

Development Control Committee



Title	Agenda																				
Date	Wednesday 3 January 2024																				
Time	10.00am																				
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> <p>Conservative Group (7)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Ian Houlder</td> </tr> <tr> <td>Mike Chester</td> <td>Sara Mildmay-White</td> </tr> <tr> <td>Susan Glossop</td> <td>Andrew Smith</td> </tr> <tr> <td>Rachel Hood</td> <td></td> </tr> </table> <p>Independents (5)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Mick Bradshaw</td> <td style="width: 33%;">Jim Thorndyke</td> </tr> <tr> <td>Roger Dicker</td> <td>Phil Wittam</td> </tr> <tr> <td>Andy Neal</td> <td></td> </tr> </table> <p>Progressive Alliance Grouping (4)</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jon London</td> <td style="width: 33%;">Marilyn Sayer</td> </tr> <tr> <td>Lora-Jane Miller-Jones</td> <td>David Smith</td> </tr> </table>			Carol Bull	Ian Houlder	Mike Chester	Sara Mildmay-White	Susan Glossop	Andrew Smith	Rachel Hood		Mick Bradshaw	Jim Thorndyke	Roger Dicker	Phil Wittam	Andy Neal		Jon London	Marilyn Sayer	Lora-Jane Miller-Jones	David Smith
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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																				

Details of site visits overleaf...

SITE VISITS WILL BE HELD ON TUESDAY 2 JANUARY 2024 AT THE FOLLOWING TIMES:

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

- 1. Planning Application DC/23/0493/FUL - Milton House, Thurlow Road, Withersfield, CB9 7SA**
Planning Application - five dwellings (following demolition of existing house)
Site visit to be held at 10.05am

- 2. Planning Application DC/23/0133/FUL - Land off Fordham Road, Freckenham**
Planning application - change of use of agricultural land to enclosed field for dog training and exercising and associated access and parking
Site visit to be held at 11.05am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.50am/12noon.

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

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

Notes

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

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

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 - 8

To confirm the minutes of the meeting held on 6 December 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

9 - 40

Report No: **DEV/WS/24/001**

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

6. Planning Application DC/23/0133/FUL - Land off Fordham Road, Freckenham

41 - 58

Report No: **DEV/WS/24/002**

Planning application - change of use of agricultural land to enclosed field for dog training and exercising and associated access and parking

7. Planning Application DC/23/1639/FUL - Land adjacent to Home Farm Barns, Edmunds Hill, Stradishall

59 - 76

Report No: **DEV/WS/24/003**

Planning application - one dwelling

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 December 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

Peter Armitage

Ian Houlder

Carol Bull

Andy Neal

Mike Chester

Sara Mildmay-White

Roger Dicker

Lora-Jane Miller-Jones

Susan Glossop

David Smith

Rachel Hood

Don Waldron

In attendance

Indy Wijenayaka – Ward Member: Withersfield

395. **Apologies for absence**

Apologies for absence were received from Councillors Mick Bradshaw, Marilyn Sayer and Jim Thorndyke.

396. **Substitutes**

The following substitutions were declared:

Councillor Peter Armitage substituting for Councillor Marilyn Sayer; and Councillor Don Waldron substituting for Councillor Jim Thorndyke

397. **Minutes**

The minutes of the meeting held on 1 November 2023 were confirmed as a correct record and signed by the Chair.

398. **Declarations of interest**

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

399. **Planning Application DC/23/0493/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/23/037)**

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

This application was referred to the Development Control Committee as the previous applications on the site were refused by the Committee in September 2020 and June 2021.

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

- harm to the Conservation Area;
- impact on biodiversity; and
- 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.

In response to the comments made by the Inspector the applicant had made amendments to both Plot 1 and Plot 5 in order to address the concerns.

Withersfield Parish Council objected to the proposal, which Officers were recommending for approval, subject to conditions as set out in Paragraph 64 of Report No DEV/WS/23/037.

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

Speakers: Denis Elavia (neighbouring objector, speaking on behalf of himself and other neighbouring objectors) spoke against the application
Councillor Frank Eve (Vice Chair of Withersfield Parish Council) spoke against the application
Councillor Indy Wijenayaka (Ward Member: Withersfield) spoke against the application
David Barker (agent) spoke in support of the application

Councillor David Smith made reference to Paragraphs 45 and 48 of the report which outlined the changes that had been made to Plots 1 and 5. He raised concerns that the amendments were marginal, with the siting of the Plot 1 dwelling not having been changed at all.

The concerns with Plot 1 in particular were also echoed by Councillors Carol Bull, Jon London and Lora-Jane Miller-Jones.

Remarks were also made by the Committee on the size of the gardens within the scheme and how these were not in keeping with the garden sizes of the adjacent properties.

In response to comments in relation to the potential award of costs associated with a future appeal, the Chair interjected and reminded that the

Committee that was not relevant to the determination of the application before them.

Councillor Ian Houlder drew attention to the detailed conditions set out in the report and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

A question was asked as to whether the Inspector had visited the site and the Service Manager (Planning – Development) drew attention to the date of the Inspector’s visit which was shown in Working Paper 1.

This then prompted further discussion on the merits of a site visit. It was confirmed by the Chair that the Committee had not visited the site previously in either 2020 or 2021.

Mindful of the perceived will of the Committee, the proposer and seconder of the motion to approve the application confirmed with the Chair that they withdrew their proposal.

Accordingly, Councillor Roger Dicker proposed that consideration of the application be deferred in order to allow a Member site visit to take place. This was duly seconded by Councillor Phil Wittam.

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

Decision

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

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

400. **Planning Application DC/23/0783/VAR - Doctors Hall, Bury Lane, Stanton (Report No: DEV/WS/23/039)**

(The Chair agreed to bring this item forward on the agenda, in order to allow additional time in which for one of the registered speakers to arrive for the Newmarket application.)

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

Stanton Parish Council objected to the application, which was contrary to the Officer recommendation for approval subject to conditions as set out in Paragraph 48 of Report No DEV/WS/23/039.

Members were advised that the application was originally validated as a 'FULL' planning application and made available for public viewing. Given the proposed changes were 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.

The Principal Planning Officer explained that 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. The application before the Committee sought variations to Conditions 2, 4 and 6 of the 2017 permission. The application is partially retrospective.

A supplementary 'late paper' was issued following publication of the agenda, which set out an additional neighbour representation. A Member site visit was held prior to the meeting.

In conclusion, the Principal Planning Officer asked Members to be mindful that licensing requirements and moral/ethical concerns were not Material Planning Considerations.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke against the application
Charlie Taylor (applicant) spoke in support of the application
(Councillor Thorndyke was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on his behalf)

Councillor Jon London addressed the meeting and advised those Members with licensing concerns in relation to the application to pass these on to the relevant Council department.

Considerable discussion took place in relation to the retrospective elements of the application and the enforcement history associated with the site, particularly in respect of the soft landscaping and acoustic fence that were required as part of the 2017 permission and was yet to have been delivered.

In response to which the Principal Planning Officer explained that enforcement can take many forms, not only formal action, with the planning application before Members seeking to regularise the activity on site.

Members were also assured that Public Health & Housing had been closely consulted by Planning Officers in relation to the application.

A question was posed as to what was the formal definition of a 'quiet lane', and the Lawyer advising the meeting confirmed that the classification found online was a lane with "less than 1,000 vehicle movements per day" amongst other criteria.

A number of the Committee made reference to the adjacent site allocated for the development of 200 homes and what weight was given to this in view of the additional number of residential neighbours this would generate.

The Service Manager (Planning – Development) explained that very little weight could be given to the proposed allocation in the Local Plan review at this stage or the current pending application for residential development. However, Public Health & Housing had bourn this application and proposed application in mind during their consideration of noise impacts of this variation application.

Councillor David Smith proposed that the application be refused, contrary to the Officer recommendation, due to the impact on neighbouring amenity principally in terms of noise. This was duly seconded by Councillor Lora-Jane Miller-Jones.

The Service Manager (Planning – Development) explained that in light of Public Health & Housing being content with the noise impacts, subject to the provision of the acoustic fencing and other related conditions, the Decision Making Protocol would be invoked, requiring a Risk Assessment to be produced for consideration by the Committee, therefore, making the recommendation a 'minded to' decision.

Councillor Jon London highlighted the fact that the Council's Local Plan was seeking adoption at full Council on 19 December 2023. If the 'minded to' recommendation was passed by the Committee, it would return before Members after the Local Plan was adopted. He therefore asked if this would impact the weight that was given to the pending application for 200 homes.

Members were advised that if the Local Plan was adopted by Council on 19 December 2023 the allocation would only be attributed very limited weight as the Local Plan would then be subject to further formal processes before it gained full weight.

Upon being put to the vote and with 9 voting for the motion and with 6 against, it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the impact on neighbouring amenity principally in terms of noise. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

(Councillor Peter Armitage left the meeting at 12.10pm on conclusion of this item.)

401. **Planning Application DC/23/1456/FUL - Hatchfield Farm, Fordham Road, Newmarket (Report No: DEV/WS/23/038)**

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

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

Newmarket Town Council objected to the proposal which was in conflict with the Officer's recommendation for approval, subject to conditions as set out in Paragraph 53 of Report No DEV/WS/23/038 and inclusive of an amendment to Condition No 3 to reflect that amended planting plans had been received since publication of the agenda.

A Member site visit was held prior to the meeting.

Speakers: Cathy Whitaker (Clerk to Newmarket Town Council) spoke against the application
Richard Gee (agent) spoke in support of the application

Councillor Rachel Hood opened the debate and reiterated Newmarket Town Council's objections to the application. She raised concerns that the proposal would result in the adjacent development becoming denser and referenced the recent Queensbury Lodge appeal decision in respect of the Devil's Dyke.

In response, the Service Manager (Planning – Development) clarified matters in respect of the Queensbury Lodge appeal and the Devil's Dyke and also advised the Committee that the open space proposed in the application was in addition to that which was granted within the development site; and the density and number of dwellings proposed on the outline application site would be unchanged.

Councillor Jon London referenced the need for public open space that was accessible to all in Newmarket and he asked if would be possible to include a clause 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 Town Council, as previously discussed at the November meeting of the Committee in respect of the Lakenheath application that was considered.

The Chair sought clarification as to what had been agreed in respect of the Lakenheath application in question. The Democratic Services Officer read out the minutes and confirmed that a clause was not added to that planning approval and, instead, it was agreed that Officers would investigate Councillor London's suggestion on receipt of the landscape management plan (required by condition), which would help inform the matter.

It was therefore suggested that the same approach be adopted in this case.

Accordingly, Councillor Jon London proposed that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Lora-Jane Miller-Jones.

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

Decision

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

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated.
3. All planting comprised in the approved details of landscaping:
L-HED-1454-ZZ-EX-DR-L-310 Rev 03 General planting plan
L-HED-1454-ZZ-EX-DR-L-311 Rev 03 Planting strategy - K1
L-HED-1454-ZZ-EX-DR-L-312 Rev 03 Planting strategy - K2 and K3
L-HED-1454-ZZ-EX-DR-L-313 Rev 03 Planting schedule
shall be carried out within 12 months of the date of this decision.
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.
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.

The meeting concluded at 12.55pm

Signed by:

Chair

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Development Control Committee

3 January 2024

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

Date registered:	23 March 2023	Expiry date:	22 May 2023 (EOT to 05.01.2024)
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 was referred to the Development Control Committee (DCC) as the previous applications on the site for five dwellings were refused by DCC 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 application was deferred by DCC on the 6 December 2023 to allow Members the opportunity of visiting the site. A Committee site visit is planned for 2 January 2024.

The most recent (2021) 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 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, Abbots 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)
- Impact on the living conditions of the occupiers of The Old Bakery and Thistledown Cottage
- Impact of the development on the Conservation Area
- Other matters

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 of the development 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 Core Strategy Policy CS3 and 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 Core Strategy Policy CS2 and 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, Joint Development Management Policy DM1 and Rural Vision Policy RV1, 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](https://www.planningportal.co.uk/permissions/working-papers/working-paper-1-appeal-decision-dc210367ful)

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

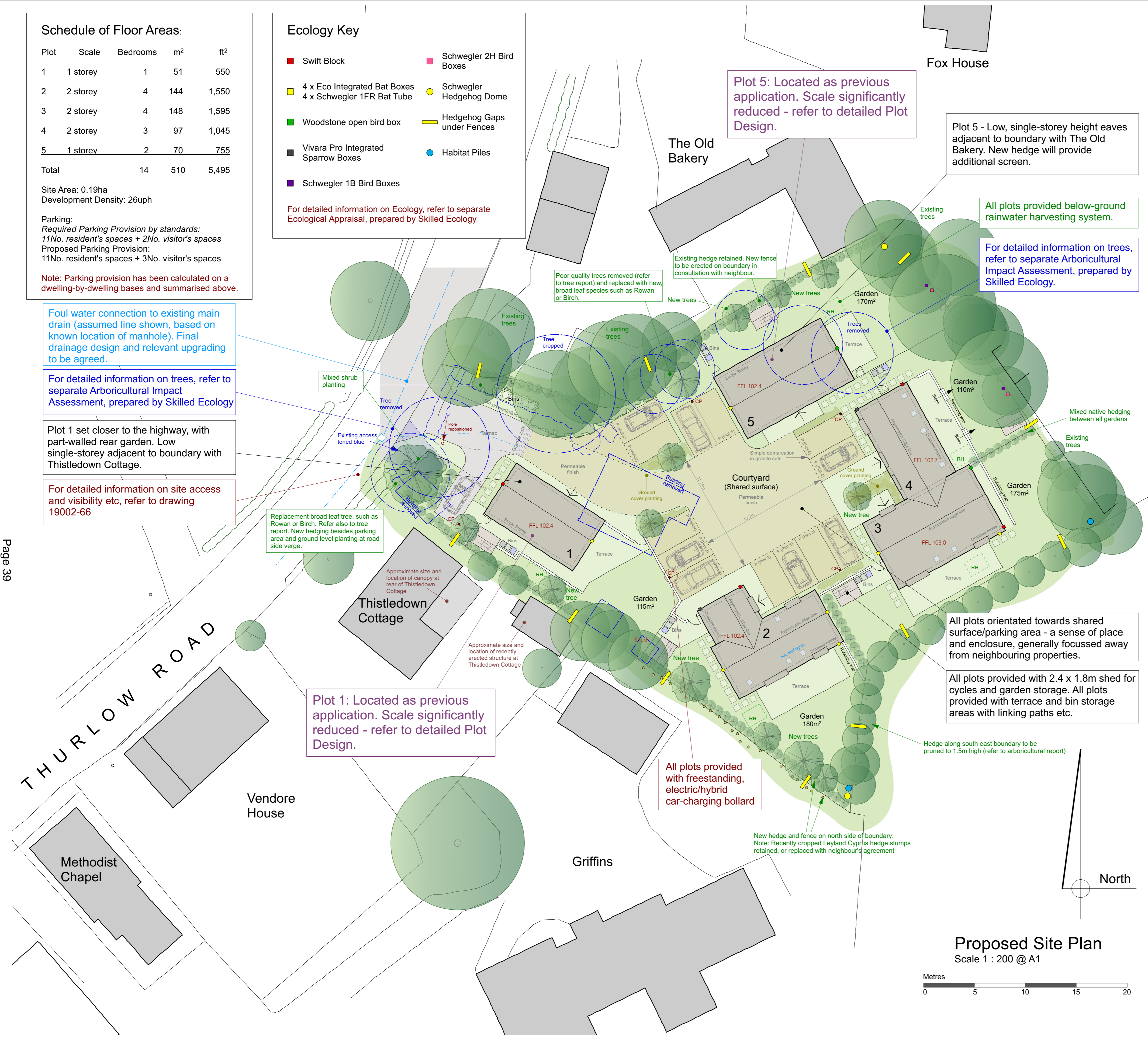
Plot 1 set closer to the highway, with part-walled rear garden. Low single-storey adjacent to boundary with Thistledown Cottage.

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.

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

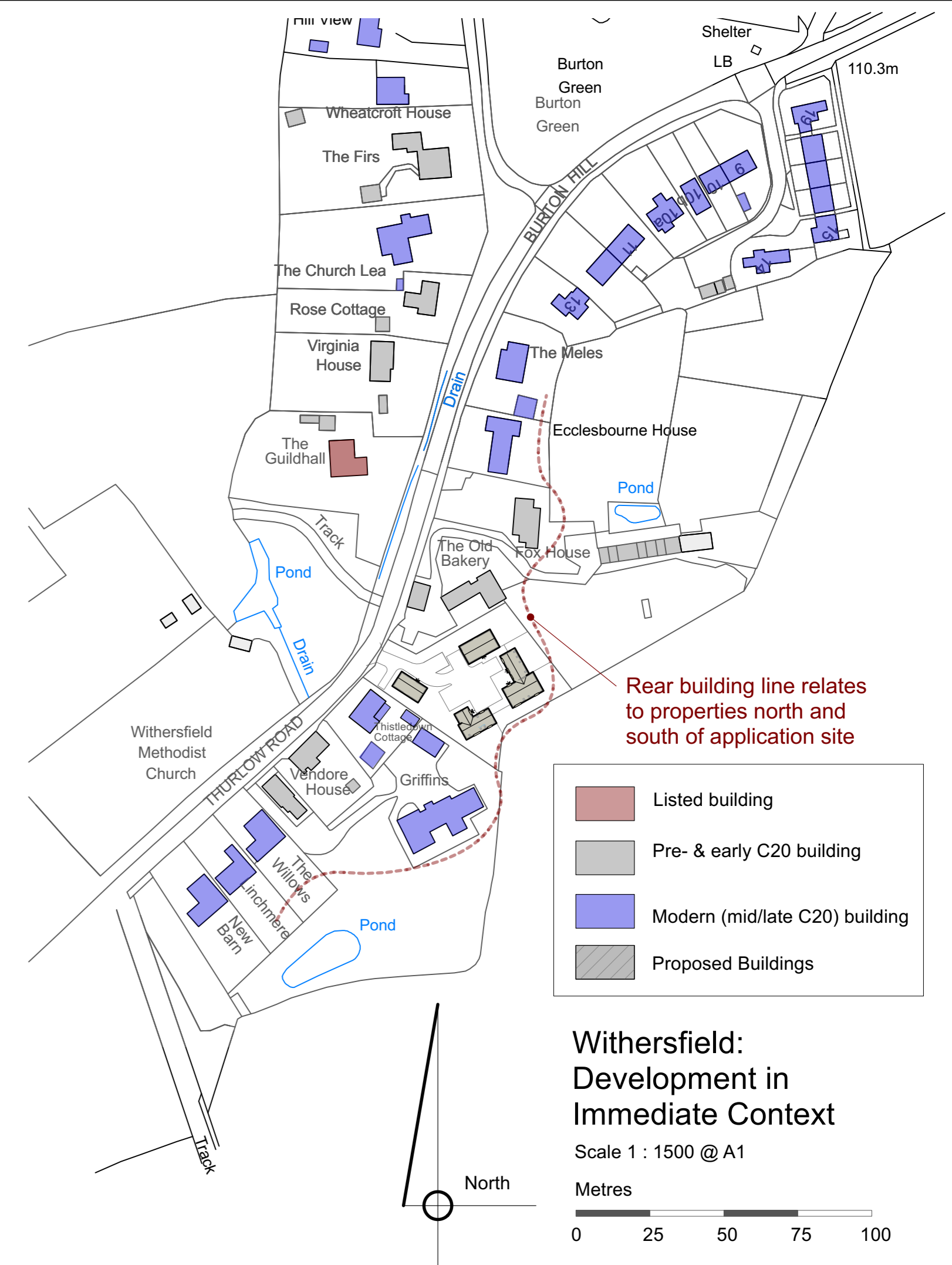
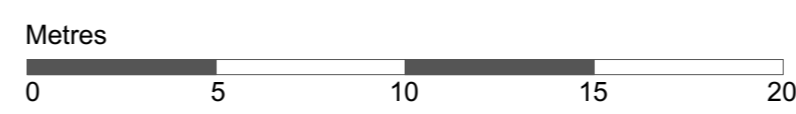
Plot 1: Located as previous application. Scale significantly reduced - refer to detailed Plot Design.

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.

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

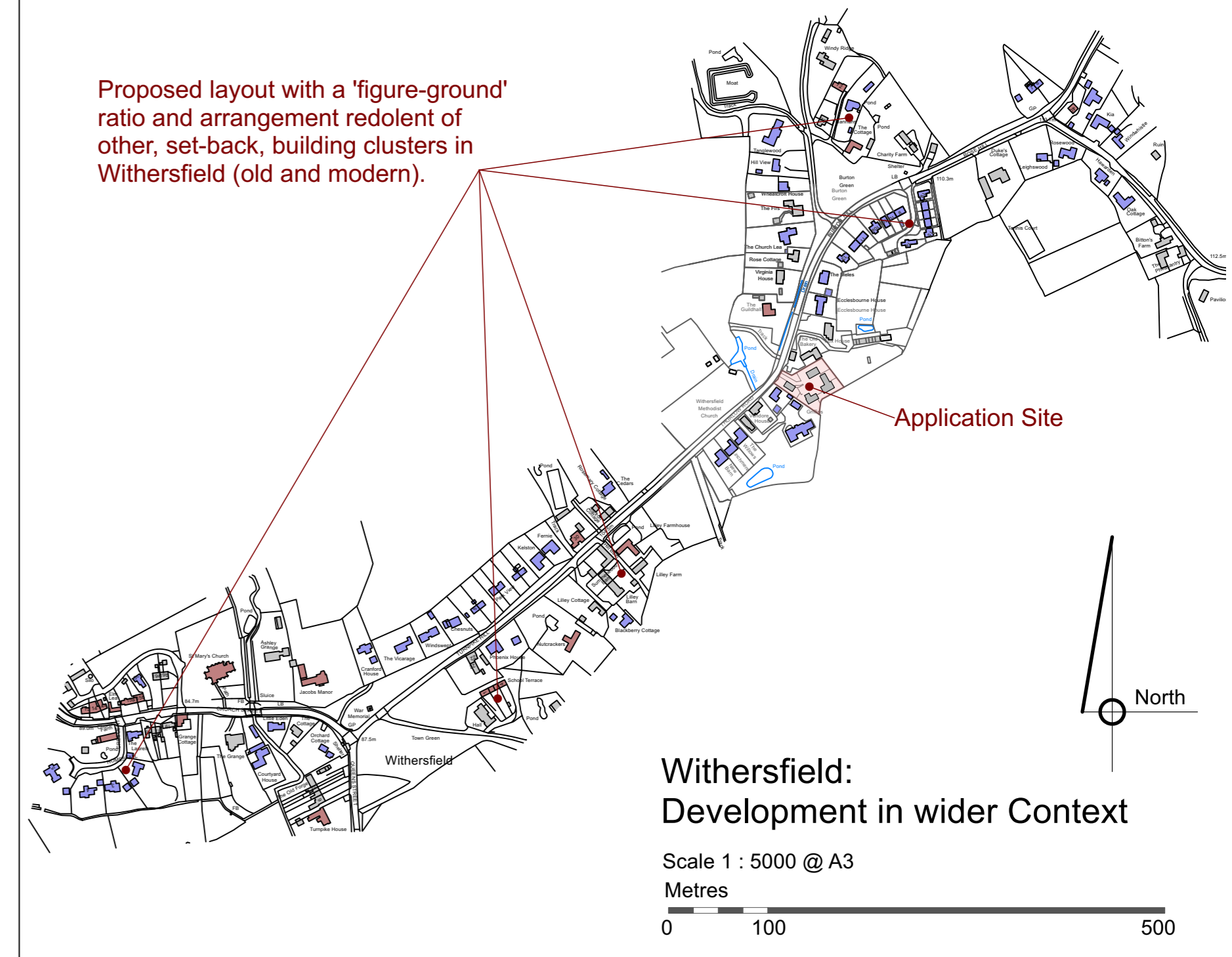
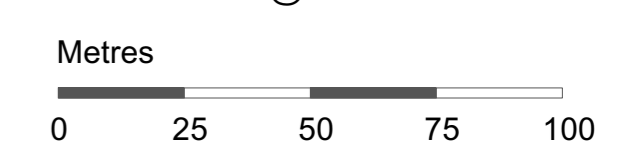
Proposed Site Plan
Scale 1 : 200 @ A1



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

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

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



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

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



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

Revisions	Revisions
A Plot 1 Repositioned.	17.05.23

Revisions	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

3 January 2024

Planning Application DC/23/0133/FUL – Land off Fordham Road, Freckenham

Date registered:	17 March 2023	Expiry date:	16 June 2023 EOT 5 January 2024
Case officer:	Amey Yuill	Recommendation:	Refuse application
Parish:	Freckenham	Ward:	Manor
Proposal:	Planning application - change of use of agricultural land to enclosed field for dog training and exercising and associated access and parking		
Site:	Land off Fordham Road, Freckenham		
Applicant:	Messrs Cannam, Cross and Whitehead		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Amey Yuill

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Telephone: 01284 763233

Background:

This application was referred to the Delegation Panel due to Freckenham Parish Council supporting the proposal via a letter of support submitted with the application, contrary to the officer's recommendation of REFUSAL. In addition, comments of support were received from Councillor David Taylor (Manor Ward Member).

Following the Delegation Panel meeting on 7 November 2023, it was concluded that the application should be determined by the Development Control Committee.

During the course of the application two consultations have taken place with statutory consultees and neighbouring properties due to a number of amendments being received, including alterations to the site layout and the addition of landscaping to the site.

A site visit is scheduled to take place on Tuesday 2 January 2024.

Proposal:

1. The proposal is for the change of use of agricultural land to an enclosed field for dog training and exercising, including a 1.8 metre boundary fence, associated access from Fordham Road, parking, and landscaping.
2. The initial proposal was for a larger parking area to the front of the site, as well as fencing close to the road and no soft landscaping. Following concerns being raised by the case officer with the applicant, a revised scheme was submitted which has reduced the parking to the front of the site, removed the fencing close to the highway and soft landscaping is now proposed to the south, west and northern boundaries of the application site.

Application supporting material:

3. In support of this advertisement consent application, the following has been provided:
 - Application Form
 - Location Plan (drawing no. 22:123-1)
 - Proposed Site Layout (drawing no. 22:123-2 A)
 - Proposed Elevations (drawing no. 22:123-3)
 - Soft Landscaping Plan 1 (drawing no. 23/175-01)
 - Soft Landscaping Plan 2 (drawing no. 23/175-02)
 - Vehicle Tracking Alignments Plan – Forward Bay Parking (drawing no. 304/2023/02 P1)
 - Vehicle Tracking Alignments Plan – Reverse Bay Parking (drawing no. 304/2023/03 P1)
 - Fence Specifications
 - Statement
 - SUDs Proforma
 - Landscape and Visual Impact Assessment
 - Parking Details

Site details:

- The application site currently comprises an arable agricultural field outside the settlement boundary of Freckenham, on land designated as countryside for the purpose of planning. The site is bounded by agricultural land to the north, east and west, with Fordham Road bounding the site to the south. The settlement of Freckenham lies further to the east, approximately 100 metres from the application site.

Planning history:

5.

Reference	Proposal	Status	Decision date
DC/20/1500/EIASC O	Request for Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - 55 kilometre potable water pipeline between Bexwell and Bury St Edmunds together with associated connections and above ground apparatus	EIA Screening/Scoping Opinion Issued	23 October 2020
F/99/270/ADI	Retrospective: Information hoarding advertising local public house and restaurant.	Refuse	28 July 1999

Consultations:

- Private Sector Housing and Environmental Health** – Concerns were raised in terms of the adverse impact the proposed development could have on the amenity of residential properties close to the application site, due to noise as a result of dogs barking travelling long distances. However, subject to conditions restricting the number of dogs on the site at any one time to six, the hours of use for the site to 8am until 8pm, as well as limitations on the level of light allowed on the site, no objections were given if permission were to be granted.
- Suffolk County Council Highway Authority** – Following the submission of the revised scheme, which removed the previously proposed turning circle and reducing the parking provision by parking spaces, the Highway Authority raised a holding objection to the development until evidence could be provided that vehicles can enter and exit the highway in a forward gear and the anticipated number of users at any time to enable the accurate assessment if the parking provision provided.
- Additional information was provided in terms of the parking on site, as well as vehicles movement and manoeuvring entering and exiting the highway. Following re-consultation with the Highway Authority, it was confirmed that they were satisfied by the information submitted and raised no

objection to the granting of planning permission on highway grounds, subject to conditions requiring visibility splays to be provided in accordance with the submitted plans, that the access shall be completed prior to any other development on site being commenced, surfacing to be implemented prior to the proposed development being first used, and parking to be provided and thereafter retained and maintained.

9. **Landscape Officer** – Following the submission of a Landscape and Visual Impact Assessment (LVIA), it was advised that whilst the addition of hedging and trees proposed would benefit ecology, the proposed development should be refused, on the basis that the local landscape character would be adversely affected by the proposed change of use to a dog training field in this location, with associated car parking, access and perimeter fencing, as well as paraphernalia required for the use, i.e., poo bins.

Representations:

10. **Freckenham Parish Council** – No comments received from Freckenham Parish Council during the course of the application, however, a letter of support was submitted with the planning application which was from Freckenham Parish Council.
11. **Ward Member** – Comments of support were received from Councillor Taylor (Manor Ward Member) advising “the land will not be changed in anyway and only used for dogs to run and play on, the fence is by no means an eyesore and I believe would blend in with other fencing along the road and the project would seem an excellent use of the land that will not be used for crops”.
12. **Third Party Representation** – One representation was received from Red House in Worlington raising an objection to the proposal due to concerns regarding highway safety, noise pollution, the requirement of such a facility, whether the site is within a green belt area and how the proposed development may impact other neighbouring businesses which are similar.

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 Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - Spatial Strategy
- Core Strategy Policy CS2 - Natural Environment
- Core Strategy Policy CS3 - Landscape character and the historic environment
- Core Strategy Policy CS5 - Design quality and local distinctiveness
- Core Strategy Policy CS10 - Sustainable rural communities

Other planning policy:

15. National Planning Policy Framework (NPPF)

16. The NPPF was revised in September 2023 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Design and Impact on Character of Area and Landscape
- Residential Amenity Impact
- Highway Safety and Parking
- Ecological Impact
- Other matters

Principle of Development

18. This proposal is for the change of use of a Grade 2 arable agricultural field to a dog training field with new vehicular access, hardstanding for parking, perimeter 1.8m high fencing and associated refuse bins within the field.
19. The application site is located outside of any settlement boundary, within land designated as countryside for the purpose of planning, with the Freckenham settlement boundary to the east being approximately 100 metres from the application site.
20. Policy DM5 of the Joint Development Management Policies Document (JDMPD) deals with development within the countryside and states areas designated as countryside will be protected from unsustainable development. This is also required by policy DM1 of the JDMPD and CS1 and CS2 of the Forest Heath Core Strategy (FHCS) which seek to secure sustainable development for all proposals. Policy CS1 recognises that Freckenham is a Secondary Village, where development outside the settlement boundary will be restricted to particular types of development that support the rural economy, meet affordable housing needs, or provide renewable energy, subject to all other material considerations and policies.
21. The application site is not accessible via foot, with no street lighting or pavements from Freckenham to the application site. Therefore, users of the dog training and walking field would exclusively be accessing the site via car. The proposed development is therefore not deemed to be sustainable in the sense of its environmental impact, due to the reliance of cars for the proposed use. However, the proposal is of a low intensity, with only two bookings and a maximum of six dogs allowed at any one time on the field, which could be reasonably controlled via condition if permission were to be granted. Furthermore, the development does provide some social and economic benefits with a new business being proposed. Therefore, on balance, the development is considered to accord with policy DM1 and DM5 of the JDMPD and CS1 and CS2 of the FHCS, in terms of the overall sustainability balance of the proposal when assessed against Policy DM5.
22. DM5 goes on to state that proposals for economic growth and expansion of all types of business and enterprise that recognise the intrinsic character and beauty of the countryside will be permitted where it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a); there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and there will be no significant adverse impact on the local highway network.
23. Furthermore, the National Planning Policy Framework (2023) (NPPF), supports sustainable economic growth and Chapter 6, 'Building a Strong Competitive Economy', states that "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt". Accordingly, the Forest Heath Core Strategy (FHCS) policy CS10 seeks to develop and sustain the existing economy by stating that the diversification of existing rural enterprises and the development of new enterprises where a rural location is either environmentally or

operationally justified will be supported, provided there are no significant detrimental environmental, landscape, conservation or highway impacts.

24. The site has been in agricultural use recently and is Grade 2 agricultural land, which is the best and most versatile agricultural land. The proposal will lead to its loss, in the sense that it will no longer be capable of being used for agricultural purposes. However, the use proposed is largely temporary in nature, with fencing which could be removed, thereby reverting the site back to agricultural use if needed. Nonetheless, it will be 'lost' for the duration of any consent, and this is a matter that, modestly, does weigh against the proposal in the balance of considerations, albeit not at a level that would justify a refusal, when balanced against the clear economic benefits arising and when the reversible nature of the use is also taken into account.

25. As such, the principle of development is acceptable, subject to compliance with material planning considerations.

Design and Impact on Character of Area and Landscape

26. Development such as the provision of a dog training and walking field will need to be in accordance with both national and local policies relating to design and impact on the character of the area and landscape in general.

27. Para.130 of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. This is supported by policy DM2 of the JDMPD and policy CS5 of the FHCS which advise that proposals for all development should, recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and should be designed to a high quality.

28. In addition, para.174 of the NPPF advises planning policies and decisions should contribute to and enhance the natural and local environment by:

- a. protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b. recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

29. This is endorsed by policy DM5 and DM13 of the JDPMD, as well as policy CS2 and CS3 of the FHCS, which requires developments to recognise and take into account the intrinsic character and beauty of the countryside, the local distinctiveness and sensitivity to change of distinctive landscape character types, protect areas of landscape, biodiversity and geodiversity interest and local distinctiveness from harm, and will only permit development which will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

30. In accordance with policy CS3 of the FHCS, landscape types are described in the Forest Heath Landscape Character Assessment (LCA). The Landscape Character Assessment will inform detailed assessment of individual proposals. All schemes should protect and seek to enhance overall landscape character, taking account of the key characteristics and distinctiveness of the landscape and the landscape setting of settlements. This is further embodied in DM5, with the requirement to respect the character and visual amenity of the landscape within the countryside.
31. The site is an existing arable agricultural field set within the countryside to the north of Fordham Road. The site is beyond the limits of the village of Freckenham and separated from the Grange Farm site to the east by two narrow fields. The field is open to neighbouring fields on three sides with a drainage ditch to the front which follows the road alignment. The site is very exposed in its location, with no hedge boundaries to fields, only the occasional roadside tree, and also very open to the surrounding countryside, which is characterised by large arable fields on gently rising ground. This means that the site is visible from surrounding road networks and public rights of way in both the near and far distance due to the lack of any visual interruptions such as hedgerows or woodland.
32. The proposed new use for the site as a dog training field with new vehicular access, hardstanding for parking, perimeter 1.8m high fencing and refuse bins will represent a change in the landscape by means of its associated infrastructure. The proposal is supported by mitigation measures following concerns being raised by the case officer, which include the planting of native trees at the entrance and perimeter hedge planting of hawthorn, with the planting designed to screen and soften views to the parking area from the road, which has been set back from the highway and reduced in scale from the original submission, and also to screen the perimeter metal fencing viewed from beyond the site.
33. A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application with the revised scheme. The LVIA has been carried out in line with the principles set out on the third edition of "Guidelines for Landscape and Visual Impact Assessment" (GLVIA3) and includes an assessment of landscape and visual receptors. Given the baseline conditions, the assessment concludes that the effects on landscape character both in landscape and visual terms is in the main, none at all. Despite valid baseline and methodology and viewpoints, the Landscape Officer consulted on the application advised that they disagree with the degree of landscape and visual effects as concluded within the LVIA.
34. The LVIA suggests there is vegetation on site to be retained, however, this is limited to grassland only. Trees and hedges are visible in the viewpoints studied; however, these are growing on the opposite side of Fordham Road and their screening to parked cars would be limited. The inclusion of proposed mitigation is however welcomed in terms of providing some screening of the parking area, fencing and paraphernalia associated with the change of use of the agricultural field and would provide long term biodiversity benefits, therefore, is an improvement on the originally submitted scheme, which proposed a larger parking area and no landscaping.

35. That being said, the Landscape Officer stated that the proposed new use for the site, with the associated car parking and vehicular use and metal perimeter fencing, possible training structures during sessions and bins, will present detracting factors in this open landscape setting. The landscape and visual effects of the proposed dog training operation are not considered to be negligible, contrary to the conclusions of the submitted LVIA. Therefore, officers have concluded that the change of use of the site would lead, overall and on balance, to an adverse impact on landscape character despite the benefits of mitigation hedge and tree planting to the perimeter and site frontage.
36. It is acknowledged that the soft landscaping scheme proposed provides some mitigation planting which will screen intrusive features such as high metal fencing, gates and car parking and will provide biodiversity and landscape benefits. However, with the existing landscape character in this area being large open rolling fields allowing extensive views across the landscape rather than small hedges, the local landscape character would remain adversely affected by the proposed development in this location.
37. Therefore, the proposed development is considered to conflict with policy DM2, DM5 and DM13 of the JDMPD, CS2, CS3 and CS5 of the FHCS and the provisions of the NPPF to a degree which would warrant the refusal of the application due to its adverse impact upon the character of the landscape character and countryside.

Residential Amenity Impact

38. Policies DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.
39. DM14 states that proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. The policy goes on to say that all applications for development where the existence of, or potential for creation of, pollution is suspected must contain sufficient information to enable the Planning Authority to make a full assessment of potential hazards.
40. Concerns have been raised by the residents of the Red House in Worlington in terms of the proposal's potential to impact their amenity as a result of noise pollution. The application site is located over 3.5km from Red House so no impact from noise pollution in terms of dog barking is anticipated, however, the application site is located approximately 90 metres from the nearest residential property to the east, therefore, careful consideration is required as to how the proposed development may impact their residential amenity from noise pollution.
41. The Environmental Health Officer was consulted on the application and advised that they do have concerns regarding the proposal's potential to impact neighbouring amenity regarding noise pollution as dog training and exercising use can include additional activities such as formal training and

/ or agility classes etc. which have the potential to have an unreasonable impact on the living amenity of occupiers of nearby residential properties arising from frequent and / or prolonged barking from excitable dogs. Furthermore, noise from barking in the open air can travel further than might ordinarily be anticipated, particularly over flat terrain, if not adequately mitigated.

42. However, with conditions limiting the maximum number of dogs on the site at any time to six, as well as limiting the hours of use of the site to between 8am until 8pm on any day, the proposed development would raise no objection from the Environmental Health Officer should the application be granted. In addition, it is considered appropriate by the case officer that if the permission were to be granted, a condition should be placed upon the permission which states that no external lighting shall be installed on the application site without prior written consent from the Local Planning Authority, in the interest of residential amenity, visual amenity and the control of light pollution in what is otherwise a rural, unlit area.
43. Therefore, in summary, the proposal is deemed to be acceptable in terms of its impact on residential amenity, subject to the conditions suggested, and would comply with policy DM2 and policy DM14 in that regard.

Highway Safety and Parking

44. Policy DM2 of the Joint Development Management Policies Document seeks to ensure that proposals maintain or enhance the safety of the highway network and para. 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
45. Furthermore, policy DM46 states that all proposals must comply with Suffolk Parking Guidance and Local Planning Authorities will seek to reduce over-reliance on the car and to promote more sustainable forms of transport.
46. The customers for the proposed dog training and walking field would rely on the use of a car to access the dog training and walking field, therefore, an associated access from Fordham Road is required, as well as an area of hardstanding for parking.
47. The original submission for the proposed change of use included eight parking spaces and a turning area to the southeastern corner of the application site. Following concerns being raised by the case officer in terms of the expanse of hardstanding which was considered to have an adverse impact upon the character of the area, a revised scheme was submitted which removed the previously proposed turning circle and reduced the parking provision down to four spaces.
48. Following the submission of the revised proposal, Suffolk County Council Highway Authority raised a holding objection to the development until evidence could be provided that vehicles could enter and exit the highway in a forward gear and the anticipated number of users at any time to enable the accurate assessment if the parking provision provided.

49. Additional information was provided in terms of the parking on site which detailed that only two owners could be booked on the site at any one time and only six dogs on site in total, as well as the vehicle movement and manoeuvring tracking entering and exiting the highway. The Highway Authority confirmed that they are satisfied by the information submitted and raised no objection to the granting of planning permission on highway grounds, subject to conditions requiring visibility splays to be provided in accordance with the submitted plans, that the access shall be completed prior to any other development on site being commenced, surfacing to be implemented prior to the proposed development being first used, and parking to be provided and thereafter retained and maintained. These conditions are considered reasonable and necessary by the case officer, should permission be granted.
50. Objections were raised by one member of the public, who raised concerns in terms of the proposal's impact upon the highway network due to increased traffic. As per para. 111 of the NPPF, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, with only six dogs allowed on site at any time and only two owners per slot, meaning a maximum of four cars could be parked on the site and this only being during the changeover times for the booking slots, which could be controlled via condition, it is not anticipated that the proposed change of use would result in such an increase in traffic levels that it would justify the refusal of the application and SCC as Highways Authority raises no objections to the application accordingly.
51. In summary, the proposed development is deemed to comply with both national and local policy in terms of its highway safety impact and parking.

Ecological Impact

52. As required by the National Planning Policy Framework (2023) within Chapter 15, LPA's have a duty to protect and enhance biodiversity when determining planning applications. At a local level, this is exhibited through policies CS2, DM11 and DM12.
53. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable habitats. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts.
54. This development is sited on an arable agricultural field, which up until recently, has been farmed. Therefore, the proposed development is not considered to have any adverse impacts upon the biodiversity of the area and therefore is in accordance with policy DM11.
55. Ecological enhancements should be secured (as required by NPPF para 174 and DM12), which could be delivered through the proposed new tree and hedge planting, as well as further bespoke biodiversity enhancements that could reasonable be secured on any approval. It is therefore considered

reasonable and necessary, if the permission were to be granted, to condition the requirement for the soft landscaping proposed to be implemented within the first planting season and for it to thereafter be maintained.

Other Matters

56. A third party objection was received from Red House during the course of the application which raised concerns in terms of noise pollution and highway impacts, which has been addressed above. In addition, the objection raised concerns in terms of whether the proposed dog training and walking field is needed, noting there are similar facilities nearby, and how this may impact those businesses, as well as querying whether the site is within a green belt area.

57. The application site is not within a green belt area and the necessity of the dog training and walking field and how this may result in competition to similar businesses nearby are not material planning considerations.

Conclusion:

58. The general principle of the change of use of the land from agricultural to sui generis (dog training) is considered to be acceptable, as the use could be reversed if necessary and reused as agricultural land. The addition of hedging and trees proposed providing some ecological benefit. However, the associated fencing, parking area and paraphernalia associated with a dog training field and mitigation landscaping would lead to an unacceptable impact upon the character of the area and landscape, which is, at present, extremely open and rural. There are some economic and social benefits arising from the proposal, but these are not considered sufficient to outweigh the landscape and visual impact harm.

59. The proposal is therefore considered to be contrary to the policies of the development plan and NPPF relating to impacts on the countryside and landscape character.

Recommendation:

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

1. Para.130 and 174 of the NPPF state that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, as well as protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

This is endorsed by policy local policies DM2, DM5 and DM13 of the JPDO, as well as policies CS2, CS3 and CS5 of the FHCS, which require developments to recognise and address the key features, characteristics, landscape character, local distinctiveness, and special qualities of the area and for developments to take into account the intrinsic character and beauty of the countryside, the local distinctiveness and sensitivity to change of distinctive landscape

character types, protect areas of landscape, and local distinctiveness from harm.

The site is located in the countryside, in a very exposed location, with no hedge boundaries to fields, only the occasional roadside tree, and is open to the surrounding countryside, which is characterised by large arable fields on gently rising ground. This means that the site is highly visible from the surrounding road networks and public rights of way in both the near and far distance due to the lack of any visual interruptions such as hedgerows or woodland.

The proposed new use for the site, with the associated car parking and vehicular access and metal perimeter fencing, possible training structures during sessions and bins and the mitigating landscaping proposals in themselves, will present detracting factors in this open landscape setting. The landscape and visual impacts of the proposed dog training operation are not negligible. Therefore, it is considered that the change of use of the site would lead to an adverse impact on landscape character, despite the benefits of mitigation hedge and tree planting to the perimeter and site frontage, and to a level which would be contrary to policies DM2, DM5 and DM13 of the JDMPD, CS2, CS3 and CS5 of the FHCS and the provisions of the NPPF, to a degree which would warrant the refusal of the application, and which is not outweighed by any economic or social benefits arising.

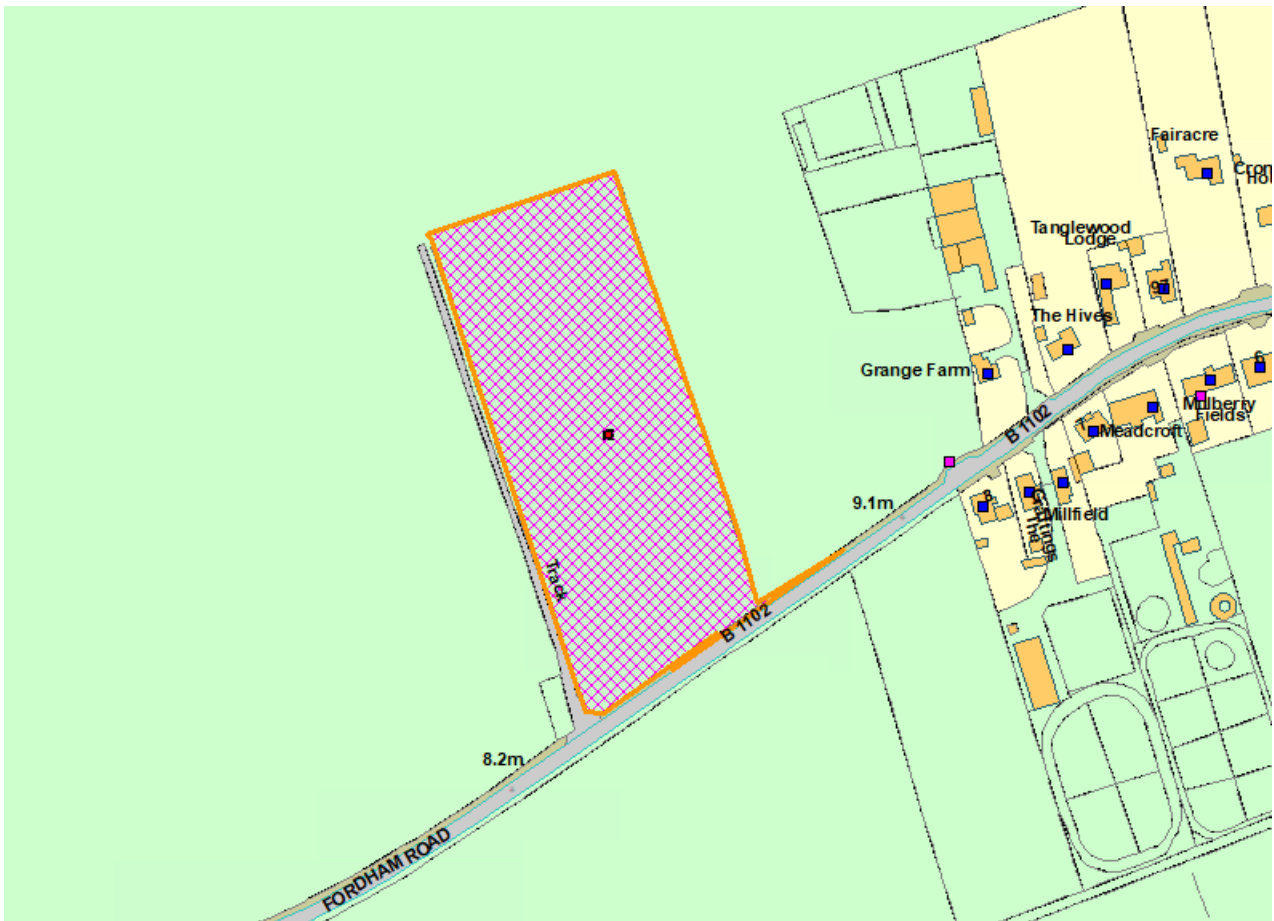
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0133/FUL](https://www.dorsetcouncil.gov.uk/online-applications/DC/23/0133/FUL)

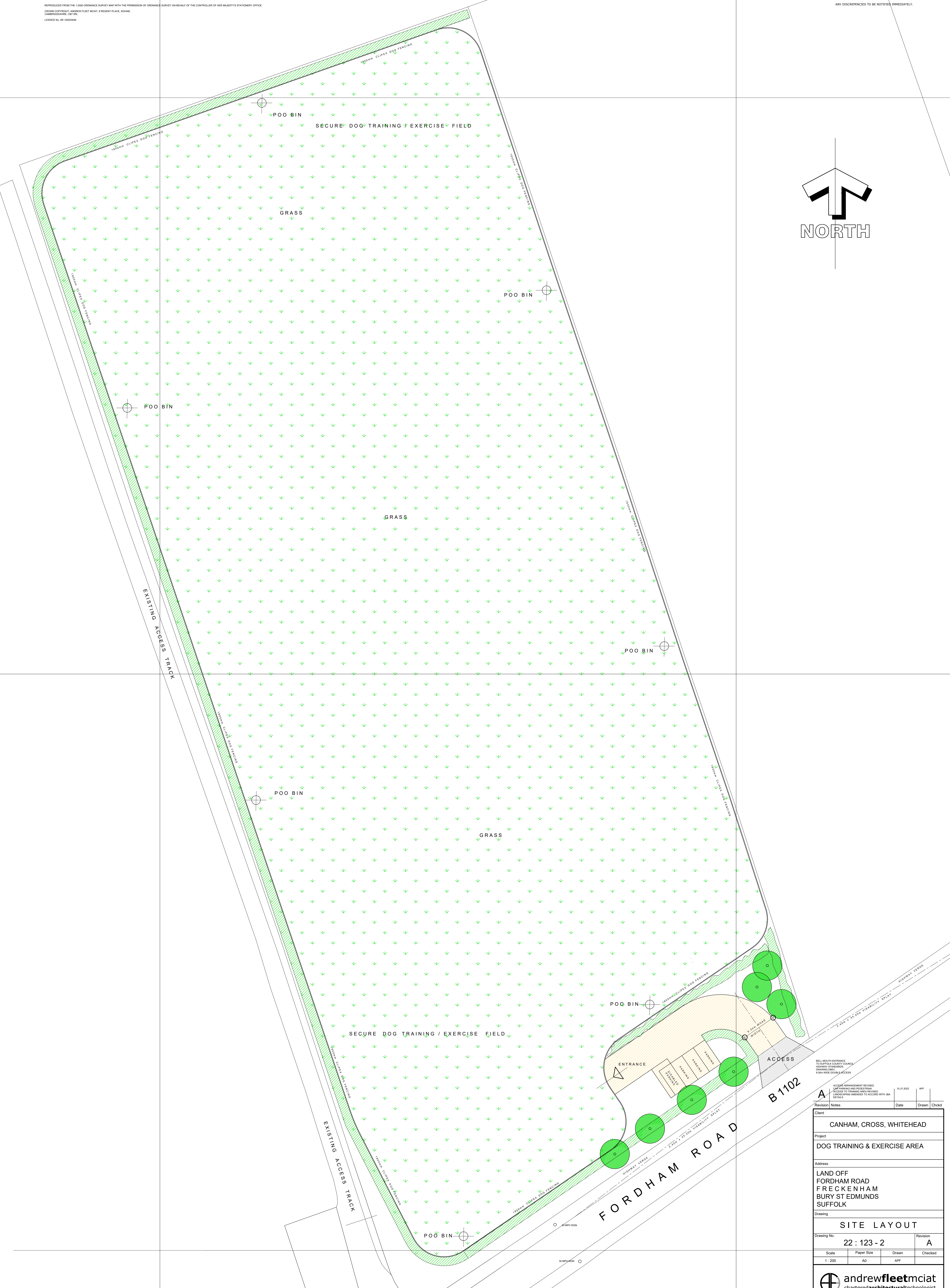
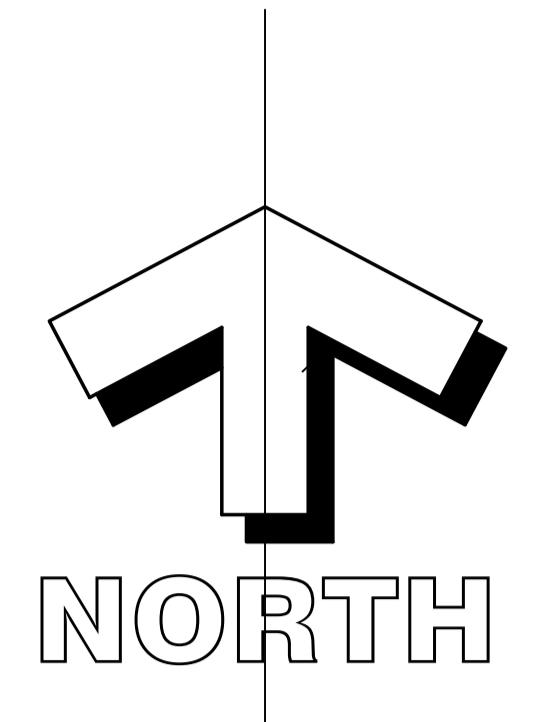
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DC/23/0133/FUL - Land Off Fordham Road, Freckenham



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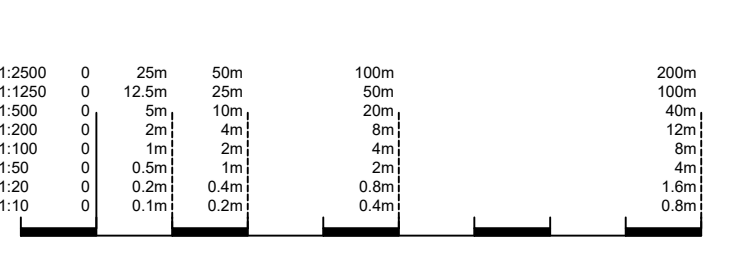


Revision	Notes	Date	Drawn	Chkd
A	ACCESS ARRANGEMENT REVISED TO REFLECT COUNTY COUNCIL HIGHWAY STANDARDS. DRAWING DATE: 10.11.2023		APF	

Client	CANHAM, CROSS, WHITEHEAD		
Project	DOG TRAINING & EXERCISE AREA		
Address	LAND OFF FORDHAM ROAD FRECKENHAM BURY ST EDMUNDS SUFFOLK		
Drawing	SITE LAYOUT		
Drawing No.	22 : 123 - 2	Revision	A
Scale	Paper Size	Drawn	Checked
1 : 200	A0	APF	

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Development Control Committee

3 January 2024

Planning Application DC/23/1639/FUL – Land adjacent to Home Farm Barns, Edmunds Hill, Stradishall

Date registered:	10 October 2023	Expiry date:	5 December 2023
Case officer:	Tamara Benford-Brown	Recommendation:	Refuse application
Parish:	Stradishall	Ward:	Clare, Hundon and Kedington
Proposal:	Planning application - one dwelling		
Site:	Land adjacent to Home Farm Barns, Edmunds Hill		
Applicant:	Mr Reed		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Tamara Benford-Brown

Email: tamara.benford-brown@westsuffolk.gov.uk

Telephone: 01284 757133

Background:

The application was considered by the Delegation Panel on 21 November 2023 resulting in the referral to Development Control Committee to be determined.

The application is recommended for REFUSAL and the Parish Council have raised no objection.

Proposal:

1. Planning permission is sought for a detached one and a half storey three bed dwelling. It has a footprint of 8m x 14.3m and a ridge height of 7.15m. Materials proposed include a slate roof, red brick plinth and black stained weatherboarding to the walls. Access is off the existing driveway which serves Home Farms Barns.

Site details:

2. The application site comprises of a plot of land located outside of the Stradishall housing settlement boundary and therefore within designated countryside for planning purposes. The site comprises of an undeveloped plot with six residential properties to the north east and open countryside to the west and south and south east. The area of the site measures approx. 0.5 hectares.
3. There is a Grade II Listed building to the north east of the site (approx. 80.0m away) known as Home Farmhouse with an associated courtyard arrangement of four dwellings known as Home Farm Barns immediately east of the application site. The site is partly located within the Stradishall Conservation Area. There are no protected trees in close proximity to the site. The site is also classified as Grade 2 agricultural land (best and most versatile) and part of the site falls within the 1 in 1000 year flood risk for surface water flooding.

Planning history:

4.

Reference	Proposal	Status	Decision date
DC/23/0711/FUL	Planning application - one dwelling with stables	Application Refused	28 July 2023

Consultations:

5. **West Suffolk Private Sector Housing and Environmental Health**

No objection subject to conditions to secure acoustic insulation, construction hours and external lighting

6. **West Suffolk Environment Team**

Contaminated Land;

`comments have been prepared by EPS, on behalf of West Suffolk Council.

Submissions Reviewed:

1) Ground and Environmental Investigation (GEI) Ltd, Phase 1 Contamination Risk Assessment, dated March 2023.

The GEI report constitutes a Phase 1 Desk Study in accordance with the National Planning Policy Framework (NPPF), which requires adequate site investigation information, prepared by a competent person (paragraph 183c).

The report identifies the site to have been land associated with Home Farm throughout the recorded history, with occasional buildings having been present. Moreover, a site walkover identified sources of contamination including made ground and evidence of asbestos. undeveloped prior to construction of the existing cattle barn in the 1990s.

On this basis, the conceptual model identifies a limited number of risks to future site users and therefore recommends some limited intrusive investigation to further assess the risks. Appendix 3 includes a brief summary of the proposed works, comprising a series of trial pits for the collection of shallow soil samples. The report and proposed Phase 2 recommendations are considered suitable however I would recommend one additional item. The Phase 2 recommendations do not appear to include laboratory testing for asbestos. Given the fragments identified on site, this testing should be included within the scope of works. It is also noted that an older Phase I by AGB in 2015 for the wider farm site has been submitted. A brief review of this does not appear to highlight any further risks which would warrant assessment.

Standard contamination condition recommended.

Air Quality;

'Paragraph 107 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)." St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality. Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ... and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge in all new dwellings. Part S of the Building Regulations requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space. In this case there are associated parking spaces. We therefore do not require a planning condition requiring EV charging in this instance as this will be enforced by the building regulations, however, should the layout change we would request the opportunity to review the amendments to assess whether they impact the above conclusion.'

7. **West Suffolk Conservation Officer**

'The proposed development is located within Stradishall's Conservation Area and alongside Home Farm Barns which are curtilage listed to Home Farmhouse a grade II listed building added to the list in 1961. The proposal has the potential to affect a number of listed buildings (to include the converted barns) and the character and appearance of the conservation area. the proposed development is located outside Stradishall's settlement boundary. Map regression illustrates the courtyard around which the historic barns are arranged (common to the region of East Anglia) largely remains in

place today. The barn forming the western boundary enclosing the courtyard on all four sides has since been lost.

Not dissimilar to a previous submission where Conservation objections were made due to its failure to relate to the historic courtyard arrangement, the current proposal similarly compromises the former arrangement where historically development enclosed all 4 sides of the courtyard. Whilst no assessment of significance has been provided, as required, such arrangements were commonly adopted as a means to provide a secure yard perhaps for the purposes of containing cattle. The conversion of the former barns was most likely supported on the grounds of their historic significance and the opportunity to secure their long term future. The proposed development would not result in securing the long term future of an historic barn neither would it reinstate an historic arrangement, but rather it would appear to prevent said historic arrangement from ever being reinstated. The proposals would fail to accord with policy DM15 in particular due to its failure to respect the existing buildings and their setting both today and historically causing harm to significance. The application is recommended for refusal. The NPPF requires great weight to be given to the asset's conservation with any harm or loss (to include harm arising from development within its setting) requiring clear and convincing justification. The proposed development is considered to cause less than substantial harm (towards the upper end of less than substantial harm) to the significance of a number of heritage assets para 202 should therefore apply.'

8. Suffolk Fire & Rescue

No comments to make.

9. SCC Highways

No objection subject to conditions to secure manoeuvring and parking, cycle storage and bin storage and presentation.

Representations:

10. Stradishall Parish Council

'has no objections to this application but would like to submit the following comment: There is a potential flood risk on the land at Home Farm Barns as the barns have flooded in the past.'

11. No neighbour or public representations received.

Policy:

12. 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.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Policy RV1 – Presumption in favour of sustainable development

Policy RV3 – Settlement boundaries

Other planning policy:

14. National Planning Policy Framework (NPPF)

The NPPF was revised in September 2023 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been

assessed in detail and are considered sufficiently aligned with the provision of the 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Heritage Assets
- Highways considerations
- Ecological implications
- Other Matters

Principle of Development

16. The NPPF along with policies RV1 and DM1 establishes the presumption in favour of sustainable development. Development that accords with local plan policies should be approved unless material considerations indicate otherwise. Policy RV3 sets out that new housing will be supported within housing settlement boundaries (as defined on the policies map book) where a development is not contrary to other policies in the plan. Within the Core Strategy policy CS1 sets out the spatial strategy for the area and policy CS4 identifies the settlement hierarchy with reference to the proposals map which shows the settlement boundaries. The application site is located outside of the settlement boundary for Stradishall and is therefore classed as countryside for planning policy purposes.

17. As noted above the land is classified as Grade 2 agricultural land which is considered the best and most versatile. Para 174 of the NPPF states 'Planning policies and decisions should contribute to and enhance the natural and local environment by:... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.' The land does not appear to have been in agricultural use for some time (at least the last 10 years according to aerial images on the GIS). The land within the site annotated to remain as paddocks could easily revert back to agricultural use. However, the land forming the proposed dwelling and its associated curtilage would be lost from potential future agricultural use and this weighs against the scheme.

18. Policy DM5 states that areas designated as countryside will be protected from unsustainable development. Policy DM5 of the Joint Development Management Policies Document sets out the circumstances where new development will be permitted in the countryside. This policy allows new residential development associated with agriculture, forestry and equine related activities, affordable housing to meet local needs, small scale residential development in accordance with policy DM27 or replacement dwellings. Policy DM5 also seeks to protect the countryside generally from unsustainable development. It is not considered the proposal would fall within any of the circumstances permitted by DM5 and would result in an unjustified dwelling in the countryside.

19. Policy DM27 states that a new building will be permitted where it is for small scale residential development of a small undeveloped plot, subject to the following criteria:

- The development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting a highway.
- The scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with scale and character of existing dwellings with an otherwise continuous frontage.

The policy goes on to state that permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

20. The site does not form part of a cluster of 10 or more dwellings. It is acknowledged that there are six residential properties towards the north east of the site and on the east side of Edmunds Hill. The site is also not a small undeveloped plot or part of an otherwise continuous frontage.

21. In addition, it should be noted that the Local Planning Authority is able to demonstrate a 5-year housing supply and the policies set out within the Joint Development Management Policies Document are considered sufficiently aligned with the NPPF to not be considered out of date. The Local Planning Authority is therefore under no pressure to approve development which fails to comply with policies within the development plan.

22. Consequently, the application represents unacceptable development in the countryside, and which policy DM5 aims to restrict. The proposal for an additional dwelling is unable to meet any of the exceptional criteria referred to within policy DM5 and this represents a clear and tangible conflict with the policy.

23. In addition to this, due regard should be had to the locational sustainability of the site in question. The proposal represents development outside the Stradishall settlement with only one bus stop located approx. 450m from the site along The Street. There are also limited well-established pedestrian footpaths, cycle routes and street lighting, and with other higher order settlements such as Hundon (3.5km away) and Haverhill (5km away) a fair distance from the site, occupants of the proposed new dwelling would rely principally on the car for access to day-to-day goods and services.

24. Having regard to the conflict with both national and local planning policy as set out above, the principle of development in this location is not something that the Local Planning Authority are able to support. Significant weight must therefore be attached to this very clear conflict.

Impact on Character and Appearance of the Area

25. The provision of a new dwelling will need to be in accordance with policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and ensure that there is not an adverse

impact upon residential amenity, highway safety or important trees within the street scene. Along with policy CS3, policy DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be supported.

26. Furthermore, policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate and innovative design and approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
27. In the case of this application, the site comprises of an open plot of land located to the west of existing residential properties at Home Farm Barns. The site is verdant in character, and is in a rural setting, immediately adjacent to open countryside and existing paddocks.
28. The design of the proposed new dwelling comprises of a new build barn style, four-bedroom chalet bungalow with an associated paddock to the east of the plot. The materials proposed for the new dwelling include black weatherboarding, facing brick plinths and natural slates. The design of the proposal presents a new build market property in the style of a barn conversion of similar design and materials to the neighbouring dwellings at 1-4 Home Farm Barns.
29. Considering the design of the new dwelling in isolation, it is acknowledged that the form and materials compliment that of the surroundings and would be considered generally acceptable. However, the siting of a residential building in what is a rural plot within the countryside where residential development is sporadic, is out of keeping with the site's current setting. The plot is considerably larger than those forming Home Farm Barns, therefore resulting in overall harm to the wider rural character of the site and area.
30. There is likely to be limited views of the proposal from the public domain along Edmunds Hill. There are existing mature trees and hedgerows to the boundaries of the plot which would provide some screening of the development, although it is unclear who's ownership this landscaping is in. It cannot therefore be presumed that it would be retained in perpetuity. The introduction of a dwelling on a large plot in this currently rural, undeveloped site is considered to result in an urbanising effect and encroachment into the countryside. Therefore, the proposal is considered to be contrary to policies DM2 and CS3 of the development plan and the provisions within the NPPF (2023) which seeks to safeguard the intrinsic character and beauty of the countryside.

Impact on Residential Amenity

31. Policies DM2 and DM22 seek to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution

(including light pollution, or volume or type or vehicular activity generated), must be considered.

32. The application site has four neighbouring properties towards the north which are addressed as 1-4 Home Farm Barns. No. 4 is sited the closest to the proposed new dwelling and sits approx. 9.5m from the site. The plots for both the adjacent properties and the new dwelling are considered to be spacious and provide sufficient separation distance to alleviate concerns arising from potential amenity impacts.
33. Due to the degree of separation between the proposed dwelling and the residential dwellings to the north and east, together with the single storey height as a chalet bungalow, officers do not consider the proposed development would have an adverse impact on the neighbouring amenity of any of the nearby dwellings by reason of overlooking, loss of light, increased light pollution, noise pollution nor would it be overbearing.
34. Private Sector Housing & Environmental Health Team have been consulted on the application. No objections were raised to the development however conditions in relation to sound attenuation, construction hours and external lighting have been recommended if the application was to be approved. The development is therefore considered to accord with policies DM2 and DM22 in this regard.

Impact on Heritage Assets

35. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architecture or historical interest which it possesses.
36. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
37. Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting.
38. In addition, policy DM2 and DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.
39. The site is located partly within the Stradishall Conservation Area. In addition, as Home Farmhouse is Grade II Listed and located in close proximity to the site, impact to the setting of the listed building and the curtilage listed buildings at Home Farm Barns, must also be considered in relation to the above policies.
40. The Conservation Officer has been consulted on the application. Map regression illustrates the courtyard around which the historic barns are arranged (common to the region of East Anglia) largely remains in place

today. The barn forming the western boundary enclosing the courtyard on all four sides has since been lost.

41. The proposed dwelling compromises the former arrangement where historically development enclosed all 4 sides of the courtyard. Whilst no assessment of significance has been provided, as required, such arrangements were commonly adopted as a means to provide a secure yard, perhaps for the purposes of containing cattle. The conversion of the former barns was most likely supported on the grounds of their historic significance and the opportunity to secure their long term future. The proposed development would not result in securing the long term future of a historic barn neither would it reinstate a historic arrangement, but rather it would appear to prevent said historic arrangement from ever being reinstated. The proposals would therefore fail to accord with policy DM15, in particular due to its failure to respect the existing buildings and their setting both today and historically, causing harm to their significance. The NPPF requires great weight to be given to the asset's conservation with any harm or loss (to include harm arising from development within its setting) requiring clear and convincing justification. The proposed development is considered to cause less than substantial harm (towards the upper end of less than substantial harm) to the significance of a number of heritage assets. Paragraph 202 of the NPPF states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. There are no public benefits to this proposal for a market dwelling and therefore no benefit that would outweigh the harm identified.
42. The proposal fails to respect the setting of the listed building and curtilage listed courtyard farmstead. For this reason, the proposal is considered to be contrary to policy DM15.
43. Harm to the character and appearance of the Conservation Area is also considered to arise due to the development encroaching into the open countryside, beyond the historic arrangement of nearby buildings. The proposal would therefore fail to preserve or enhance the character, appearance and setting of the conservation area. The introduction of a new dwelling in this location would harm the character and appearance of the Conservation Area and would therefore fail to accord with policy DM17.

Highways considerations

44. Access to the site is off an existing driveway which also serves Home Farm Barns and parking is shown for 3 cars. Policy DM46 states that all proposals must comply with Suffolk Parking Guidance and Local Planning Authorities will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. Furthermore, policy DM2 seeks to ensure that proposals maintain or enhance the safety of the highway network.
45. The highway authority has reviewed the application and stated no objection to the proposal, subject to conditions regarding the requirement for parking and manoeuvring areas to be provided and retained, bin storage areas and presentation to be provided prior to occupation, as well as an electric vehicle charging point and cycle storage. If permission were to be granted, these conditions (apart from electric vehicle charging as this is now secured through

the building regulations) are considered reasonable and necessary, and the proposal is considered to be in accordance with policy DM46 in this regard.

Ecological Implications

46. As required by the National Planning Policy Framework (2023) at paragraphs 8, 174 and 180 the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11, DM12 & DM13.
47. Policy DM12 states measures should be included, as necessary and where appropriate, in the design for all developments, for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
48. Noting this is a greenfield site on the edge of the open countryside and within a 200m buffer for protected and notable species (Barn Owl), no ecological assessment or details of biodiversity enhancement has been submitted with this application. Therefore, the LPA cannot confirm whether or not the proposal would have adverse impacts in relation to biodiversity. As such, the application contains insufficient information for the proposal to be assessed against policies CS2, DM10, DM11 and DM12.

Other Matters

Land Contamination

49. During the course of the application the Environment Team advised that based on the information provided they were satisfied that the risk of contaminated land is low. They have advised that if permission were to be granted, if during development, contamination is encountered which has not previously been identified then the developer should contact the Local Planning Authority.

Water Efficiency

50. Policy DM7 of the Joint Development Management Policies Document requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), therefore, if permission were to be granted, it would be considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations to be applied to this development, through the use of a condition.

Flooding

51. The material concerns raised by the Parish are in relation to flooding, although no specific details or evidence has been provided. The application site is not located within Flood Zone 2 or 3. However, a small part of the site is identified as being within the 1 in 1000 year flood risk for surface water flooding. The Government's standing advice requires a flood risk assessment and drainage strategy to be submitted. No assessment or strategy has been provided so it is not possible to conclude that the development of the site will not cause or exacerbate flooding elsewhere. This matter also weighs against the scheme as it is contrary to policy DM6 and para 159 of the NPPF.

Conclusion:

52. The proposed siting of a dwelling is considered harmful to the character of the countryside and wider area, and conflicts with the provisions of the development plan as a matter of principle.
53. There are no other material considerations which outweigh the harm arising from the proposal being contrary to the development plan and its impact on the rural character of the area, conservation area and setting of the listed buildings. The proposal fails to consider ecological impacts and any necessary mitigation and enhancements. The proposal also fails to properly consider flood risk.
54. The proposal is contrary to the provisions of the development plan, in particular policies DM1, DM2, DM5, DM6, DM10, DM11, DM12, DM15, DM17 DM22 and DM27 of the Joint Development Management Policies Documents and policies CS1, CS2, CS3 and CS4 of the St Edmundsbury Core Strategy and well as policies RV1 and RV3 of the Rural Vision. The proposal is also not considered to accord with the provisions of the National Planning Policy Framework (2023) as set out above. On this basis the application is recommended for refusal.

Recommendation:

55. It is recommended that planning permission be **REFUSED** for the following reasons:
- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The site does not form part of a cluster of 10 or more dwelling. The site is also not a small undeveloped plot or part of an otherwise continuous frontage. The proposal does not meet the provisions of policies DM5 or DM27 and there are no material considerations which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5-year housing supply and as such, given that the principle of development in this location is not supported, are under no pressure to approve applications for development which are in conflict with the development plan. In addition, the site's location would require future occupiers of the proposed dwelling to travel to access shopping, education, employment, recreation, and social facilities. The majority of these journeys would inevitably, given the rural location, be by private motor vehicle. The proposal for an additional residential dwelling in this countryside location, beyond any defined settlement boundaries therefore represents an unsustainable form of development. Accordingly, the proposal fails to satisfy policies RV1 and RV3 of the Rural Vision, policies CS1 and CS4 of the St Edmundsbury Core Strategy 2010 and policies DM5 and DM27 of the Joint Development

- 2 Policy DM2 requires that development recognises and addresses the key features and characteristics of an area. This is reiterated in policy DM22 which seeks to secure appropriate residential design that accords with the local area, through its built form. The proposal will have a detrimental impact on the undeveloped and rural character of the locality. Given the rural setting of the site, the introduction of a permanent structure and its associated domestic paraphernalia within a large garden will erode the spacious views of Home Farm Barns which themselves contribute to the character of the local area on the edge of Stradishall. The proposal results in development which encroaches into the open countryside beyond the historic arrangement of nearby buildings. The proposal would therefore fail to preserve or enhance the character, appearance and setting of the conservation area. The proposal would therefore be contrary to the provisions of policies DM2, DM17 and DM22 of the Joint Development Management Policies Document 2015 and policy CS3 of the Core Strategy 2010.
- 3 Policy DM15 states that proposals to alter, extend or change the use of a listed building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting. Home Farm Barns exhibits evidence of the former courtyard arrangement where maps indicate historically the yard was enclosed on all sides by buildings with the farmhouse located outside of the yard further to the north east. This arrangement is a common arrangement for farmsteads within the eastern region. The setting of the farmstead appears to have changed little according to map regression and remains undeveloped today. The development to include a dwelling and associated domestic garden would fail to relate to the enclosed courtyard arrangement of the historic farmstead and its undeveloped setting where agricultural buildings were centered around the yard. Such an arrangement was often dictated by the type of farming and use of buildings. Proposals which fail to respect the historic arrangement compromising the undeveloped setting would fail to accord with the requirement to preserve the building or its setting causing harm to significance. The NPPF requires great weight to be given to the asset's conservation with any harm or loss (to include harm arising from development within its setting) requiring clear and convincing justification. The proposed development is considered to cause less than substantial harm (towards the upper end of less than substantial harm) to the significance of a number of heritage assets. Paragraph 202 of the NPPF is therefore engaged. As a market dwelling is proposed there are no public benefits to this proposal and therefore no benefit that would outweigh the harm identified. The proposal is therefore contrary to policy DM15 of the Joint Development Management Policies Document 2015 and paragraph 202 of the NPPF (2023).
- 4 As required by the National Planning Policy Framework (2023) at paragraphs 8, 174 and 180, the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12. Noting this is a greenfield site on the edge of the open countryside and within a 200m buffer for protected and

notable species (Barn Owl), however, no ecological assessment or details of biodiversity enhancement has been submitted with this application. Therefore, the LPA cannot confirm whether or not the proposal would have adverse impacts in relation to biodiversity. As such, the application contains insufficient information to demonstrate compliance with policies CS2 of the Core Strategy 2010 and policies DM10, DM11 and DM12 of the Joint Development Management Policies Document 2015.

- 5 Part of the site is identified as being within the 1 in 1000 year flood risk area for surface water flooding. No flood risk assessment or drainage strategy has been provided so it is not possible to determine that the development of the site will not cause or exacerbate flooding elsewhere. The proposal is therefore contrary to policy DM6 and para 159 of the NPPF which seeks to ensure new development is directed to areas of lowest flood risk.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <DC/23/1639/FUL>



DC/23/1639/FUL - Land Adjacent To Home Farm Barns, Edmunds Hill, Stradishall, Suffolk



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