

Development Control Committee



Title	Agenda											
Date	Wednesday 6 December 2023											
Time	10.00 am											
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU											
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chairs Jon London and Phil Wittam</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;">Conservative Group (7)</td> <td>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;">Independents (5)</td> <td>Mick Bradshaw Roger Dicker Andy Neal</td> <td style="vertical-align: top;">Jim Thorndyke Phil Wittam</td> </tr> <tr> <td style="vertical-align: top;">Progressive Alliance Grouping (4)</td> <td>Jon London Lora-Jane Miller-Jones</td> <td style="vertical-align: top;">Marilyn Sayer David Smith</td> </tr> </table>			Conservative Group (7)	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith	Independents (5)	Mick Bradshaw Roger Dicker Andy Neal	Jim Thorndyke Phil Wittam	Progressive Alliance Grouping (4)	Jon London Lora-Jane Miller-Jones	Marilyn Sayer David Smith
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Substitutes	<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;">Conservative Group (3)</td> <td>Andy Drummond Charlie Lynch</td> <td style="vertical-align: top;">Andrew Speed</td> </tr> <tr> <td style="vertical-align: top;">Independents (2)</td> <td>David Taylor</td> <td style="vertical-align: top;">Don Waldron</td> </tr> <tr> <td style="vertical-align: top;">Progressive Alliance Grouping (2)</td> <td>Peter Armitage</td> <td style="vertical-align: top;">Donna Higgins</td> </tr> </table>			Conservative Group (3)	Andy Drummond Charlie Lynch	Andrew Speed	Independents (2)	David Taylor	Don Waldron	Progressive Alliance Grouping (2)	Peter Armitage	Donna Higgins
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Progressive Alliance Grouping (2)	Peter Armitage	Donna Higgins										
Interests – declaration and restriction on participation	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.											
Quorum	Six Members											
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email democratic.services@westsuffolk.gov.uk											
	<i>Details of site visit overleaf...</i>											

A SITE VISIT WILL BE HELD ON MONDAY 4 DECEMBER 2023 AT THE FOLLOWING TIME:

The coach for Committee Members will depart West Suffolk House at 9.30am sharp and will travel to the following site; whilst there is only one site visit to be undertaken a coach is provided and Members are encouraged to use it in order to allow the Case Officer to provide a briefing whilst traversing around the site:

1. Planning Application DC/23/1456/FUL - Hatchfield Farm, Fordham Road, Newmarket

Planning application - change of use from agricultural land to public open space and associated works

Site visit to be held at 9.50am – *strong outdoor shoes are recommended*

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 10.30am.

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.

Development Control Committee

Decision making protocol

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

Decision making protocol

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

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

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

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 - 6**
To confirm the minutes of the meeting held on 1 November 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/23/0493/FUL - Milton House, Thurlow Road, Withersfield** **7 - 38**
Report No: **DEV/WS/23/037**
Planning Application - five dwellings (following demolition of existing house)
6. **Planning Application DC/23/1456/FUL - Hatchfield Farm, Fordham Road, Newmarket** **39 - 54**
Report No: **DEV/WS/23/038**
Planning application - change of use from agricultural land to public open space and associated works
7. **Planning Application DC/23/0783/VAR - Doctors Hall, Bury Lane, Stanton** **55 - 70**
Report No: **DEV/WS/23/039**
Planning application - application to vary conditions 2 (approved plans), 4 (insulation details) and 6 (breeding bitch numbers) of DC/17/1652/FUL for the material change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (a) 2.1 metre high close boarded timber fence and concrete post; (b) car parking area; (c) 2no. dog kennels and (d) 1no. stable block as amended by plans received 15 November 2023

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 November 2023** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Jon London and Phil Wittam

Mick Bradshaw

Sara Mildmay-White

Carol Bull

Lora-Jane Miller-Jones

Mike Chester

Andy Neal

Roger Dicker

Marilyn Sayer

Andy Drummond

David Smith

Susan Glossop

Jim Thorndyke

Ian Houlder

389. **Apologies for absence**

Apologies for absence were received from Councillor Rachel Hood.

390. **Substitutes**

The following substitution was declared:

Councillor Andy Drummond substituting for Councillor Rachel Hood

391. **Minutes**

The minutes of the meeting held on 4 October 2023 were confirmed as a correct record and signed by the Chair, subject to the following typographical correction:

384. **Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket (Report No: DEV/WS/23/030)**

The Service Manager (Planning – Development) suggested that an informative could be ~~attended~~ **appended** to a permission to provide clarification.

392. **Declarations of interest**

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

393. **Reserved Matters Application DC/21/1294/RM - Land West of Eriswell Road, Eriswell Road, Lakenheath (Report No: DEV/WS/23/035)**

(Councillor Jon London declared, in the interests of openness and transparency, that he had family members who lived quite closely to the application site. However, this would have no bearing on his consideration of the application.)

Reserved Matters Application - Submission of details approved under Outline Planning Permission F/2013/0394/OUT the access, appearance, landscaping, layout and scale for 139 dwellings and associated works, including details in relation to condition 3 and 11 of F/2013/0394/OUT

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 4 October 2022.

This application followed outline planning permission for the construction of up to 140 dwellings at the site granted in October 2018 and sought approval of matters reserved by condition 2 of the outline planning permission.

The Committee was advised that the proposal description for the application was amended to include 'access'. This was because only the two access points from the highway into the site had been considered and approved at outline stage, whilst all other access matters remained reserved.

The Principal Planning Officer explained that there had not been re-consultation on the description change, because there had been no changes to any of the plans or supporting documents as a result, which have been subject to public consultations. The description change is a technical modification only.

The application had been submitted within three years as was required by Condition 1 of the outline planning permission. Report No DEV/WS/23/035 related to the requirements of Condition 2 of planning permission F/2013/0394/OUT and the details required to be submitted with the reserved matters by Conditions 3 (additional details) and 11 (travel plan) of the outline permission. The decision notice for the outline permission was attached as Working Paper 1.

Lastly, the Principal Planning Officer informed the meeting that the developer contributions towards off-site provisions of children's play space and equipment was confirmed as £85,020.

A Member site visit was held prior to the meeting. Officers were recommending that the reserved matters be approved, subject to the completion of a Deed of Variation (in respect of the S106 Agreement), a legal agreement to secure the off-setting measures in perpetuity, and the conditions as set out in Paragraph 130 of the report.

Speaker: Stuart McAdam (applicant, Persimmon Homes) spoke in support of the application

A number of varied questions were posed during the initial debate which the Principal Planning Officer responded to as follows:

Parking standards: whilst there was shortfall within the scheme, Suffolk County Council Highways had considered the proposal acceptable;

Acoustic mitigation: the Committee was advised that conditions to control this had been included in the outline stage of the application;

Affordable housing: the Council's Housing Team were content with the distribution of the affordable housing in the scheme, as proposed;

Wildflower garden: the management of this element would be covered within the landscape strategy;

Traffic calming: the Committee was advised that three raised tables would be included within the scheme to help reduce the speed of vehicles;

Bungalow standard: it was confirmed that the bungalows within the scheme would be built to the Part M4(2) lifetime standard;

EV charging: each plot within the scheme would have EV charging;

Roads: the Committee was reminded that the Planning Authority could not compel developers to seek adoption for roads within a development, but did require the roads to be built to an adoptable standard.

Further discussion took place in respect of the offsetting land to be managed for the Stone Curlew; with reservations voiced over the trees that would be felled. The Principal Planning Officer explained that many specialists had scrutinised the proposal and Officers had certainty that Natural England considered the offsetting measures proposed to be acceptable. In any event, the offsetting land was a separate planning application which had already been approved.

In response to questions in relation to the S106 Agreement, Members were advised that there was not a detailed breakdown of the S106 Agreement within the report before the Committee as that had been covered within the outline permission granted, including all the usual requirements for education, health etc. The existing S106 Obligation would be varied to incorporate the additional commuted sum for Public Open Space.

Councillor Jon London made specific reference to the management of the open space and explained that he was aware of a Local Authority who had put an agreement in place for a similar development whereby a clause was included to enable the management company, who managed the open space, to wind up after a set period and transfer the management of the open space to the Parish Council. Councillor London asked if something similar could be put in place for this application.

Other Members voiced support for this suggestion and Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation, inclusive of an additional condition in respect of the open space management transferring to the Parish Council. This was duly seconded by Councillor Andy Drummond.

Councillor London also made reference to the ongoing work in relation to the Council's open space policy and asked if this could be applied retrospectively to the application. The Service Manager (Planning – Development) explained

that planning applications lawfully had to be determined in line with the policies in place at the time.

The Principal Planning Officer drew attention to Working Paper 1 which outlined the conditions appended to the outline permission previously granted. Condition No 5 set out the requirement for details for future management and maintenance of the public open spaces to be submitted to the Planning Authority.

As this had already been conditioned it was not possible to address this via the reserved matters application and, instead, the Service Manager (Planning – Development) suggested that Officers investigate Councillor London's suggestion on receipt of the details from the developer, which would help inform the matter.

Accordingly, it was not necessary to include the additional condition as proposed. The Chair sought the approval of the proposer and seconder of the motion to remove this and to seek a vote for approval of the application subject to the requirements set out in Paragraph 130 of the report.

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

Decision

Reserved Matters be **APPROVED** subject to:

- i) Completion of a Deed of Variation to the S106 Agreement to secure developer contributions of £85,020 towards off-site provision of children's play space and equipment; and
- ii) A legal agreement to secure in perpetuity the off-setting measures subject to application DC/23/1082/FUL

And, subject to the following conditions:

1. Approved Plans and documents
2. Materials specifications or samples
3. Affordable GF flats to be M4(2) – Accessible and adaptable dwelling compliant
4. Prior to works above slab level the off-setting measures (application DC/231082/FUL) shall be implemented in full
5. Implementation in accordance with the landscape details and phasing plan
6. If construction commences during the period March to September (the stone curlew nesting season), pre-commencement a stone curlew survey must be undertaken and submitted for approval in writing by the LPA to ensure birds are not nesting within 500m of the development site

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

394. **Planning Application DC/23/1101/ADV - The Cooperative, Hepworth Road, Stanton (Report No: DEV/WS/23/036)**

Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem

This application was referred to the Development Control Committee following consideration at the Delegation Panel on 10 October 2023. It was presented to the Delegation Panel at the request of the Ward Member.

Attention was drawn to the supplementary 'late papers' which had been issued following publication of the agenda and which set out a further neighbour objection to the proposal together with an expanded reason for the refusal part of the recommendation.

A Member site visit was held prior to the meeting. Officers were recommending a split decision; with advertisement consent only granted for the two non-illuminated window graphics and one non-illuminated customer board, subject to the condition set out in Paragraph 51 of Report No DEV/WS/23/036. And with refusal recommended in respect of the internally illuminated fascia sign and the internally illuminated totem sign, for the reason set out in the supplementary late papers.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application
Joel Mattless (applicant - The Cooperative) spoke in support of the application

Councillor Andy Drummond proposed the split decision as per the Officer recommendation and this was duly seconded by Councillor Marilyn Sayer.

During further debate a number of the Committee referenced the detrimental impact the totem sign could have on residential amenity but voiced support for the illuminated fascia sign.

Accordingly, as the Committee largely seemed to accord in respect of the fascia sign, the Chair sought the approval of the proposer and seconder of the motion to amend their proposal to grant advertisement consent for the internally illuminated fascia sign (and only to refuse the totem sign).

Upon being put to the vote and with 14 voting for the motion and with 2 abstentions, it was resolved that

Decision

Advertisement Consent be **GRANTED** for the two non-illuminated window graphics, one non-illuminated customer board and one internally illuminated fascia sign, subject to the following conditions:

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

2. The maximum luminance from the internally illuminated signs shall not exceed 600 candela/m².
3. The illuminated advertisement hereby approved by this consent shall only be illuminated between 7am and 10pm. Outside of these hours, the advertisements shall not be illuminated in any way.

And, Advertisement Consent be **REFUSED** for the one internally illuminated totem sign for the following reason:

1. Policy DM17 applies in relation to all proposals within, adjacent to or visible from a Conservation Area, and states that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

The totem sign is internally illuminated. The internal illumination is considered to neither preserve nor enhance the character of the adjacent Conservation Area, from which the store and its signage is readily visible from. Furthermore, with the site being well lit by other forms of illumination which already exist there is no justification provided as to why the internal illumination of the signage is required to support the trading of the business, resulting in a clear conflict with policy DM17.

Furthermore, policies DM2 and DM38 seeks to ensure that development, including advertisements, does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The totem sign is prominently sited relative to nearby residential dwellings and will be visible in outlook from nearby homes and gardens, with its illuminated nature materially and adversely affecting amenity, contrary to these policies.

The totem sign is therefore deemed to conflict with policies DM2, DM17 and DM38 of the Joint Development Management Policies Document 2015, as well as to paragraph 136 of the NPPF, to a level which warrants the refusal of the advertisement consent for this sign.

The meeting concluded at 12.16pm

Signed by:

Chair

Development Control Committee

6 December 2023

Planning Application DC/23/0493/FUL – Milton House, Thurlow Road, Withersfield

Date registered:	23 March 2023	Expiry date:	22 May 2023 (EOT to 08.12.2023)
Case officer:	Gary Hancox	Recommendation:	Approve application
Parish:	Withersfield	Ward:	Withersfield
Proposal:	Planning Application - five dwellings (following demolition of existing house)		
Site:	Milton House, Thurlow Road, Withersfield		
Applicant:	Mssrs Lansdown and Daniels		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

The application is referred to the Development Control Committee as the previous applications on the site for five dwellings were refused by the Committee in September 2020 and June 2021, and the Officer recommendation of APPROVAL of this application is contrary to the view of the Parish Council.

The most recent application on the site was refused for the following reasons:

- **harm to the conservation area**
- **impact on biodiversity**
- **impact on neighbouring amenity.**

The refusal was then appealed by the applicant in March 2022 and the appeal was dismissed by the Inspector in September 2022. In dismissing the appeal, the Inspector concluded that the development was acceptable in respect of the impact on the conservation area, flood risk, highways matters and biodiversity matters. The reason for dismissing the appeal was solely due to the conflict found with the development plan in respect of the impact on the living conditions of the occupiers of the neighbouring dwellings to the site, The Old Bakery and Thistledown Cottage.

Proposal:

1. The application proposes the demolition of a two-storey dwelling (Milton House) and the development of five dwellings (net increase of four dwellings).
2. To address the Inspector's comments in dismissing the appeal, the application has been revised as follows:
 - Proposed plots 1 and 5 have been reduced from 2-storey to single storey homes which significantly reduces their height. The ridgeline of plot 1 has been reduced in height by 1.8 metres. The ridgeline of plot 5 has been reduced in height by 3 metres.
 - Plot 1 has been reduced from a 3 bed to a 1 bed home, and Plot 5 has been reduced from a 3 bed to a 2-bed home. The change to Plot 1 reduces the amount of car parking needed at the site entrance.
3. It is considered that the above changes reduce any impact that the original design of plots 1 and 5 could have had on the amenity of neighbouring properties.

Application supporting material:

4. The application is supported by the following plans and supporting documents:
 - Plans and elevations
 - Arboricultural Impact Assessment
 - Ecology assessment
 - Site Investigation report

- Design and access statement
- Phase One Geo-Environmental Assessment
- Planning statement
- Flood risk & sustainable drainage statement (including the results of a CCTV of the drainage culvert)
- Sequential and Exception tests
- Topographical Survey
- 3D montage views

Site details:

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

Planning history:

Reference	Proposal	Status	Decision date
DC/20/0623/FUL	Planning Application - 5no. dwellings (following demolition of existing dwelling)	Application refused	4 September 2020
DC/21/0367/FUL	Planning Application - five dwellings (following demolition of existing house)	Application refused (Appeal dismissed)	25 June 2021 & 12 Sep 2022

Consultations:

Parish Council

7. The Parish Council objects to this application as it represents an overdevelopment of the site and will have a detrimental effect on the neighbouring householders' properties at the Old Bakehouse and Thistledown Cottage.
8. The application is essentially the same as the application previously rejected by the Committee and on appeal. The changes do not materially change the issues raised in our previous objections in relation to overdevelopment, impact on the neighbouring properties, parking pressures on and adjacent to the site and the potential dangers of traffic movements on a dangerous blind bend. We consider that the development is more suited to a semi urban

environment rather than a village such as Withersfield. The cul-de-sac and courtyard hard standing covering a large proportion of the site is inappropriate to the village environment. Gardens of the 5 properties squeezed on to the site are all of a minimal size which is out of character and inappropriate to the environment.

9. The Parish Council would welcome a redevelopment of the site and the replacement of the existing Milton House property with a suitable development of 2 or 3 houses. This would have the potential to enhance our conservation area rather than negatively impacting on it as with the current proposal.

SCC Highways

10. No objection, subject to appropriate conditions.

SCC Flood & Water

11. Recommend approval, subject to conditions requiring the implementation of the surface water drainage strategy.

SCC Archaeology

12. 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.

Conservation Officer

13. Support - the proposals have been amended reinstating an asymmetrical roofline with an increased ridge height to plot 1 in an effort to provide a greater presence to the street frontage. (Members should note that the amendment still results in a significant reduction in height from the previous scheme.) Whilst there is a continued preference for a 1 ½ storey dwelling in this forward location (from a conservation point of view) concerns raised by the Inspector would appear to prohibit such an approach. Furthermore, whilst buildings of a reduced scale in a forward location may not be a typical arrangement examples do exist in the locality and include a nearby neighbour which benefits from a part single part two storey outbuilding in a forward location which backs directly onto the street. Consequently, the reduced scale would not appear to be out of character with the area where a mix currently exists. The proposed amendments are therefore an acceptable compromise from a conservation point of view.

14. The following details are required and may be conditioned:

- Sample of external materials
- Details of proposed windows and doors.

Place Services (Trees)

15. No objection, subject to appropriate conditions requiring :
- Submission of an Arboricultural Method Statement
 - Soft landscaping and retention of existing trees

Environment Team (Contamination)

16. The application is supported by a Phase 1 (desk Study) Ground Contamination Report, undertaken by BHA Consulting, reference 3529, dated February 2022. The report includes a summary of the history and environmental setting of the site and surrounding area and includes the findings of a site walkover. The report concludes that some risks are present and recommends limited intrusive investigations. This Service is satisfied with the report and recommendations for limited investigations. We recommend the standard land contamination condition is attached, should planning be granted, to suitably control these intrusive investigations.

Private Sector Housing & Environmental Health

17. No objection, subject to appropriate conditions.

Place Services (Ecology)

18. Our previous comments relating to the Preliminary Roost Assessment of tree T2 and the level of survey effort applied to the house in relation to bats has now been addressed. We previously highlighted that tree T2 on the AIA had been described as having 'Cavities in stem in and around main fork'. The updated Ecology Letter Response (Skilled Ecology, 26th October 2023) has now clarified that the information within the AIA was incorrect in relation to T2 and related to T3, which was surveyed. The document has provided updated photos in addition to the further information.
19. In addition, we previously raised concerns regarding the level of survey effort applied in relation to the building. The document has provided sufficient justification in relation to why only one updated emergence survey was undertaken. We are satisfied with the proposed need for works to be carried out following precautionary mitigation measures. Whilst no roosting bats were identified the presence of bat droppings found in 2020 does mean there is a potential risk that bats could be present at the time of works. We recommend the roof is soft stripped and overseen by a suitably licenced ecologist. This should be detailed within a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition of any consent.
20. An increase in artificial light would negatively impact foraging bats. We recommend lighting details are outlined within a wildlife sensitive lighting scheme, in line with best practice guidance GN:08/23 from the Institute of Lighting Professionals and secured by a condition of any consent.
21. We are now satisfied that there is sufficient ecological information available for determination of this application. 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.

Representations:

22. A total of 47 letters of objection received. Comments summarised as follows:

- Flooding issues at this point in the road
- Traffic – dangerous point in the road due to restricted sightlines (as evidenced by recent traffic accident)
- Overspill parking on Thurlow Road
- Not enough visitor parking
- Loss of trees
- Harm to the character of the village
- Off street parking will be a hazard
- Detrimental impact on amenity of neighbouring dwellings
- Increase pressure on existing infrastructure
- Contrary to Policies DM2, DM22 and DM17
- Harm to existing ecology
- Over-development of the site
- The modern style of these properties are not in keeping with the village. They look like they'd fit in with a Taylor Wimpey mass development, rather than the traditional aesthetics of the village.
- The bungalows look more like Lodges you'd find at a holiday park. Completely out of place and not in keeping with the conservation area.

23. Comments from Thistledown Cottage - The previous application was rejected by the development control committee and the subsequent appeal ref (Appeal Ref: APP/F3545/W/21/3286825) to the planning inspectorate was dismissed in September 2022 this "new" application with the exception of the reduction in height of 2 plots is fundamentally the same and should therefore be rejected.

24. Comments from The Old Bakery - This development is still contrary to Joint Development Management Policy DM2 and DM22, which amongst other things, requires new development to avoid harm to existing residential amenity. Our previous objections are still entirely relevant as the developer has chosen not to address the two main reasons for refusal of all previous applications. Simply reducing the height of Plots 1 and 5 but still siting them in exactly the same places does not lessen the harm of the amenity of Thistledown and the Old Bakery and does not address the two main reasons for refusal at appeal of the previous application.

25. Three letters of support received from local residents at Hall Farm, Withersfield, Abbotts Cottages, Haverhill and Bunn Close, Haverhill, commenting as follows:

- Having reviewed the latest proposals and original objections, I believe all have been met and this discreet well positioned development can now only be good for the village. With more chance for families to be brought up in the village environment, rather than a big town. Many children and Adults with different Mental Health issues, really struggle in towns and having this opportunity to have more options in this village can only be beneficial. The potential benefits for these dwellings to give people a chance in the village is really positive. Having family

that suffer with Mental Health, they got a chance in a village and thrived.

- From an environmental perspective there would be a huge improvement as the new well-designed properties would be of a more eco-friendly standard of living which is so important in the current age.
- Access to and from the site would be significantly improved at the same time offering the opportunity to address the localised flooding issues.
- Whilst it is right that the concerns of the locals should be heard there is no doubt they the majority if not all are founded in the "not in my back yard" school of thought. As the application has the overwhelming support of the West Suffolk planning professionals it should be approved and left to them to ensure that any conditions attached to the approval are fully met and I have every confidence that they would not shirk those responsibilities.
- This is a small development, along the same lines as Homestall Crescent, (Church Farm); which there were some objections back then and a very pleasant "close" has been created and I feel that Milton House could be the same on a smaller scale. The village is in desperate need of smaller and more affordable houses for residents both young and old, and needs to keep a good housing balance of small, medium and large properties.

Policy:

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

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

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

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

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM46 Parking Standards

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

Other planning policy:

National Planning Policy Framework (NPPF)

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

30. The Inspector's decision of September 2022 (attached as Working Paper 1) sets out the reason for dismissing the appeal as being solely due to the conflict found with the development plan in respect of the impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage. Impacts on biodiversity, flood risk, the Conservation Area and highways, were found to be acceptable. Acknowledging the slight change to the appearance of the proposed dwellings, the impact on the Conservation Area has been assessed again.

31. Although the site is not located in an area at risk from fluvial flooding, parts of the site (including the access) are located within an area of high-risk surface water flooding (pluvial) as identified on the national flood risk maps. Whilst the flood risk has not materially changed since the 2021 application, the NPPF has been updated and now requires **all** forms of flood risk (not just flood zones associated with fluvial/river flooding) to be considered as part of a sequential test. The NPPF defines the aim of a sequential test as

“to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

32. Following discussion with Officers, the applicants submitted both sequential and exception tests, along with further information and evidence that the proposed drainage scheme is fit for purpose and will result in drainage betterment for the site.

33. With the exception of flood risk and visual appearance (impact on the conservation area), and the scale of plots 1 and 5, nothing has changed in respect of biodiversity and highway safety since the appeal Inspector’s assessment of the site and the proposal. This revised proposal is acceptable in respect of these considerations. Therefore, the main issues to be considered in the determination of the application are:

- Drainage and flood risk (sequential test)
- The impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage
- Impact of the development on the Conservation Area.

Drainage and flood risk

34. The NPPF states that a sequential test should consider if the development could be sited in areas of lower risk of flooding. If this is not possible within an agreed area, and the development is considered to be more vulnerable development within flood zones 2 or 3 (including new dwellings), then in some cases the ‘exception test’ should then be applied. (See [Flood Risk Classification](#).)

35. Although not technically required by the NPPF/NPPG, as the site is not within Flood Zones 2 and 3, an exception test has still been undertaken in accordance with NPPF par. 164. This is because as part of the site is within an area identified to be at high risk of surface water flooding, the elements of the exception test set out below are still relevant to this proposal. Part (b) of the test is in any event required by Joint Development Management Policy DM6 and par. 167 of the NPPF.

36. NPPF par. 164 requires the exception test to demonstrate that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

37. For sequential tests the National Planning Practice Guidance (NPPG) advises that a search area should be agreed with the Local Planning Authority. As the application proposal is within the settlement boundary, it was agreed with the applicant that the area inside the settlement boundary of Withersfield would be a suitable search area to be applied to the sequential test. It was also agreed that the search should be for sites that could provide a net development of 4 dwellings (the same as the proposal).
38. Within the search area, the NPPG then advises that allocations and existing planning approvals should be considered. The applicant's sequential test identifies that there are no residential allocations in Withersfield, and of the three planning approvals for new residential development within the last 3 years, none are big enough to accommodate a net gain of 4 dwellings.
39. Next, the NPPG advises that windfall sites be assessed. These should include sites owned by the applicant, or sites available for purchase at market value. The applicant has responded to this as follows:

"There are no windfall sites available in the village. No development sites are on the market. Of the houses for sale a property on Turnpike Hill is Grade II listed, and as such, a development of four homes would not be possible near to it without harming the setting of the listed building. None of the other properties available for sale could accommodate a net gain of 4 dwellings. As such, no alternative sites are available for the development as proposed."
40. Officers are satisfied with the above sequential test and agree that there are no other suitable sites available. A site-specific Flood Risk Assessment (FRA) has been submitted following consultation with the Local Lead Flood Authority (LLFA). The FRA includes a drainage strategy that will improve the drainage infrastructure; will reduce the level of flooding at the site entrance from local run-off; will take account of climate change; and will improve water quality. The development has been designed to be safe for its lifetime with appropriate finished floor levels.
41. Wider sustainability benefits have also been identified. The development will:
 - develop land inside the settlement boundary which is appropriate for housing in order to provide homes to meet local needs;
 - provide a mix of homes, with 1, 2, 3 and 4 bed properties, contributing to the delivery of housing in the area and the 5-year supply of housing land;
 - have a positive impact on the Conservation Area, and;
 - include biodiversity enhancements.
42. Having regard to the above, Officers are content that the application passes the exception test. The applicant has produced a sustainable drainage strategy, which ultimately includes mitigation measures as necessary to

enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF. Consequently, the County Council as Local Lead Flood Authority recommends approval of the application.

Impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage

43. In respect of the impact of the development on the living conditions of the two neighbouring dwellings to the site, the Inspector found that 'the proposed dwellings on plots 1 and 5 would have an overbearing effect on the occupiers of The Old Bakery and when viewed from the patio doors within the rear elevation of Thistledown Cottage, to the detriment of their living conditions.' The development was found to be acceptable in respect of loss of light or overbearing effect on the ground floor side windows, and loss of privacy.
44. In respect of the previous proposal for plot 1 to the front of the site and adjacent to Thistledown Cottage, the Inspector commented that

'The proposed dwelling would extend almost the full length of Thistledown Cottage's rear garden and due to its siting and scale, it would result in an enclosed and overbearing outlook when viewed from the patio doors within the property's rear elevation, resulting in harm to the living conditions of the occupiers of this property.'
45. In response to the above concerns the applicants have reduced the ridge height by 1.8 meters to 5.5 metres. The eaves height closest to the boundary with Thistledown Cottage has been reduced by 0.95 metres to approx. 2 metres in height. Whilst the siting of this dwelling remains the same, the reduction of height will make a significance difference to the impact on the amenity of Thistledown Cottage.
46. Noting that the Inspector stated that views from patio doors would be harmed by the previous proposal, the applicants point out that the low height of the revised proposal means that the boundary hedge, or any 2 metre fence that may be put up on the application site in the future, should the hedge ever be removed, will have a more significant impact protecting the views from Thistledown towards the revised Plot 1 than it would have had on views of the previous design.
47. In respect of the previous proposal for plot 5 adjacent to 'The Old Bakery', the Inspector commented that

'Notwithstanding the separation distance between The Old Bakery and the proposed dwelling on plot 5, the siting and scale of the proposed dwelling would result in an enclosed and overbearing outlook to the living conditions of the occupiers of this property.'
48. The applicant has responded to the above concerns by significantly reducing the scale of plot 5, resulting in a single storey dwelling. The dwelling is also moved slightly further away from the site boundary (0.7 metres). Three metres have been reduced from the ridge height, and 0.9 metres reduced

from the eaves height. These changes significantly reduce the impact of the dwelling.

49. Overall, officers are satisfied that the amended proposals have satisfactorily addressed the concerns of the Inspector in respect of neighbouring amenity impact. The impact on existing residential amenity is considered acceptable and in accordance with Joint Development Management Policies DM2 and DM22 in this regard.

Impact on the Conservation Area

50. Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 requires the Local Planning Authority to have special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In considering the previous appeal, the Inspector also had regard to this duty and concluded that the development would not harm the character or appearance of the surrounding area, and consequently would preserve the character and appearance of Withersfield Conservation Area. The Inspector also concluded that the proposal would comply with Policies DM2, DM17 and DM22 of the JDMPD, which seek to protect heritage assets and ensure good design appropriate for the character and context of the site.
51. As is discussed at paragraphs 43 – 49 above, having regard to the Inspector’s conclusions in respect of the impact on the amenity of neighbouring dwellings, both proposed plots 1 and 5 have been significantly reduced in height and scale (see par. 2 above). The plans have also been further amended reinstating an asymmetrical roofline with an increased ridge height to plot 1 in an effort to provide a greater presence to the street frontage, whilst still resulting in a significant reduction in overall height compared to the previously refused scheme. The Conservation Officer is satisfied that the reduced scale (as amended) would not appear to be out of character with the area where a mix of building heights currently exists. The proposed amendments are acceptable from a conservation point of view and still enhance the conservation area.
52. It is considered that the proposed development continues to be well thought out with plots arranged around an open courtyard in an organised manner avoiding awkward and contrived relationships between plots often associated with cramped proposals. This together with a consistent approach to materials, design and detailing between plots creates a strong sense of place which positively contributes towards the character and appearance of the conservation area.
53. The requirements of Section 72 of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990 have been met and the application is considered to accord with Joint Development Management Policies DM2, DM22 and DM17 in this regard.

Other matters

54. Ecology and biodiversity - by implementing the following biodiversity enhancements the development would create a net gain in terms of biodiversity, in accordance with the NPPF and Joint Development Management Policies DM11 and DM12:

- 3 x compensatory bat roosting habitat (Schwegler bat box)
- 3 x Schwegler 1FR Bat Tube
- 2 x House Sparrow Nest Box
- 2 x Woodstone Built-in Open Nest Box
- 4 x Swift Block
- 4 x Schwegler bird Boxes
- 2 x Schwegler Hedgehog Domes.
- Low level bollard lighting to reduce impact
- Tree replacement
- Hedgehog friendly boundary fencing (with gaps at intervals)
- Native soft landscaping
- Two 1m x 1m habitat piles are also proposed for the site boundary for use by invertebrates, small mammals, amphibians and other wildlife.

55. Furthermore, new hedgerows are proposed between the houses. The new hedgerows will be native species and planted in a double staggered row, with at least five whips per linear metre.

56. The Council's ecology consultant is satisfied that there is sufficient ecological information available for determination of this application, and that it 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 (These are set out at paragraphs 18 – 21 of this report.)

57. Subject to the above mitigation being secured by condition, the development would have an overall net gain in terms of biodiversity and accords with Joint Development Management Policy DM12 in this regard.

58. Highway access and parking - subject to appropriate conditions, SCC Highways raises no objection to the scheme which is considered to accord with Core Strategy CS7 and Joint Development Management Policies DM2 and DM46 in this regard.

59. The application has dealt with any potential land contamination risks and subject to standard conditions controlling intrusive ground investigations required by the ground contamination report, the development accords with Joint Development Management Policy DM14 in this regard.

60. Energy efficiency – Joint Development Management Policy DM7 states that: "All proposals for new development including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques...In particular, proposals for new residential development will be required to demonstrate that appropriated water efficiency measures will be employed... All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan should be identified and proposals for resolving this conflict outlined."

61. The applicant has set out the approach to sustainability in a Design and Access Statement, and included in the environmental measures proposed is the following:

- Water use reduction measures including airflow taps and dual flush cisterns etc.
- All plots are to be provided with below-ground rainwater harvesting.
- All plots are to be provided with free standing electric/hybrid car-charging points (refer to annotated site plan).
- All plots are to be provided with 2.4 x 1.8 garden sheds for cycles and garden storage.
- The dwellings will be fitted with Energy Efficient light bulbs.
- The dwellings will have ample space for dry recyclables.
- Mechanical Ventilation and Heat Recovery systems (MVHR) will be installed to each dwelling
- each dwelling design incorporates dedicated space in this respect.
- Where white electrical goods are provided these will be 'A' rated for energy efficiency

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

Conclusion:

63. This revised application has satisfactorily addressed the appeal Inspector's concerns. The scheme accords with Core Strategy Policy CS4 and is acceptable in principle. The development scheme (as amended) has satisfactorily demonstrated that the proposed 5 dwellings can be accommodated without detriment to highway safety, residential amenity, biodiversity, and the character of the conservation area in accordance with relevant development plan policies and the NPPF.

Recommendation:

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

1. 3-year planning permission time limit
2. In accordance with approved plans
3. No development above slab level shall take place until details of the facing and roof materials, and doors and windows have been submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Before any development or any demolition work hereby permitted is commenced, a comprehensive construction and site management programme shall be submitted to and approved in writing by the Local Planning Authority. The programme shall include the following details: -

- (a) hours of construction operations including times for deliveries and the removal of excavated materials and waste;
- (b) site set-up and general arrangements for storing plant (including cranes), materials, machinery and equipment, offices and other facilities and contractors vehicle parking, loading, unloading and vehicle turning areas;
- (c) noise method statements and noise levels for each construction activity including any piling and excavation operations;
- (d) dust, dirt and vibration method statements and arrangements;
- (e) site lighting.

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

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

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

6. No security lights or street lighting shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

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

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

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be

undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

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

Reason - To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.

10. The access shall be completed mainly in accordance with Drawing No. 19002-66; with an entrance width of at least 4.5m and be available for

use before first occupation. Thereafter it shall be retained in its approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

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

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

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

12. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on drawing number 19002-50 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

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

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

14. The use shall not commence until the area(s) within the site shown on drawing 19002-50 for the purposes of loading, unloading, manoeuvring and parking of vehicles and the secure storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

15. Before the access is first used visibility splays shall be provided as shown on Drawing 19002-66 with an X dimension of 2.4m and a Y dimension of 90m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General

Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

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

- Routing for HGV and other construction delivery traffic.
- Means to ensure no damage will be done to the highway, including the carriageway, footway and verge, by construction and/or delivery traffic. This will include a before and after condition survey/s.
- Means to ensure no surface water, mud or other construction debris can flow or be deposited onto the highway.
- Means to ensure sufficient space is provided on site for the parking and manoeuvring off all construction site and delivery vehicles.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

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

17. Prior to commencement of development a finalised Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
- b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,

c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.

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

18.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.

19.No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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).

20. The strategy for the disposal of surface water (dated May 2020, ref: 3529.SK01 REV P7) shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

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

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

22. 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 or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

23.No development above ground level shall take place until a scheme for the provision and implementation of water, energy and resource efficiency measures during the construction and occupational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

24.All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Update Preliminary Ecological Appraisal (Skilled Ecology, March 2023) 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).

25.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 particularly to bats 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.

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.

Reason: To conserve 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).

26.A Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist 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 or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To 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).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0493/FUL](#)

Working Paper 1 – Appeal Decision (DC/21/0367/FUL)

Appeal Decision

Site visit made on 26 July 2022

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/F3545/W/21/3286825

Milton House, Thurlow Road, Withersfield CB9 7SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mssrs Lansdown and Daniels, of Timber & Stone Properties Ltd against the decision of West Suffolk Council.
 - The application Ref DC/21/0367/FUL, dated 21 February 2021, was refused by notice dated 25 June 2021.
 - The development proposed is described as “demolition of modern 2-storey house. New residential development of 5 houses (net gain of 4 houses)”.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Reason for refusal 1 of the Council’s decision notice refers to the loss of a significant tree on the frontage of the site. However, it is clear from the submitted Arboricultural Impact Assessment (AIA) that in fact two trees are to be removed from the frontage: trees T2 and T3. In addition, other trees within the remainder of the site would be felled that the Council, in their appeal statement, consider would not preserve or enhance the appearance of the Conservation Area. I have therefore considered the appeal on this basis.
3. Reason for refusal 3 of the Council’s decision notice refers to plot 6. However, there is no plot 6. It is clear from the narrative that the Council are referring to plot 5. This has also been noted by the appellant in their appeal statement. I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - a) the living conditions of the occupiers of neighbouring properties; and
 - b) the character and appearance of the area, with particular reference to preserving or enhancing the Withersfield Conservation Area; and
 - c) biodiversity assets.

Reasons

Living Conditions

5. The appeal site is located between the dwellings known as Thistledown Cottage and Griffins to the south and The Old Bakery to the north. The Old Bakery comprises an L-shaped two-storey dwelling that has ground and first floor windows serving main living areas that directly face towards the rear garden of the appeal site. These windows currently have a verdant outlook. The proposed dwelling on plot 5 would be sited so that its rear elevation would be in close proximity to the boundary shared with The Old Bakery and would extend almost the full length of the existing property's front courtyard garden. The proposed dwelling would have an asymmetrical pitched roof with an eaves height that is lower than that of The Old Bakery and a ridge height that is higher. Ground and first floor windows within The Old Bakery would directly face the proposed dwelling, whilst others would have an oblique view. Notwithstanding the separation distance between The Old Bakery and the proposed dwelling on plot 5, the siting and scale of the proposed dwelling would result in an enclosed and overbearing outlook to the living conditions of the occupiers of this property.
6. Windows and doors, including rooflights would be positioned within the rear elevation of the proposed dwelling on plot 5 and a small section of garden would be sited between the proposed dwelling and the shared boundary. I acknowledge that there would be some increase in noise levels from the proximity of the proposed dwelling to The Old Bakery, however, the majority of the proposed openings would serve rooms that would not comprise the main living areas of the dwelling. Furthermore, the size of the garden between the two properties is of a scale that is unlikely to be actively used, especially given the proposed dwelling would have a larger garden located to its side. The proposed development would not therefore result in noise and disturbance that would be unduly harmful to the living conditions of the occupiers of The Old Bakery.
7. Thistledown Cottage has two ground floor windows in its side gable elevation as well as ground floor and first floor windows/patio doors in its rear elevation. The side windows serve a room which also has a window to the front and patio doors to the rear. The outlook from these side windows is partially obscured by an existing closed boarded boundary fence and by an existing detached outbuilding on the appeal site. These windows would directly face the parking area serving plot 1 and therefore only an oblique view of the proposed dwelling would be gained. The proposed dwelling on plot 1 would not result in a loss of light or an overbearing effect on these windows that would be unduly harmful to the living conditions of the occupiers of Thistledown Cottage.
8. The proposed dwelling on plot 1 would be sited in close proximity to the boundary shared with Thistledown Cottage and would be positioned so that its rear elevation would face the neighbouring property's rear garden. As with the proposed dwelling on plot 5, the dwelling on plot 1 would have an asymmetrical roof with a similar eaves height to Thistledown Cottage and a higher ridge height. The proposed dwelling would extend almost the full length of Thistledown Cottage's rear garden and due to its siting and scale, it would result in an enclosed and overbearing outlook when viewed from the patio

doors within the property's rear elevation, resulting in harm to the living conditions of the occupiers of this property.

9. The roof of the dwelling would have 4 rooflights that would face towards the neighbouring property's rear garden. A cross-section of the proposed dwelling on plot 1 has been included that demonstrates that these rooflights would be positioned so that only a view of the sky would be gained and therefore there would be no harm to the living conditions of the occupiers of Thistledown Cottage from a loss of privacy or overlooking from these windows. In the event the appeal was allowed, the siting of the rooflights could have been conditioned accordingly.
10. I therefore find that the proposed development would not have an unacceptably harmful effect on the living conditions of the occupiers of The Old Bakery from noise and disturbance, or the living conditions of the occupiers of Thistledown Cottage from a loss of light or overbearing effect on the ground floor side windows, or a loss of privacy. However, the proposed dwellings on plots 1 and 5 would have an overbearing effect on the occupiers of The Old Bakery and when viewed from the patio doors within the rear elevation of Thistledown Cottage, to the detriment of their living conditions. The proposed development would therefore be contrary to Policy DM2 of the Joint Development Management Policies Document (JDMPD) which, amongst other things, seeks to protect residential amenity.

Character and Appearance

11. The appeal site is located within the village of Withersfield and within the Withersfield Conservation Area (WCA). Therefore, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
12. The village is split into two halves with open fields separating the two. Each half of the village has a grassed open 'green' that is bordered by buildings, which extend along the adjacent roads. WCA does not have a Character Appraisal. From my site visit, the dwellings in the northern part of the village are mixed in design, style, age and materials, with varying plot sizes. Most dwellings are set back from the road frontage, whereby only glimpses of the properties can be seen from the street scene due to the presence of boundary hedges and mature trees. It is the varied character of the buildings and the leafy appearance of this part of the village that contributes to its importance as a designated heritage asset.
13. The appeal site comprises a detached two-storey dwelling set back from the road frontage by a large front garden containing a shed and a parking/turning area. From the evidence before me and my own observations of the area, I am satisfied that the loss of the existing building would not result in harm to the character, appearance or significance of the WCA. The existing dwelling is located within an irregular-shaped plot that has a narrow frontage onto the road that widens towards the rear. There are no views through the appeal site from WCA or out of WCA from the appeal site, and views into the appeal site are limited. This is due to the narrowness of the plot frontage; the siting of the adjacent buildings close to the road; and existing mature trees and hedgerows to the boundaries.

14. The proposed development would comprise five dwellings arranged around a hard landscaped courtyard and therefore they would be inward facing. Plot 1 would be located closest to Thurlow Road, but it would be set back behind a parking area with a small, landscape strip adjacent to the road frontage. The adjacent buildings are sited further forward of the proposed dwelling on plot 1 and together with the narrowness of the appeal site frontage and mature trees, the proposed dwelling would not appear prominent within the street scene. The proposed dwellings on plots 2 - 5 are substantially set back within the appeal site and therefore they would not be readily visible from the street scene.
15. Although more hardstanding is proposed within the appeal site than currently exists, views of it would be limited due to the narrowness of the road frontage and the existing and proposed planting to the front and side boundaries. In addition, evidence has been submitted by the appellant that demonstrates that the level of hardstanding per dwelling is lower than other neighbouring properties and the Council has not disputed these findings. I therefore do not consider that the proposed development would be incongruous with the surrounding area or the character or appearance of WCA.
16. I agree that most of the buildings within the northern part of the village front onto Burton Hill or Burton Green. However, there are also examples of dwellings that do not follow this pattern of development, namely the adjacent dwelling known as "Griffins" which is sited behind the dwellings fronting onto Burton Hill; a development of bungalows on a cul-de-sac on Burton Hill; and a backland house on the northern side of Burton Green. The siting of the proposed dwellings in an inward facing configuration behind those that front onto Burton Hill would therefore not be incongruous.
17. The proposed development would be contained within the garden of the existing dwellinghouse, and the plots of the adjacent dwellings extend further into the countryside than the appeal site. The erection of dwellings on the garden area of the existing dwelling would therefore not result in an unduly urbanising effect. Plot sizes in the surrounding area vary and the proposed development would be commensurate with some of the existing properties.
18. It is proposed to fell two trees along the road frontage of the appeal site, annotated as T2 and T3 within the accompanying AIA. The AIA concludes that both these trees are Ash and have Chalara Ash Die-back (ADB), which I witnessed on my site visit. The report concludes that both trees have a remaining lifespan of less than 10 years, and both have an amenity value classification of "U: trees not worthy of retention because of their condition". I agree with the conclusions of the AIA.
19. The loss of the two frontage trees would result in some visual impact to the character of the street scene and WCA. However, these trees have sparse crowns due to ADB and both would ultimately be lost even if the proposed development did not proceed. Furthermore, trees T2 and T3 form a group with several other mature trees (annotated as T1 and T4-T9 within the AIA) that are to be retained. Therefore, the loss of trees T2 and T3 within this group would not significantly affect the visual amenity of the area. There would also be some loss of trees to the rear of the appeal site, however these all have an amenity classification of "C: trees of low quality" and due to their siting, they do not make a significant contribution to the visual amenity of the area. I

therefore do not consider that the loss of these additional trees would adversely affect the character, appearance or significance of WCA.

20. The Proposed Site Plan is annotated to state that a replacement broad-leaved tree would be planted along the frontage of the appeal site to compensate for the loss of trees T2 and T3. The updated letter from the arboriculturist states that the replacement tree should be of a large mature stature to properly compensate for the loss of the two Ash trees. In the event the appeal was allowed, this could have been conditioned accordingly. The proposed replacement planting would ensure that the minor impact to visual amenity would only be in the short-term until the replacement tree matures.
21. For the reasons detailed above, I conclude that the proposed development would not harm the character or appearance of the surrounding area, and consequently would preserve the character and appearance of WCA. Therefore, in respect of the second main issue, the proposal would comply with Policies DM2, DM17 and DM22 of the JDMPD which, amongst other things, seek to respect the area's character and setting, and maintain or create a sense of place and/or local character.

Biodiversity

22. The amount of hardstanding would increase within the appeal site for the parking and turning of vehicles and the amount of built development would also increase. However, the submitted "Update Preliminary Ecological Appraisal" (PEA) indicates that there would be no harm to wildlife species or valuable habitats. Furthermore, it concludes that the majority of the appeal site is low in ecological value. There would be some loss of trees, however these have been assessed as either Category C or Category U and new tree planting would form part of the proposed development and therefore I am not concerned from an ecological perspective.
23. There would be some potential loss of bat foraging habitat through the removal of some trees, but a large number of trees and hedgerows would be retained, and additional tree and hedge planting is proposed that would ultimately increase the amount of bat foraging habitat within the appeal site. The overall risk to bats would therefore be low and not unacceptably harmful. The PEA suggests several potential enhancements that could be secured by condition, such as bat boxes, bird boxes, hedgehog domes, hedgehog friendly boundary fencing, native soft landscaping including hedge planting between plots and two habitat piles.
24. On this basis, I consider that there would be no unacceptable impact on biodiversity assets and that appropriate mitigation and a net gain in biodiversity could be achieved by the proposed development. Accordingly, I conclude that the proposal would comply with Policy DM12 of the JDMPD that, amongst other things, seeks to ensure that all proposals include enhancements for biodiversity, commensurate with the scale of the development.

Other Matters

25. On the opposite side of Thurlow Road from the appeal is the Grade II Listed 'Guildhall'. I therefore have a statutory duty under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the setting of this listed building. Due to the distance between the

listed building and the appeal site, the intervening mature landscaping, and the setting back of the proposed dwellings within the site, I do not find harm to the setting of Guildhall.

26. I have had regard to the comments of a third party, as well as the benefits of the proposal as detailed by the appellant at paragraph 6.8 of their appeal statement. In respect of those matters not already covered, no evidence has been provided to substantiate the view that the proposed development would provide much needed additional housing within the village, however, it is agreed that the provision of 4 additional dwellings would bring about general social and economic benefits to the village. There would also be some potential net biodiversity gain.
27. The demolition of the existing dwelling would result in the loss of a first floor window within the gable of Milton House that the appellant states would result in a reduction in overlooking to Thistledown Cottage. However, no information has been provided as to what room this window serves. In addition, this window is not located in close proximity to the shared boundary and a number of trees are positioned that would filter the view from this window. I therefore consider that the removal of this window may result in some benefit to the living conditions of the occupiers of Thistledown Cottage, but it would be to a limited degree. I note that the proposal has the potential to resolve an existing drainage issue that results in localised flooding which would be of some benefit to the area. However, taken as a whole, these benefits do not outweigh my findings in respect of the first main issue.
28. There has been no objection from the Highway Authority or by the relevant Officers in respect of drainage, archaeology, environmental health, air quality and conservation. However, these are neutral factors.
29. I note that Planning Officers were supportive of the proposed development. However, elected Members are not bound by the recommendations of their Officers and are entitled to come to a different view.

Conclusion

30. I have found for the appellant in regard to the second and third main issues and their compliance with the development plan. However, this would not be sufficient to outweigh the conflict with the development plan in respect of effect of the proposal on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage. There are no material considerations worthy of sufficient weight to indicate a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

A Berry

INSPECTOR



DC/23/0493/FUL - Milton House, Thurlow Road, Withersfield, CB9 7SA



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Schedule of Floor Areas:

Plot	Scale	Bedrooms	m ²	ft ²
1	1 storey	1	51	550
2	2 storey	4	144	1,550
3	2 storey	4	148	1,595
4	2 storey	3	97	1,045
5	1 storey	2	70	755
Total		14	510	5,495

Site Area: 0.19ha
Development Density: 26uph

Parking:
Required Parking Provision by standards:
11No. resident's spaces + 2No. visitor's spaces
Proposed Parking Provision:
11No. resident's spaces + 3No. visitor's spaces

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

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

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

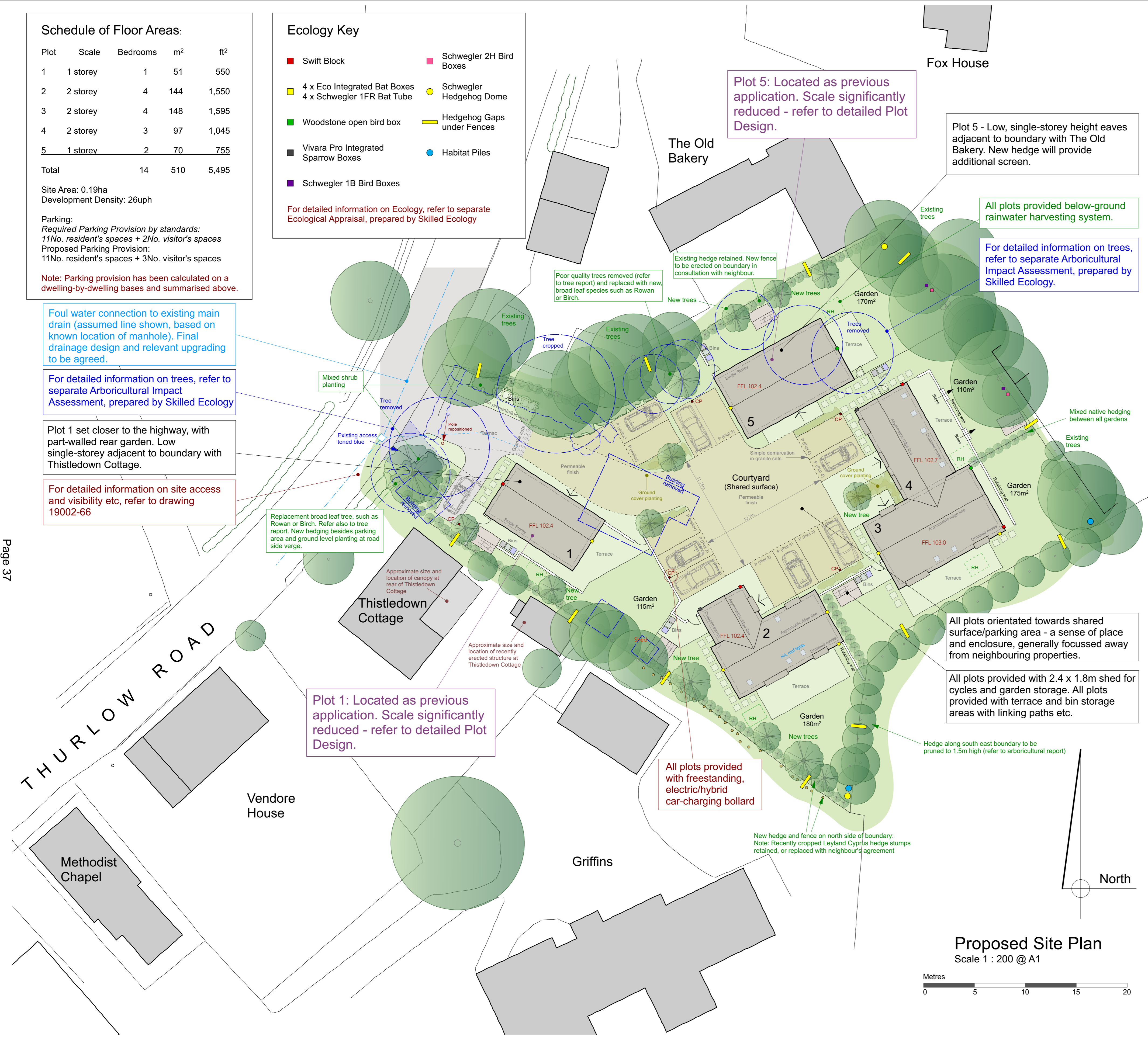
Plot 1 set closer to the highway, with part-walled rear garden. Low single-storey adjacent to boundary with Thistledown Cottage.

For detailed information on site access and visibility etc, refer to drawing 19002-66

Ecology Key

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

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



Plot 5: Located as previous application. Scale significantly reduced - refer to detailed Plot Design.

Plot 5 - Low, single-storey height eaves adjacent to boundary with The Old Bakery. New hedge will provide additional screen.

All plots provided below-ground rainwater harvesting system.

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

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

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

Hedge along south east boundary to be pruned to 1.5m high (refer to arboricultural report)

New hedge and fence on north side of boundary. Note: Recently cropped Leyland Cypress hedge stumps retained, or replaced with neighbour's agreement

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

Plot 1: Located as previous application. Scale significantly reduced - refer to detailed Plot Design.

Replacement broad leaf tree, such as Rowan or Birch. Refer also to tree report. New hedging besides parking area and ground level planting at road side verge.

Mixed shrub planting

Existing access toned blue

Poor quality trees removed (refer to tree report) and replaced with new broad leaf species such as Rowan or Birch.

Existing hedge retained. New fence to be erected on boundary in consultation with neighbour.

Fox House

The Old Bakery

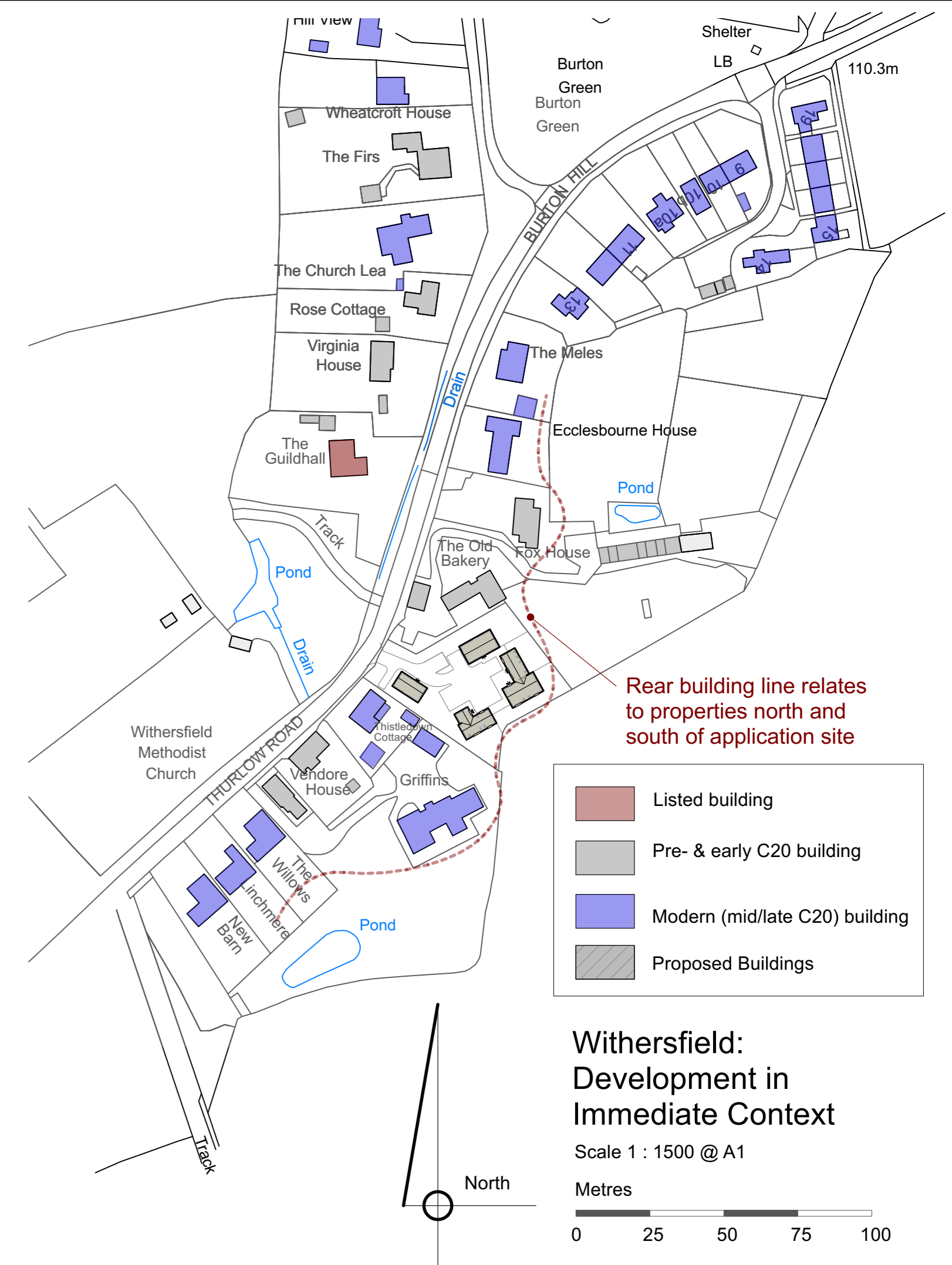
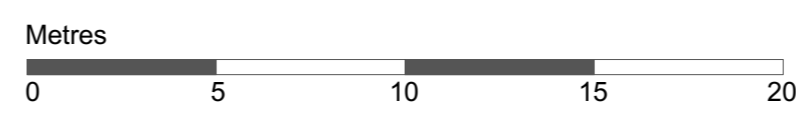
Thistledown Cottage

Vendore House

Methodist Chapel

Griffins

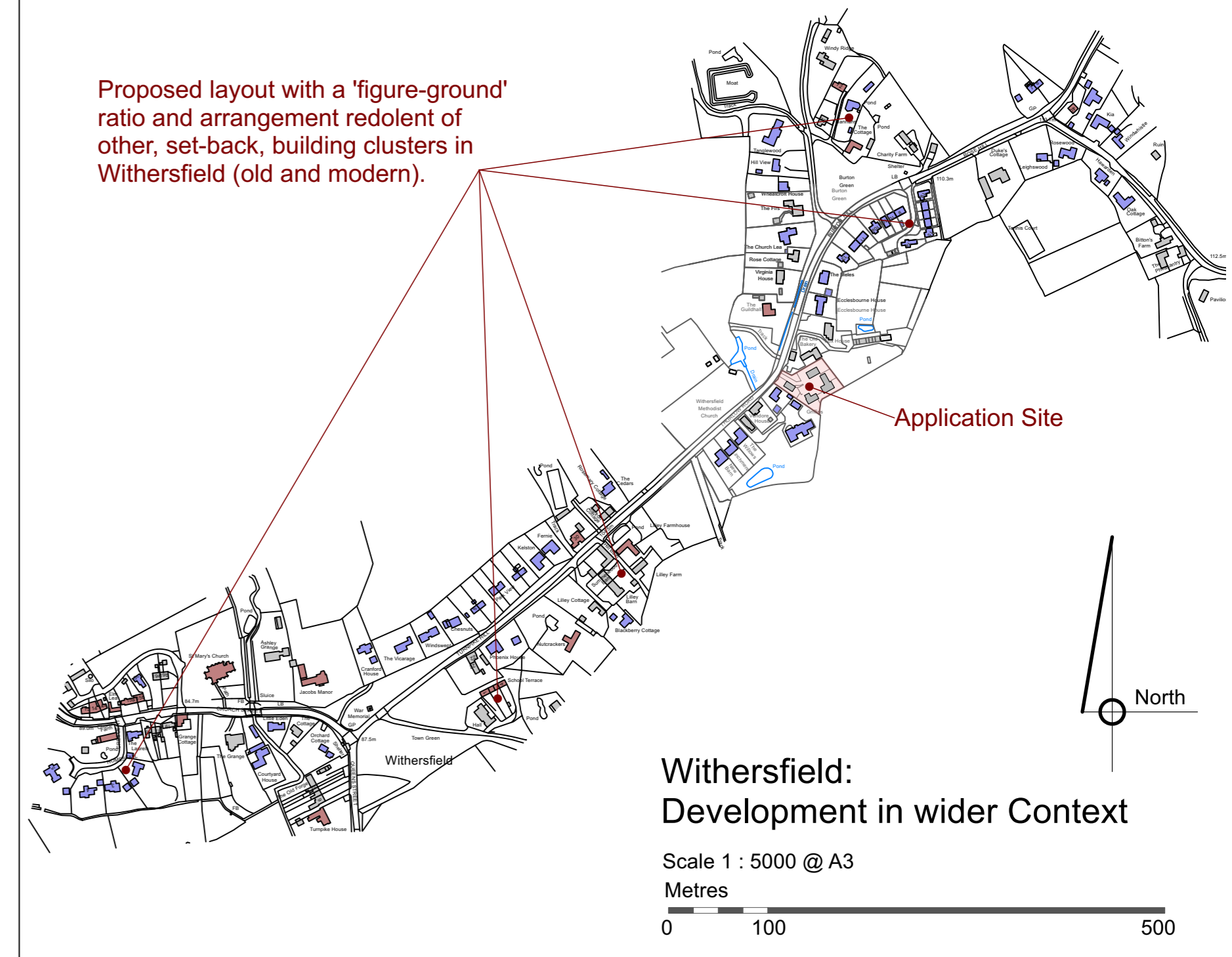
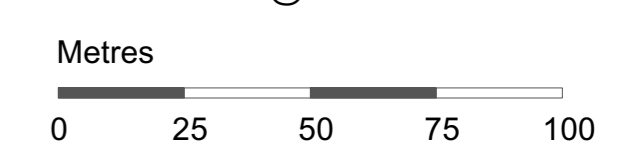
Proposed Site Plan
Scale 1 : 200 @ A1



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

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

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



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

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



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

Revisions		
A	Plot 1 Repositioned.	17.05.23

Revisions		

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J.A.P. Architects
RIBA

Project	Proposed Residential Development at Milton House, Withersfield for Mr P Daniels and Associates		
Title	Proposed Site Layout		
Scale	1 : 200/1500 @ A1	Date	December 2022
Drawing No.	19002 - 50		Revisions
	A		

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Development Control Committee 6 December 2023

Planning Application DC/23/1456/FUL – Hatchfield Farm, Fordham Road, Newmarket

Date registered:	5 September 2023	Expiry date:	8 December 2023
Case officer:	Charlotte Waugh	Recommendation:	Approve application
Parish:	Newmarket Town Council	Ward:	Newmarket North
Proposal:	Planning application - change of use from agricultural land to public open space and associated works		
Site:	Hatchfield Farm, Fordham Road, Newmarket		
Applicant:	Sansovino Developments Limited		

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:

Charlotte Waugh

Email: charlotte.waugh@westsuffolk.gov.uk

Telephone: 01284 757349

Background:

The application was considered by the Delegation Panel on 7 November 2023 following an objection from Newmarket Town Council.

The Panel recommended referral of the application to the Development Control Committee for further consideration.

Proposal:

1. The application seeks the change of use of three parcels (K1, K2, K3) of arable land to recreational open space. The parcels would be fenced and accommodate woodland planting with mown pathways which link to a circular walking route to the North-East.
2. The application has been submitted following consideration by the Local Planning Authority in conjunction with Natural England of the open green spaces within the adjacent residential development site, known as Hatchfield Farm, which were required to be submitted via condition. Since determination of the outline planning application for development at Hatchfield Farm (DC/13/0408/OUT) further information in regard to Devils Dyke Special Area of Conservation and Site of Special Scientific Interest has been compiled, prompting a need to consider recreational impact on the protected site from residential schemes. The current application and mitigation as set out below is the result of discussions between these parties.

Application supporting material:

3. The application is supported by the following plans and documents:
 - Location plan
 - Block plan
 - Habitats Regulations Assessment
 - Planting strategy
 - Planting schedule

Site details:

4. Parcels K1, K2 and K3 comprise agricultural land which abuts the North-Eastern boundary of the Hatchfield Farm development site, granted outline planning permission in 2020. An established woodland tree belt comprises this boundary.
5. The application site is located on the north-east edge of Newmarket, on the eastern side of the A142/Fordham Road close to the A14. It lies adjacent to agricultural land to the north and east. To the East is Stanley House Stud (Hatchfield Farm) with Hatchfield Farm Cottages further south.
6. The site contains no listed buildings or ancient monuments and is outside Newmarket Conservation Area. It contains no Sites of Special Scientific Interest (SSSI's), Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) or County Wildlife Sites (CWS's). The land sits outside of the Housing Settlement Boundary and is therefore, classed as countryside for planning policy considerations.

Planning history:

7. 2010 – Outline planning permission (F/2009/0713/ESO) refused for the comprehensive mixed use development of approximately 67 hectares of land at Hatchfield Farm, comprising inter alia up to 1200 residential dwellings; B1 employment use (up to 36000 square metres); community facilities and a primary school reservation. Following that refusal, in 2012 – An appeal against the refusal of outline planning permission for the above development was dismissed. The decision was taken by the Secretary of State following receipt of a report and recommendation from a Planning Inspector. A public Inquiry was held in advance of the decision.
8. 2019 - Policy SA6(g) of the Forest Heath Sites Allocation Local Plan identified the area at Hatchfield Farm for a mixed neighbourhood development of some 400 dwellings, 5ha of employment land, a new primary school, areas of open space and enhancement and promotion of cycling and walking routes. It also required the securing of improvements to the A14/A142 junction and horse crossings.
9. A masterplan for the site was adopted by Cabinet in 2019.
10. 2020 – Outline planning permission (DC/13/0408/OUT) was granted for up to 400 dwellings plus associated open space (including areas of habitat enhancement), foul and surface water infrastructure, two accesses onto the A142, internal footpaths, cycle routes and estate roads.
11. The planning application was 'called in' by the Secretary of State for his own determination. The planning committee of the then 'Forest Heath District Council' resolved that it would have granted outline planning permission for the proposals had it retained its decision making powers for the application. As a consequence, the Council supported the position of the applicant at the Public Inquiry and recommended to the Secretary of State (via the appointed Planning Inspector) that outline planning permission should be granted.
12. The Secretary of State initially resolved to refuse outline planning permission for the proposals, despite receiving a positive recommendation from his appointed Planning Inspector. A decision letter was duly issued. However, this was successfully challenged in the planning courts by the applicant and the first decision of the Secretary of State was quashed on the grounds it was not a legally sound decision. The planning application was returned to the Secretary of State for further consideration and a fresh decision.
13. A second Public Inquiry with a new Planning Inspector was arranged to examine any changes in circumstances that had occurred since the first Inquiry and to examine the issues that had led to the first decision being quashed by the Courts. This was held in 2019. Following receipt of a positive report from his appointed Planning Inspector, the Secretary of State resolved to grant outline planning permission. The decision letter of the Secretary of State was issued in March 2020.

- 14.2022 – Reserved matters application (DC/22/0420/RM) granted by West Suffolk Development Control Committee for two vehicle site accesses (Phase 1) and internal spine road (Phase 2)
15. Various Non-material amendments have been granted agreeing slight variations to condition wording. In addition, conditions of the outline permission have been discharged in relation to archaeology, construction method statement, phasing, ecological management, tree protection, lighting, green spaces, A14 slip road design, Rayes Lane horse crossing design.

Consultations:

Natural England

- a) European Sites – Devil’s Dyke Special Area of Conservation (SAC)
16. Habitats Regulation Assessment - Advice under the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended)
17. Natural England notes that an appropriate assessment of the proposal has been undertaken in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended) (Habitats Regulations Assessment – Stage 2 Appropriate Assessment Hatchfield Farm, Newmarket. Ref: 80-616-R7-4, September 2023; E3P). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment (HRA) process.
18. The appropriate assessment concludes that the proposal will not have likely significant effects on the integrity of Devil’s Dyke Special Area of Conservation (SAC). Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given. The mitigation proposed (as detailed in the HRA report) includes:
 - An off-site footpath (distance 1.3km) (Appendix 2 of HRA report)
 - Multiple on-site public open space, which includes a Neighbourhood Equipped Area for Play (NEAP) and a Multi-Use Games Arena (MUGA) (Appendix 1 of HRA report)
 - 3 parcels of public open space adjacent to the proposed development (K1, K2 and K3 identified in Appendix 1 of HRA report)
 - Provision of homeowner information packs detailing the importance of Devil’s Dyke SAC and SSSI and where Suitable alternative Natural Green Spaces (SANGS) can be found
 - Financial contribution to local public right of ways and ‘Yellow Brick Road’ (a footpath and cycleway close to the development).
19. Natural England advise that the footpath and adjacent public open space should be implemented and available to use before first occupation of the development.

20. Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

b) Sites of Special Scientific Interest (SSSIs) - Devil's Dyke SSSI

21. Providing appropriate mitigation is secured to avoid impacts upon the European sites occurring, there should be no additional impacts upon the SSSI interest features.

WS Ecology and Landscape Officer

22. Comments on planting and mown footway positions. Confirmation that a HRA is not required in this case for the reasons as set out below.

Representations:

Newmarket Town Council

23. The Committee objected to the application for expansion due to it being outside the boundary of the original planning application and loss of farmland. The Committee positively support the provision of Community open spaces for residents; however, this should have been incorporated within the original plan and allowing this would risk setting a dangerous precedent.

24. No third party representations have been received.

Policy:

25. 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.

26. 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 as well as the Newmarket Neighbourhood Plan:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

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 DM42 Open Space, Sport and Recreation Facilities

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3 Landscape Character and the Historic Environment

Site Allocations Local Plan 2019 (former Forest Heath area) SA6 - Housing and mixed use allocations in Newmarket

NKT12 - Local Green Spaces

NKT13 – New Green Spaces

Other planning policy:

National Planning Policy Framework (NPPF)

27. 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:

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

- Principle of Development
- Impact on Landscape
- Habitats Regulations Assessment

Principle of Development

29. The principle of residential development at Hatchfield Farm has been established by DC/13/0408/OUT and can not be revisited through these proposals. The application seeks change of use of three parcels of land to recreational open space to serve this development due to its proximity to Devils Dyke.

30. Devils Dyke Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 4.1 km (as the crow flies) south-west of the Hatchfield Farm site. The species rich chalk grassland and scrub at Devils Dyke provides a unique habitat for a number of fauna, in particular lizard orchids which makes it internationally protected.
31. Consultation with the MAGIC website (accessed August 2023) identified that the Hatchfield Farm site falls within the Impact Risk Zone of Devils Dyke SAC and SSSI and states that new housing developments will require an assessment of recreational pressure on relevant SSSIs and measures to mitigate adverse impacts e.g. alternative open space provision to discourage residents from travelling to Devils Dyke for recreation.
32. Areas of Public Open Space will be created within the residential site to provide local residents with land for recreational use in close proximity to their homes. This includes a neighbourhood equipped area for play (NEAP) and a multi-use games arena (MUGA). These areas have been secured through the outline application and will be available prior to occupation. This application seeks to provide additional open space outside the application boundary for recreation and dog walking.
33. The parcels proposed will be linked to footpaths within the development allowing connectivity to various areas of open space and footpaths existing on Fordham Road. In addition to these parcels a new public footpath is proposed to the north-east of the site (surrounding Siberia Field). The proposed circular footpath will be approximately 1.3 km long and connect directly to the proposed residential development. Planning permission is not required for the public right of way and as such, whilst it connects to the proposed parcels it does not form part of this application.
34. Policy DM1 sets out a presumption in favour of sustainable development in accordance with the NPPF. The policy states that the Council will take a positive approach to development when planning applications accord with the Local Plan, approving them without delay, unless material considerations indicate otherwise.
35. Spatial Objective ENV1 of the Forest Heath Area Core Strategy contains a commitment to conserve and enhance the many habitats and landscapes of international, national and local importance within Forest Heath and improve the rich biodiversity of the whole District.
36. Core Strategy Policy CS2 seeks to ensure that areas of landscape biodiversity, geodiversity interest and local distinctiveness within the District will be protected from harm and their restoration, enhancement and expansion will be encouraged and supported through a variety of measures.
37. Policy DM10 of the Joint Development Management Policies Document seeks to control the impact of development on sites of biodiversity and geodiversity importance and is complemented by policies DM11 and DM12 in relation to protected species and the mitigation, enhancement, management and monitoring of biodiversity.

38. Policy DM5 seeks to protect areas designated as countryside from unsustainable development. A number of exceptions are listed within the policy with d) *essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside...*
In this case, whilst the area is outside the settlement boundary, no built development is proposed. The areas will remain open, preserving the countryside views and character of the area.
39. Furthermore, policy DM42 supports the provision, enhancement and expansion of recreational open space with DM2 acknowledging the need for all development to contribute to local distinctiveness and respect landscape character and create a sense of place.
40. Objective B of the Newmarket Neighbourhood plan seeks 'To Improve and Promote the Well-Being of All Residents' and Objective C 'To Value and Protect Our Environment'. This leads onto 'Community Action A2: Access to Landscape Newmarket Town Council will encourage people to view the landscape as an integral part of the town by: i. encouraging access for residents and visitors wherever and whenever this is possible ii. publicising that permitted access times to the training grounds start at 1.00pm iii. identifying appropriate walking routes, including circular walks'.
41. Additionally, Policies NKT12 and NKT13 acknowledge the deficit of accessible greenspace in Newmarket suggesting that this deficit is mitigated by providing new greenspace as part of developments.
42. Newmarket Town Council have raised concerns over the loss of farmland. The majority of the site is classified as grade 4 agricultural land with a portion of K1 grade 3. Consequently, the proposal will not result in a loss of best and most versatile agricultural land which planning policy seeks to protect.
43. The proposal seeks to create additional recreational open space and therefore meets the objectives of the spatial and specific development management policies outlined above. Subject to acceptable landscape impacts and the proposal meeting the habitat regulations assessment, the principle of development is considered acceptable.

Impact on Landscape

44. Core Strategy Policy CS3 seeks to protect, conserve, and where possible enhance, the quality, character, diversity and local distinctiveness of the District's landscape and historic environment. Proposals for development are required to take into account the local distinctiveness and sensitivity to change of distinctive landscape character types. Joint Development Management Policy DM13 seeks to ensure that development will not have an unacceptable impact on the character of the landscape, landscape features, wildlife or amenity value.
45. The NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, as acknowledged within the

Development plan and national policy, the benefits of open spaces near residential areas can add significantly to quality of life.

46. Landscaping plans have been provided with the application which show the parcels planted with woodland trees and scrubs with mown pathways between. The planting will establish over time but ensure that views are available through to the wider countryside to the north. Whilst more formal open space with public surveillance is provided within the development site, these areas allow for a more rural experience without using the car to travel further afield.

47. Some minor changes to the layout and planting have been proposed by West Suffolks Landscape Officer and as such, whilst the principle is acceptable a condition is recommended to agree final planting details.

Habitat Regulation Assessment

48. Whilst Natural England have considered the Habitats Regulations in their response to this application, the proposal in this case for a change of use with no built development does not require this assessment to be carried out.

49. In 2019 Natural England updated their guidance in respect of impact risk zones and the need to ensure appropriate consideration of recreational pressure impacts through residential development to sensitive sites of special scientific interest. This guidance confirmed that applications relevant to this guidance where those for; new dwellings, Houses in Multiple Occupation (HMOs), student accommodation, residential care homes, residential caravan sites and gypsies, travellers and travelling show people plots. Given that this application is for a change of use of land with no built development the guidance referred above is not applicable and a habitats regulations assessment is not required.

50. Notwithstanding this, Natural England are satisfied with the application as proposed. This additional open space will be provided prior to occupation of the first dwelling at Hatchfield farm and this will be secured through a deed of variation to the S106 agreement.

Conclusion:

51. The proposals will provide additional open space to support the approved outline residential scheme of 400 dwellings at Hatchfield Farm. This will provide considerable societal and environmental benefits which weigh significantly in favour of the application. Given the desire within both local and national policy to secure access to outside space for residents from both an environmental perspective as well as that of health and wellbeing the proposal receives officers full support. Additionally, the drive for biodiversity net gain offers further support for the native woodland planting proposed in accordance with Policy DM12. As such there are no dis-benefits associated with this proposal.

52. The proposal is considered policy compliant as set out in the report above. 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:

53. It is recommended that planning permission be **APPROVED** subject to completion of the deed of variation to the existing legal agreement and 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:

Location plan	210157-3DR-XX-00-DR-A-10089 REV P01
Block plan	210157-3DR-XX-00-DR-A-10088 REV P01

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

3. Prior to any planting taking place within parcels K1, K2 and K3 a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site. 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 as well as positions of mown pathways and their connections. Any 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.

4. Prior to any planting as approved under condition 3 takes place a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

Reason: To ensure the longevity of the landscaping scheme and protect the visual amenity and character of the area, in accordance with policy 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

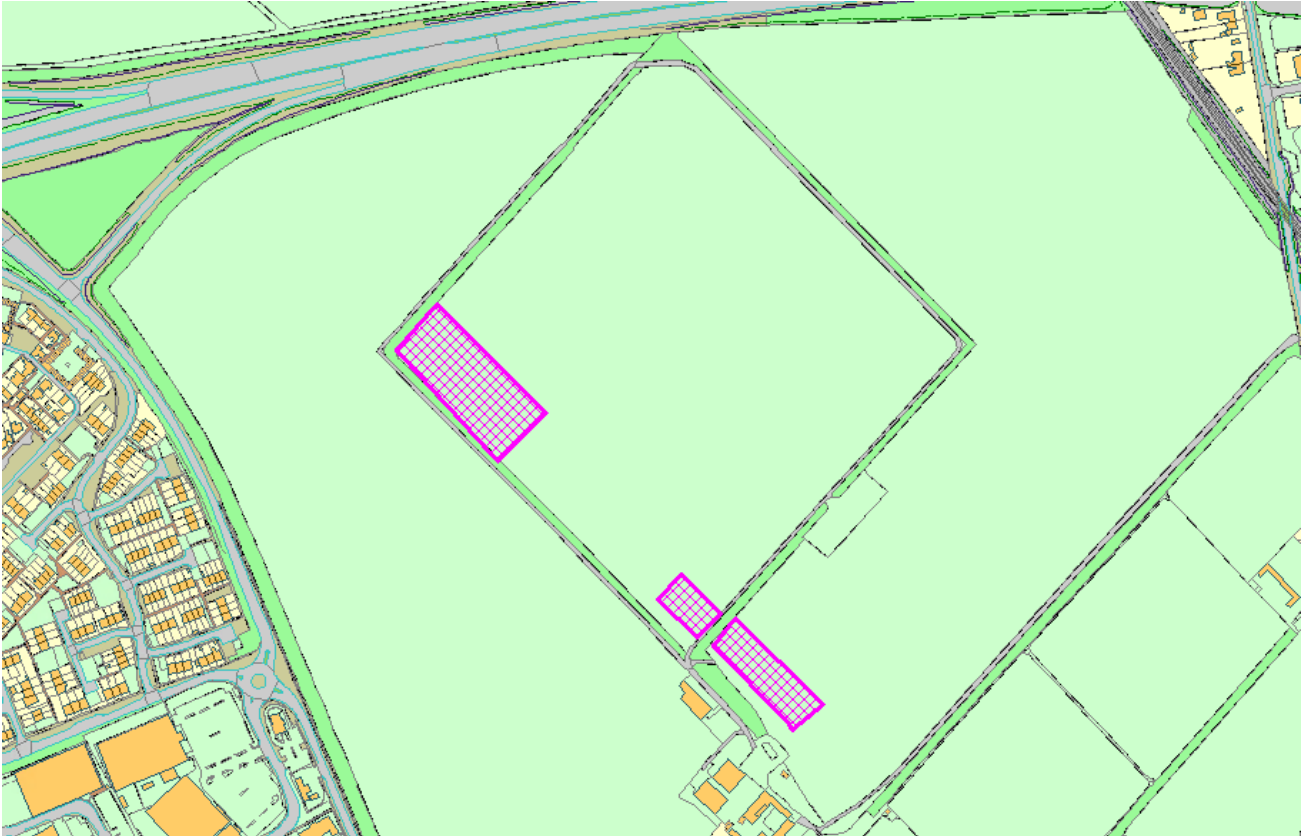
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1456/FUL](https://www.westsuffolk.gov.uk/DC/23/1456/FUL)

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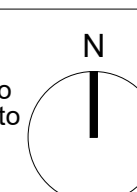


DC/23/1456/FUL - Hatchfield Farm, Fordham Road, Newmarket, CB8 7XL

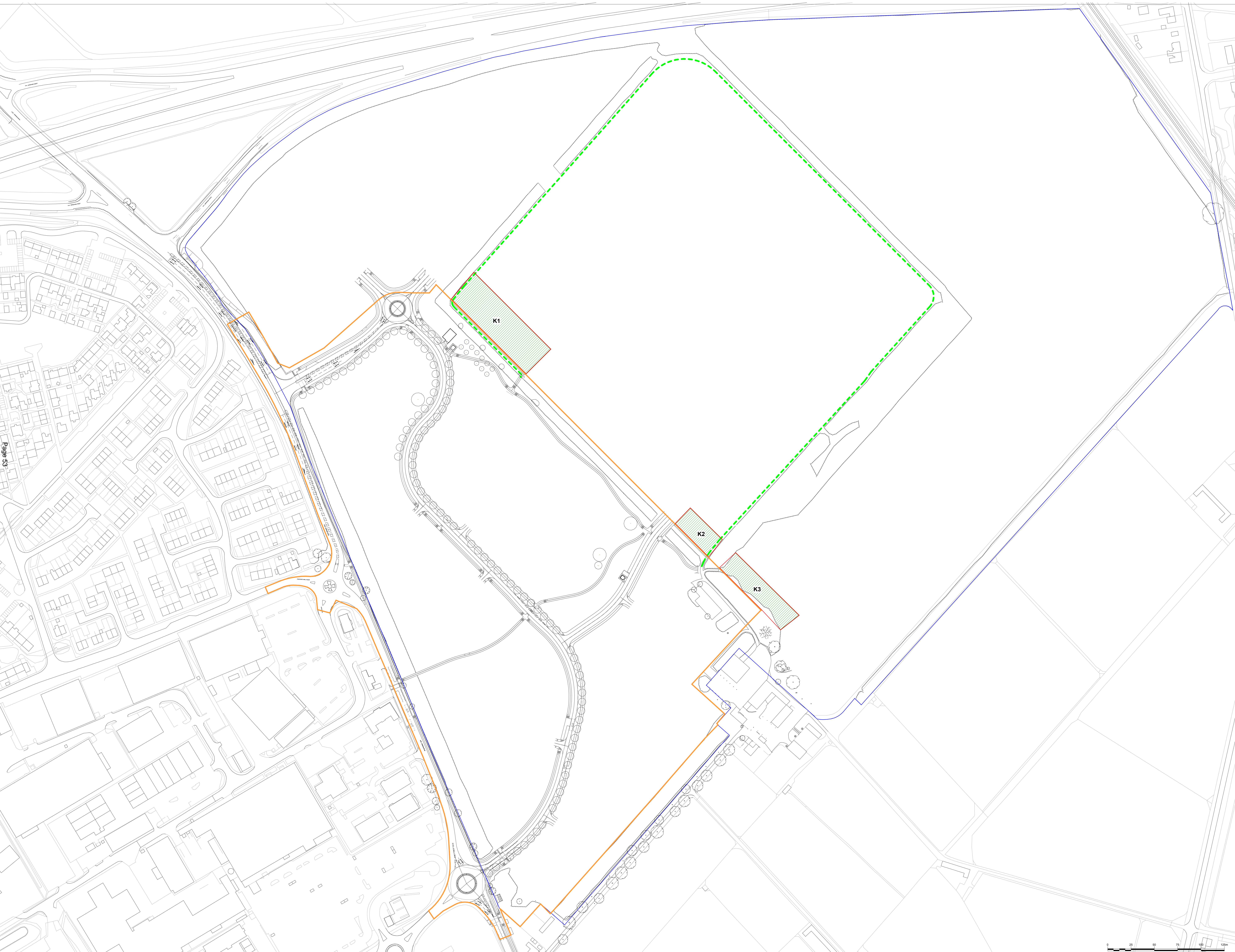


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Notes
 Do not scale from this drawing.
 All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.
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- Ownership boundary
- Planning Permission DC135468/CUT boundary
- Site boundary
- Site area - 7.7709m (0.77ha)
- Post and rail fence
- - - Public pathway approved under S33 agreement
- Recreational Open Space



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P01 23/08/23 Planning NP
 Revisions

Status

INFORMATION

Client

Sansovino Developments Limited

Project

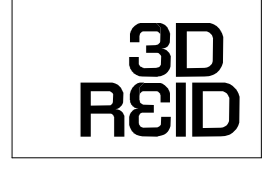
Hatchfield Farm

Title

Site Plan - Recreation
 Open Space

Scale	Size	Date	Drawn	Checked
1:1250	A0	23/08/23	NP	SB

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 Architecture Interiors Masterplanning



Drawing No.
 210157-3DR-XX-00-DR-A-10088

Rev.
 P01



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Development Control Committee

6 December 2023

Planning Application DC/23/0783/VAR – Doctors Hall, Bury Lane, Stanton

Date registered:	27 July 2023	Expiry date:	22 September 2023 EOT 13 December 2023
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Stanton	Ward:	Stanton
Proposal:	Planning application - application to vary conditions 2 (approved plans), 4 (insulation details) and 6 (breeding bitch numbers) of DC/17/1652/FUL for the material change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (a) 2.1 metre high close boarded timber fence and concrete post; (b) car parking area; (c) 2no. dog kennels and (d) 1no. stable block as amended by plans received 15 November 2023.		
Site:	Doctors Hall, Bury Lane, Stanton		
Applicant:	Ms Wayne Chrzanowski		

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

Telephone: 01284 757373

Background:

This application has been referred to the Development Control Committee following consideration by the Delegation Panel. Stanton Parish Council object to the application, contrary to the officer recommendation for APPROVAL.

The application was originally validated as a 'FULL' planning application and made available for public viewing. Given the proposed changes are to an existing permission, the application was subsequently changed to a variation of condition 'VAR' application. Whilst this was occurring in discussion with the planning agent, the application remained accessible on the West Suffolk Public Access Website, with an Officer Update document to allow members of the public the opportunity to comment. Once the application type and relevant plans were uploaded and changed, a full 21-day consultation was undertaken.

Planning permission was granted on 29 November 2017 for the change of use of the land from paddock to the breeding and keeping of dogs comprising a 2.1 metre high close boarded timber fence and concrete post, car parking area, two dog kennels and a stable block. This application seeks variations to condition 2, 4 and 6 of the 2017 permission. The application is partially retrospective.

A Committee site visit took place on Monday 30 October 2023.

Proposal:

1. The application seeks the variation of conditions 2 (approved plans), 4 (insulation details) and 6 (breeding bitch numbers) of DC/17/1652/FUL. The application proposes to raise the number of breeding bitches from ten to twenty, alongside incorporating improved sound attenuation measures, which have been exhibited via the accompanying Noise Impact Assessment and amended plans.
2. The changes to the approved plans include alterations to the approved stable block, which is proposed to function as a whelping kennel, as well as upgrading the fencing at the site to acoustic fencing, landscaping changes and insulation details for the kennel blocks.
3. The application is partially retrospective. The whelping block, breeding bitch numbers and insulation details have been implemented, but not in accordance with the approved plans and relevant conditions. These elements are therefore being considered as part of this application to reflect what has been built on site currently, alongside proposed changes as a result of the landscaping and the acoustic fencing, which have not been implemented in association with the increase in breeding bitch numbers.

Application supporting material:

4. Application Form
Planning Statement
Covering Letter
Noise Impact Assessment

Location Plan
 Block Plan
 Floor Plans and Elevations
 Stable Block Floor Plans and Elevations

Site details:

- The application site is situated within designated countryside, to the south of one of the defined settlement boundaries of Stanton. The prevailing land use in the immediate vicinity is predominantly agricultural with two relatively isolated dwellings, one of which being the applicant's, to the immediate south west of the application site.

Planning history:

6.	Reference	Proposal	Status	Decision date
	DC/21/0688/HH	Householder planning application - first floor side extension with balcony.	Application Granted	20 May 2021
	DC/22/1476/VAR	Application to vary condition 6 of DC/17/1652/FUL to change from 10 breeding bitches on the site to 20 to allow for the material change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (a) 2.1 metre high close boarded timber fence and concrete post; (b) car parking area; (c) 2no. dog kennels and (d) 1no. stable block	Application Withdrawn	18 October 2022
	DC/17/1652/FUL	Planning Application - Material Change in the use of the land from paddock to the breeding and keeping of dogs comprising the following: (i) 2.1 metre high close boarded timber fence and concrete post; (ii) car parking area; (iii) 2no. dog kennels and (iv) 1no. stable block (Part Retrospective)	Application Granted	29 November 2017

Consultations:

- Stanton Parish Council: Objection - Stanton Parish Council unanimously objected to this application on the basis of noise from barking dogs, and the applicant currently not adhering to the permitted conditions of 10 breeding dogs.

8. Suffolk County Council – Highways: Notice is hereby given that the County Council as Highway Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

9. Waste Management: Please provide bin locations and capacities

10. Private Sector Housing and Environmental Health: No objections subject to the conditions identified below.

Representations:

11. Letter of objection from occupier of 'Stanton Manor', who objects for the following reasons:

- Noise Impacts
- Failure to adhere to planning conditions and enforcement notices

Policy:

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

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

15. Rural Vision 2031

- RV1 Presumption in Favour of Sustainable Development

16. St. Edmundsbury Core Strategy:

- Core Strategy Policy CS3 - Design 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 DM5 Development in the Countryside
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

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
- Amenity Impacts
- Design and Impact on Character of the Local Area
- Other Matters

Principle of Development

20. Having regard to Section 73A of the Town and Country Planning Act 1990 (TCPA), this planning application seeks permission to vary conditions 2, 4 and 6 of DC/17/1652/FUL which refer to the approved plans, sound insulation and the maximum number of breeding bitch numbers respectively. Section 73A of the Town and Country Planning Act 1990 allows for retrospective planning applications to be made in respect of development which has been carried out without permission or complying with conditions.

21. As this application seeks to vary specific conditions via the submission of further details, with minor internal and external changes to the buildings approved as part of the previous permission, and alongside a change in the wording, there is no need to reconsider the principle and detail of the application again, unless there have been significant changes in circumstances on site, and/or significant changes to the development plan or national policy. This is not the case here.

22. For context, planning permission was granted via reference DC/17/1652/FUL for the change of use of the site from paddock land to a dog breeding use, including a 2.1 metre high close boarded timber fence with concrete posts, car parking area, two dog kennels and a stable block. This included a suite of conditions, which will be discussed in more detail below. However, the 2.1 metre fence has been installed, as well as the dog kennel buildings but the stable block has not been constructed according to the approved plans and is being used currently as a whelping kennel.

23. Conditions were imposed as part of the previous permission restricting the number of breeding bitches to 10 on site, as well as requiring the submission of sound insulation details for the kennel buildings and for the landscaping, as proposed on the plan, to be installed by the end of the first planting season. These conditions, as detailed above and discussed below, have not been adhered to. This application proposes that they be varied. The considerations here therefore concern whether the supplementary information relating to noise and sound attenuation are sufficient to justify an increase in the number of breeding bitches from 10 to 20, alongside the re-use of the stable block and alterations to the landscaping, is acceptable.

24. Policy RV1 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.” Moreover,

Core Strategy Policy 3 states "proposals for new development must create and contribute to a high quality, safe and sustainable environment."

Amenity Impacts (Conditions 2, 4 and 6)

24. Planning Policy DM1 provides, in line with the spirit of the 2023 National Planning Policy Framework, that planning permission should be granted unless material considerations indicate otherwise. Commensurate with DM1, policy DM2 states that proposals should not negatively impact residential amenity and should, where possible, ensure appropriate mitigation measures are employed to effectively minimise any potential harm which may arise from the development.

25. Policy DM14 states development will not be permitted where, individually or cumulatively, there are likely to be unacceptable impacts arising from the development on... the natural environment, general amenity and the tranquillity of the wider rural area.

25. The development is on land adjoining the applicant's home, to the north-east. Stanton Manor is the closest residential dwelling to the application site, approximately 85 metres south-west of the host dwelling Doctors Hall. The nature of the business is not one which might ordinarily be capable of taking place within an urban area due to land constraints and amenity implications. These factors add further weight in support of the proposal.

26. Condition 2 refers to the approved list of plans of the previous approval, DC/17/1652/FUL. As amended plans have been received, this condition is proposed to be varied as part of the current submission.

27. Condition 4 of planning permission DC/17/1652/FUL states:

"Before the use hereby permitted is first commenced, sound insulation shall be provided to the internal kennel walls in accordance with details which first shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the insulation shall be retained in its approved form."

28. These details were not discharged via discharge of condition application and there has therefore been a breach in condition as the use has otherwise been implemented. These details have been submitted and are being considered as part of this variation of condition application and are discussed alongside condition 6, which states:

"No more than a total of 10 breeding bitches shall be kept or kennelled on the site at any one time."

29. As per paragraph 1.3 on Page 7 of the Noise Impact Assessment (NIA), an earlier NIA was undertaken by HA Acoustics in 2017 for this site where noise monitoring was undertaken prior to dogs residing on-site. The assessment relating to such accounted for 20 dogs being present at the site. Planning permission was granted for up to ten breeding bitches (But no total limit on the number of dogs since it is impossible to predict the size of any individual litter) at the kennels in 2017 as this was the number confirmed by the applicant at the time of that proposal.

30. However, the applicant has stated that they had always wished to have 20 breeding bitches at the site, and which would therefore in all likelihood include

more total dogs than the previous noise report had already accounted for. The noise report submitted with the current application has therefore been updated to take 20 breeding bitches into account.

31. The proposed physical changes primarily concern upgrading the mass of the existing 2.1 metre boundary fencing so as to comprise an acoustic barrier, with reference to the increase in the number of breeding bitches and their location within the stable block in the southern part of the site. Stanton Manor is the closest residential dwelling to the site and has been specifically considered in relation to the re-use of the stable block as a whelping kennel, which would be approximately 85 metres north-east of the main Stanton Manor dwelling.

32. All kennels have a tin roof covering, beneath which is a soft roll thick insulation of 250mm and then 18mm plywood which is painted. The walls are ecoclad shiplap panels, with a vapour membrane. This is affixed to 10mm plywood, which in turn is affixed to a timber stud frame infilled with a mixture of mineral roll insulation and to the whelping unit, insulation batts, similar to elotex insulation sheeting. Then to the inner framework is 10mm plywood to all kennels; then either painted or a plastic PVC hygiene cladding, which is suitable for disinfectant spray down.

33. The submitted acoustic information has been assessed by the Council's Private Sector Housing and Environmental Health (PSHEH) Officer, who has visited the site as part of their consideration of this proposal. The Noise Impact Assessment confirms that the kennels will be sufficiently insulated to mitigate against any adverse noise impacts. A condition has been agreed requiring these works to be completed within four months from the date of this decision.

34. The PSHEH Officer has reviewed the aforementioned Noise Impact Assessment and states they are satisfied that the updated Noise Impact Assessment builds on the previous report, with specific reference to the insulation of the kennel buildings which are *"of a suitable mass and composition, so as to significantly reduce down any internal kennel noise."*

35. The report also confirms that *"instantaneous noise levels have the potential to cause local residents disturbance and therefore it is recommended that the clients business produces a noise management plan which details the controls in place, to help address dogs barking occurrences"*, and goes on to include recommended paragraphs to assist the applicant and provides guidance on typical methods for controlling noise arising from kennel activities. This Noise Management Plan is also recommended to be imposed via condition by Officers below.

36. Previous comments made by the PSHEH Officer referred to the Environmental Health Team having received several complaints alleging noise from barking dogs at the kennels causing a nuisance. Officers understand these complaints relate to the sound of dogs barking outside i.e. not when housed in the kennels at night time, and with the PSHEH Officer having visited the premises, they are satisfied it is the 'instantaneous noise' of dogs barking that is causing a disturbance rather than prolonged and excessive / uncontrolled barking.

37. The Noise Impact Assessment establishes that prolonged periods of barking are not readily experienced, more that instantaneous barking appears to be the observed issue. The report goes onto state at paragraph 7.4 that, *"acoustic mitigation is required"* and is adequately proposed. *Mitigation is given in the form of a 2.1m acoustic barrier, to be installed on the outside edge of the existing*

concrete post and contractors timber fencing" which is proposed as part of this application as an upgrade to the previously approved fencing, as well as the sound insulation installed on the kennel buildings and whelping kennel building. The PSHEH Officer is satisfied that the existing contractor timber fencing panels can be upgraded to meet the criteria to be considered an acoustic barrier as described in paragraph 7.15 of the V2 Report.

38. Comments have also been received regarding the insulation measures of all kennels, including the whelping kennel to the south of the site. The sound insulation materials of the kennel walls are of a suitable mass and composition, so as to significantly reduce down any internal kennel noise as per paragraph 34 of this report. Acoustic predictions are that internal kennel noise would not be observable at the nearest noise sensitive receptor.

39. To conclude, the PSHEH Officer is content that the measures identified, which are the upgrading of the fencing to acoustic fencing and sound insulation measures to the kennel buildings are acceptable in terms of noise impacts, sufficient to mitigate for any additional noise arising as a result in the increase in the number of breeding bitches at the site.

Design and Impact on Character of the Local Area (condition 2)

40. There are four kennels on-site. This includes the breeding/mating kennel, the general kennel and the resting dogs kennel. The buildings, in terms of their design, form and scale are entirely commensurate with typical rural buildings and they do not represent additions to the landscape which give rise to an unacceptable degree of harm which cannot be mitigated against. In any event they have previously been considered and approved as being acceptable, and so consideration of such matters is not necessary in relation to a variation of condition application. The modest scale and complete enclosure of the site serves to prevent the buildings from being unduly dominant; as does the physical orientation of the compound.

41. 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

42. With respect to the visual amenity of the area and the potential impact of the proposal on the aesthetic profile of the site a landscaping plan was previously approved as part of the original planning permission. The landscaping has not been implemented as there is therefore a breach in condition 3 of DC/17/1652/FUL. However, the landscaping has been amended and is therefore considered with this proposal to reflect the current arrangement of the site. The landscaping plan includes a traditional, double staggered East Anglia mixed species hedgerow and eight trees which are to be planted within the site. What will now be condition 2 of this proposal has therefore been amended to ensure that evidence is submitted to the LPA that the planting will be implemented by the end of the next planting season, being the end of March 2024, and which has been agreed by the applicant. Given the upgrades to the noise attenuation of the site and the general rural landscape surrounding the site, the changes to the landscaping proposed are considered acceptable.

42. Reference has been made to the outline planning application DC/19/2481/OUT by the Private Sector Housing and Environmental Health Officer directly to the north of the site, which proposes the provision of up to 220

residential dwellings and is currently undetermined. That application has been considered as being relevant to this variation of condition application, as noted by the Private Sector Housing and Environmental Health Officer. The noise mitigation measures are considered to be acceptable accounting for the potential residential development to the north, noting that the application has not been determined and, in the event that it is determined positively, a reserved matters application would then be required.

43. Amended plans have been received from the agent which reflect the stable block building currently on the site, which differs to that approved as part of the previous application. The building shown on the plans now matches that previously approved in terms of scale, but differs in terms of external appearance and materials. Officers do not consider this alters the assessment of the application, with particular reference to noise impacts associated with its use. No further changes are to be made to the buildings on the site, other than those mentioned above and, overall, the effects upon character with reference to Policy DM2 and DM5 can be considered satisfactory.

Other Matters

44. Concerns have been raised regarding the operation of a dog grooming service at the site. Officers have liaised with the agent regarding this and have been informed that the grooming use has ceased whilst the current application is being determined. The extent to which that use even requires planning permission is dependent on the extent of the use, and whether it would be ancillary to the existing dog breeding business. Given the current application is for a variation of condition to the previous approval, the LPA would not be able to add this to the current application for consideration. If the grooming use recommences then the LPA would investigate this matter separately to the current application in terms of whether or not planning permission is required.

Conclusion:

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions be made in accordance with development plans unless there are material considerations that indicate otherwise.

46. At the time the original application was determined (DC/17/1652/FUL) officers considered that the restriction on the number of breeding bitches to ten was acceptable, given the information provided at that time and the lack of sound attenuation details provided, and which were then secured via condition 4. The proposed variation of condition application has been accompanied by an updated Noise Impact Assessment alongside sound attenuation measures to be incorporated into the use of the site, which are considered acceptable by the Private Sector Housing and Environmental Health Officer. Subject to the imposition of the conditions identified below in relation to securing these measures, the proposal is considered to be in accordance with the relevant Joint Development Management Policies, in particular DM2 in relation to amenity impacts.

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

Recommendation:

48. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

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

Reference No:	Plan Type	Date Received
EP727-17-01 Rev A	Location Plan	18.05.2023
EP727-17-02 REV C	Proposed Site Plan	15.11.2023
EP727-23-03 REV B	Proposed Elevations & Floor Plans	15.11.2023
EP727-17-04 REV A	Proposed Elevations & Floor Plans	15.11.2023
HA/AE338/V2	Noise Impact Assessment	18.05.2023

2. All planting comprised in the approved details of landscaping (Drawing Number EP727-17-02 Rev C) shall be carried out in the first planting season (March 2024) with evidence submitted to and acknowledged in writing by 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.

3. Within four months of the date of this approval, all of the noise protection and mitigation works associated with the development as detailed in the Healthy Abode (HA) Acoustics Report '*Noise Impact Assessment of Breeding Kennels Incorporating a 2.1 Metre Acoustic Barrier & Details on Sound Insulation to Support Discharge of Planning Consent Ref DC/17/1652/FUL, Condition 4'* (Reference HA/AE338/V2, Date 17 March 2023) shall be completed in their entirety in accordance with the approved details. Beyond this four month period, there shall be no dogs on site unless and until all acoustic measures have been completed in accordance with the submitted details.

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

4. Notwithstanding the provisions of the Use Classes Order and the General Permitted Development Order 2015, the site shall be used for the purpose hereby approved, and for no other use.

Reason: In the interests of limiting the scope of this permission, in the interests of sustainable development.

5. No more than a total of 20 breeding bitches shall be kept or kennelled on the site at any one time.

Reason: In the interests of limiting the scope of this permission, in the interests of sustainable development and residential amenity.

6. The use hereby permitted shall only be undertaken by the owner and resident of the dwelling known as 'Doctor's Hall' as shown on the land edged in blue on drawing number EP727-17-01 Rev A.

Reason: Reason: In the interest of residential amenity in accordance with Policy DM2 of the Joint Development Management Policies Local Plan

7. Within 6 months of the date of this approval, 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. Thereafter the approved works shall be retained.

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

8. Within 4 months of the date of this approval, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall identify management practices to mitigate noise emanating from the development, and such practices shall be implemented in accordance with the approved plan at all times.

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

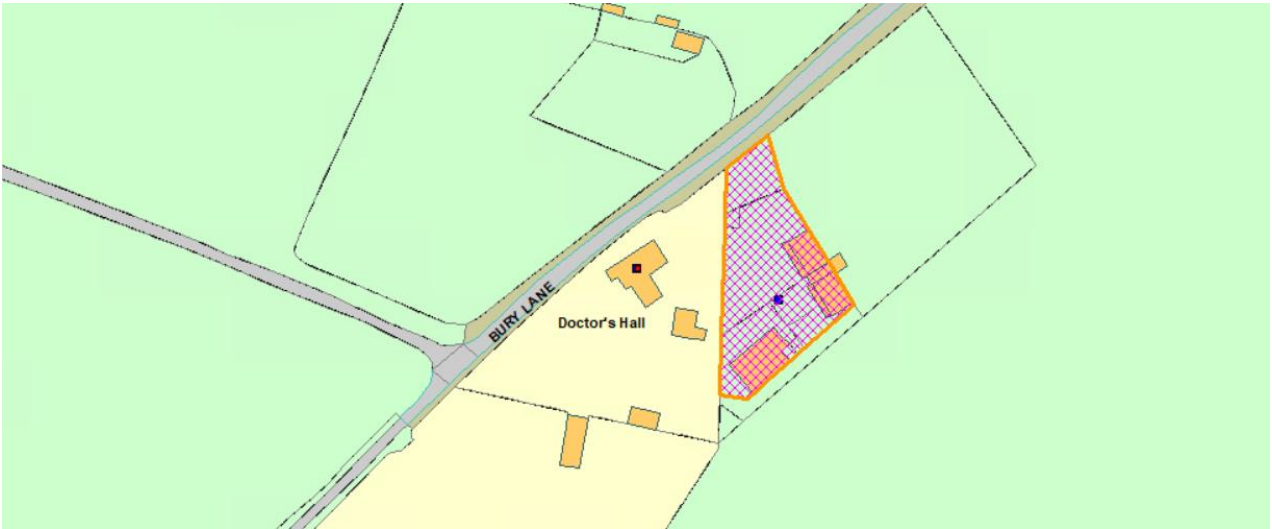
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0783/VAR](#)

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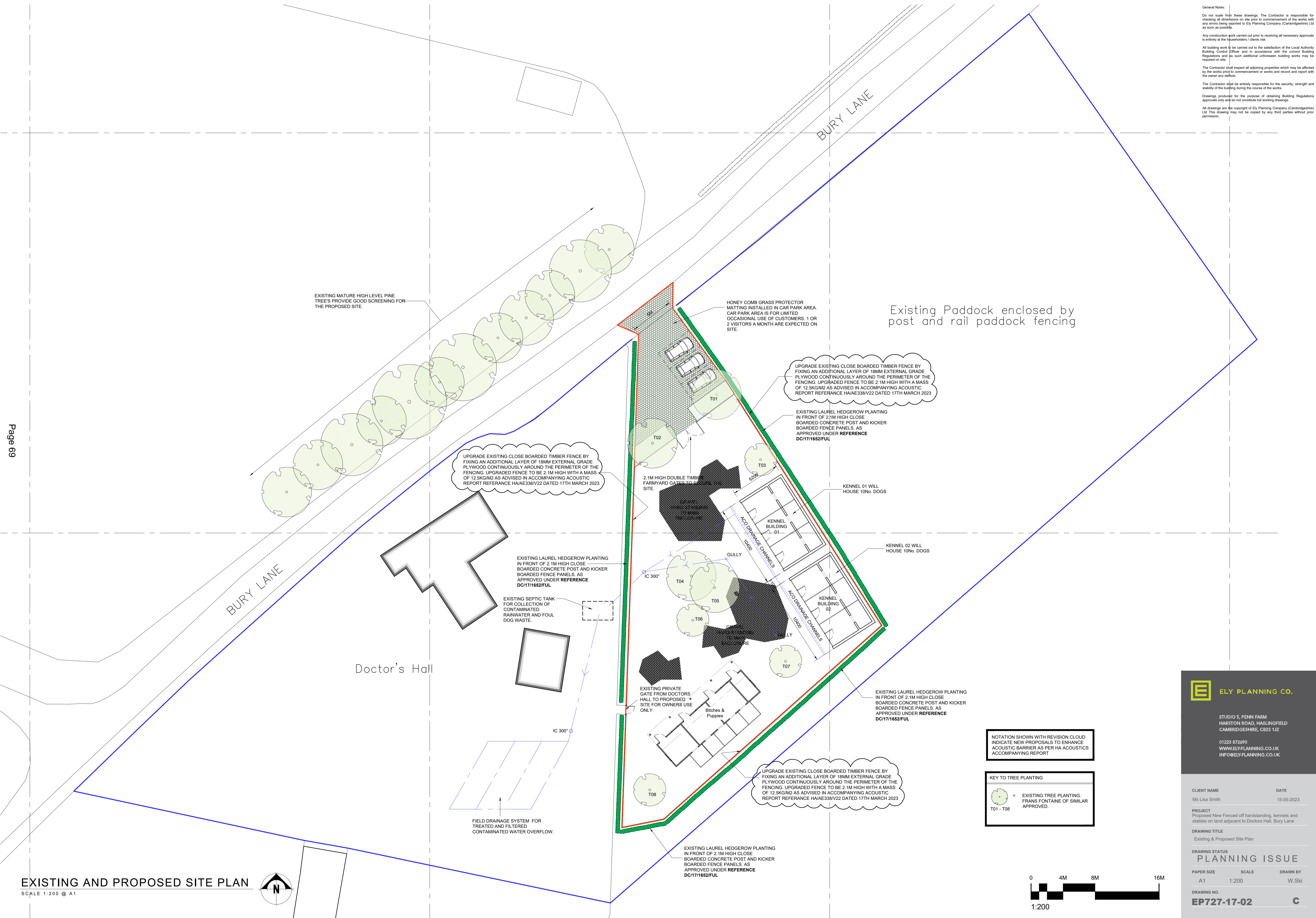


DC/23/0783/VAR - Doctors Hall, Bury Lane, Stanton, IP31 2DF

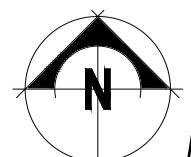


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General Notes:
 Do not scale from these drawings. The Contractor is responsible for checking all dimensions on site prior to commencement of the works with any errors being reported to Ely Planning Company (Cambridgeshire) Ltd as soon as possible.
 Any construction work carried out prior to receiving all necessary approvals is entirely at the householders / clients risk.
 All building work to be carried out to the satisfaction of the Local Authority Building Control Officer and in accordance with the current Building Regulations and in such additional unreserved building works may be required on site.
 The Contractor shall inspect all adjoining properties which may be affected by the works prior to commencement or works and record and report with the owner any defects.
 The Contractor shall be entirely responsible for the security, strength and stability of the building during the course of the works.
 Drawings produced for the purpose of obtaining Building Regulations approvals only and do not constitute full working drawings.
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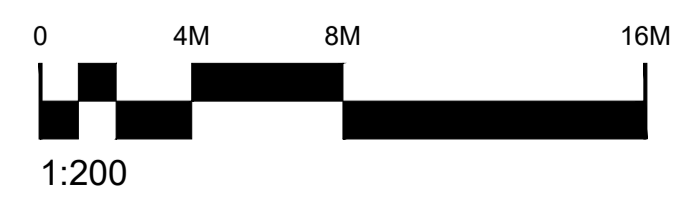


EXISTING AND PROPOSED SITE PLAN
 SCALE 1:200 @ A1



NOTATION SHOWN WITH REVISION CLOUD INDICATE NEW PROPOSALS TO ENHANCE ACOUSTIC BARRIER AS PER HA ACOUSTICS ACCOMPANYING REPORT

KEY TO TREE PLANTING
 ○ = EXISTING TREE PLANTING.
 ⊗ = FRANS FONTAINE OF SIMILAR APPROVED.



ELY PLANNING CO.
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CLIENT NAME	DATE	
Ms Lisa Smith	15-05-2023	
PROJECT	Proposed New Fenced off hardstanding, kennels and stables on land adjacent to Doctors Hall, Bury Lane	
DRAWING TITLE	Existing & Proposed Site Plan	
DRAWING STATUS	PLANNING ISSUE	
PAPER SIZE	SCALE	DRAWN BY
A1	1:200	W.Ski
DRAWING NO.		
EP727-17-02		C

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