii. Impact on Character and Appearance Surrounding Conservation Area
  - iii. Impact on Amenity
  - iv. Impact on Highway Safety
  - v. Impact on Existing Horse walk
  - vi. Response to Comments

**Principle of Development**

21. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Newmarket Neighbourhood Plan. National planning policies set out in the NPPF 2021 are also a key material consideration.
22. Paragraph 11 of the NPPF (2021) (as well as policy DM1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay. Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.
23. Policies CS5 and DM2 require development to conserve the character and quality of local landscapes and respect the scale and character of neighbouring development. Policy DM2 also states that all development should respect neighbouring amenity.
24. The application seeks retrospective consent for the change of use of the existing swimming pool to be used as a swim school within the Newmarket settlement boundary. Policy NKT5 offers support for the development of starter businesses, including proposals for working at home. The proposal has a modest economic benefit associated with its use which weighs in favour of the proposal.

**Impact on Character and Appearance of Surrounding Conservation Area**

25. Policy DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.

26. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
27. The site consists of a detached dwelling located in the Newmarket Conservation Area which is accessed by a private drive off Bury Road. The dwelling is set back from the main road by a notable distance with a tall boundary wall which is positioned adjacent with Bury Road. As such, wider views of the existing dwelling from the Conservation Area are limited to viewpoints through the existing access to the dwelling and would be extremely limited from Bury Road.
28. The retrospective change of use involves the existing swimming pool area which is located to the front of the dwelling. The use does not result in the extension of the dwelling nor any external alterations. As such, the external appearance of the dwelling remains unchanged. In addition, vehicles visiting the site make use of the provided parking spaces as shown on the proposed block plan, limiting the impact of parked vehicles on the Conservation Area as well.
29. Therefore, given the use does not result in external works and given the limited views of the dwelling from the wider Conservation Area, it is considered that the development does not result in an adverse impact on the Conservation Area and complies with policy DM17 and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and this position has been confirmed in consultation with the Senior Conservation Officer.

### **Impact on Amenity**

30. The application is located adjacent to three neighbouring properties which share the same private access off Bury Road. The proposal does not involve the extension of the existing dwelling to facilitate the change of use. However, the use does result in an increase of visitors to the site at any one time, plus increased comings and goings and as such, it is important to assess this and any potential impact through noise and general disturbance caused to occupiers of neighbouring properties.
31. The supporting statement advises that the use runs in 30-minute lesson slots with hours which vary each weekday between 3:15pm to 8pm and morning lessons between 9:30am to 11:00am only on Wednesdays. There are no lessons on weekends. In addition, the supporting statement also advises that there are a maximum of three people having lessons at any one time.
32. Representations were received in regard to the use and the impact it has on the amenity of the neighbouring properties. Two of the adjacent neighbouring dwellings at 51 and 53A Bury Road are positioned close the boundary with the application. With the dwelling at 51A being positioned close to these boundaries as well. Although the swim school runs up until 8pm at the latest during the week it is nonetheless considered that with a maximum of three people on site for the purposes of the swim school, that the use of the site until this time does not result in material adverse impacts to the neighbouring dwellings at a level that would warrant refusal. It is noted and acknowledged that there will be comings and goings associated with the use of the pool but that the effect of these is considered to be



appropriate, and capable of being managed through the imposition of conditions relating to the hours of use and the number of attendees on site at any one time. In addition, the swimming lessons are limited to areas indicated on the proposed floor plan, within the indoor pool. As reported by neighbours in the representations section of this report there is some noise from the swim school that can be heard through open windows, and there are some effects from activity and comings and goings, during the hours proposed. Officers have considered these comments against the scale of the use which is limited to no more than three users at a time and consider it acceptable and not to be at a level to justify refusal on grounds of adverse impact on neighbour amenity. However, such a conclusion is subject to a further condition that requires that the external windows and doors in the pool room to be kept closed at all times when a lesson is being held. The applicant has confirmed that the rooflight windows are openable but also that the pool room is mechanically ventilated, and a condition requiring the external doors and windows to remain shut is therefore considered reasonable and necessary.

33. Therefore, due to the restricted hours, the modest, and controllable, number of people having lessons at one time, and the use being indoors, it is considered that the use does not result in any sufficiently material adverse impacts on the amenity of any of the nearby dwellings in terms of noise levels or general disturbance to amenity, therefore being in accordance with Policy DM2. This conclusion is subject to the imposition of conditions relating to limiting the hours of use and the number of pupils at any one time, as well as a requirement for all external windows and doors in the pool room to remain closed when lessons are taking place, as specified below.

### **Impact on Highway Safety**

34. Policy DM46 requires all proposals for redevelopment, including changes of use, to provide appropriately designed and sited car parking in accordance with the adopted standards current at the time of the application.

35. The change of use involves an increase to the number of people visiting the site, which in turn results in an increase in the total number of vehicle movements to and within the site. As noted above, the supporting statement advises that the lessons are limited to a maximum of three people having lessons at any one time. Representations were received in regard to visitors of the swim school parking on the existing private access. Parking outside of the site cannot be restricted through a condition on this application due to it being outside of the applicant's ownership. However, ensuring that there are a sufficient number of spaces within the site will encourage visitors to park within the site and not on the private road. The retention of these spaces can be secured through a condition. This parking should be considered on a worst-case basis, for example, on the basis that all pupils will arrive individually, in order that a robust conclusion is reached.

36. The site benefits from a generous curtilage and existing parking area which is located to the front of the dwelling. The original proposed block plan indicated this but did not show the total number of parking spaces which are available on the site. An updated block plan was submitted on 15 June 2023 which shows ten parking spaces that are achievable within the site. Given the modest number of students having lessons at any one time being three, it is considered that ten parking spaces within the site is sufficient for the use

(plus possible use by instructors, and residents of and visitors to, the residential property) and does not result in an adverse impact on highway safety thus complying with Policy DM46. In addition, the Suffolk County Council as Local Highway Authority also raises no objection subject to the parking spaces shown being conditioned to be provided.

37. Representations were received in relation to advertisement of the swim school being located adjacent to Bury Road. However, during the Officer site visit, such advertisement was not present. It should be noted that the application does not seek the consent for any advertisement, and it is an offence to display any advertisements which require consent with planning permission (as per Section 224 of the Town and Planning Country Act 1990). Any subsequent applications for advertisement consent would be subject to their own considerations and, if necessary, any unauthorised display if reported to the Council could be further investigated.

### **Impact on Existing Horse Walk**

38. Policy DM48 states that any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the Horse Racing Industry or which would threaten the long-term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.
39. An existing horse walk runs adjacent to Bury Road and crosses the private road which is used by visitors in order to access the application site. As such, consideration must be given to any impact on the horse walk and the horse racing industry. Representations were received in relation to the proposal and the impact it could have on the existing horse walk.
40. The supporting statement advises that the swim school mostly operates after 3pm on weekdays with only Wednesday having earlier operating hours between 9:30am to 11:00am. The horse walk located adjacent to Bury Road is used by the horse racing industry up until 1:00pm on a daily basis. As such, the only hours in which the swim school has any potential to cause disruptions to the existing horse walk is the three 30 minute sessions programmed between 9.30 and 11am on Wednesday mornings. The Jockey Club has commented on the proposal and raised no objection based on the provided information subject to conditions hours of operations and number of people having lessons. In addition, no concerns were raised by the Suffolk County Council Highway Authority based on the submitted information and the amended block plan. Therefore, it is considered that this use does not result in an adverse impact on the existing horse walk or the wider horse racing industry complying with Policy DM48.

### **Other Matters**

41. Comments were received in regard to the use of the swim school for some months without planning permission. Representations state the use has been at a higher level than the proposed levels in the supporting statement in terms of hours of operation and the numbers using the pool.
42. These comments are noted, however, the application has to be considered on its own merits with the operational hours and maximum number of people

having lessons as per the supporting statement. Conditions restricting the hours of use and number of users are recommended in accordance with the submitted details.

43. Should the application be approved with these conditions attached, and the swim school thereafter be used in breach of the approved conditions enforcement action could be considered. Should the applicant subsequently wish to change the conditions relating to hours and number of students a new planning application or a variation of condition application which would be required.
44. Other comments received include the queries around whether the existing pool meets health and safety standards and appropriate licensing for the use as a swim school. It should be noted that whether the existing swimming pool meets the required health and safety or licensing standards would not be a material consideration for this planning application or something that could be required via a condition. The applicant is responsible for ensuring other regulatory regimes are satisfied.

### **Conclusion:**

45. In conclusion, the principle and detail of this change of use is considered acceptable, subject to the imposition of planning conditions. The use complies with Policies DM1, DM2, DM17, DM46 and DM48 of the Joint Development Management Policy Document (2015), Policy NKT5 of the Newmarket Neighbourhood Plan, and Policy CS5 of the Forest Heath Core Strategy (2010).

### **Recommendation:**

46. 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.

- 3 The opening hours of the premises for the purpose of swimming lessons and any other commercial pool use shall be restricted to only between the following hours and there shall be no customers on the site outside of these hours:

Monday - 3:45pm to 7:15pm

Tuesday - 3:15pm to 7:15pm

Wednesday - 9:30am to 11:00am and 3:45pm to 8:00pm

Thursday - 4:15pm to 8:00pm

Friday - 3:15pm to 7:15pm

The premises shall not be open for the purpose of swimming lessons or any other commercial pool use at any time on Saturday or Sunday.

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 No more than three people shall be permitted on the site at any one time for the purpose of participating in a swimming lesson or for any other swimming related activity, excluding swim instructors and / or lifeguards.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance, in accordance with policies DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 The use shall not commence until the area(s) within the site shown on Drawing No. 489A-LA-02 A for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

- 6 All external doors and external windows to the swimming pool room shall be kept closed at all times during commercial pool use, except as may be required for egress and ingress.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance, in accordance with policies DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

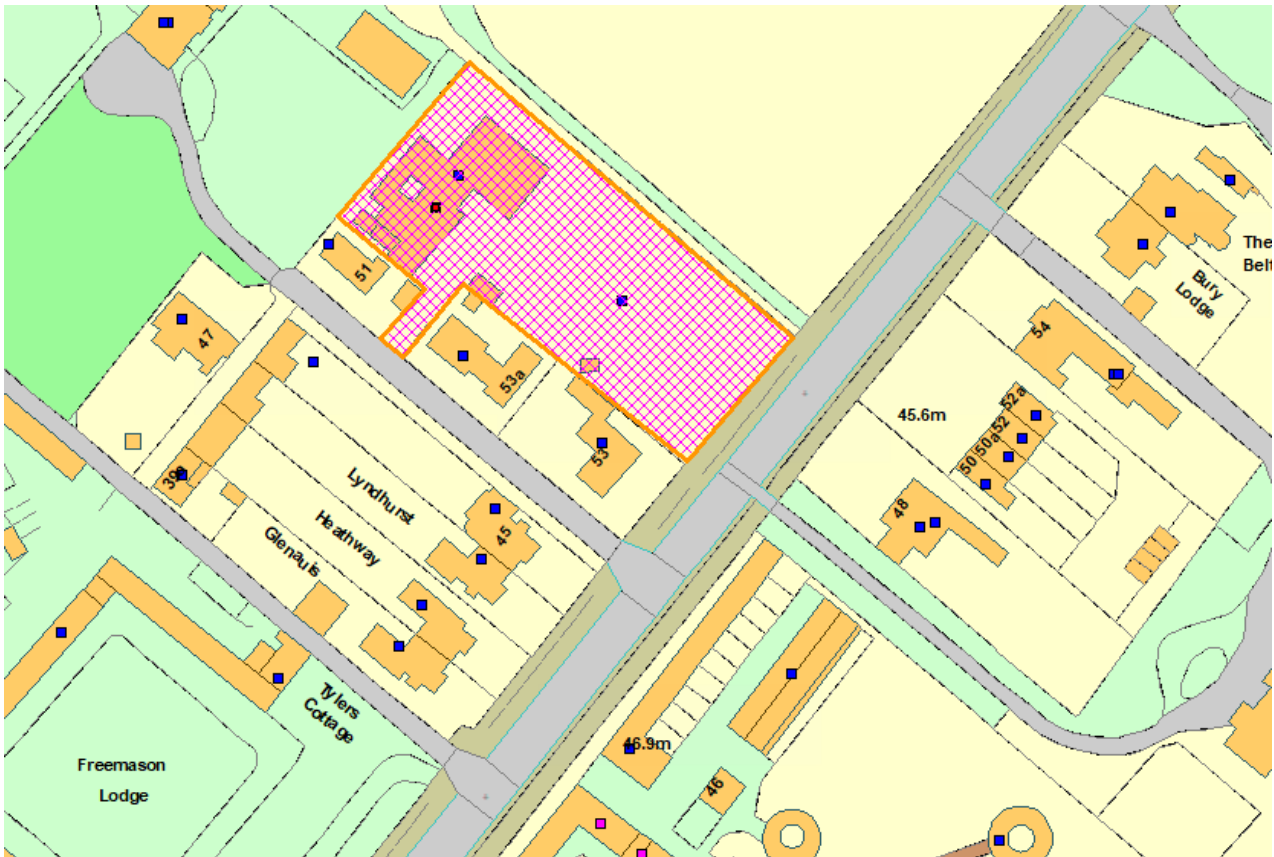
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0719/FUL](#)

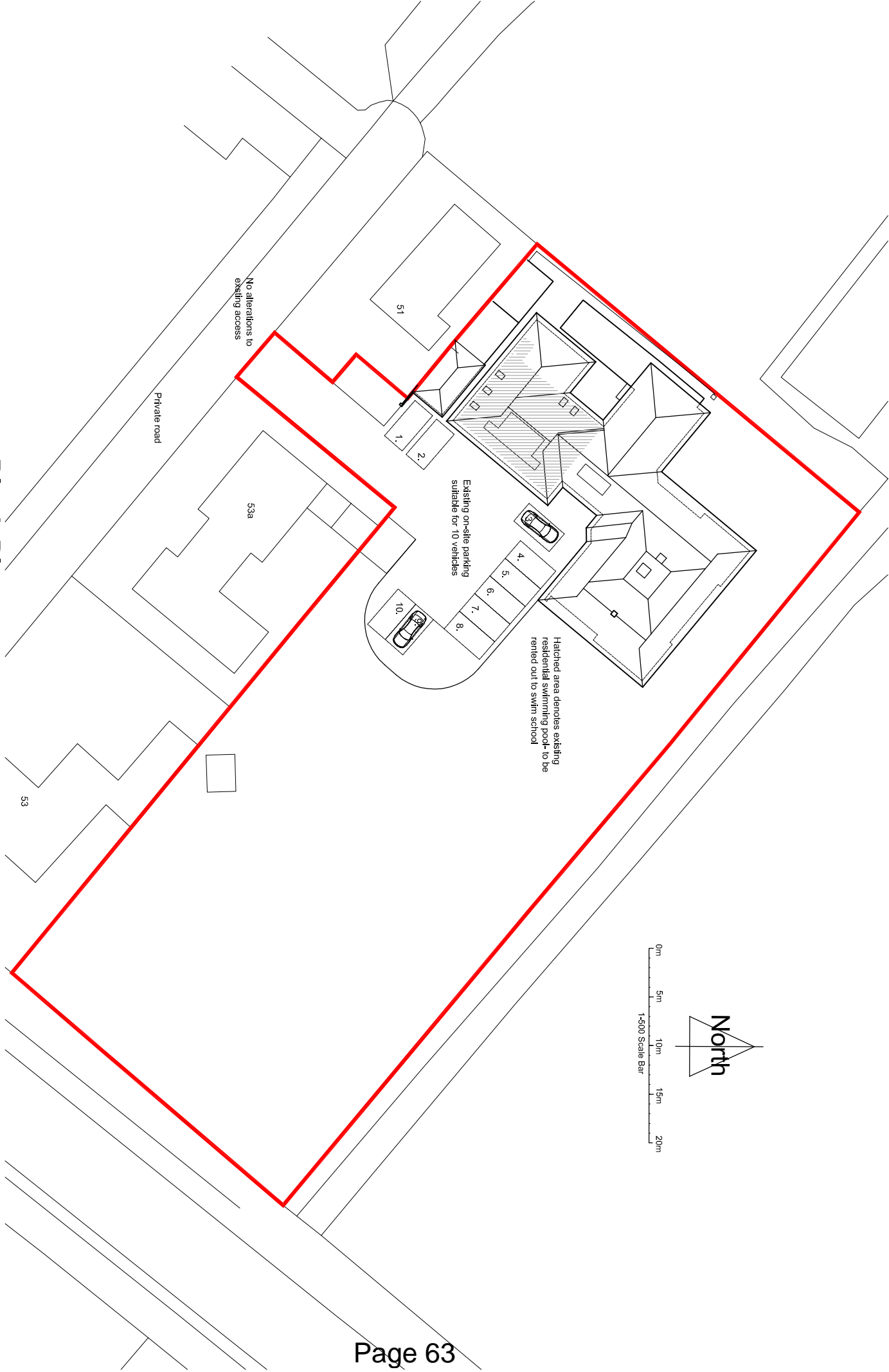


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51A Bury Road  
Newmarket  
Suffolk  
CB8 7BY

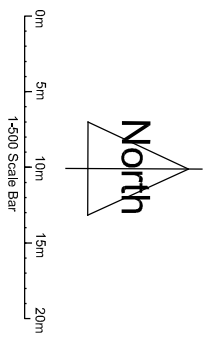


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**Block Plan** SCALE 1-500@A4

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<b>DCNicholls</b> architectural design services Email: daniel@dcn-design.com Website: dcn-design.com	TITLE	DWG. NO.	REV.	DATE	SCALE
	Block Plan	489A-LA-02	A	13-6-23	1-500@A4
ADDRESS 51A Bury Road, Newmarket CB8 7BY					

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## **Development Control Committee 4 October 2023**

### **Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill**

<b>Date registered:</b>	17 March 2023	<b>Expiry date:</b>	6 October 2023
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill South East
<b>Proposal:</b>	Planning application - change of use from residential (C3) to residential children's home (C2)		
<b>Site:</b>	9 Tasman Road, Haverhill		
<b>Applicant:</b>	Ms Joanne Binfield		

**Synopsis:**

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

**Recommendation:**

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

**CONTACT CASE OFFICER:**

Savannah Cobbold

Email: [savannah.cobbold@westsuffolk.gov.uk](mailto:savannah.cobbold@westsuffolk.gov.uk)

Telephone: 01638 757614

**Background:**

The application was considered by the Delegation Panel on 1 August 2023 at the request of the ward councillor, where it was decided that the application should be determined by Development Control Committee.

The application was reported to the Development Control Committee on 6 September 2023. The Committee resolved that it was 'minded to refuse' the application based on the adverse impacts upon amenity arising from the modest extent of outdoor amenity space at the property, and on the basis of the impacts upon highway safety.

This report is therefore presented as a 'risk assessment' report. The report that was presented to the September Development Control Committee is included as Working Paper 1 to this report.

**Proposal:**

1. Please refer to Working Paper 1 for the description of the proposal.

**Application supporting material:**

2. Please refer to Working Paper 1 for details of the application supporting material.

**Site details:**

3. Please refer to Working Paper 1 for details of the site.

**Planning history:**

4.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
SE/08/0461	Planning Application - Erection of two storey side and rear extension	Application Granted	12 May 2008
E/75/1771/P	PROPOSED DETAILS FOR RESIDENTIAL DEVELOPMENT	Application Withdrawn	27 July 1975
E/74/2709/P	DEVELOPMENT OF HOUSES, ROADS, FOOTPATHS, DRAINAGE ETC. RESIDENTIAL	Application Withdrawn	2 July 1975

**Consultations:**

5. Please refer to Working Paper 1 for details of all consultation response.

**Representations:**

6. Please refer to Working Paper 1 for details of all representations.

**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.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy HV1 Presumption in Favour of Sustainable Development

**Other planning policy:**

8. National Planning Policy Framework (NPPF)
9. The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

10. Please refer to Working Paper 1 for the Officer assessment of the proposal.

**Response to Committee's Minded to Refusal Reasons**

11. The application was reported to the Development Control Committee on 6 September 2023. The Committee resolved that it was 'minded to refuse' the application based on the adverse impacts upon amenity of the intended occupants of the home arising from the modest extent of outdoor amenity space at the property, and on the basis of the impacts upon highway safety. This resolution was contrary to the officer recommendation of approval. At this point, the Decision-Making Protocol was invoked requiring the further reporting of this matter to members of the Development Control Committee in the form of a risk assessment report before a decision can be made.
12. The Decision Making Protocol states that "where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact/harm to the planning policy framework, having sought advice from the Assistant Director Planning and Regulatory Services and the Assistant Director for Legal and Democratic Services (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 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."
13. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, should planning permission be refused for the development contrary to the officer recommendation having regard to its accordance with relevant policies.
14. The resolution of the Development Control Committee was that it was minded to refuse on the basis of the adverse impacts upon amenity and highway safety.
15. The adverse effects upon amenity were understood to principally be related to the size and nature of the rear garden space at the property, and the view that it was, in both extent and surface covering, unsuitable for use by the intended occupants of the property when used as a children's home.
16. The garden area is somewhat diminished at the property by reason of the two storey side extension, albeit the conclusion at the point when that extension was approved was that it did not represent 'over development' of the plot. As a dwelling, the General Permitted Development regulations allow up to 50% of the curtilage to be built over under permitted

development rights without the need for planning permission, subject to other requirements too.

17. Whilst there may be a subjective view that the size of the garden is unsuitable, it remains commensurate, in the view of officers, with both the size of the property, and with other gardens in the immediate area, which is a late 20<sup>th</sup> century housing estate with many properties demonstrating similar garden sizes to the retained level of outdoor space at this property. The site can, of course, continue to function as a family home, or indeed as a six person House of Multiple Occupancy, without the need for any form of planning approval. The fact that the current garden contains a hard landscaped terraced element, and no grass, does not, in the view of officers, mean that the space is inadequate. The garden also contains a covered sitting area, as well as a study / summer house, adding to its interest and useability. A future occupier may also, of course, and at their discretion, choose to further landscape some or all of the garden, and there is space and scope to do so, but the view of officers remains, which is that the proposed garden space, both in terms of its quantum and its nature, is acceptable for the use of the property as a children's care home housing up to four children.
18. Turning to the matter of highway safety, and the key here is to ensure that any proposal, where planning permission is needed, either complies with the adopted parking standards or, where it does not, that it does not make a situation materially worse. In this case the Suffolk Advisory Parking Standards are not clear cut, since they do not specifically reference a use of this nature. However, in relation to Residential Institutions under Use Class C2 the standards require one space per full time equivalent employee. In this case the use includes one permanent residential manager and two additional employees on a shift basis (so two full time equivalent employees FTE's). In the case of a dwelling with more than three bedrooms, or indeed a House of Multiple Occupation with more than three bedrooms, the parking requirement is three spaces.
19. As was evidenced from the site visit, and confirmed by the submitted plans, the property retains adequate space to park three vehicles off the road. It may be possible, utilising smaller vehicles, or otherwise parked closer together, to accommodate four, but certainly there are three spaces that each meet the requirements of the parking standards in terms of their size and useability.
20. Furthermore, also key in this regard is that officers remain wholly satisfied that the use of the site for the development sought would not be materially different to either of the lawful fall back positions. The first being the longstanding and entirely lawful use of the property as a six bedroom family dwelling, with the potential for a number of adult occupants, all of whom may own a vehicle. The second being the potential use of the site as a six person House of Multiple Occupation (HMO).
21. In this regard, the site is capable of being used, under Use Class C4, as a House of Multiple Occupation for up to six residents. In such a scenario all may own a vehicle but no control would be available to prevent such a use. Of course, the possible use of the site as a HMO is entirely hypothetical, but its use as a large six bedroom family dwelling is not,

since that is its current use and the one that will prevail if permission is not granted.

22. In this regard, the view of officers, supported by the view of the Local Highway Authority, is that the number of spaces provided, when assessed against the lawful use of the property, will be adequate, and not materially worse than the current lawful use. However, and in any event, spaces exist on the road for the parking of vehicles, and there is no objection from the Local Highway Authority to any aspect of this proposal.

23. So, in this respect, officers do not consider that either of the reasons, amenity or highway safety, would bear scrutiny and there is no evidence to support refusal reasons on that basis. Of the two issues, the amenity concerns are plainly more subjective, and therefore arguable, with Officers holding strong concerns, in light of the above assessment, that the minded to reason in relation to parking and highway safety would be a wholly unreasonable position. Accordingly, if Members remain minded to refuse, notwithstanding the advice above, the following reason is suggested. The risk of proceeding for refusal is further assessed below.

*1. Policy DM23 of the Joint Development Management Policies Document 2015 states that proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other policies contained within this and other adopted Local Plans, provided such schemes include appropriate amenity space for residents of an acceptable quantity and quality. In this case, it is evident that the dwelling has been subject to various extensions within the past, including a large, two storey side and rear element. This has significantly reduced the level of amenity space associated with the dwelling, therefore not providing appropriate amenity space for residents and staff of an acceptable quantity and quality associated with this use. Given this, the scheme is considered to conflict with criterion b of policy DM23.*

24. It is also noted that in the debate at the September committee meeting, Members also discussed the wider regulatory regime relating to Children's Homes. Officers advised that this was not a material planning consideration, and that, if approved, it would fall to any operator to ensure compliance with all wider regulatory requirements.

25. Nonetheless, and purely for information purposes, the regime in place for such homes requires that a 'registered person' is responsible for compliance with the regulations and care standards, and that homes are inspected twice a year by Ofsted. The regulations (The Care Standards Act 2000) require the homes to be 'nurturing and supportive environments that meet the needs of their children' and that 'they will, in most cases, be homely, domestic environments. Children's homes must comply with relevant health and safety legislations (alarms, food hygiene etc.); however, in doing so, homes should seek as far as possible to maintain a domestic rather than an 'institutional' impression'.

26. Beyond these general provisions there is nothing specific relating to the size, location, extent and nature of garden areas etc.

## **Risk Assessment**

27. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the relevant planning policies and the Officer recommendation to approve planning permission. For the reasons set out in this report it remains Officers' recommendation that permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.
28. Officers remain of the opinion that the development proposed fully accords with policy. 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.
29. In the absence of evidence to substantiate a reason for refusal it is highly likely that an appeal would be allowed. The applicants would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from the Council should the Inspector conclude the Local Planning Authority has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance. Relevant examples of unreasonable behaviour include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
  - failure to produce evidence to substantiate each reason for refusal on appeal, and;
  - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
30. In this case, and for the reasons set out in full in the Officer report attached as Working Paper 1, Officers consider that it would be difficult to defend the above reason for refusal. There is no technical objection on the grounds of highway safety impact from the Local Highway Authority, and the garden area at the property, whilst, subjectively, being on the smaller side, is considered readily commensurate with the size and location of the property, and could also be easily re-landscaped at will by any occupier to suit their wishes.
31. In the absence of evidence to substantiate its reasons for refusal Officers consider it would be extremely difficult to defend a potential claim for the partial or even full award of costs at appeal. An award of costs (including partial costs) against the Council could have financial and reputational implications for the Council.
32. Whilst it is important to understand these issues as part of the risk assessment process this section of the report does not form part of the planning assessment of the application. The information does not constitute a material planning consideration and should not be relied on or cited as a factor in coming to a decision.

**Conclusion:**

33. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. For the reasons outlined above and set out within Working Paper 1, Officers consider that the development should be approved with the conditions contained in working paper 1. The proposal complies with the Development Plan and there are no material planning considerations that indicate that a decision should be taken otherwise than in accordance with the Development Plan. In the absence of any objection from the Local Highway Authority, and noting the level of parking provided on site, the guidance within the Parking Standards, and the material fall back uses as either a family dwelling or as a HMO, refusal of the application on the grounds of adverse impact on highway safety cannot be justified.
34. Refusal on the grounds of adverse impact upon the amenities of the occupiers is similarly difficult to justify, but remains a subjective judgement.
35. In coming to their decision Members must clearly identify whether they consider the proposal complies with the Development Plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the Development Plan members must have clear reasons and evidence to support such a decision.
36. Members should have regard to the attached Working Paper 1 in reaching their decision.

**Recommendation:**

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

**1. Time limit**

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

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

**2. Compliance with 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:

<b>Plan type</b>	<b>Reference</b>	<b>Date received</b>
Existing floor plans	PA201	10 February 2023
Proposed floor plans	PA202	10 February 2023
Existing block plan	PA102	10 February 2023



Location and block plan	PA101	10 February 2023
Proposed block plan	PA103 A	10 February 2023
Supporting statement		10 February 2023
Application form		17 March 2023

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

### **3. Parking and manoeuvring**

The use shall not commence until the area(s) within the site shown on Drawing No. Drawing No. PA103 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

### **4. Cycle storage**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of bicycles.

### **5. EV charging**

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other

purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of electric vehicles.

## **6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

## **7. Number of children**

At no time shall more than four children be in residence at the premises.

Reason: To confine the scope of permission and prevent an inappropriate intensification of use.

## **8. Staff members**

At no time shall more than three members of staff be present at the site.

Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0229/FUL](#)

**WORKING PAPER 1**

**Development Control Committee  
6 September 2023**

**Planning Application DC/23/0229/FUL – 9  
Tasman Road, Haverhill**

<b>Date registered:</b>	17 March 2023	<b>Expiry date:</b>	16 May 2023 (EOT requested)
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill South East
<b>Proposal:</b>	Planning application - change of use from residential (C3) to residential children's home (C2)		
<b>Site:</b>	9 Tasman Road, Haverhill		
<b>Applicant:</b>	Ms Joanne Binfield		

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:  
Savannah Cobbold  
Email: savannah.cobbold@westsuffolk.gov.uk  
Telephone: 01638 757614

## Background:

**The application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined by Development Control Committee.**

## Proposal:

1. The application seeks planning permission for the change of use from a residential dwelling (class C3) to a residential children's home (class C2). The home will accommodate up to four children at one time.
2. No external changes are proposed to the dwelling.

## Application supporting material:

- Application form
- Location and block plan
- Existing site plan
- Proposed block plan
- Existing floor plans
- Proposed floor plans
- Supporting statement

## Site details:

3. The application site is located within the settlement boundary for Haverhill, accessed from Tasman Road. The site comprises a large, detached dwelling at the end of a residential cul-de-sac. There is a mix of detached and semi-detached dwellings within the vicinity of the area. Coupals Primary School sits towards the north of the site.

## Planning history:

4.

Reference	Proposal	Status	Decision date
SE/08/0461	Planning Application - Erection of two storey side and rear extension	Application Granted	12 May 2008
E/75/1771/P	PROPOSED DETAILS FOR RESIDENTIAL DEVELOPMENT	Application Withdrawn	27 July 1975
E/74/2709/P	DEVELOPMENT OF HOUSES, ROADS, FOOTPATHS, DRAINAGE ETC. RESIDENTIAL	Application Withdrawn	2 July 1975

## **Consultations:**

### **5. Town Council**

**OBJECT: Parking:** There is not enough parking provision for on-site parking for the number of staff identified in the supporting statement as being on-site day and night. This would be exacerbated during the handover period. Additionally, there is no parking provision for external visitors for example support workers, deliveries, cleaners etc. who would need to park along Tasman Road, which is already extremely congested. The site is situated at the end of a cul-de-sac which would be difficult to access. **Amenity/Outdoor Space:** Members considered the garden to be inadequate for the proposed use of the property, it should be large enough to provide an amenity that would support the provision of good quality outdoor space for the young people and staff.

### **Ward Councillor**

Ward Member Councillor Tony Brown, has made the following comments:

I have been to visit the site of the proposed children's home. I have strong concerns around parking issues at this address. It has room for three cars on the drive but it is very tight squeeze, with no room for turning on the drive. From the staffing levels mentioned in the plans it looks as if there could be three cars on the drive very frequently, with additional visitors vehicles The house is at the end of a cul de sac and I could not see any additional parking for visitors, maintenance staff etc close by when I visited. I have also noticed using Google Maps that the rear garden of number 9 seems to be very small, which I would have thought is not anywhere near ideal for a Childrens home especially in the summer months I would like to call this application in to be decided at a meeting of the full WSC development control committee due to the potential impact of this business's Parking on the nearby residents.

I wish to submit my formal objection to planning application DC/23/0229/FUL 9 Tasman Road, Haverhill 9 Tasman Road is a very quiet cul de sac. The houses are quite close together with very limited parking. 9 Tasman has only got parking for three cars if very tightly parked. Quite often when I walk past if three vehicles are parked one of them is intruding onto the path. With the staff and manager swopping vehicles around to leave, staff changeover etc it is likely to cause disruption to the nearby residents. There will also be very likely an increase in other vehicle movements associated with the business. I have noticed that there is also a potential issue with No 8 next door, it looks as if No 9 has potentially taken part of their garden for its own parking use. This would obviously add to the parking issues of No9 if not formally resolved My main concern however is the lack of rear garden for the residents as the extension(s) cover much of that. A rear garden allows children to sit outside and play etc in good weather. I know that there are green spaces nearby but it isn't the same as having your own private garden. My son and daughter in law foster two girls and most of the summer they are playing and having fun in their garden. It would be a shame for any children at No 9 Tasman not to have that same chance I feel that the house is on a very constrained plot in an area where parking is limited for the amount of vehicles that will be potentially be visiting the proposed home.

## **Public Health and Housing**

No objections.

## **Suffolk County Council Local Highway Authority**

No objections subject to conditions.

### **Representations:**

#### **6. Neighbours**

37 letters of representations have been received as a result of a consultation process and display of a site notice, all objecting to the application.

Material planning considerations include:

- Traffic and highway safety
- Parking issues
- Alter the profile of the area
- Noise

A petition has also been submitted which has 14 signatures, providing objections to the application. This relays concerns regarding stress to elderly residents, parking on Tasman Road, increasing traffic flow and altering the profile of the area in a disruptive way.

### **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.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

**Other planning policy:**

8. National Planning Policy Framework (NPPF)
9. 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:**

10. The issues to be considered in the determination of the application are:
  - Principle of development
  - Impact on character and appearance of the area
  - Impact on residential amenity
  - Impact on highway safety
  - Summary

**Principle of development**

11. Policy DM1 and HV1 state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.
13. The application seeks planning permission to change the use of 9 Tasman Road, which is currently a residential dwelling falling within use class C3 to accommodate a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed (and which do not therefore require planning permission) such as adapting the existing annexe into an additional living room at ground floor and incorporating the annexe bedrooms into the use of the main dwelling.

14. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In determining this use class, internal legal advice was sought which concluded that:

*A children's home may fall within Use Class C3 (Dwellinghouses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis.*

*Although a children's home may fall within Class C3 where the number of residents does not exceed six and the carers and cared for live as a single household, it is my view that the current applications would fall within class C2, residential institutions. According to DCP online, the use classes order states specifically that the element of "care" necessary to satisfy inclusion in that class "includes the personal care of children".*

15. This therefore constitutes a material change of use, triggering the need for planning permission, albeit it is noted that the intensity and scope of occupation is not dissimilar to that expected at a typical large dwelling, nor indeed being significantly different from a children's home occupied under Class C3.
16. Policy DM23 sets out considerations specifically for special housing for vulnerable people. Proposals must be designed to meet the specific needs of residents (including disabled persons where appropriate), include amenity space of acceptable quality and quantity for residents, be well served by public transport and retail facilities, and not create an over concentration of similar accommodation in one area. Policy DM23 states that proposals for accommodation for vulnerable people will be permitted in sites appropriate for residential development (as determined by other policies within the local plan), provided it meets these criteria. The proposal seeks to provide care for children who have experienced significant trauma, addressing the underlying emotional need of the young person to result in a long-term positive change. It also seeks to support young people's emotional, social, mental and academic progression and enable them to grow and realise their future potential. This area is a residential estate within the housing settlement boundary, where residential development is considered to be acceptable. This area is therefore considered appropriate for special housing. The site is also accessed by good public transport links with a number of bus stops located within close proximity of the site. The size of the amenity space is considered satisfactory for up to four children and staff. There are no other care facilities of all nature within close proximity of the site and therefore officers do not consider that the proposal would create a concentration of similar accommodation within this location.
17. The requirements as set out within policy DM2 require all development including change of use, to have regard to the residential amenity of occupants of nearby dwellings, as well as producing designs in accordance with standards that maintain or enhance the safety of the highway network. Policy DM2 also requires development to respect the character and appearance of the area and local features.



18. In this case, the property is a residential dwelling, containing a total number of six bedrooms. The proposal will incorporate internal changes, but these are minor and do not need planning permission. The proposal will see the property being used by up to four children at any one time with two fully trained employees on duty both during the day and at night. The home will have a full-time registered manager who will be accompanied by two support workers on site whereby a typical shift pattern is 8am to 8pm for a day shift and 8pm to 8am on a night shift. Visitors may come to the home during the day time, but this is by appointment only.
19. Noting the scheme retains existing parking currently associated with the existing residential dwelling, as well as the intensity and scope of the occupation being not dissimilar to that expected of a large residential dwelling, Officers are content that the scheme complies with the requirements of policies DM1 and DM2 and can be supported in principle.

### **Impact on character and appearance of the area**

20. Policy CS3 states that: all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
21. In the case of this application, the proposal does not incorporate any external changes to the dwelling; changes remain internal.
22. Given that there are no external changes to the property, the scheme is considered to respect the character and appearance of the area by maintaining the appearance of a residential dwelling.
23. Concerns have been raised by residents regarding this proposal in terms of it altering the profile of the area. Noting that the proposal does not incorporate any external changes, the dwelling will maintain its residential appearance. Officers consider in any event that 9 Tasman Road will generally still function similar to that of a day-to-day residential dwelling.
24. The scheme is considered therefore to comply with the requirements of DM2 and CS3.

### **Impact on residential amenity**

25. Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.
26. In this case, the dwelling currently functions as a residential dwelling, within a residential area of Haverhill. Taking into account the proposed shift patterns and degree of care needed, it is not considered to adversely impact the amenity of occupiers of nearby dwellings given its function not dissimilar to that of a residential dwelling occupied by a large family.
27. The majority of concerns raised relate to the possibilities of anti-social behaviour, with children hanging around outside of the site which will lead

to stress and worrying of elderly residents in the area, as well as safeguarding issues noting that there is a school that backs onto the site..

- 28.Noise is another concern raised by residents and noise is expected from this proposal; however, this is not considered to be materially different to that of a residential dwelling, accommodating a family with children. Public Health and Housing have also reviewed the application and confirm their view that the change of use would have no greater impact on matters such as noise, nuisance and amenity issues than if the property was a six bedroom residential dwelling.
- 29.The possibility of noise and disturbance associated with this use is a material consideration, but such (including any arising from any 'anti social' behaviour) is not considered to be so significant, over and above how the site could function as a single larger family dwelling, so as to justify a refusal. It is noted that the Local Planning Authority need to take into account the Crime and Disorder Act, however if the property is well-managed, as indicated within the submitted planning statement, there is nothing that would influence against such a use in a residential area.
- 30.Concerns have also been raised in relation to the size of the garden area of 9 Tasman Road. When assessing previous applications for the newer additions to the site in 2008, a material factor would have been if the development constituted over-development of the site whereby it was concluded that the proposals complied with development plan policies at the time of granting permission.

### **Impact on highway safety**

- 31.Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.
- 32.Policy DM46 states that All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking.
- 33.The dwelling accommodates six bedrooms and is currently served by three car parking spaces. As a result of the proposal, this will remain unchanged. Suffolk County Council as Local Highway Authority raise no objections to the proposed car parking provision and recommend conditions requiring the applicant to provide details of secured cycle storage.
- 34.Officers are therefore content that the scheme complies with DM2 and DM46 as well as paragraph 111 of the National Planning Policy Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### **Summary**

- 35.The proposal is to create a small children's home for the care of a maximum of four children. The use, in the opinion of officers, is not considered majorly different to that of normal family home otherwise

falling within use class C3. However given the shift pattern of carers on the site, and the level of care provided, these are the factors that triggers a material change of use. The proposal maintains an acceptable level of car parking and retains the residential appearance within a cul-de-sac location.

36. Taking this into consideration, and the comments from the Highway Authority, officers are content that the scheme complies with the requirements of policies DM2, DM23 and DM46 and are therefore recommending this scheme be approved.

### **Conclusion:**

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

### **Recommendation:**

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

#### **1. Time limit**

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

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

#### **2. Compliance with 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:

<b>Plan type</b>	<b>Reference</b>	<b>Date received</b>
Existing floor plans	PA201	10 February 2023
Proposed floor plans	PA202	10 February 2023
Existing block plan	PA102	10 February 2023
Location and block plan	PA101	10 February 2023
Proposed block plan	PA103 A	10 February 2023
Supporting statement		10 February 2023
Application form		17 March 2023

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

### **3. Parking and manoeuvring**

The use shall not commence until the area(s) within the site shown on Drawing No. Drawing No. PA103 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

### **4. Cycle storage**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of bicycles.

### **5. EV charging**

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of electric vehicles.

### **6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **7. Number of children**

At no time shall more than four children be in residence at the premises.

Reason: To confine the scope of permission and prevent an inappropriate intensification of use.

### **8. Staff members**

At no time shall more than three members of staff be present at the site.

Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

### **Documents:**

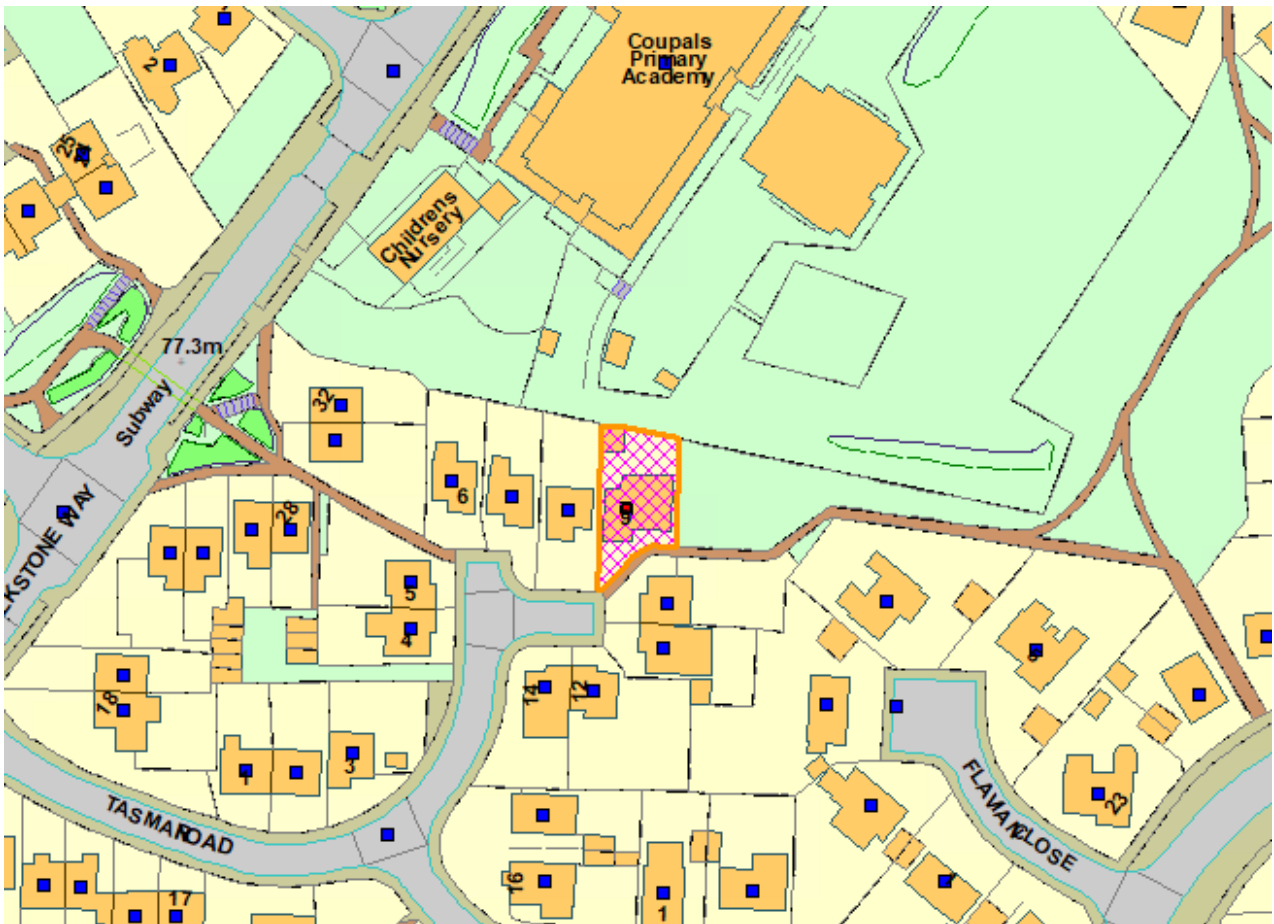
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0229/FUL](https://www.westsuffolk.gov.uk/DC/23/0229/FUL)

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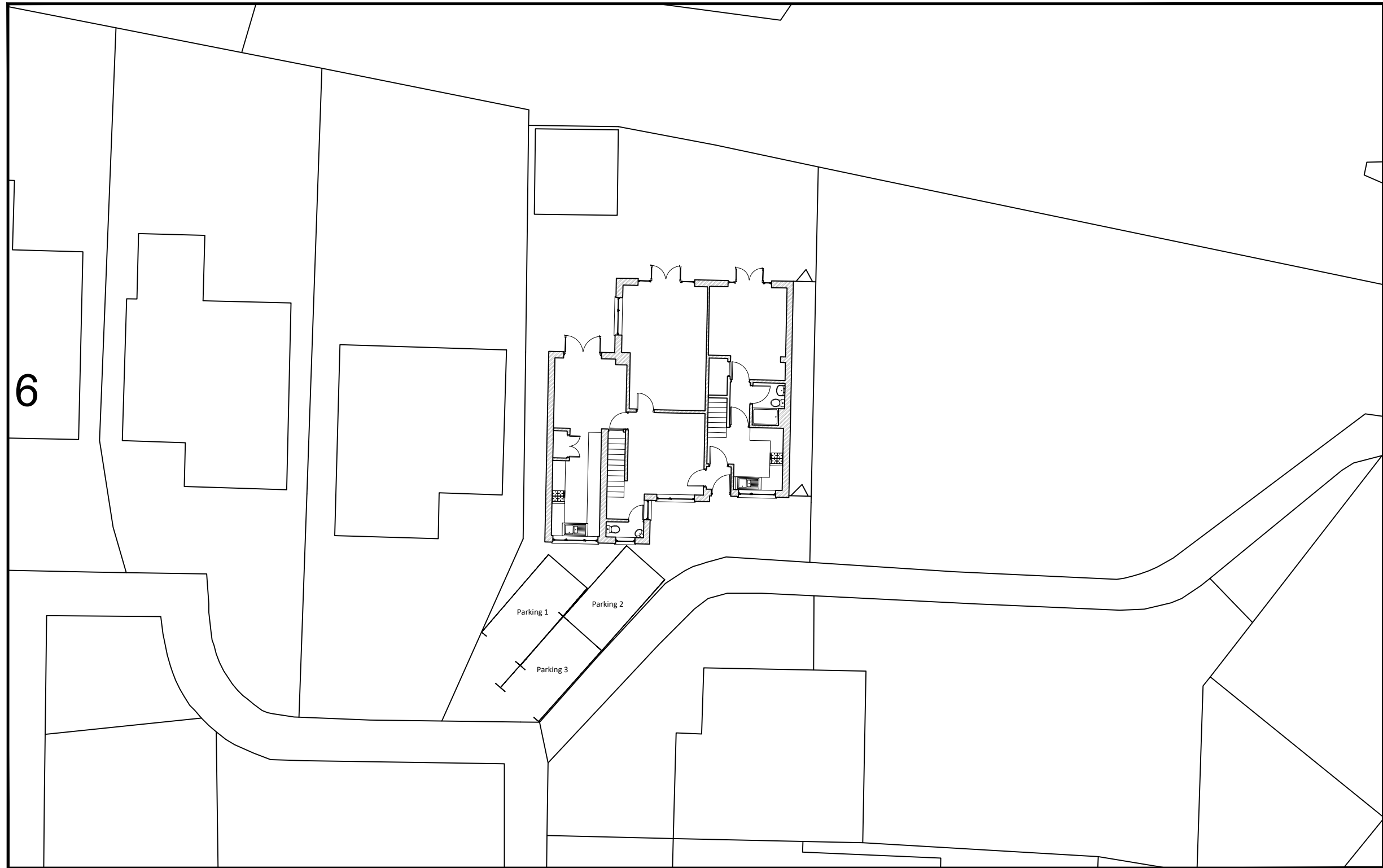
DC/23/0229/FUL

9 Tasman Road  
Haverhill  
Suffolk  
CB9 0LG



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**Block Plan**  
Scale 1:500



DESCRIPTION:	CHANGE OF USE FROM DOMESTIC DWELLING TO CHILDREN'S HOME		DRAWN BY:	rf	CHECKED BY:	-	ADDRESS:	9 TASMAN ROAD, HAVERHILL, SUFFOLK, CB9 0LG
	DRAWING TITLE:	PROPOSED SITE PLAN	DATE:	10/02/2023		CLIENT:	POLARIS COMMUNITY	
SCALE:	As shown, on A3 paper only		DRAWING No.	PA103	REV.	A	PROJECT REF:	35/10036
			STATUS	PRELIM				

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## **Development Control Committee**

### **4 October 2023**

#### **Planning Application DC/22/1774/FUL - Land South and West of 9 to 12, Bridewell Lane, Bury St Edmunds**

<b>Date registered:</b>	17 October 2022	<b>Expiry date:</b>	12 December 2022 EOT agreed 06.10.2023
<b>Case officer:</b>	Jo-Anne Rasmussen	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Abbeygate
<b>Proposal:</b>	Planning application - one dwelling		
<b>Site:</b>	Land South and West of 9 to 12, Bridewell Lane, Bury St Edmunds		
<b>Applicant:</b>	Mr William Bell		

**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](mailto:Jo-Anne.Rasmussen@westsuffolk.gov.uk)

Telephone: 01284 757609

## Background:

The application was considered by the Delegation Panel on 29 August 2023, where it was decided that the application should be determined by the Development Control Committee. The Town Council object and the application is recommended for APPROVAL.

## Proposal:

1. Planning permission is sought for a new dwelling on land to the rear of 9-12 Bridewell Lane. There is an existing access to the site off Bridewell Lane with space to park one car on the site. The dwelling is a contemporary built form, providing a kitchen, dining, sitting area, utility room, bike store and toilet on the ground floor and a bedroom, study and bathroom on the first floor. There is also a modest amount of external amenity space on the eastern side of the dwelling.

## Site details:

2. The site falls within the town centre conservation area and 9-12 Bridewell Lane are Grade II listed. The site is separated from these dwellings by a row of single storey outbuildings (which are curtilage listed) which form the eastern boundary of the site. There is a Greene King Brewery depot to the west and south of the site, with residential development to the east and north.

## Planning history:

3.

Reference	Proposal	Status	Decision date
SE/12/0651/FULCA	Planning Application - Erection of dwelling (following demolition of existing buildings) (revised scheme)	Application Granted	10 August 2012
DC/22/1828/TCA	Trees in a conservation area notification - one Sycamore (marked with green circle on plan) fell	No Objection	18 November 2022
SE/11/0668	Planning Application - Erection of single storey dwelling	Application Withdrawn	4 July 2011

## Consultations:

4. **West Suffolk Public Health and Housing** – no objection subject to conditions to secure sound attenuation, Mechanical Ventilation with Heat Recovery installation, construction hours and lighting.
5. **West Suffolk Environment Team** – no objection subject to conditions to secure contamination investigation and verification. They have also confirmed that there is no requirement for a planning condition requiring EV charging in this instance as this will be enforced by the building regulations.

6. **SCC Fire & Rescue** – advice given in relation to Building regulations requirements and confirmed no additional water supply for fire fighting purposes is required.
7. **SCC Archaeological Service:**  
 'This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), in the core of the medieval settlement of Bury St Edmunds (HER reference number BSE 241). Archaeological investigations in the immediate area have identified medieval features (BSE 177, BSE 190 & BSE 493). As a result, there is very high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.'  
 Conditions are therefore recommended.
8. **SCC Highways** – no objection subject to conditions to secure parking, cycle storage, any gates installed to be set back and bin storage and presentation. A condition is recommended to secure electric vehicle charging but this is now required through the building regulations so it is not necessary to be conditioned at the planning stage.
9. **Place Services Ecology** – no objection subject to conditions to secure mitigation and enhancement measures and biodiversity enhancement layout.
10. **Bury Society** – 'it appears the building lines have been amended to address the impact on loss of light to neighbours, from previous comments. There does remain a concern over the loss of amenity and overlooking to the properties on Bridewell Lane, which Trustees believe still require addressing, especially given the tight nature of the site.'

#### **Representations:**

11. Bury St Edmunds Town Council – 'Object due to concerns regarding room and roof sizes and the proposed building design.'
12. Five letters of representation were received raising the following issues:
  - Large expanse of roof was rejected on previous application
  - Where will contractors park as already a constrained site?
  - Loss of view to the west from rear of No. 9
  - Can ridge height be reduced?
  - Overshadowing – daylight assessment needed
  - Loss of privacy
  - Garden in shade for most of the afternoon for most of the year.
  - Closeness of the development would be claustrophobic
  - Loss of tree
  - Over development within the conservation area
  - The vehicular access, which will have a significant increase in use, is particularly dangerous given the lack of visibility of the pavement and

the high volume of children using the narrow pavement during certain times of the day and generally significant numbers of other pedestrians at other times of the day and night.

13. Following reconsultation on amended plans and additional information a further five representations were made, raising the following additional concerns:

- Height of building still not clear
- Maintenance of the building and adjacent buildings will be difficult as they would be so close
- Insurance required in case excavations disturb the foundations of adjacent buildings (NB: this is not a material planning consideration)
- Daylight assessment appears to be flawed as the outline of the properties appears not to be accurate and as there is no height of the roof given. It would be more relevant to have an overview directly above gardens to see the level of shade caused by the height of the roof.
- Dimensions offered appears inaccurate; As an example the height shown from the ground to the lowest part of the pitch roof of the out houses is shown as 2.74m whereas it is actually 2.18m. This difference will also increase the restriction of light given the "eye line" view shown on the plans from the ground following the pitch of the out houses. (Officer note - The 2.74m height referred to is from the road side which is 0.62m below the ground level next to the outbuilding. So the height difference is 2.12m - almost the same as what is quoted it to be as '2.18m' - this 2.18 or 2.12m measurement really depends on the exact place where the measurement is taken from. The agent has advised all measurements are correct.)
- The bike shed also has a window that will directly affect the privacy of gardens and rear facing windows
- Given the recent fires caused by exploding electric bike batteries the proposed bike shed will present a high level of fire risk to the adjoining out houses and to properties given the short distance between the rear of properties and the out houses. As the Fire Brigade recommend the installation of sprinklers should this not be part of the application requirements?
- Development is out of character with other dwellings in the Conservation Area
- the distance between the wall of the out buildings and the proposed
- dwelling may be too narrow for disabled access requirements to get to the front door
- No room for access and storing materials during the build

**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:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Vision Policy BV1 - Presumption in Favour of Sustainable Development

**Other planning policy:**

16. National Planning Policy Framework (NPPF)

The NPPF was revised in September 2023 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 2023 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
- Impact on character of the area & heritage assets
- Impact on residential amenity
- Impact upon ecology
- Impact on the highway
- Other matters

#### Principle of Development

18. Policy BV1 sets out the presumption of sustainable development, as also contained within the NPPF. The application site is within the settlement boundary of Bury St Edmunds, considered to be a highly sustainable location where housing development is generally acceptable in accordance with the council's spatial strategy set out in policies CS1 and CS4. The principle of residential development is therefore acceptable subject to all other material considerations, which are considered below.

#### Impact on character of the area & heritage assets

19. Policy CS3, DM2 and DM22 together seek to ensure that all developments recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.

20. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses.

21. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

22. Policy DM15 states that proposals which may affect the setting of a listed building will be permitted where it can be demonstrated that the development is of an appropriate scale, form, height, massing and design, respecting the existing buildings and their setting.

23. DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through and out of the area.

24. The proposed dwelling is tucked behind a row of outbuildings associated with the adjacent listed buildings fronting Bridewell Lane, as well as being within the conservation area. The dwelling has been designed to ensure preservation of the local context, but in a contemporary style. The roof form continues the line of the outbuilding roofs, but remains subservient in its scale, measuring 5.1m (as amended) at the highest point from ground level at the southern end, dropping to 3m, with a flat roof at the northern end. Part of the ground floor accommodation sits below ground level (by approx. 1m) which has enabled the overall height to be minimised.



Materials proposed include soft red bricks, timber cladding and clay pantiles which are considered acceptable and appropriate in this context. A modest area of external amenity space is provided between the dwelling and outbuildings.

25. The Conservation Officer has assessed the proposal. Concerns were raised in relation to the initial proposals:  
'The proposed scheme allows for a two-storey dwelling largely extending the full length of the site. Setting aside any amenity issues it may raise, its disproportionately deep plan when compared to that of the principal building fronting onto Bridewell Lane together with its asymmetrical elevation would I believe give rise to an overly assertive building (exacerbated by the choice of materials) particularly when viewed immediately adjacent to the narrow single storey outbuildings serving Bridewell Lane and in context with the overriding pattern of development to the rear of properties serving both Bridewell Lane and Church Walks where development typically diminishes in scale.'
26. Noting the above the scheme was amended, reducing the height, from 5.6m to 5.1m at its highest point, whilst still ensuring all rooms meet the nationally described space standards for room sizes and ceiling heights. The design also meets the access requirements under Part M of the building regulations. The Conservation officer considers the amended scheme to be acceptable and reduces its assertive nature particularly when viewed in context with the adjacent curtilage listed outbuildings. The amended scheme is therefore considered to now be of an appropriate scale, height and massing, preserving the setting of the adjacent listed buildings and character and appearance of the conservation area, in accordance with policies DM15, DM17 and CS3.

#### Impact on residential amenity

27. The dwelling is set behind the outbuildings that runs along the rear gardens of 9-12 Bridewell Lane. It is largely only the roof of the dwelling that will be visible from these adjacent properties. Noting the a-symmetric design, with a roof sloping away from adjacent properties to the east, it is not considered that the dwelling would appear overbearing or create a claustrophobic feeling for adjacent residents.
28. The plans have been carefully designed to ensure no overlooking. The first floor has one east facing window serving the study but this sits directly behind the outbuildings to the rear of 9-12 Bridewell Lane which will screen any potential views. There is also one south facing window serving the bedroom which does not overlook any private amenity space.
29. The building is positioned on the western side of dwellings on Bridewell Lane. A day light / sun light study has been provided which shows the existing site and proposal side by side at different times of the year and day. There is no overshadowing for the majority of the year and only minor overshadowing at the end of the day at very specific times when the sun is very low in the sky. On this basis the development is considered to have an acceptable impact on residential amenity and is in accordance with policy DM2 in this regard.

#### Impact upon ecology

30. The application site is within the SSSI impact risk zone and recreational pressure 7.5km buffer for the Breckland SPA and Breckland Forest SSSI. However, given the scale of development, its location close to the town centre and the availability of nearby alternatives for recreation the proposal is, on its own or cumulatively with other development in the area, not likely to have significant impact on the features for which the SPA is designated.

31. The NPPF at para 180 seeks to minimise impacts on the natural and local environment and developments to provide net gains for biodiversity. Policy DM11 seeks to ensure development does not have an adverse impact on protected species. Policy DM12 states that enhancement measures for biodiversity should be included in all proposals, commensurate with the scale of the development.

32. Place Service Ecology consultants have assessed the Ecological Appraisal (MHE Consulting, October 2022) and other associated documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation. They make the following comments:

'We are satisfied that there is sufficient ecological information available for determination of this application. The precautionary measures set out in the Ecological Appraisal, namely nesting bird checks, and sensitive lighting for nocturnal mammals should be secured by condition of any consent. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (2023). The reasonable biodiversity enhancement measures (1 x bat boxes, 1 x sparrow terrace and 4 x insect house bricks) should be outlined within a Biodiversity Enhancement Layout and secured by condition of any consent. It is recommended additional enhancements are also considered, i.e. use of native species within the planting scheme, provision of green / brown roofs and walls.'

33. Noting the above conditions to secure mitigation and enhancement measures and biodiversity enhancement layout are reasonable and necessary. The proposal is therefore considered to comply with policies DM11, DM12.

Impact on the highway

34. The site has an existing access off Bridewell Lane with one car parking space to serve the new dwelling shown within the site. There is also secure cycle storage shown within the ground floor accommodation of the dwelling. Bin storage shown in the south west corner of the site adjacent to the parking area and bin will be presented on the highway on collection day in the usual way.

35. The Highway Authority have raised no objection subject to conditions to secure parking, cycle storage, any gates installed to be set back and bin storage and presentation. The existing site owner uses the access and parks his car on site at present, so whilst the frequency of car movements to and from the site may increase once a dwelling is constructed, the intensity is not considered to be so harmful that it could justify refusal. Visibility is already limited given the existing boundary wall along the access, but this is not uncommon in a tightly grained urban environment such as this and a refusal could not be justified in this case.

36. The provision of a single parking space accords with the Suffolk Advisory Parking Standards. The proposal is therefore considered to comply with policy DM2 and DM22.

Other matters:

Sustainable Construction

37. Policy DM7 states (inter alia) that all proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to the broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.

38. DM7 specifically requires all new residential development to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in this respect, it is therefore considered appropriate to attach a condition to ensure compliance with policy DM7 in this regard.

Flood risk and Drainage

39. The site is not in an area at risk of flooding and the application form indicates that surface water will be dealt with by mains sewer. Given the scale of development this is acceptable, and details will be dealt with through building regulations. There is therefore no conflict with policy DM6.

Construction

40. A number of concerns have been raised around the construction phase and future maintenance. A condition to secure a construction method statement is recommended given the particularly constrained nature of the site and will be for the developer to manage on site. All concerns relating to future maintenance on the boundaries are dealt with under common law (Party Wall Act). The proposed dwelling only adjoins neighbouring properties where the existing buildings on site already do so, so the party wall situation remains the same.

### **Conclusion:**

41. 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. It is noted that this is a highly constrained site, but the amended design provides an imaginative

solution to developing the site in a sensitive way that will not impact on neighbouring properties, the conservation area or the adjacent listed buildings.

**Recommendation:**

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

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

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

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
001c	Location plan and floor plans	26 June 2023
001d	Sections and elevations	14 May 2023
001c	Proposed floor plans	26 June 2023

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

- 3 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Ecological Appraisal (MHE Consulting, October 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 4 A Biodiversity Enhancement Layout for protected and Priority species shall be submitted to and approved in writing by the local planning authority. As a minimum this shall include; 1 x bat box, 1 x sparrow terrace and 4 x insect bricks. Additional enhancement measures should also be considered to ensure net gain can be achieved on site i.e. native species-planting / plants for pollinators dominating the planting scheme, hedgehog gaps in fencing / walls, log piles, green or brown walls / roofs, hedgehog houses. The content of the Biodiversity Enhancement Layout shall include the following:
  - a) detailed designs or product descriptions for bespoke biodiversity enhancements; and
  - b) locations, orientations and heights for bespoke biodiversity enhancements by appropriate maps and plans.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

- 6 The development hereby permitted shall not be brought into use/first occupied until the cycle storage facilities indicated on Drawing no. 001 C have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

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

- 7 Gates/bollard/chain/other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done.

- 8 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on drawing no. 001 C. shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

- 9 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research

questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

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

- 10 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 9 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

- 11 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 14 The building envelope, glazing and ventilation of the residential dwelling hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in

accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) Acoustics Ventilation and Overheating Residential Design Guide, (AVO Guide), January 2020.

Reason: To protect the amenities of future occupiers of the dwelling, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 The proposed Mechanical Ventilation with Heat Recovery (MVHR) system shall be designed and installed to ensure that windows can generally remained closed, specifically the MVHR system shall be selected to ensure that noise from air supply and extract ductwork does not exceed acceptable levels within habitable rooms in accordance with the internal room for dwellings criteria as per BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

Reason: To protect the amenities of future occupiers of the dwelling, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:  
08:00 to 18:00 Mondays to Fridays  
08:00 to 13.00 Saturdays  
And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

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

- 17 Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 Domestic exterior lighting: getting it right!. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

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



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. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 19 No development above ground level shall take place until details of the bricks to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

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

- 20 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. The parking of vehicles of site operatives and visitors
  - b. Loading and unloading of plant and materials
  - c. Site set-up including arrangements for the storage of plant and materials used in constructing the development
  - d. Measures to control the emission of dust and dirt during construction
  - e. A scheme for recycling/disposing of waste resulting from demolition and construction works
  - f. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
  - g. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

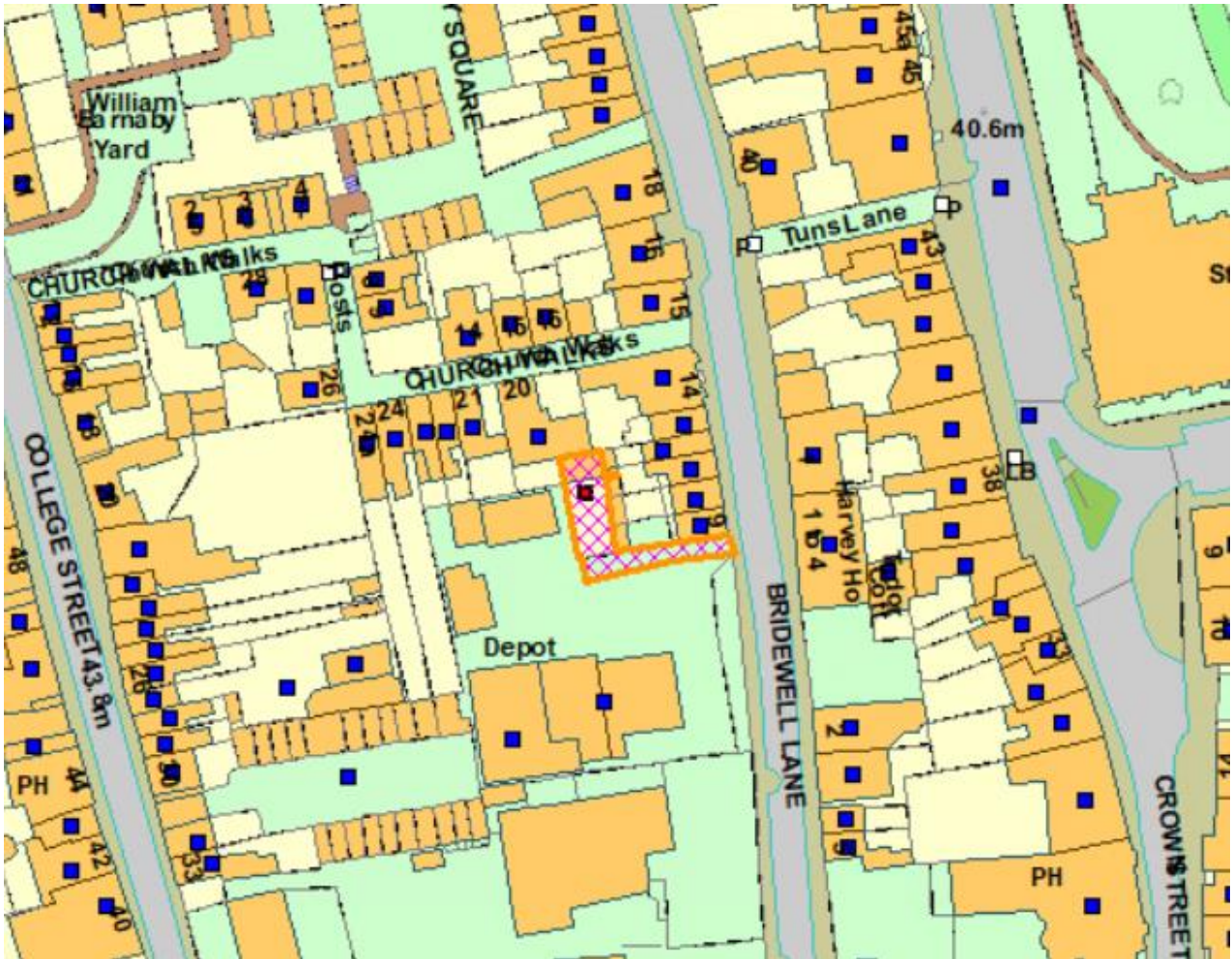
Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy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

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1774/FUL](#)



DC/22/1774/FUL - Land South And West Of 9 To 12 Bridewell Lane,  
Bury St Edmunds

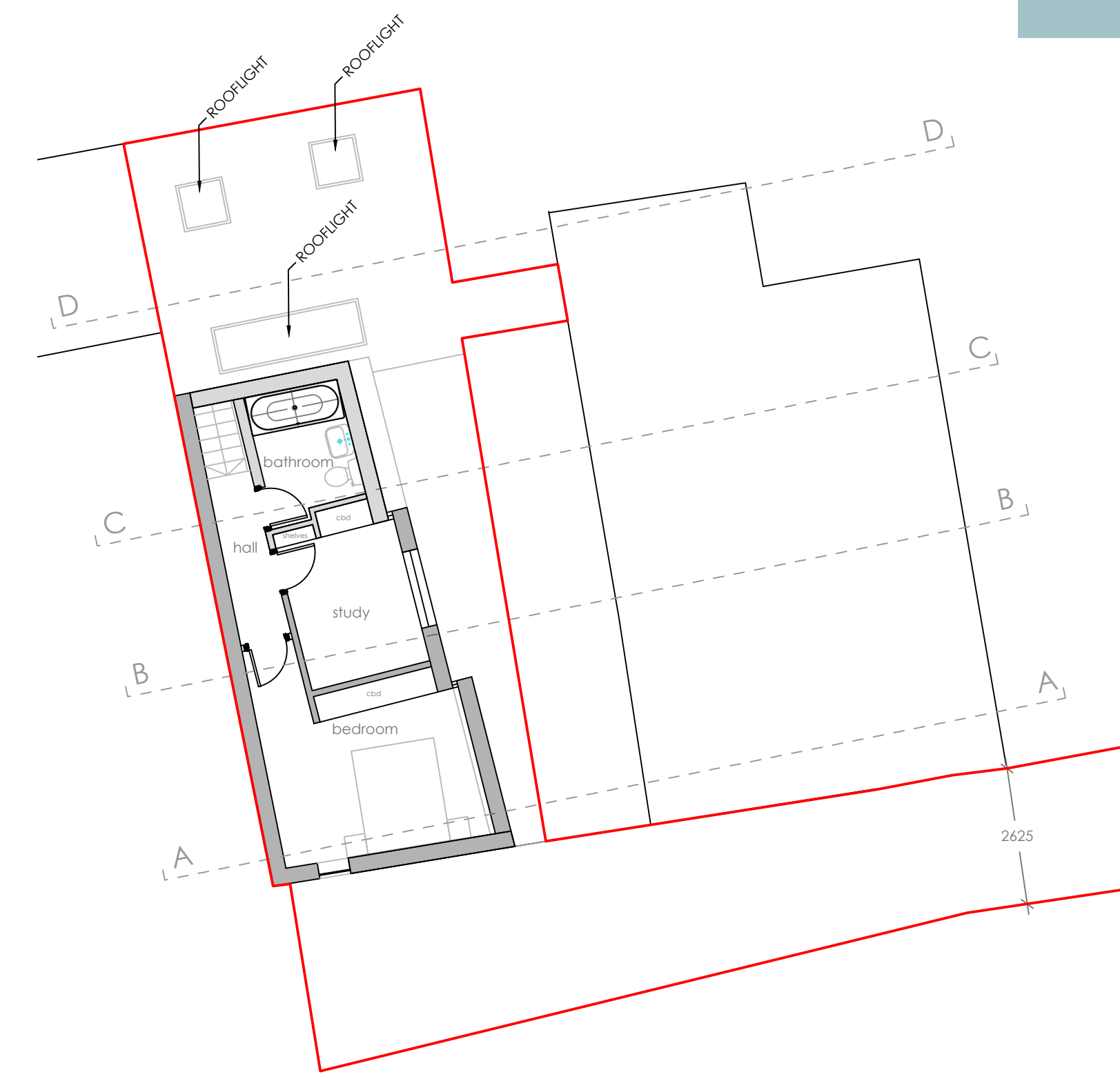


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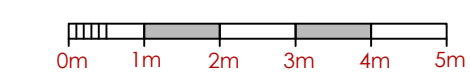




SITE LOCATION PLAN \_ 1:1250



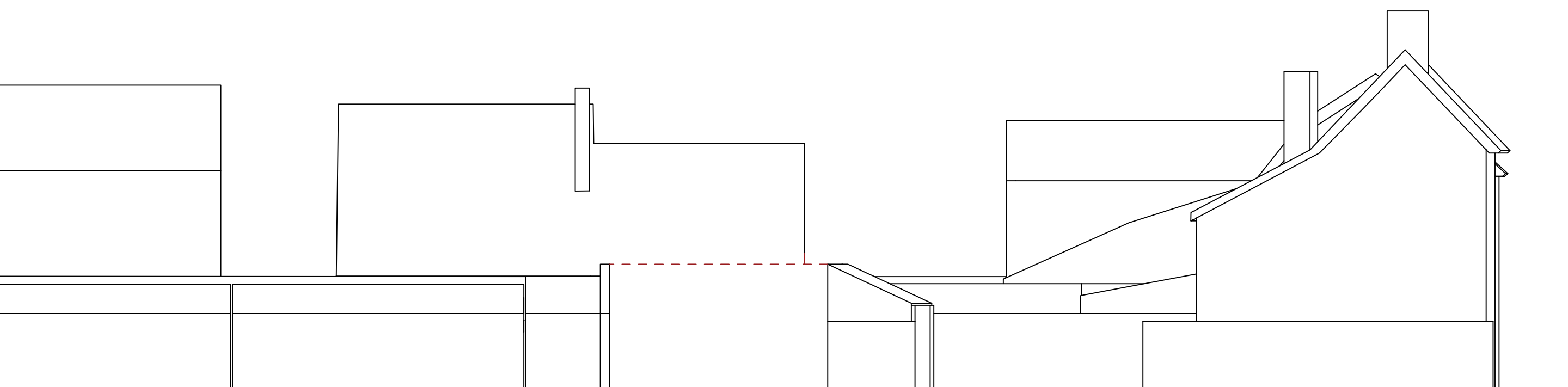
UPPER FLOOR PLAN \_ 1:100



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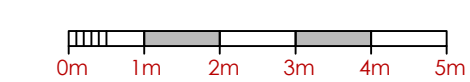
PROPOSED ROOF PLAN \_ 1:100



EXISTING SOUTH ELEVATION \_ 1:100



LOWER FLOOR PLAN \_ 1:100



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## **Development Control Committee**

### **4 October 2023**

#### **Planning Application DC/23/0664/RM - Hereward House, 2A Hereward Avenue, Mildenhall**

**Date registered:** 27 April 2023

**Expiry date:** 22 June 2023

**Case officer:** Connor Vince

**Recommendation:** Refuse application

**Parish:** Mildenhall

**Ward:** Mildenhall Kingsway and Market

**Proposal:** Reserved matters application - a. submission of details under DC/21/1950/OUT appearance, landscaping, layout and scale for plot 3 b. including details reserved by conditions 8 (cycle storage), 13 (biodiversity enhancement), 14 (hard and soft landscaping) and 15 (landscape management plan) of DC/21/1950/OUT

**Site:** Hereward House, 2A Hereward Avenue, Mildenhall

**Applicant:** Mr Hewitt

**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: 01284 757373

## Background:

**This application has been referred to the Development Control Committee following consideration by the Delegation Panel. Mildenhall Town Council support the application.**

**Outline planning permission (all matters reserved) was granted on 7 September 2022 for residential development, comprising two detached dwellings on two separate plots. This application considers development on one of these plots.**

## Proposal:

1. The application seeks approval for the reserved matters (appearance, layout, scale), including details reserved by condition for plot 3 of the outline approval granted under DC/21/1950/OUT.

## Application supporting material:

2. Application Form  
3D Study  
Landscape Management Plan  
Wildlife Lighting Scheme  
Location and Existing Site Plan  
Proposed Site Plan  
Proposed Site Plan (Landscaping)  
Proposed Floor Plans  
Proposed Elevations  
Existing Roof Plan

## Site details:

3. The application site is situated within the settlement boundary for Mildenhall. The site currently comprises a detached, two storey dwelling with protected trees bordering the site. The site is accessed via a shared access to the north-east, which exits onto Hereward Avenue. A public right of way runs adjacent to the site to the north and accesses North Terrace to the west.

## Planning history:

4.	Reference	Proposal	Status	Decision date
	F/2005/0830/OUT	Outline Application: Erection of one dwelling	Approve with Conditions	5 December 2005
	F/90/090	Erection of dwelling and garage as amended by letter and drawings received 27.03.90.	Refuse	10 May 1990
	F/89/799	O/A Erection of dwelling and garage	Refuse	21 March 1990
	F/83/745	O/A Dwelling and garage.	Application Withdrawn	5 March 1984



## Consultations:

5. Mildenhall High Town Council: Support
6. Natural England: NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
7. Waste Management: No comments
8. Public Health & Housing: I have reviewed the above application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team can confirm I have NO COMMENTS to make regarding the submission of details for the following reason:
  - None of the matters listed (cycle storage, biodiversity enhancement, hard and soft landscaping and landscape management) are within my remit, I therefore have no comments to make.
9. Environment Team: Thank you for consulting the Environment Team on the above reserved matters application. We have no comments on the reserved matters.
10. Suffolk County Council Highways: No objections subject to conditions.
11. Place Services Ecology: We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We note that an outbuilding exists in the centre of the proposed site, this is shown in the Existing Site Plan (TAB Architecture Ltd., April 2023), and that the proposals include the removal of this structure, as shown in the Proposed Site Plan (TAB Architecture Ltd., April 2023). Furthermore, there is some discrepancy between the Design and Access Statement (Kevin Watts) and the Arboricultural Impact Assessment (Hayden's, June 2022) (both Submitted to DC/21/1950/OUT), the documents disagree on the level of impact posed to the trees at the north and west boundaries of the site. The Arboricultural Impact Assessment shows that 5 trees will be removed. Outbuildings and trees have potential to support roosting bats, although the surrounding habitat indicates that a bat roost in these features is relatively low, due to the large number of features being removed, we believe impacts to bats should be considered for this application to manage the risk to protected species. Photographs provided in the Design and Access Statement do not cover this section of the site, therefore, the LPA cannot be certain of the risk to bats using these features.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that further ecological information, in the form of photographic evidence, is required to make this proposal acceptable. Submission of these photographs has the potential to trigger the need for a preliminary roost assessment, if the

consultant ecologist perceives there to be a likely chance that bats are roosting in these features.

To fully assess the impacts of the proposal details, the LPA needs ecological information for the site, particularly for bats, a European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

We have reviewed the Wildlife Lighting Scheme and Biodiversity Enhancements (TAB Architecture) relating to Condition 13 of decision DC/21/1950/OUT. We see that biodiversity enhancement measures will include bat boxes, bird boxes, and hedgehog permeable boundaries. We are generally satisfied with the details provided for these features, however, we see that 9 plots, for bird/bat boxes, are proposed but only 2 are shown on the Proposed Site Plan (TAB Architecture Ltd., April 2023). We recommend that exact locations of enhancement features are provided at the Discharge of Conditions stage, this should also include differentiating between bird box and bat box locations as these features require differing environmental conditions, with bird boxes having the most success while facing north to east.

We have reviewed Landscape Management Plan (TAB Architecture) relating to Condition 14 of decision DC/21/1950/OUT. We are not satisfied that sufficient information has been provided to allow the removal of this condition from the decision notice. From an ecological perspective, we recommend that the exact planting species are provided at the Discharge of Conditions stage, in order to evidence the use of native and non-damaging species.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

12. Place Services Landscaping: The application site is located within the boundary of existing Hereward House and is subject to previous Outline

approval (DC/21/1950/OUT) for 2no. dwellings located in the garden of a retained existing dwelling (1no. plot to west and 1no. plot to east), accessed via Hereward Avenue. The site is surrounded by other residential developments and is inside the settlement boundary of Mildenhall. Notwithstanding this we note this Reserved Matters relates only to Plot 3 to the west.

Our previous consultation dated 25/07/23 states:

The proposed dwellings are subject to Policy DM24: 'Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage' of the West Suffolk Joint Development Plan.

"Within those towns and villages with settlement boundaries planning permission for alterations or extensions to existing dwellings, self contained annexes, and ancillary development within the curtilage of dwellings will be permitted, provided that the proposals:

- a) respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area;
- b) will not result in over-development of the dwelling curtilage;
- c) will not adversely affect the residential amenity of occupants of nearby properties."

We would advise that urban design advice is sought in relation to the principle of this development, inclusive of layout, siting and design of the proposed dwellings.

#### *Review of submitted information*

Upon review, we note the increased footprint of the dwelling and relocation further north-west of the plot toward No. 2 North Place. Furthermore, elevations show the increased height of the property by approx. 3m increased ridge height. These amendments from Outline permission increase the impact on the visual amenity of nearby properties, encroachment on existing trees root protection area (RPA) and in our professional judgement would begin to become over-development and not in line with the principle of the approved permissions. This would therefore not be supported by Policy DM24.

We note within the AIA submitted under DC/21/1950/OUT it states: Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, ground protection measures, "no dig" surfacing, access facilitation pruning specification, phasing and an extensive auditable monitoring schedule. While we note on the Proposed Site Plan Specification details states:

Tree Protection: All existing trees that are to be retained are identified in the tree survey and subsequent report.

This appears to be omitted from the current submitted documents and will be required in order to better understand the impact on the 10 Tree Preservation Order's within the site. Due to the significant amendments made following outline approval, we require updated details.

Similarly, we would require a more detailed hard and soft landscape plan specifying details of all boundary treatments, hard landscape materials and soft landscaping. For example, Indicative Paving Detail on the Proposed Site Plan (Dwg. TAB903- 06) states: Sub base thickness dependant on block pavior manufacturer, see specification for details. This appears to be omitted from the plan. Furthermore, details are required for the 'no dig' solution within areas of all RPAs.

We recommend addressing the above comments prior to approval.

### **Representations:**

13. Two letters of representation have been received. 2 Hereward Avenue supports the proposal, whereas 2A Hereward Avenue objects. The material planning considerations noted within their responses are summarised below:

- Residential Amenity Impacts
- Design

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

15. 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:

16. Forest Heath Core Strategy:

- Core Strategy Policy CS5 - Design quality and local distinctiveness

17. Joint Development Management Policies Document (adopted February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

## **Other planning policy:**

18. The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

## **Officer comment:**

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

- Principle of Development
- Design, Form, Scale and Residential Amenity Impacts
- Ecological Impacts
- Arboricultural Impacts
- Highways Impacts
- Other Matters

## **Principle of Development**

20. The application is a submission of reserved matters and further details secured via condition to the outline permission DC/21/1950/OUT. The principle of the development and a cap on the number of dwellings has already been established by the outline planning permission and cannot be revisited at reserved matters stage.

21. Policy CS5 of the Forest Heath Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment.

22. Policy DM1 states "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

23. Policy DM2 states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality.

24. As such the proposal is considered acceptable in principle subject to all other material planning considerations.

## **Design, Form, Scale and Residential Amenity Impacts**

25. The application site is situated within the settlement boundary for Mildenhall, with various trees protected by Tree Preservation Order on the northern, western and southern boundaries. A public right of way also borders the site to the north, with residential properties surrounding the site on the western, southern and eastern boundaries.
26. The existing dwelling, noted on the plans as 'Hereward House' will be retained with boundary treatments identified on the proposed site layout plans. These boundary treatments have been constructed. As per the outline approval, the indicative layout and scale of the dwellings indicates that sufficient separation distance, design principles and form could be incorporated to ensure no adverse residential amenity impacts are likely to arise at reserved matters stage. This notion was further exhibited by the single storey scale of 'Plot 3' and noting the bungalow of 2 North Place to the north-west of the site boundary. For context, the outline permission secured indicative elevations for this plot, which showed a single storey bungalow with an approximate height of 4.5 metres with a simple rectangular form, given the intimate relationship to 2 North Place which is a modest bungalow to the west of the plot, and to the dwellings to the south, as a means to avoid any adverse residential amenity impacts by way of reserved matters or full planning application submission. A garage was also initially proposed as part of the outline permission, but was removed from the western boundary as similar concerns were raised.
27. Policy DM2 requires the residential amenities of existing and future residents to be protected, as well as the amenities of those residents surrounding the application site. DM22 further states all residential development proposals should maintain or create a sense of plane and/or character by... basing design on an analysis of existing buildings, landscape or topography, and fully exploiting the opportunities that these present.
28. The reserved matters application proposes a 1.5 storey dwelling, measuring 7.0 metres in total height, with a larger floor area in a L-shape, extended along the western boundary shared with 2 North Place which contains an in-built garage area. The western flank therefore now appears overbearing when seen from 2 North Place and extends approximately 15 metres in length, within 2.7 metres of the western boundary. The dwelling also sits further north into the plot. Previously, the indicative layout illustrated a western (side) elevation that extended 7 metres, situated 4.4 metres from the boundary at a considerably lower overall height. Officers are therefore not content that the residential amenity of local residents has been adequately considered and incorporated into the residential design of the dwelling. The proposal is therefore contrary, by reason of its proximity and scale relative to off site dwellings, to the provisions of policies DM2 and DM22. Although no comments have been received from 2 North Place, this does not negate the requirement for officers to consider impacts on their residential amenity, which is perceived to be materially adverse in this case.
29. Furthermore, it is necessary for Officers to consider the relationship to the previous host dwelling, Hereward House, and 5 Breck Gardens to the south. Firstly, in relation to Hereward House itself, no adverse residential

amenity impacts are considered to arise. No eastern first floor windows are proposed, other than one dormer which sits further north on the proposed dwelling, therefore primarily looking east along the shared access. The dormer window would also be situated approximately 10 metres from the western boundary of Hereward House and a total of 19 metres to the western boundary wall. Overall, no adverse residential amenity impacts are considered to arise.

30. In relation to 5 Breck Gardens to the south, two rooflights are proposed on the rear (southern) elevation, with these approximately 15 metres away from the rear elevation of 5 Breck Gardens. Given their function and placement, no adverse residential amenity impacts are considered to arise in this context.

31. Whilst a 3D study has been submitted to illustrate negligible levels of overshadowing, this factor is not the only consideration with regards to amenity impacts. The combined design, form and locational context of the dwelling is considered to have an oppressive and overbearing impact on 2 North Place, therefore proving contrary to policies DM2 and DM22.

### **Ecological Impacts**

32. Policy DM11 seeks to prevent development that would have an adverse effect on protected species. The application submission contains a Wildlife Sensitive Lighting Scheme, albeit no formal ecology report has been submitted. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

33. "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

34. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

35. The National Planning Policy Framework (NPPF, 2023) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 174).

36. The reserved matters application has been assessed by the LPA's Ecological consultant. The LPA and consultants are not satisfied that there is sufficient ecological information available for determination of this application and it is recommended that further ecological information, in the form of photographic evidence, is required in order to ensure no adverse ecological impacts arise as part of the development.

37. The site is surrounded by various trees and hedging which have the potential for bats to roost. The submission of these photographs has the potential to trigger the need for a preliminary roost assessment, if the consultant ecologist perceives there to be a likely chance that bats are roosting in these features. Whilst this was not explicitly noted at outline

stage, this is a more specific matter that is required to be considered at Reserved Matters stage and is, in any event, part of the Authority's statutory duty explained above.

38. Furthermore, in order to fully assess the impacts of the proposal details, the LPA needs ecological information for the site, particularly for bats, a European Protected Species. These surveys are required prior to determination as Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".
39. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
40. This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.
41. As per condition 13 of the outline permission (Biodiversity Enhancements) which is being considered at Reserved Matters stage, it is noted that the biodiversity enhancement measures will include bat boxes, bird boxes, and hedgehog permeable boundaries. This is generally considered acceptable. However, nine plots, for bird/bat boxes, are proposed but only 2 are shown on the Proposed Site Plan. The LPA therefore require the exact locations of enhancement features in order to confirm the acceptability of the information submitted in relation to condition 13.
42. Overall, there is insufficient information before the LPA in relation to the ecological context of the site. The proposal therefore does not confirm with policies DM11, nor DM12 as well as the relevant NPPF paragraphs and NERC act 2006.

### **Arboricultural Impacts**

43. Policy DM2(g) states proposals for all development should, as appropriate, taking mitigation measures into account not adversely affect important landscape characteristics and prominent topographical features as well as sites, habitats, species and features of ecological interest. This is further echoed in the same policy with proposals needing to recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.
44. Policy DM13 of the Joint Development Management Policies document requires 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 DM13 also requires that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Finally, the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However, the policy also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.

45. The application is accompanied by a Landscape Management Plan. The Arboricultural context formed a critical element in approving the outline permission and conditioned the landscape management of the site via condition. For context, the trees listed as T11 (north-eastern boundary), T5 and T8 (southern boundary) have permission to be felled on the original Arboricultural impact assessment. T3 and T4 of the same document are categorised as being Cat U and C, and whilst they are considered to have a moderate amenity value, the landscape consultant confirmed that the specimens are considered of poor quality and provided they are replaced with new planting, details to be agreed, then their removal is considered acceptable.
46. The footprint of the dwelling has evidently increased from that considered at outline stage, also having relocated further north-west of the plot toward No. 2 North Place. These amendments from Outline permission increase the impact on the visual amenity of nearby properties, encroachment on existing trees root protection area (RPA) which have not been updated and/or presented to the LPA for consideration.
47. It is noted within the Arboricultural Impact Assessment submitted under DC/21/1950/OUT it states: Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, ground protection measures, "no dig" surfacing, access facilitation pruning specification, phasing and an extensive auditable monitoring schedule. While we note on the Proposed Site Plan Specification details states:
  - Tree Protection: All existing trees that are to be retained are identified in the tree survey and subsequent report.
48. This has not been submitted with the Reserved Matters application and will be required in order to better understand the impact on the various remaining Tree Preservation Order's within the site. No hard or soft landscaping plans/details have been submitted specifying details of boundary treatments.
49. Both the LPA's landscaping and ecological consultants have reviewed the Landscape Management Plan relating to Condition 14 of decision DC/21/1950/OUT. Neither are satisfied that sufficient information has been provided, with specific reference to the aforementioned policies and conditions attached to the outline permission.

## Highways Impacts

50. The 2023 NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. Policies DM2 and DM46 state that proposals for all development should provide designs that are in accordance with standards, that maintain or enhance the safety of the highway network. Parking should also be provided in line with the minimum parking standards, set out in the Suffolk County Council Highways parking guidance document.
51. The application proposes an integral garage, with sufficient space in front to accommodate the two vehicular parking spaces recommended by Suffolk Parking Guidance. No objections are raised by Suffolk County Council Highways.
52. Overall, the proposal is considered to comply with the provisions of DM46, as well as the relevant paragraphs within the NPPF.

## Other Matters

53. DM7 states (inter alia) that proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore, a condition would have been included to ensure that either water consumption is no more than 110 litres per day (including external water use), or that no water fittings exceed the values set out in table 1 of policy DM7.

## Conclusion:

54. Following extended informal discussions and negotiations with the agent on a revised scheme, Officers have been informed that the applicant wishes for the originally submitted scheme to be assessed and determined. Given the aforementioned, the application is recommended for refusal.
55. In conclusion, the proposed development is considered to be unacceptable due to the material adverse impacts upon amenity arising from the scale and position of the development proposed and is not therefore in accordance with the referenced policies in the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy and the provisions of the National Planning Policy Framework.

## Recommendation:

56. It is recommended that planning permission be **REFUSED** for the following reasons:
1. Policy CS5 of the Core Strategy seeks to ensure that development reinforces local distinctiveness and has regard to local character, whilst Policies DM2 and DM22 require development to recognise and address the key features, characteristics, landscape character, local distinctiveness and

special qualities of the area, including that the residential amenity of nearby properties is not adversely affected.

The application proposes a 1.5 storey dwelling, measuring 7.0 metres in total height, extended along the western boundary shared with 2 North Place which contains an in-built garage area. The western flank therefore appears overbearing and extends approximately 15 metres, within 2.7 metres of the western boundary. The dwelling also sits further north into the plot. Previously, the indicative layout illustrated a western (side) elevation that extended 7 metres, situated 4.4 metres from the boundary at a considerably lower overall height.

The building, together with its increased scale, length and orientation to 2 North Place to the west will result in material harm to the residential amenity of the aforementioned dwelling thus proving to be contrary to Policy CS5 of the Core Strategy and Policy DM2 and DM22 of the Joint Development Management Policies Document.

2. Policy DM11 seeks to prevent development that would have an adverse effect on protected species. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).

Insufficient information has been submitted in relation to the ecological context of the site, particularly noting the absence of surveys relating to bats. Officers are therefore not content that there will be no adverse ecological impacts to bat habitats as a result of the proposed development and it is therefore not in accordance with policies DM11 and DM12, as well as the NERC Act and relevant paragraphs within the NPPF.

3. 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.

The application contains insufficient information in assessing the potential impact of the proposed development on neighbouring trees bordering the site, by virtue of the increased size of the proposed development relative to the indicative details considered at the outline stage and the lack of updated information submitted in relation to arboricultural impacts.

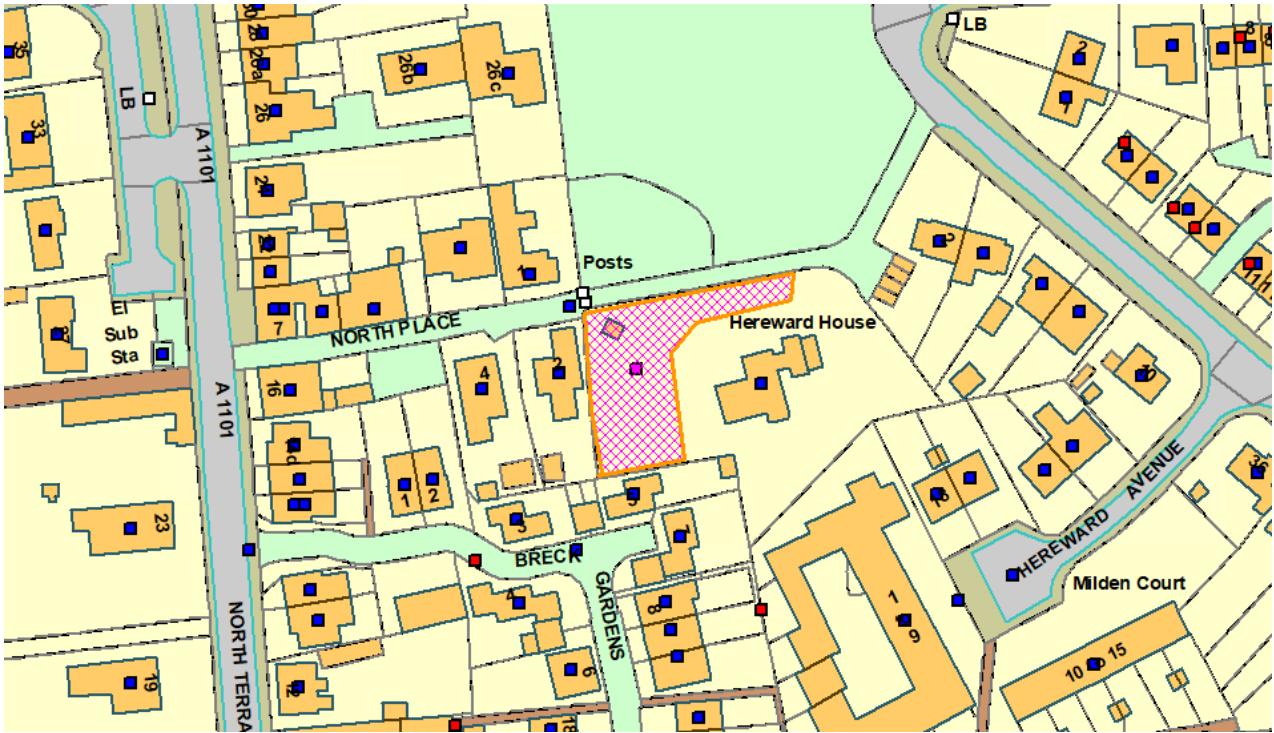
The proposal as such would be contrary to the provisions of Policy DM2, Policy DM13 of the Joint Development Management Policies Document (2015), Policy CS5 of the Forest Heath Core Strategy (2010) and the National Planning Policy Framework which seeks to preserve important landscape characteristics which make a significant contribution to the character and appearance of the area.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/23/0664/RM>



DC/23/0664/RM - Hereward House, 2A Hereward Avenue, Mildenhall



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**NOTES**

This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site, do not scale.

This drawing is to be read in conjunction with all relevant consultants' and/or specialists' drawings / documents and any discrepancies or variations are to be notified to TAB Architecture before the affected work commences.

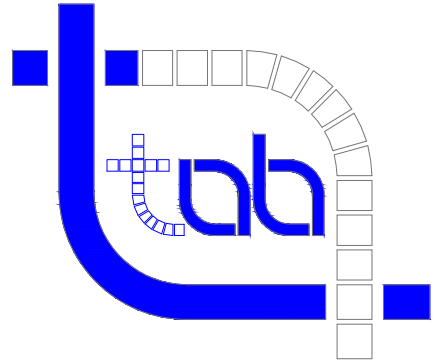
All queries relating to design of foundations, floor slabs and any structural elements are to be referred to the structural engineering consultant for resolution. All feasibility studies are subject to full site survey. The workmanship of all relevant trades and building operations shall comply with the recommendations of British Standard (BS) 8000:1989 parts 1-15 inclusive.

This drawing and all the information shown is the property of TAB Architecture Ltd and shall not be copied in whole, or in part, or used for any other purpose without written permission of the company.

All design and construction is to be in accordance with the Construction, Design and Management Regulations 2007.

All Existing buildings remain unsurveyed

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Rev	Date	Description

Client  
**Mr Hewitt**

Project Name  
**Plot 3 Hereward House**

Drawing Title  
**Proposed Site Plan**

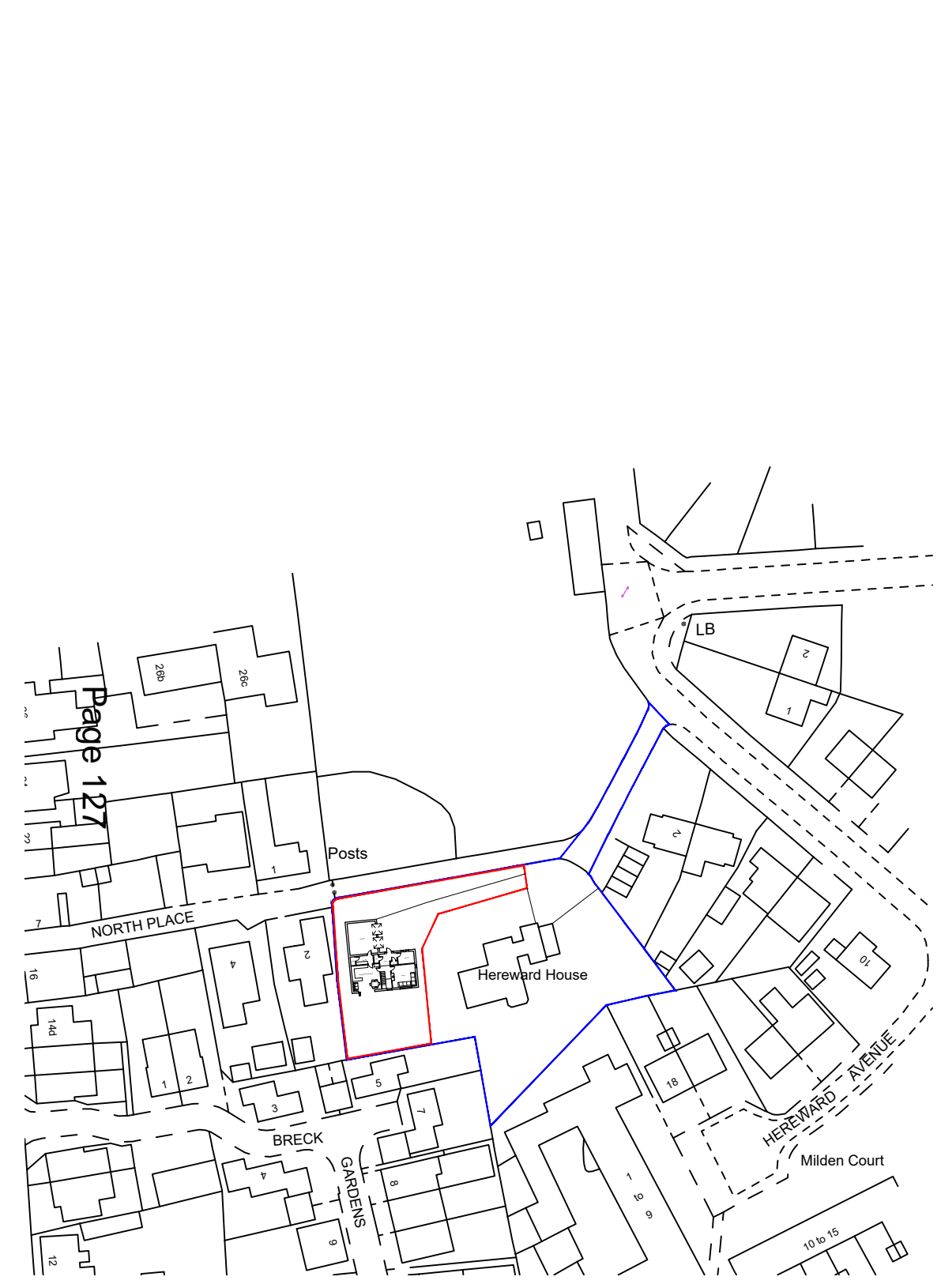
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Date  
**Jan 2023**

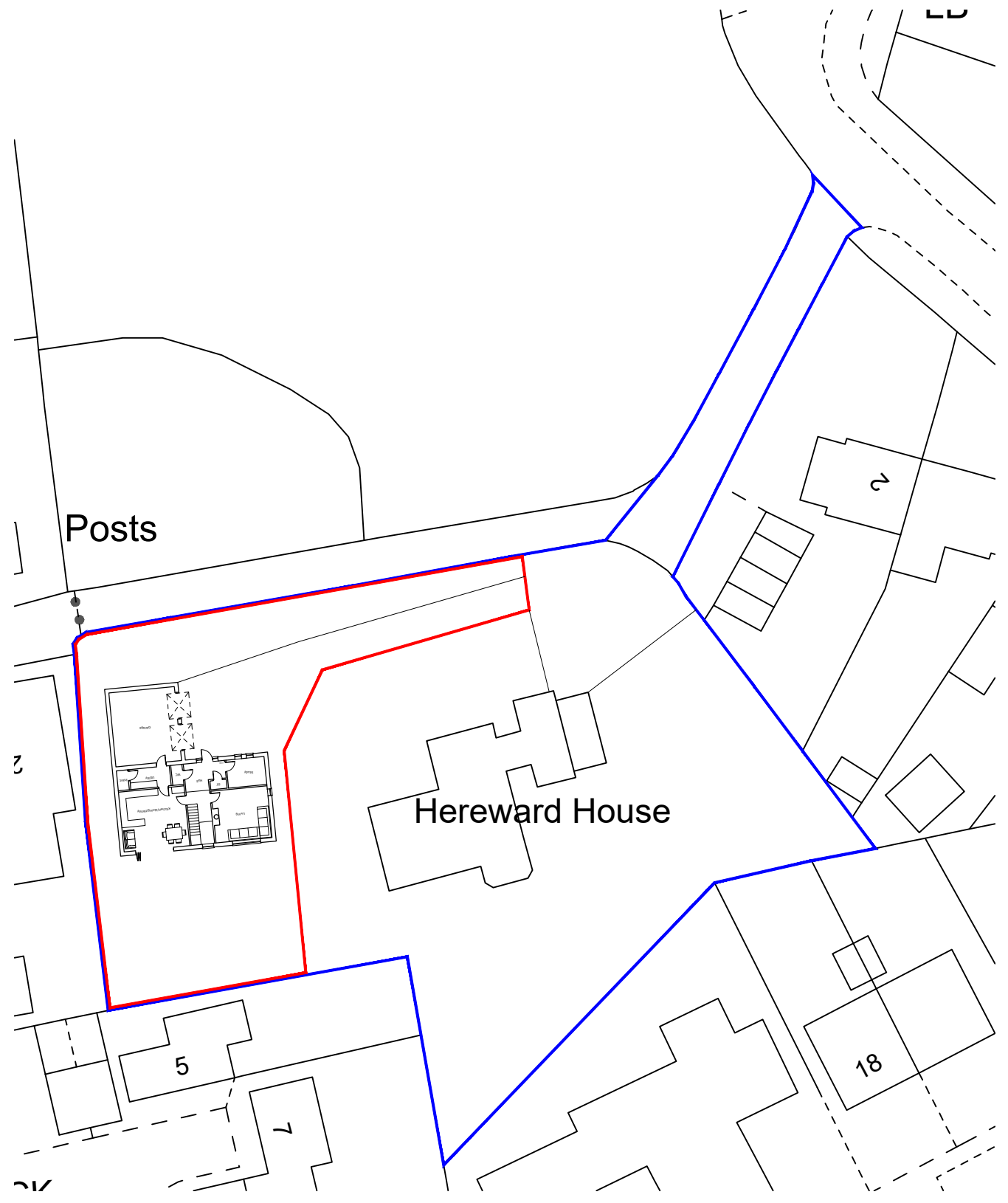
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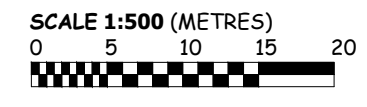
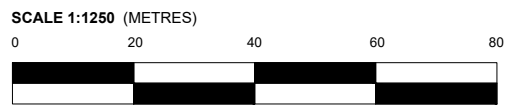
Drawing No.  
**TAB903- 05**



1:1250 Proposed Site Plan



1:500 Proposed Site Plan



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## **Development Control Committee**

### **4 October 2023**

#### **Planning Application DC/22/2228/FUL - Land off Friday Street, West Row**

**Date registered:** 30 January 2023      **Expiry date:** 1 May 2023  
EOT 06 October 2023

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

**Parish:** West Row      **Ward:** The Rows

**Proposal:** Planning application - 10 dwellings with associated access and garages (following demolition of existing dwellings) as amended by plans received 28 April 2023.

**Site:** Land off Friday Street, West Row

**Applicant:** Mr Andrew Garnett

**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: 01284 757373

## **Background:**

**The application is before the Development Control Committee as it represents a departure from the Development Plan but is recommended for APPROVAL. Part of the site is situated within designated countryside. As the application proposes ten dwellings which does not technically conform with the Development Plan, the proposal represents a departure.**

**West Row Parish Council has no objection to the proposal.**

## **Proposal:**

1. The planning application seeks consent for ten dwellings, following the demolition of three existing dwellings on site. The application is a resubmission of a previous application, DC/22/1618/FUL, which was withdrawn.
2. The development proposes ten, two-storey dwellings within a site area of 4370sqm. The existing dwellings are sparsely distributed and do not form a cohesive pattern of development. The dwellings would be built predominantly within the existing settlement boundary for West Row, but partially within designated countryside on the eastern boundary.

## **Application supporting material:**

3. Application Form  
Covering Letter  
Design and Access Statement  
Land Contamination Screening  
Phase I Contamination Report  
Ecological Assessment  
Arboricultural Impact Assessment  
Arboricultural Method Statement  
Drainage Proforma  
Structural Survey  
Heritage Assessment  
Supplementary Heritage Assessment  
Proposed Demolition Floor Plans  
Proposed Demolition Supporting Evidence  
Amended Flood Risk Assessment and Sustainable Drainage Strategy  
Existing Block Plan and Photographs  
Amended Location and Block Plan  
Amended Plots 1-2, 5-6 Floor Plans and Elevations  
Amended Plots 3-4 Floor Plans and Elevations  
Amended Plots 7-8 Floor Plans and Elevations  
Plots 9-10 Floor Plans and Elevations  
Amended Garage Plans and Street Scene
4. The full list of approved plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

## **Site details:**

- The application site is predominantly situated within the settlement boundary for West Row. However, part of the eastern edge of the site is situated within designated countryside. The site is accessed via Friday Street to the west. The site is surrounded by residential dwellings. Trees protected by tree preservation order border the site to the west.

### Planning history:

6.

Reference	Proposal	Status	Decision date
DC/22/1618/FUL	Planning application - 12 dwellings with garages (following demolition of existing three dwellings)	Application Withdrawn	31 October 2022

### Consultations:

- Parish Council: Support the Planning Application
- Place Services Ecology: No objection subject to securing ecological mitigation and biodiversity enhancements.

"We have reviewed the Ecological Assessment (DWA Ecology, September 2022) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We also reviewed the other submitted documents including a review of Magic Maps (<https://magic.defra.gov.uk>) and aerial photographs of the site.

We are satisfied that there is sufficient ecological information available for determination of this application.

We note that the site lies within the outer limits of the impact zone of Breckland SSSI and the ecology report concludes "It is not anticipated that the development will impact upon this designated site, however the local authority should be consulted to determine whether screening for Habitat Regulations Assessment (HRA) is required." We also note that the site lies outside the Breckland SPA as well as the 1500m buffer and the 1500m nesting buffer and do not consider any impact pathways for effects on any of the qualifying features (Stone Curlew, Woodlark & Nightjar). It is therefore considered that, without mitigation, the development will avoid any Likely Significant Effects either alone or in combination with other plans and projects and the LPA as the competent authority may agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

The Ecological Assessment (DWA Ecology, September 2022) states buildings one, two, three and six possess bat roosting features and therefore require bat emergence/re-entry surveys. The results of bat activity surveys undertaken which confirmed bat roosts in Buildings 1, 3 and 6. Considering the peak counts of bats identified, it is anticipated that Building 1 contains a day roost of Common Pipistrelle, Building 3 a day roost of Brown long-eared bat and Building 6 a day roost of Common

Pipistrelle. As development works will necessitate the destruction of three day roosts of two common bat species, demolition works will need to be carried out under a mitigation licence from Natural England. We therefore recommend that a copy of the EPS mitigation licence by a condition of any consent (or alternatively evidence of site registration by a Registered Consultant under a Bat Mitigation Class Licence).

We have reviewed the mitigation and compensation measures in Section 5 of Ecological Assessment (DWA Ecology, September 2022) and outline method statement in Appendix 5 for the EPS mitigation licence application. We consider these are appropriate and likely to be effective so will meet the 3 tests ahead of Natural England licensing stage. We note that four of the proposed buildings will be constructed with roof voids and bat access will be provided into these roof voids as compensatory roosts required by Natural England.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species and habitats and, with appropriate mitigation and compensation measures secured, the development can be made acceptable.

The mitigation and compensation measures identified in the Ecological Assessment (DWA Ecology, September 2022) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats. In principle, we support the proposed reasonable biodiversity enhancements for bird boxes and hedgehog friendly boundaries, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework. However, we strongly recommend that the bird and bat boxes are permanent so should be integrated into the new buildings rather than fixed to trees. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

9. Place Services Trees: This application is for the demolition of an existing dwelling followed by the construction of 10 dwellings with associated access and garages. An Arboricultural Impact Assessment (AIA) has been submitted that shows that there are 65 individual trees, 13 groups of trees and 6 hedges that have the potential to form a constraint on the scheme.

As part of this survey 35 trees and 7 groups, all of which have been categorised as C in accordance with BS 5837:2012 - Trees in relation to construction – Recommendations, have been proposed for removal to

facilitate the scheme. As category C trees are not a material consideration in the planning process there is no objection to their removal. However, due to the volume of removals there should be new planting specified that will mitigate for the loss of the trees on a 2:1 ratio, which would conform with DM13 of the West Suffolk Joint Development Management Policies Document 2015 'All development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape'. No other removals have been specified apart from the 42 trees/tree groups.

Within the AIA it has stated that there will be facilitation pruning to T21 and T12, which is a category A (T21) tree and category B (T12) tree to allow for sufficient garden space. The proposed works should be undertaken in accordance with BS3998:2010 and any statutory checks undertaken with the Local Planning Authority. There is no objection to these works from a planning perspective as it will prevent any conflicts with the adjacent development and not have a detrimental impact on the trees' conditions.

T8 and T9, which are category A trees, will be impacted through the demolition of the current building footprint. However, suitable working methodology has been specified within the Arboricultural Method Statement in section AGN 2. Therefore, providing these working methods are strictly abided by then there should be no detrimental impacts to the trees.

As well as the above the AMS, alongside the Tree Protection Plan, have shown suitable working methodology and protection of retained trees through fencing in accordance with BS5837:2012 and construction exclusion zones within the site. There will be minor RPA incursions to T2 and T3 for the site and as they are subject to a Tree Preservation Order access into the development should consider the use of permeable tarmac, which will not have a detrimental impact on the gas exchange of the trees. Overall, there is satisfactory information included within this application that would allow for its progression subject to the attached conditions.

10. Environment Team – Updated 16 August 2023: We have reviewed the Phase 1 Geo-Environmental Desk Study, prepared by EPS, reference UK23.6560, dated 27th July 2023.

The report constitutes a Phase I Desk Study in accordance with the National Planning Policy Framework (NPPF), which requires adequate site investigation information, prepared by a competent person (paragraph 183c).

The report is generally thorough and represents the typical plausible contaminant linkages (risks) in a Conceptual Model. A number of potential risks were identified, mostly associated with the quality of made ground in the shallow soils and potential future interaction with this material by site users. On this basis, they have recommended that a Phase II Site Investigation comprising shallow soil sampling and laboratory testing is undertaken to further assess these risks.

This Service is satisfied with the report and recommendations for investigations. The standard land contamination condition should be attached, should planning be granted, to suitably control these intrusive investigations.

11. Environment Team Sustainability: In relation to policy DM7 which states that "All proposals for new buildings including the re-use or conversion of existing building will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.

It also states All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan and that proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed.

This application has not included the required information on how sustainable design and construction principles will be used and does not detail how energy or water standards will be met. An energy statement should be supplied that includes the following information:

- Detailed explanation of how building regulations will be met, including materials values
- Details of how the building will be designed and insulated to be highly energy efficient
- Consideration of onsite renewable energy generation
- How the building will be future proofed so that it could run as operationally net zero in the future.

Statements should detail how design will allow for the addition of energy saving/renewable technology including solar PV or thermal (roof design and orientation), and heat pumps and batteries (space to install).

The following condition is proposed to ensure that these requirements are met.

12. Public Health & Housing: No objections subject to conditions.

13. Suffolk County Council Lead Local Flood Authority – Updated 16 June 2023: We have reviewed the following submitted document and we recommend approval of this application subject to conditions.

14. Environment Agency: We have reviewed the information provided and have no formal comment to make.

15. Anglia Water:

Anglia Water would recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval. Used Water

Sewerage Network (Section 3) We have no objection subject to the following condition:

Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

16. Suffolk County Council Highways – Updated 13 June 2023: Following the submission of additional information, the following conditions would be recommended on any approval given for this proposal.

17. Suffolk Archaeology: This site lies in an area of archaeological potential recorded on the County Historic Environment Record and within the West Row historic settlement core (MNL 676). Evidence of a substantial Roman farmstead has previously been identified to the north of the site (MNL 747). In addition, there is a potential for medieval or post medieval activity toward the street frontage. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case the following two conditions would be appropriate

18. Conservation Officer:

Extensive comments have been received from the Conservation Officer relating to the off site Listed Building 101 Friday Street, as well as in relation to the Non Designated Heritage Asset at 115 Friday Street, which is to be demolished as part of this proposal.

In summary, there is no objection to the development proposals, and this matter is discussed in more detail below.

19. Waste Management – Updated 08 June 2023: No comment.

20. Suffolk County Council Minerals and Waste: Thank you for consulting us on the above application. This site is not located in a minerals consultation area so we have no comments to make.

21. Suffolk County Council Development Contributions: As this is below our corporate threshold of 10 dwellings (net), no infrastructure assessment

is carried out and I have no comments to make on this application but have copied in service colleagues who might have comments.

## **Representations:**

22. Two letters of representation have been received from 101 Friday Street, asking for clarification regarding potential impacts on the Grade II Listed Building. These impacts will be discussed in subsequent sections of this report.
23. **Policy:** On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
24. 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:
25. Forest Heath Core Strategy:
- Core Strategy Policy CS1 – Spatial Strategy for Forest Heath
  - Core Strategy Policy CS2 – Natural Environment
  - Core Strategy Policy CS3 – Landscape Character and the Historic Environment
  - Core Strategy Policy CS4 – Climate Change
  - Core Strategy Policy CS5 - Design quality and local distinctiveness
  - Core Strategy Policy CS9 – Provision of Affordable Housing
  - Core Strategy Policy CS10 – Sustainable Rural Communities
26. Joint Development Management Policies Document (adopted February 2015):
- Policy DM1 Presumption in Favour of Sustainable Development
  - Policy DM2 Creating Places Development Principles and Local Distinctiveness
  - Policy DM5 Development in the Countryside
  - Policy DM6 Flooding and Sustainable Drainage
  - 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 DM16 Local Heritage Assets and Building Protected by an Article 4 Direction
  - Policy DM20 Archaeology
  - Policy DM22 Residential Design



- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

## 27. Forest Heath Site Allocations Development Plan Document

- SA1 – Settlement Boundaries

### **Other planning policy:**

28. The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

### **Officer comment:**

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

- Principle of Development
- Design, Scale and Form and Impact upon Character and Appearance
- Residential Amenity Impacts
- Flooding Impacts
- Ecological impacts
- Arboricultural Impacts
- Heritage Impacts
- Highways Impacts
- Other Matters

### **Principle of Development**

30. Policy CS1 outlines the spatial strategy for seven types of place within Forest Heath, defined as Towns, Key Service Centres, Primary Villages, Secondary Villages, Sustainable Military Settlements, Small Settlements and The countryside. Policy SA1 of the Site Allocations Development Plan Document allows new housing within settlement boundaries. West Row is defined as a Primary Village, and contains a settlement boundary. SA1 confirms that within housing settlement boundaries planning permission for new residential development, will be permitted where it is not contrary to other planning policies.

31. Policy CS2 concerns the Natural Environment and states "Areas of landscape, biodiversity and geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and sought through a variety of measures."

32. Policy CS3 concerns Landscape Character and the Historic Environment and states "The quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved

and, where possible, enhanced. Proposals for development will take into account the local distinctiveness and sensitivity to change of distinctive landscape character types, and historic assets and their settings. Landscape types are described in the Forest Heath Landscape Character Assessment (LCA).”

33. Policy CS4 concerns Climate Change and states “The Council will promote and encourage all development proposals to deliver high levels of building sustainability in order to avoid expansion of the districts ecological footprint and to mitigate against and adapt to climate change.”
34. Policy CS5 of the Forest Heath Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment.
35. Policy CS9 requires all developments for all schemes of 10 or more dwellings or sites of more than 0.33 hectares a target of 30% of the number of net new dwellings will be sought as affordable. The site area measures 4370 square metres, or 0.437 hectares, therefore exceeding this threshold. However, paragraph 64 of the NPPF, which supersedes the aforementioned Core Strategy policy, states:
36. “Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.”
37. With the requirements of the revised NPPF in consideration, the site is not considered major development given the net gain of dwellings totalling seven. Furthermore, as the total area is below the 0.5 hectare threshold, no affordable housing is being sought as part of this development.
38. Policy DM1 states “when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
39. Policy DM2 states proposals for all development should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale density and massing of the locality.
40. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Proposals will be permitted where they are directly related to agriculture, forestry, or a commercial equine-related business, and where they recognise the intrinsic character of the countryside, they do not result in a loss of best and most versatile agricultural land and where there will be no significant detrimental impact

on the historic environment, landscape, ecology or highway network. The application does not propose a dwelling/dwellings related to the aforementioned albeit, as the plans make clear, and as this report shows, this is largely on the basis of a technicality given the existing settlement boundary lines and the conflict with DM5, whilst being noted, is marginal, albeit, on a technical basis, Policy DM27 relating to residential housing in the countryside is engaged.

41. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the Countryside subject to satisfying the following criteria - (i) the development is within a closely 'knit' cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and (ii) the scale of the 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.
42. The application site is partially situated within designated countryside, and the site is not otherwise allocated for residential development within the Local Plan. As a result of the very minor technical conflict relating to development outside the settlement boundary the application does not accord with Policy DM27 as it does not form a closely-knit cluster of 10 or more dwellings, does not consist of a small, undeveloped plot and furthermore is not for a single dwelling, nor for a pair of semi-detached dwelling. This conflict is minor and in the opinion of officers is not considered sufficiently material to add anything other than an insignificant degree of weight in the planning balance.
43. Officers consider the current proposed layout to be more appropriate when considering residential development at the site. The proposal would appear logical, in that the soft landscaping on the eastern boundary appears as a natural established and well-defined boundary as opposed to the more arbitrary current adopted boundary. Officers therefore consider the encroachment into the defined countryside to be a technical conflict that is otherwise appropriate in the circumstances, and which will be discussed in more detail in the impact on character section below. Furthermore, the majority of the development is within the defined settlement boundary, with part of what is Plot 5 deviating into what is designated countryside. The land to the east is currently not allocated for development.
44. On balance, officers therefore consider this minor and largely technical deviation from the development plan to be acceptable given the current building positions and boundary treatments on site, subject to the other material planning considerations below also being acceptable.

### **Design, Scale and Form and Impact upon Character and Appearance**

45. In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location. In addition, paragraph 126 of the NPPF provides that good design is a key and vital aspect of sustainable development in making development acceptable to

communities. In this regard, the scheme has been designed to ensure that it is able to meet the requirements of DM2 and DM22.

46. With an increased focus on good design, the revised NPPF is particularly relevant as proposals which do not relate well to the street scene and their immediate context are unable to garner policy support.
47. The site is situated predominantly in the existing settlement boundary of West Row, with a small section of the eastern edge of the site situated within designated countryside. The site is surrounded by residential dwellings to the south and west, with open countryside to the east. The layout illustrates a cul-de-sac arrangement, with landscaping proposed on the western and eastern boundaries, with existing trees retained on the northern and southern boundaries.
48. The site is situated predominantly in the existing settlement boundary of West Row, with a small section of the eastern edge of the site situated within designated countryside. The site is surrounded by residential dwellings to the south and west, with open countryside to the east. The layout illustrates a cul-de-sac arrangement, with landscaping proposed on the western and eastern boundaries, with existing trees retained on the northern and southern boundaries.
49. The application proposes the demolition of three existing dwellings (two single storey, one 1.5-storey) and various outbuildings, with ten, two-storey dwellings being proposed in their place. There is therefore a net gain of seven dwellings proposed. The proposed layout includes two specifically designed wide-fronted dwellings facing Friday Street to the west which maintain the traditional street frontage.
50. The overall scale and design of the dwellings is considered to be in-keeping with the surrounding vernacular, with well-considered plot sizes and fenestration arrangements. Dwelling types comprise two variants of a narrow-fronted cottage used in the body of the scheme. A wide-fronted cottage including traditional off-shot rear projection is used on the Friday Street frontage to give a traditional road-facing pair of dwellings. To complete the set of house-types a detached house with traditional central entrance door is proposed. Furthermore, all dwellings proposed have a pitched roofs with traditional exposed rafters at the eaves. Garaging is provided in either separate blocks set to the rear of corresponding houses, or attached to the house.
51. The materials proposed have been inspired by a limited traditional and vernacular palette. Window frames of the dwellings will be bespoke timber or slim-frame aluminium casements. The pitched roofs will be pan-tiled. Elevations feature facing brickwork with plinths and window arches with horizontal boarding in selected panels and as a full facing material to the off-shot rear of the wide-fronted cottages.

### **Residential Amenity Impacts**

52. Policy DM2 states that development should not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.

53. Furthermore, DM22 states that all residential development proposals should maintain or create a sense of place and/or character by creating or contributing to a coherent and legible place that is structured and articulated so that it is visually interesting and welcoming.
54. The design and layout of the proposal has been considered in the previous section. With relation to impacts on the residential amenity of neighbouring dwellings, specific consideration has centred around dwelling placement, scale and fenestration inclusions. For example, Morflo to the west of plot 1 is a single storey dwelling. As such, although no windows are proposed at first floor level on the western elevation to protect future residential amenity, officers recommend a permitted development restriction on the insertion of first floor and above windows, dormer windows, roof lights or openings of any other kind in the western elevation of Plot 1 without first seeking the consent of the local Planning Authority. This sentiment is also mirrored with a restriction at first floor on the southern elevations of plots 6,7,8 & 10 elevation(s).
55. With all of the aforementioned considered, the proposal is therefore considered to comply with the provisions of both policies DM2 and DM22.

### **Flooding Impacts**

56. Policy DM6 states proposals for all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.
57. The application has been accompanied by a Flood Risk Assessment and Sustainable Drainage Assessment. Having engaged in extensive discussions with the Lead Local Flood Authority, Environment Agency and Anglian Water, no objections are raised regarding the proposal, subject to the imposition of conditions stated below. The proposal therefore accords with Policy DM6.

### **Ecological Impacts**

58. Policy DM11 seeks to prevent development that would have an adverse effect on protected species. The application submission contains an Ecological Survey. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:
59. "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
60. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
61. The National Planning Policy Framework (NPPF, 2021) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or

geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 174).

62. Policy DM12, in addition to the requirements of DM11, requires measures to be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts.
63. The submitted Ecological Survey has been assessed by the LPA's Ecological Consultant. The Site lies within the outer limits of the impact zone of Breckland SSSI and the ecology report concludes "It is not anticipated that the development will impact upon this designated site, however the local authority should be consulted to determine whether screening for Habitat Regulations Assessment (HRA) is required." It is also noted that site lies outside the Breckland SPA as well as the 1500m buffer and the 1500m nesting buffer and do not consider any impact pathways for effects on any of the qualifying features (Stone Curlew, Woodlark & Nightjar). It is therefore considered that, without mitigation, the development will avoid any Likely Significant Effects either alone or in combination with other plans and projects and the LPA as the competent authority may agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).
64. The Ecological Assessment states that four buildings possess bat roosting features and therefore require bat emergence/re-entry surveys. As development works will necessitate the destruction of three day roosts of two common bat species, demolition works will need to be carried out under a mitigation licence from Natural England. A condition has therefore been added requiring this.
65. The mitigation and compensation measures identified in the Ecological Assessment have been secured via condition and will be implemented in full. The biodiversity enhancement measures will also be required to be outlined within a Biodiversity Enhancement Strategy as secured via condition.
66. Overall, the proposal is considered to comply with the provisions of Policies DM2, DM11, DM12 and the relevant paragraphs of the NPPF.

### **Arboricultural Impacts**

67. Policy DM2(g) states proposals for all development should, as appropriate, taking mitigation measures into account not adversely affect important landscape characteristics and prominent topographical features as well as sites, habitats, species and features of ecological interest. This is further echoed in the same policy with proposals needing to recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.
68. Policy DM13 of the Joint Development Management Policies document requires 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 DM13 also requires that all

development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Finally, the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However, the policy also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.

69. An Arboricultural Impact Assessment (AIA) has been submitted accompanying the application and shows 65 individual trees, 13 groups of trees and 6 hedges that have the potential to form a constraint on the scheme. This has been assessed by the LPA's arboricultural consultant.
70. As part of this survey 35 trees and 7 groups, all of which have been categorised as C have been proposed for removal to facilitate the scheme. The trees protected by tree preservation order on the north-western boundary of the site are not proposed to be removed. However, due to the volume of removals the LPA has conditioned a scheme of soft landscaping that will mitigate for the loss of the trees, which would conform with DM13 of the West Suffolk Joint Development Management Policies Document 2015.
71. Pruning works to category A trees has been mentioned within the AIA, with tree protection measures also stated within the Arboricultural Method Statement (AMS). As well as the above the AMS, alongside the Tree Protection Plan, have shown suitable working methodology and protection of retained trees through fencing in accordance with BS5837:2012 and construction exclusion zones within the site. There will be minor RPA incursions to T2 and T3 for the site and as they are subject to a Tree Preservation Order access into the development should consider the use of permeable tarmac, which will not have a detrimental impact on the gas exchange of the trees.
72. Overall, the proposal is considered to sufficiently comply with the provisions of Policies DM2, DM13 and the relevant paragraphs of the NPPF.

### **Heritage Impacts**

73. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. This requirement for the safeguarding of heritage assets and their settings is echoed in local policy DM15.

74. Policy DM16 states that proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will be permitted where they demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance, respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building, will not entail an unacceptable level of loss, damage or covering of original features and have regard to the setting, plot layout and boundary features.
75. 101 Friday Street is situated to the north-west of the application site and is a Grade II listed building. 115 Friday Street is a 1.5-storey cottage within the site that is proposed to be demolished. The building is considered to be a non-designated heritage asset. The site is otherwise not within a Conservation Area. The proposal is accompanied by a Heritage Assessment with subsequent supplementary documents, with these having been assessed by the Conservation Officer.
76. Firstly, with reference to the demolition of 115 Friday Street, the preference from a policy perspective is to ensure the retention of non-designated Heritage Assets in the first instance, unless material planning considerations are presented which overcome the harm perceived. A heritage assessment, structural survey with accompanying internal and external photographs have been provided and assessed by the Conservation Officer.
77. The extent of repairs needed to repair the building is not a consideration from a conservation point of view unless they were so extensive as to remove the significance of the building. A fully detailed specification of repairs has not been provided to comment. However, setting all of the above aside, the Conservation Officer acknowledges the building is not located within a conservation area but is located within the settlement boundary. As such it is noted that, subject to a prior notification application, the building could simply be demolished without the need for permission and an application to redevelop the site could then be submitted without consideration being given to whether or not the building is a non-designated heritage asset as it would have long since gone. With this in mind, the Conservation Officer has not insisted on its retention. On balance, considering the building is required to be demolished to facilitate the development and layout proposed, whilst there is some conflict with policy DM16, Officers consider the demolition of this building acceptable.
78. In relation to impacts on the Grade II listed 101 Friday Street to the north-west, a Heritage Assessment has been submitted which assesses the impact of the proposal on said building. This has also been assessed by the Conservation Officer.
79. 101 Friday Street a grade II listed building of two-and-a-half storeys with a large two storey rear extension. The host building is set back from the road sitting between a mix of development which fronts onto Friday Street ranging from one-and-a-half storeys to two.
80. The proposed development is located some distance from the listed building, with the rear elevation of Plot 1 for example approximately 45



metres south-east of the rear (east) elevation of 101 Friday Street. As such, the Conservation Officer considers the immediate setting of which would not appear to be particularly affected due to the current setting, distance, existing development and orientation of the building in relation to the proposed development site. Furthermore, due to the presence of mature planting and the positioning of 101 Friday Street, in relation to the proposed development site, there would appear to be no obvious planned views or otherwise which contribute towards significance which would be affected by the proposals.

81. With regard to concerns expressed in relation to impact on the wall which it is assumed is curtilage listed. No plans are proposed that demolish this wall. The proposal is therefore considered to accord with the provisions of DM15.

## **Highways Impacts**

82. The 2021 NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network. Policy DM46 states that proposals must comply with Suffolk Parking Guidance.

83. The application proposes a new access from Friday Street to the west, entering east into a cul-de-sac. Each plot has integral garages for vehicular parking, noting sufficient parking for vehicles otherwise within the plots. The application has been assessed by the Highway Authority, who have no objections to the proposal subject to the conditions below which reference visibility splays, access improvements, a construction management plan, bin and cycle storage details as well as other footway improvements. Although hard standing is indicated, no specific details of this has been provided. Therefore, the LPA has conditioned the submission of details in this respect.

84. Overall, the proposal is considered to comply with the provisions of DM46, as well as the relevant paragraphs within the NPPF.

## **Other Matters**

85. Policy DM20 states development will not be acceptable if it would have a material adverse effect on Scheduled Ancient Monuments or other sites of archaeological importance, or their settings.

86. Suffolk Archaeology have confirmed that a Written Scheme of Investigation is required to be conditioned, noting the site lies in an area of archaeological potential recorded on the County Historic Environment Record and within the West Row historic settlement core (MNL 676). Evidence of a substantial Roman farmstead has previously been identified to the north of the site (MNL 747).

87. DM7 states (inter alia) that proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will

be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or that no water fittings exceed the values set out in table 1 of policy DM7.

### **Conclusion:**

88. In conclusion, whilst part of the application site lies within designated countryside and therefore does not strictly conform with the provisions of policies DM5 and DM27, representing a departure from the development plan, the proposed layout ensures a well-designed residential layout can be considered which will facilitate the proposed development.

89. As assessed within this report it is not considered the proposal would have a detrimental impact upon the form and character of the locality, ecology, arboriculture, heritage context, archaeology or highway safety. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out within this report it is considered that significant weight can be attached to the proposed use, considering the modest countryside land that is being extended into to facilitate the development. Suitable landscaping is proposed to help screen and mitigate the visual impact of the proposal. Having regard to all relevant material planning considerations the proposal is considered on balance to be acceptable.

### **Recommendation:**

90. 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>
01/05	Proposed plans	23 December 2022
BE-1620-01A	Ecological survey	23 December 2022
GS-9021095	Land contamination assessment	23 December 2022
2643sec	Design and access statement	23 December 2022
01/09	Existing site block plan	23 December 2022

P2492-AIA01 V2	Arboricultural impact assessment	23 December 2022
P2492-AMS01 V2	Arboricultural Method Statement	23 December 2022
16232	Structural inspection	13 February 2023
2643	Heritage statement	15 February 2023
01/01 REV APR 2023	Location & block plan	28 April 2023
01/02 Rev A	Proposed plans	28 April 2023
01/03 Rev A	Proposed plans	28 April 2023
01/04 Rev A	Proposed plans	28 April 2023
01/06 Rev A	Proposed plans	28 April 2023
(-)	Demolition plan	25 March 2023
2643 - Demolition Evidence	Demolition plan	25 March 2023
3036 FRA & DS REV A	Flood risk assessment	30 May 2023
2643 - Supplementary	Heritage statement	26 May 2023
UK23.6560 REV 1	Land contamination assessment	27 July 2023

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS3 of Forest Heath District Council Core Strategy Development Plan Document (2010) and the National Planning Policy Framework (2021).

- 4 No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and

dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy CS3 of Forest Heath District Council Core Strategy Development Plan Document (2010) and the National Planning Policy Framework (2021).

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

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

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

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

- 7 All planting comprised in the approved details of landscaping shall be

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

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

- 8 During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

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

- 9 The building envelope, glazing and ventilation of the dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwellings shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as necessary ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.

Reason: To protect the amenities of future occupiers of the dwellings, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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

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

- 11 Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays  
08:00 to 13.00 Saturdays

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

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

- 12 Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals (ILP) Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

- 13 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To ensure that the development will not have a negative impact on ground and surface water and to protect the amenity of adjacent areas, in accordance with policies DM6 and DM32 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 01/01 Rev. April 2023 with an X dimension of 2.4 metres and a Y dimension of 48 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

- 15 No other part of the development hereby permitted shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. 01/01 Rev. April 2023; with an entrance width of 5.5 metres for a junction-type access. Thereafter, it shall be retained in its approved form. Prior to the new access being brought into use, all other means of vehicular access into the site from Friday Street shall be effectively stopped up and closed in complete accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the approved layout is properly constructed and laid out to avoid multiple accesses, which would be detrimental to highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 The use shall not commence until the infrastructure within the site shown

on Drawing No. 01/01 Rev. April 2023 for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 17 Before the development is commenced, details of a new footway within the site off Friday Street as indicatively shown on Drawing No. 01/01 Rev. April 2023 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to the occupation of the fifth dwelling hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 The use shall not commence until the area(s) within the site shown on Drawing No's. 01/01 Rev. April 2023 and 01/06 Rev. April 2023 for the purposes of manoeuvring and parking of vehicles including electric vehicle charging infrastructure has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

- 19 The use shall not commence until the area(s) within the site shown on Drawing No. 01/01 Rev. April 2023 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

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

- 20 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 01/01 Rev. April 2023 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.



Reason: To ensure the incorporation of waste storage and recycling arrangements, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 21 Before the development hereby permitted is commenced, a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
- a) Parking and turning for vehicles of site personnel, operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Piling techniques (if applicable);
  - d) Storage of plant and materials;
  - e) Provision and use of wheel washing facilities;
  - f) Programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
  - g) Site working and delivery times;
  - h) A communications plan to inform local residents of the program of works;
  - i) Provision of boundary hoarding and lighting;
  - j) Details of proposed means of dust suppression;
  - k) Details of measures to prevent mud from vehicles leaving the site during construction;
  - l) Haul routes for construction traffic on the highway network;
  - m) Monitoring and review mechanisms and;
  - n) Details of deliveries times to the site during construction phase.

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

- 22 No part of the development shall be commenced until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public, in accordance with policy DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 23 The strategy for the disposal of surface water (dated 30th May 2023, ref: 3036 FRA & DS REV A) and the Flood Risk Assessment (FRA) (dated 30th May 2023, ref:3036 FRA & DS REV A) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved

strategy.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 25 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
- i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
  - iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan, in accordance with policies DM6 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 14 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 26 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- a. A site investigation scheme,
  - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),

c. Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 28 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in accordance with policy DM14 of the West Suffolk Joint Development Management Policies Document 2015, paragraphs 170,178 and 179 of the National Planning Policy Framework (NPPF), Environment Agency Groundwater Protection: Principles and Practice (GP3) and all relevant Core Strategy Policies.

- 29 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (DWA Ecology, September 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-

site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 30 Prior to the commencement of development, any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
  - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
  - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

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

- 32 Prior to first occupation, A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be

installed (e.g. through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

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

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. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the southern elevations of plots 6,7,8 & 10 elevation(s) and western elevation of Plot 1.

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

- 35 No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

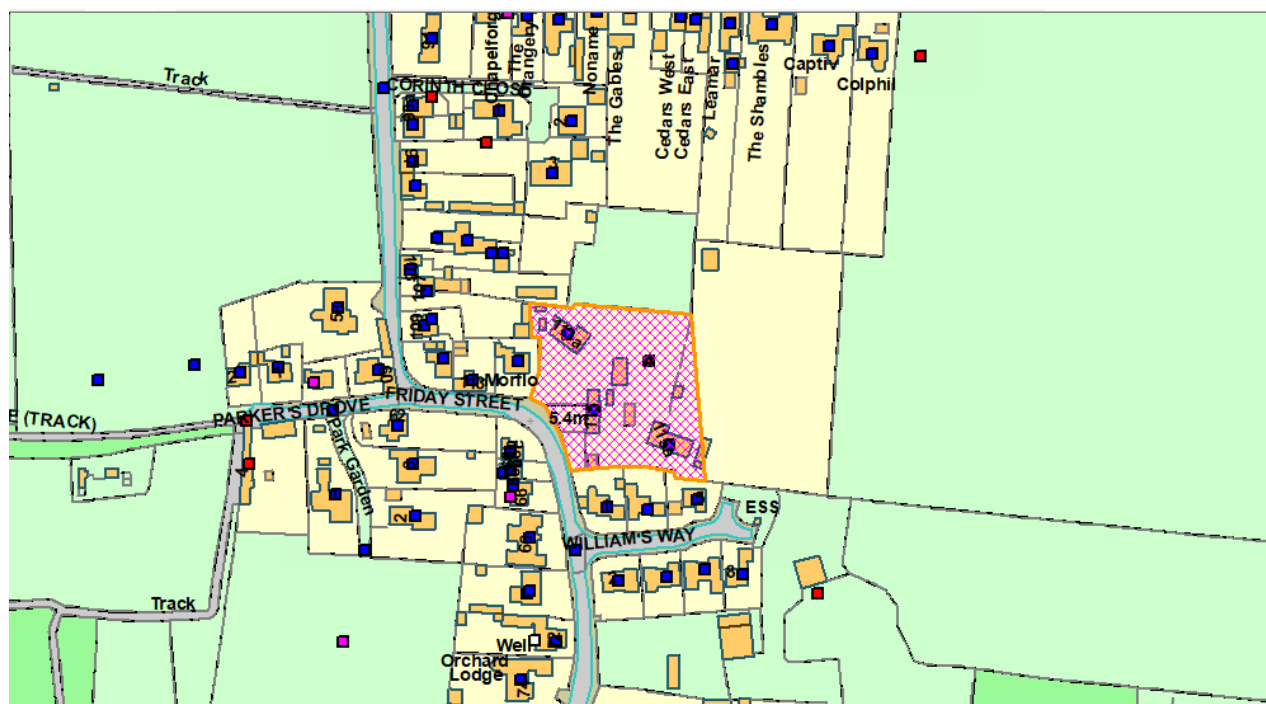
Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/2228/FUL](#)



DC/22/2228/FUL - Land off Friday Street, West Row



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**PLANTING SCHEDULE**

**GENERAL NOTE**  
Any existing boundary landscaping to remain with appropriate management and/or pruning as required; the minimum of planting to be removed to provide site access.

**GRASS** - if needed  
Seeded areas to front gardens to be rotavated, cleared of stones greater than 50mm levelled, rolled and seeded at the rate of 35g/sqm with an appropriate native mix.

**GROUND PREPARATION**  
On completion of the construction works the planting areas must have a level covering of topsoil to a depth of 200mm. The ground will be cultivated and raked level removing any large stones or construction debris. All areas to be planted with ground cover shrubs will have 'Enmag' slow release fertiliser applied during cultivation at the rate of 100 grams/sqm. A spun-bonded polypropylene mulching sheet will be fitted and pegged into place on the shrub areas.

**PLANTING PROPOSALS**  
All planting stock will be well grown and disease free and conform to BS 3936. All ground cover plants and standard trees to be interspersed in the identified areas will be planted through the membrane by cutting a cross in the membrane and folding back the flaps to allow excavation of the planting hole.

**PLANTING**  
When planting allow for water retention granules ('Broadleaf P4' or equal) for all plants at the manufacturers suggested rates.

On arrival at site all bare-rooted plants should also be root dipped ('Broadleaf root-dip' or equal) at the manufactureres suggested rate to prevent drying out and to reduce plant shock.

For all standard trees allow for a double stake and crossbar and hessian pad and strapping. Allow for 1no. 80 ltr bag of tree planting and mulching compost per tree to be mixed with the tree back-fill. While establishing a 1.0m square should be kept free of ground around the tree.

If strimmers are to be used for maintenance then all standard tress in grass must be fitted with strimmer guards.

**MAINTAINANCE**  
All planting will be maintained for a period of 5 years from the date of final planting - any dead or diseased items to be replaced on a like for like basis. For a period of 36 months after planting, all planted areas will be kept free of weed growth, checking stake condition and topping-up mulching as required. The Standards will require watering during the first summer after planting on a minimum two week cycle.

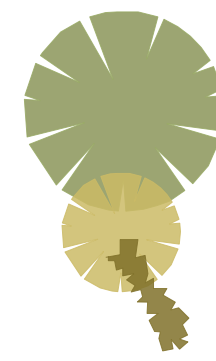
**INSTALLATION**  
Agreed landscaping scheme to be implemented in the first planting season after substantive construction works are complete or, by agreement with the Planning Authority no later than the first planting season following completion of the entire scheme



**HABITAT MITIGATION**

It is recommended that roost loss is compensated by the incorporation of further roosting habitat into the proposals. Four of the proposed buildings will be constructed with roof voids. These must have internal heights of at least 1.5m and must be lined with bituminous roofing felt (breathable roofing membrane must be avoided as its fibres can entangle and kill bats). Access will be provided into the roof voids by the incorporation of bat boxes of type Schwegler 1FE Access Panels at the gable ends of each building (if these are out of stock, a similar model of integrated bat box may be used).

The garages to Plots 3, 4, 5 and 6 will be constructed to provide bat habitat



**SITE LAYOUT KEY**

Existing trees - retained

Proposed trees

Proposed hedge planting : native species

Transition strip : preventing surface water entering Highway



Bin storage areas - paved



bin placement on collection days



**PROPOSED HEDGE-LINE**

Beech hedging - *fagus sylvatica*  
Bare rooted - 400 to 600mm  
4 to 7 plants per metre



**AREAS AS ANNOTATED**

40% Hawthorne  
30% Black Thorne  
30% Crab Apple

Hedging to rear and outer site boundaries and as replacement planting to Mill Road  
Plants to be 600mm whips with spiral guards and canes

**PROPOSED TREES**

1: Silver Birch - *betula pendula*  
2: Crab Apple - *Malus sylvestris*

**CYCLE STORAGE**

secure double cycle store

**EV CHARGING**

● indicates location of ev charging point



**SITE LOCATION**

**SITE LOCATION KEY**

1:1250

Existing dwellings x 3 shown in dark brown : associated out-buildings shown in light brown

**SITE LAYOUT**

2.4m x 48.0m visibility splays

1:500

REVISED : April 2023 : layout revised to Highway comments

REVISED : February 2023 : bin notation added

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**FRIDAY STREET WEST ROW SUFFOLK**  
**PROPOSED RESIDENTIAL DEVELOPMENT**



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