

Development Control Committee



Title	Agenda											
Date	Wednesday 10 July 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> <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Conservative Group (7)</td> <td style="width: 40%;"> Carol Bull Mike Chester Susan Glossop Rachel Hood </td> <td style="width: 30%;"> Ian Houlder Sara Mildmay-White Andrew Smith </td> </tr> <tr> <td>Independents (5)</td> <td> Roger Dicker Andy Neal Jim Thorndyke </td> <td> Don Waldron Phil Wittam </td> </tr> <tr> <td>Progressive Alliance Grouping (4)</td> <td> Jon London Lora-Jane Miller-Jones </td> <td> Marilyn Sayer David Smith </td> </tr> </table>			Conservative Group (7)	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith	Independents (5)	Roger Dicker Andy Neal Jim Thorndyke	Don Waldron Phil Wittam	Progressive Alliance Grouping (4)	Jon London Lora-Jane Miller-Jones	Marilyn Sayer David Smith
Conservative Group (7)	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith										
Independents (5)	Roger Dicker Andy Neal Jim Thorndyke	Don Waldron Phil Wittam										
Progressive Alliance Grouping (4)	Jon London Lora-Jane Miller-Jones	Marilyn Sayer David Smith										
Substitutes	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;">Conservative Group (3)</td> <td style="width: 40%;"> Patrick Chung Charlie Lynch </td> <td style="width: 30%;"> Andrew Speed </td> </tr> <tr> <td>Independents (2)</td> <td> Mick Bradshaw </td> <td> David Taylor </td> </tr> <tr> <td>Progressive Alliance Grouping (2)</td> <td> Peter Armitage </td> <td> Donna Higgins </td> </tr> </table>			Conservative Group (3)	Patrick Chung Charlie Lynch	Andrew Speed	Independents (2)	Mick Bradshaw	David Taylor	Progressive Alliance Grouping (2)	Peter Armitage	Donna Higgins
Conservative Group (3)	Patrick Chung Charlie Lynch	Andrew Speed										
Independents (2)	Mick Bradshaw	David Taylor										
Progressive Alliance Grouping (2)	Peter Armitage	Donna Higgins										
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable interest which they have in any item of business on the agenda, no later than when that item is reached and, when appropriate, to leave the meeting prior to discussion and voting on the item.											
Quorum	Six Members											
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email democratic.services@westsuffolk.gov.uk											

Details of site visits overleaf...

SITE VISITS WILL BE HELD ON MONDAY 8 JULY 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/23/1777/FUL - Land opposite Kingshall Farmhouse, Kingshall Street, Rougham, IP30 9LG**
Planning application - 13 dwellings with public open space, parking and creation of access, landscaping and associated drainage
Site visit to be held at 9.50am
- 2. Planning Application DC/24/0123/FUL - Airedale, 26 Hamlet Road, Haverhill, CB9 8EH**
Planning Application - change of use of dwelling (class C3) into children's care home (class C2)
Site visit to be held at 11.15am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 12.30pm.

Development Control Committee Agenda notes

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

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

Material planning considerations

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

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

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

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

Documentation received after the distribution of committee papers

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

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

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

Public speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website.

Development Control Committee

Decision making protocol

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

Decision making protocol

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

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

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

Notes

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

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

Agenda

Part 1 – public

Procedural matters

1. **Apologies for absence**
2. **Substitutes**
Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.
3. **Minutes** **1 - 12**
To confirm the minutes of the meeting held on 5 June 2024 (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/24/0123/FUL - Airedale, 26 Hamlet Road, Haverhill** **13 - 28**
Report No: **DEV/WS/24/021**

Planning Application - change of use of dwelling (class C3) into children's care home (class C2)
6. **Planning Application DC/23/1777/FUL - Land opposite Kingshall Farmhouse, Kingshall Street, Rougham** **29 - 62**
Report No: **DEV/WS/22/022**

Planning application - 13 dwellings with public open space, parking and creation of access, landscaping and associated drainage
7. **Planning Application DC/23/1111/FUL - Mildenhall Academy, Sheldrick Way, Mildenhall** **63 - 80**
Report No: **DEV/WS/24/023**

Planning application - installation of two portacabins for 104 weeks with associated pedestrian access

8. Planning Application DC/24/0524/FUL - West Suffolk Council, Anglian Lane, Bury St Edmunds

81 - 92

Report No: **DEV/WS/24/024**

Planning application - a. demolition of existing front porch section and side lean-to section b. construction of brick plinth and replacement of wall and roofing panels with replacement panels

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 June 2024** at **10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

Councillors

Carol Bull
Mike Chester
Roger Dicker
Susan Glossop
Donna Higgins
Rachel Hood
Ian Houlder
Jon London

Sara Mildmay-White
Lora-Jane Miller-Jones
Andy Neal
Andrew Smith
David Smith
Jim Thorndyke
Don Waldron

In attendance

Andrew Speed (Ward Member: Pakenham & Troston)

443. Election of Chair 2024/2025

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2024, the Lawyer opened the meeting and welcomed all present.

The Lawyer then asked for nominations for the Chair of the Committee for 2024/2025.

Councillor Jon London nominated Councillor Andrew Smith as Chair and Councillor Smith accepted the nomination.

There being no other nominations, it was unanimously

RESOLVED:

That Councillor Andrew Smith be elected Chair for 2024/2025.

Councillor Smith then took the Chair for the remainder of the meeting and gave thanks to the Committee for his appointment.

444. Election of Vice Chairs 2024/2025

The Chair nominated Councillors Jon London and Phil Wittam for the two Vice Chair positions. Councillor London accepted the nomination and Councillor Smith confirmed, in Councillor Wittam's absence, that he too had accepted the nomination.

There being no other nominations, and with 12 voting for the nomination and with 3 abstentions, it was

RESOLVED:

That Councillor Jon London be elected as Vice Chair for 2024/2025.

And with 12 voting for the nomination and with 3 abstentions, it was

RESOLVED:

That Councillor Phil Wittam be elected as Vice Chair for 2024/2025.

445. Chair's Announcements

The Chair advised the Committee that the meeting was to be livestreamed, however, neither the public gallery nor the registered speakers would be seen visually.

He also reminded Members of the operation of the 'queue to speak' function using the microphones.

(However, due to technical difficulties, which developed following the Chair's announcement, the meeting was unable to be livestreamed and Members had to revert back to raising their hands when wishing to address the meeting.)

446. Apologies for absence

Apologies for absence were received from Councillors Marilyn Sayer and Phil Wittam.

The Chair advised the meeting that Councillor Sayer had asked that the Committee was informed that she had been unable to attend the Committee as a result of a meeting clash.

447. Substitutes

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Marilyn Sayer

Councillor Higgins also advised that due to prior appointment she would need to leave the Committee meeting before 12noon.

448. Minutes

The minutes of the meeting held on 24 April 2024 were confirmed as a correct record and signed by the Chair.

449. Declarations of interest

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

450. **Planning Application DC/23/0864/FUL - Land at Former St Felix School, Fordham Road, Newmarket (Report No: DEV/WS/24/019)**

(Councillor Rachel Hood declared, in the interests of openness and transparency, that she was a Member of Suffolk County Council, who was the applicant. Councillor Hood stated that she was also a Member of Newmarket Town Council and The Jockey Club who had both made representations on 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 - a. 50 dwellings, garages, associated infrastructure including substation and foul water pumping station and public open space (following demolition of existing building and hard standing) b. new vehicular access onto Fordham Road following closure of existing southbound access c. re-location of tennis courts

This application was referred to the Development Control Committee as it was a major development on an allocated site.

Newmarket Town Council and the Ward Members objected to the application. A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, subject to a S106 agreement and conditions as set out in Paragraph 158 of Report No DEV/WS/24/019, together with an additional condition as outlined in the supplementary late papers, issued after publication of the agenda, and one further condition in relation to the management of open space as outlined in the Principal Planning Officer's presentation to the meeting.

The Service Manager (Planning – Development) made reference to the presentation slide which referred to the joint statement that had been produced by some of the Newmarket District Councillors, as set out in Paragraphs 48 – 50 of the report. The Committee was advised that the slide had inaccurately omitted Councillor Charlie Lynch's name from the list of Councillors.

Speakers: Caroline Hillary (Chair of Newmarket Sports Development Association) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in their absence
Ann Smy (Newmarket resident) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in their absence
Mark Hatley (Newmarket business owner) spoke against the application
Councillor John Harvey (Deputy Mayor, Newmarket Town Council) spoke against the application
Councillor Sue Perry (neighbouring Ward Member) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Perry's absence
Trevor Dodkins (agent) spoke in support of the application

Councillor Rachel Hood addressed the meeting and made reference to West Suffolk Council's consideration of a £2million investment towards a total £4million capital project delivering a new sport and leisure provision at the St Felix site in Newmarket, which had formed an exempt paper outlining a business case at the Council meeting in February 2024. Councillor Hood asked if it would be possible to condition this provision as part of the application before the Development Control Committee.

The Service Manager (Planning – Development) explained that would not be possible, the capital project related to an entirely separate decision made by the Council and the application before Members was to be determined independently of this in their role as the Planning Authority.

Councillor Hood went on to highlight that the site in question was allocated for development in the Local Plan and that it had been derelict for over a decade, accordingly she proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Councillor Jon London raised concerns with the inequality of open space access in Newmarket and highlighted that the application seeking determination did not include any form of built community sports facility. These concerns were likewise echoed by Councillor Lora-Jane Miller-Jones.

In contrast, Councillors Carol Bull and Sara Mildmay-White welcomed the application which they considered long overdue and generously laid out.

The Principal Planning Officer responded to the Committee on matters raised during the debate as follows:

Roads – these were proposed to be adopted by Suffolk County Council except for the private drives shown on the layout plan;

Education S106 Contributions – Paragraphs 13–15 of the report outlined the schools within Newmarket that would receive the S106 contributions; and

Visitor Parking – the visitor parking proposed for the tennis courts was considered acceptable in view of the number of users that were likely to walk/cycle there, coupled with the available parking at the adjacent George Lambton Playing Fields.

Councillor Jon London made reference to the additional condition proposed in respect of the management of the open space and sought assurances as to how this would be delivered.

In response, the Service Manager (Planning – Development) confirmed that Suffolk County Council owned the application site and early discussions had already taken place with West Suffolk Council in relation to the open space being adopted by the District Council.

However, the Committee was reminded that the Planning Authority could not determine what was the most appropriate or preferred way to manage open space, it could only seek to ensure that some form of management was put in place, hence the wording in the condition as proposed.

Upon being put to the vote and with 11 voting for the motion and with 3 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the completion of a S106 legal agreement to secure 30% affordable housing in perpetuity, contributions towards health and education/libraries as set out in Paragraph 135 of the report and the following conditions:

1. 3-year time limit for permission
2. In accordance with approved plans
3. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained, b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths, c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
5. The strategy for the disposal of surface water (dated October 2023, ref: 221488 C-001 Rev P04) and the Flood Risk Assessment (FRA) (dated October 2023, ref: 221488 Rev 01) 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.
6. 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.
7. 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.

8. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
9. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
10. No development above ground level shall take place until details of any earthworks to be carried out on the site together with a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and timetable.
11. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
12. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
13. No development shall be commenced until an estate road and junction phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road and junction phasing and completion plan shall set out the development phases and the standards of construction that the estate roads and junction serving each phase of the development will be completed to and

- maintained at. Development shall only take place in accordance with the approved estate road and junction phasing and completion plan.
14. Before the development is occupied the redundant vehicular access on Fordham Road shall be stopped up and the footway fronting the site shall be reconstructed in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in its approved form.
 15. The use shall not commence until the area(s) within the site shown on Drawing No. 1965 -XX-XX-DR-A -506 for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
 16. Before the development occupied secure, covered and lit cycle storage shall be provided as shown on Drawing No. 1965 -XX-XX-DR-A -506. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.(or for dwellings) The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.
 17. The garage/parking and cycle space for each dwelling shall be made available for use prior to the occupation of the dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.
 18. 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 including any system to dispose of the water. 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.
 19. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 1965 -XX -XX-DR-A -512 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
 20. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) surface water discharge during the construction phases
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works

- g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) Layout of facilities above to be included on a plan
 - m) monitoring and review mechanisms
 - n) Details of deliveries times to the site during construction phase.
21. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.
22. Prior to the occupation of any dwelling: i. All of the noise protection and mitigation works associated with that unit/dwelling as detailed in the Adrian James Acoustics (AJA) Limited 'Environmental Noise Assessment Report', Filename: 13606 Report 1.docx, Rev A dated 27 February 2023 shall be completed in their entirety in accordance with the approved details. II. The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works. Thereafter the approved works shall be retained.
23. The rating level of noise emitted from the air source heat pumps (ASHPs) associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB as measured at the boundary of the proposed dwellings in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s) (current or hereby approved) and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
24. The rating level of noise emitted from the electricity substation and water pumping station associated with the development hereby approved shall each be lower than the existing background noise level by at least 5 dB as measured at the boundary of the nearest noise sensitive receptor in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s) (current or hereby approved) and be inclusive of any

- penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
25. Prior to commencement of development, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. The parking of vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
 - d. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - e. Wheel washing facilities
 - f. Measures to control the emission of dust and dirt during construction
 - g. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - i. Noise method statements and noise levels for each construction activity including piling and excavation operations
 - j. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
 26. The burning of any waste arising from the development hereby permitted shall be prohibited at any time within the application site.
 27. Demolition and/or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 28. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals (ILP) Guidance Note GN01/21 'The Reduction of Obtrusive Light'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.
 29. No development above slab level shall take place until details of the facing bricks and roof tiles of the dwellings 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.
 30. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
 31. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and

approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

32. No development above ground level shall take place until details including layout, elevations, and materials of the proposed tennis courts as shown on the approved site layout drawing, together with a timetable for their implementation, operation and their future management and operation have been submitted to and approved in writing by the Local Planning Authority. These details shall also include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform. The tennis courts shall be constructed and used in accordance with the approved details, timetable, and operational and management arrangements for the lifetime of the development.
33. Before the occupation of the 25th dwelling on site precise details of the future management arrangements of the open space to the rear (west) of the site (as shown on site layout drawing no. 1965-SBA-XX-XX-DR-A-506-Q) have been submitted to and approved in writing by the Local Planning Authority. The submitted details to be agreed shall include site ownership and a timetable for delivery.

(Councillor Donna Higgins left the meeting at 11.30am during the debate on the application and prior to the voting thereon. On conclusion of this item the Chair permitted short comfort break.)

451. Planning Application DC/24/0338/HH - 1 Broadway, Pakenham (Report No: DEV/WS/24/020)

Householder planning application - two storey front and side extension

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

Pakenham Parish Council had not objected to the proposal which was contrary to the Officer recommendation of refusal, for the reasons set out in Paragraph 25 of Report No DEV/WS/24/020.

Members were advised that the original proposal was described as a "two-storey side extension" however, as the southeast elevation was considered to be the principal elevation, the proposal was amended to "two-storey front and side extension".

In addition, following comments made by Officers, amendments had been made to the application so that the amended red line plan included both

accesses to Mill Road and Broadway, and the front porch was removed from the existing plans and elevations as it had been drawn in error.

A Member site visit was held prior to the meeting.

Speakers: Councillor Andrew Speed (Ward Member) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application

Councillor Ian Houlder posed a question in relation to development in the countryside and referenced a previous application considered by the Committee. The Service Manager (Planning – Development) explained that the application referenced was for a replacement dwelling, as opposed to an extension, and there was different policy considerations.

Councillor Carol Bull voiced support for the application which she viewed as an improvement to the existing property and with the inclusion of obscure glazed windows on the southeast fenestration she considered there to be no loss of neighbouring amenity.

Accordingly, Councillor Bull proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Lora-Jane Miller-Jones.

The Service Manager (Planning – Development) explained that Members' interpretation of Policies DM2 and DM24 was subjective and the inclusion of obscure glazing was considered reasonable to protect neighbouring amenity, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Planning Assistant then verbally advised on the conditions that could be appended to a permission, if granted, which included a condition in respect of obscure glazed windows on the southeast elevation.

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

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, as it was considered that the application did not harm the character and design of the existing dwelling or the surrounding area, or adversely affect neighbouring amenity, 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 (see decision notice for plans)
3. Before the extension hereby permitted is first brought into use, the first-floor windows of the southeast elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent

standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.

4. The development hereby permitted shall be constructed entirely of the materials detailed on approved drawing no.12 received on the 4 March 2024

The meeting concluded at 12.27pm

Signed by:

Chair

Development Control Committee

10 July 2024

Planning Application DC/24/0123/FUL – Airedale, 26 Hamlet Road, Haverhill

Date registered:	15 February 2024	Expiry date:	11 July 2024
Case officer:	Gregory McGarr	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - change of use of dwelling (class C3) into children's care home (class C2)		
Site:	Airedale, 26 Hamlet Road, Haverhill		
Applicant:	Ms Joanne Binfield		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Gregory McGarr

Email: democratic.services@westsuffolk.gov.uk

Telephone: 01284 757314

Background:

The application was considered by the Delegation Panel on 18 June 2024 at the request of the Ward Member, where it was recommended that the application should be determined by the Development Control Committee.

Proposal:

1. The application seeks planning permission for the change of use from a residential dwelling (Class C3) to a residential children's home (Class C2). The home will accommodate up to four children at one time.
2. External changes consist of hardstanding to the rear of the dwelling and the relocation of gates at the rear of the dwelling.

Application supporting material:

3. Application form
Location and block plan
Existing site plan
Proposed site plan
Existing floor plan
Proposed floor plan
Supporting statement

Site details:

4. The application site is located within the settlement boundary of Haverhill and fronts Hamlet Road. The site consists of a detached two-storey dwelling and is in a location where the housing types are mixed. The application site is adjacent to the Haverhill Hamlet Road Conservation Area. The site is accessed by foot from Hamlet Road with vehicular access to the rear of the site via a private road.

Planning history:

Reference	Proposal	Status	Decision date
SE/00/3392/P	Planning Application - Retention of pergola and decking to front of property	Application Granted	26 January 2001

Consultations/Representations

5. Below is a summary of the consultation and representations received. These are the most recent responses which can be viewed in full on the file. The link to access the file can be seen below:

[DC/24/0123/FUL | Planning Application - change of use of dwelling \(class C3\) into children's care home \(class C2\) | Airedale 26 Hamlet Road Haverhill Suffolk CB9 8EH \(westsuffolk.gov.uk\)](#)

6. Haverhill Town Council

Object

Comments from Haverhill Town Council were received on 29th February 2024 during the first consultation period which objected to the scheme. Following the receipt of an amended layout further comments were received on 25th April 2024. These comments removed concerns about the location of the cycle storage but maintained the overall objection.

The objection primarily relates to concerns around parking and highways, conservation impacts and amenity space.

7. Ward Member

Ward Member, Councillor Aaron Luccarini, has made the following comments:

"Having reviewed the plans and having had contact from a large number of residents, I do have concerns about this application.

- Insufficient parking is provided and won't cope with all staff and visitors on site (especially during handovers).
- The parking arrangement leaves 3 vehicles blocked in. This will cause additional car movements throughout the day which will cause a disturbance to surrounding properties. There is also insufficient turning space on the small lane that the parking goes onto; cars will need to reverse back along the lane which could be dangerous.
- The car parking takes up all of the rear garden leaving no space for the Children to relax and play in.

While I have no objection to Children's homes, it is important that a property is suitable, providing secure private outdoor play space, adequate parking, and doesn't impact on the amenity of surrounding residents. Unfortunately, I don't believe this property achieves this."

8. Public Health and Housing

No objections.

9. Suffolk County Council Local Highway Authority

No objections subject to compliance with the submitted site layout plan.

10. Waste Management

Objection.

Waste management have stated that should the dwelling no longer fall within Use Class C3 then they would no longer be able to serve the dwelling due to access issues at the rear of the site.

11. Conservation Officer

No objections.

12. Neighbours

The application has undergone two consultation periods following the receipt of amended plans. During the first consultation period 26 representations were received objecting to the proposal. During the second consultation period 19 representations were received objecting to the proposal.

Areas raised in representations include:

- Traffic and highway safety
- Parking
- Amenity
- Commercial use
- Other accommodation in the area

Policy:

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

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

Joint Development Management Policies Document 2015

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

St Edmundsbury Core Strategy 2010

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Haverhill Vision 2031 – 2014

Other planning policy:

15. National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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:

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

- Principle of Development
- Impact on character and appearance of the area
- Impact on residential amenity
- Impact on highway safety
- Other matters

Principle of development

17. In accordance Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Vision 2031 Documents. National planning policies set out in the NPPF 2023 are also a key material consideration.

18. The application seeks planning permission to change the use of 26 Hamlet Road, which is currently a residential dwelling falling within use class C3 to a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed such as dividing the presently open plan living and dining area. These internal works do not require planning permission. The proposal seeks to provide care for children who have experienced significant trauma, addressing the underlying emotional need of the young person to result in a long-term positive change. It also seeks to support young people's emotional, social, mental and academic progression and enable them to grow and realise their future potential.

19. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In assessing this application, internal legal advice was sought on the proposals and whether they would constitute a material change of use. This advice concluded that due to the nature of the occupation of the property not constituting a single household and being

reliant on the care of shift-based carers the proposed use would fall within Class C2.

20. Officers are therefore satisfied that the proposed development is a material change of use, triggering the need for planning permission, albeit it is noted that the intensity and scope of occupation is not dissimilar to that expected at a typical large dwelling, nor indeed significantly different from a children's home occupied under Class C3.
21. Policy DM23 of the Joint Development Management Policies Document, deals with special housing for vulnerable people, which would include the use proposed in this application.
22. The policy states that "Proposals for new or extensions to existing accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other policies contained within this and other adopted Local Plans, provided that such schemes meet the following criteria:
 - a. the proposed development is designed to meet the specific needs of residents including requirements for disabled persons where appropriate; and
 - b. includes appropriate amenity space for residents of an acceptable quantity and quality; and
 - c. the location of the development is well served by public transport, community and retail facilities; and
 - d. the proposed development does not create an over concentration of similar accommodation in any one street or area.
23. The application site is in a residential street within the housing settlement boundary where residential development is considered acceptable. As such, the area is considered appropriate for this type of development as set out within policy DM23.
24. Turning to the remaining criteria, it has been demonstrated within the planning statement and on the plans provided that the property will be altered to suit the specific needs of residents and is therefore considered to comply with part a of the policy.
25. The amount of amenity of space at the property is sufficient and in line with other applications of this nature which have been approved in the district and at a national level. Whilst not a material planning consideration, it is noted that when registering a children's home with the relevant authorities it is not compulsory for a home to have a garden and that an application would not be refused on this basis. In any event the property is considered to have sufficient amenity space and therefore it is considered that the proposal conforms with part b of the policy.
26. The application site is within close distance to a bus stop and is near to Haverhill Town Centre. Its location and the facilities present in the wider surrounding area allow the proposal to comply with part c of the policy.
27. With regards to part d of the policy, development should not create an over concentration of similar accommodation in any one street or area. Concerns around the proposal's compliance with this criterion have been

raised in a number of representations received during the consultation period. This is due to the presence of another children's residential care home situated on Hamlet Road. The rationale for avoiding an overconcentration of similar accommodation in an area is to ensure that local services that would be accessed by occupants of the development would not be adversely affected and to ensure that the overall character of an area is not significantly changed. Given that the maximum number of occupants is four, it is not considered that the local services required as a result of the proposed development would be overused to the extent that they would be materially and negatively impacted. It is also considered that the presence of this facility in addition to the existing care home, both of which are limited in scale would not materially change the overall character of the area. It is therefore considered that the proposed development would not result in an over concentration of similar development and the proposal complies with part d of the policy.

Impact on character and appearance of the area

28. Policy DM2 and CS3 state that: all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
29. In the case of this application, the proposal does not incorporate any external changes to the dwelling; changes remain internal. The external changes within the curtilage are comprised of the widening of the vehicular access to the rear of the dwelling and the relocation of the gated entrance and the laying of hardstanding. These changes maintain the appearance of a residential dwelling and are considered to respect the character and appearance of the area.
30. The application site is adjacent to but not within the Hamlet Road Conservation Area. Proposals should preserve or enhance views out into and out of the Conservation Area. Due to the lack of external works the view afforded by the Conservation Officer for this proposal is that it would not have a material detrimental impact upon the Conservation Area and therefore would preserve the existing views through it.
31. Some concerns have been raised regarding the proposal in terms of it altering the profile of the area. Given that the dwelling will maintain its residential appearance and will continue to function in a similar way to a residential dwelling, it is considered that the changes will not have an adverse impact on the character or appearance of the area.
32. The scheme is considered therefore to comply with the requirements of DM2 and CS3.

Impact on residential amenity

33. The requirements as set out within Policy DM2 require all development including change of use, to have regard to the residential amenity of occupants of nearby dwellings, as well as producing designs in accordance with standards that maintain or enhance the safety of the highway network.

34. In this case, the property is a residential dwelling, containing a total number of four bedrooms with one additional office/bedroom. The proposal will see the property being used by up to four children at any one time with two fully trained employees on duty both during the day and at night. The home will have a full-time registered manager who will be accompanied by two support workers on site whereby a typical shift pattern is 8am to 8pm for a day shift and 8pm to 8am on a night shift. Visitors may come to the home during the day, but this is by appointment only.
35. Concerns have been raised relating to noise and the possibilities of anti-social behaviour.
36. The possibility of noise and disturbance arising as a result of this proposal is a material planning consideration. However, it is not considered to be materially greater than that which could arise from a typical dwelling. Private Sector Housing and Environmental Health have reviewed the application and have no objection to the proposal due to the nature of the change of use.
37. Additionally, the possibility of anti-social behaviour, which has been raised as a concern is also a material planning consideration. In this regard, the Local Planning Authority need to take into account the Crime and Disorder Act, Officers consider that provided the property is well-managed as indicated within the submitted planning statement, and noting the limited number of occupants, there is no reason to conclude that the proposal would result in antisocial behaviour over and above what could arise as a result of the dwelling being occupied under its present Use Class.
38. As a result of the above the proposal is considered to have an acceptable impact upon residential amenity and therefore accords with policy DM2 in this regard.

Impact on highway safety

39. Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.
40. Policy DM46 states that all proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking.
41. The dwelling has four bedrooms and is currently served by two parking spaces. Suffolk Guidance for Parking (2023) states that dwellings with four bedrooms should provide a minimum of three parking spaces. As a result of the proposal an additional two parking spaces will be provided at the application site, bringing the site in line with current guidance.
42. Suffolk County Council as Local Highway Authority have raised no objections to the proposal and have recommended conditions relating to parking provision and cycle storage. The parking on Hamlet Road has been raised in a number of representations. The on-road parking at Hamlet Road is largely unrestricted and the Local Planning Authority would not be able to prevent any parking in this area.

43. Representations have raised concerns with regards to parking and manoeuvring at the application site. The access road to the rear of the application site, which also serves neighbouring dwellings on Hamlet Road, is a private road not an adopted highway. Therefore, it is not within the remit of the Local Highway Authority. Notwithstanding this, based on the limited degree of change and the provision of parking now conforming with parking standards, in addition to the widening of the access at the rear of the site, the Local Planning Authority is content that the proposal conforms with Policy DM2 and DM46.
44. Due to the above, Officers are content that the scheme complies with DM2 and DM46 as well as paragraph 111 of the National Planning Policy Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other matters

45. An objection has been received from West Suffolk Council Waste Management. This is because of the location of the application site which is accessed via a private road. The properties that front this part of Hamlet Road are served using the private road to the rear of the application site using a smaller waste collection vehicle. However, it is the view of Waste Management that there would be an increase in the amount of waste produced and the change of use would fall within their commercial service which would require a larger vehicle that would not be able to fit on the private road. It is noted that the term commercial is used by Waste Management in a different context, and Planning Use Classes relating to this type of accommodation do not make provision for if something is commercial or not.
46. As a result of the above, a condition would be placed on any approval requiring a waste management strategy to be compiled and submitted to the Local Planning Authority. Given that the existing residential properties are satisfactorily served by a smaller waste collection vehicle, Officers are satisfied that a similar arrangement could be secured for this site whether that be from the Council Waste Service or a provider from the private sector.
47. Several representations have been made which relate to the use of the dwelling as a commercial premises. It is noted that the planning use classes under which this application is made do not specifically define or refer to commercial use. A dwelling is therefore able to be within C2 whilst being owned and operated by a private company in the same way that a dwelling within C3 can be rented out by a private company.
48. Additionally, it has been stated that there are legal covenants governing the use of the private road at the rear of the site. Legal covenants fall outside of the remit of the planning system and are therefore not a material planning consideration.

Summary and conclusion.

- 49.The proposal is to create a small children’s home for the care of a maximum of four children. The use, in the opinion of officers, is not considered significantly different to that of normal family home otherwise falling within use class C3. However, given the shift pattern of carers on the site, and the level of care provided, there would be a material change of use.
- 50.The proposed development complies with the requirements of the relevant Development Plan policy relating to specialist residential accommodation such as this, DM23. The proposal exhibits an acceptable level of car parking and retains the residential appearance within a residential location. It is also considered that the proposal would not give rise to any adverse impacts on neighbouring residential amenity. As such the development would comply with the requirements of policies DM2, DM23 and DM46.
- 51.Furthermore, there is a changing emphasis towards community care which the development would be providing in order for those who require support to live in the community.
- 52.The assessment has been made on the basis that there will be a maximum of four children residing at the property at any one time. This number would be secured by condition to prevent further intensification of the use which could result in effects beyond those associated with this proposal.
- 53.In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. Time limit

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

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

2. Compliance with plans

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

Plan type	Reference	Date received
Existing floor plans	PA201	24 January 2024
Proposed floor plans	PA202	24 January 2024
Existing block plan	PA102	24 January 2024

Location and block plan	PA101 B	6 February 2024
Proposed site layout	PA103 C	9 April 2024
Supporting statement		24 January 2024
Application form		24 January 2024

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

3. Parking and manoeuvring

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

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Cycle storage

Prior to the first use of the dwelling as a children's home, the approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

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

5. EV charging

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

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

6. Refuse/recycling bins

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

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

7. Number of children

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

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

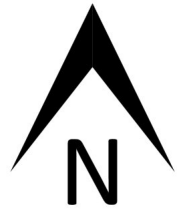
8. Staff members

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

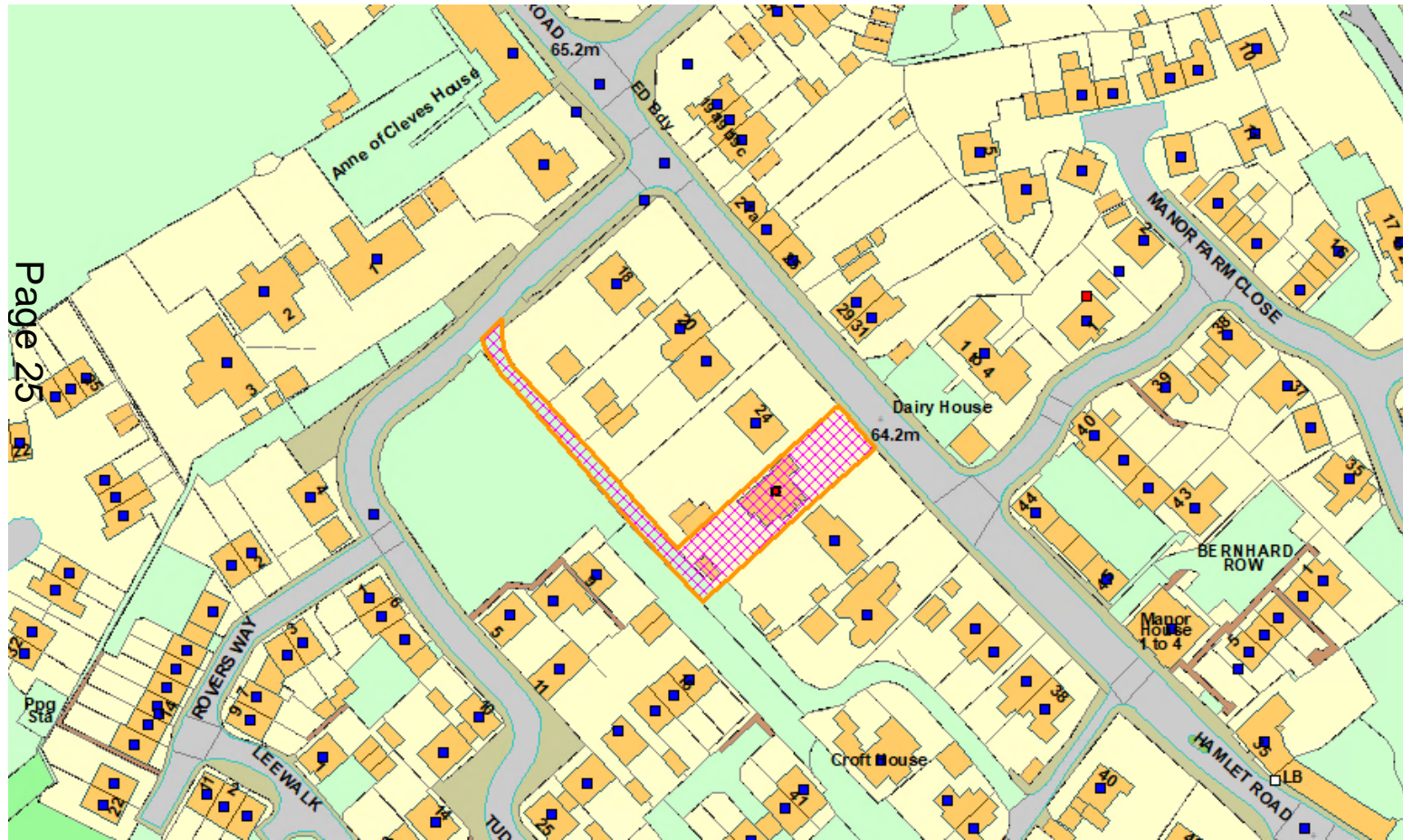
Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

Documents:

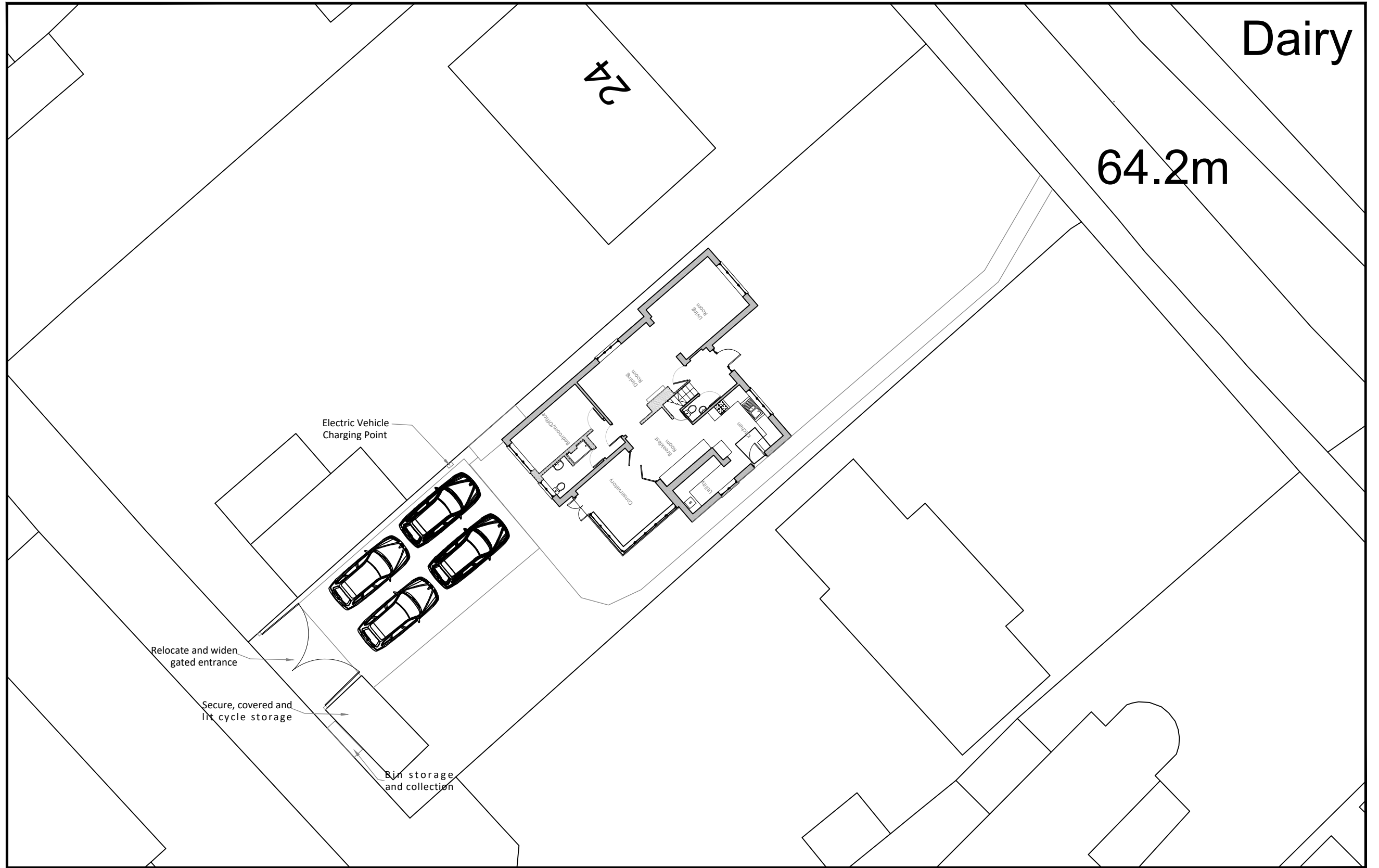
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/24/0123/FUL](https://www.suffolk.gov.uk/DC/24/0123/FUL)



DC/24/0123/FUL – Airedale, 26 Hamlet Road, Haverhill



This page is intentionally left blank



Proposed Site Plan
Scale 1:200



This page is intentionally left blank

Development Control Committee

10 July 2024

Planning Application DC/23/1777/FUL – Land opposite Kingshall Farmhouse, Kingshall Street, Rougham

Date registered:	11 April 2024	Expiry date:	11 July 2024
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Rushbrooke With Rougham	Ward:	Rougham
Proposal:	Planning application - 13 dwellings with public open space, parking and creation of access, landscaping and associated drainage		
Site:	Land opposite Kingshall Farmhouse, Kingshall Street, Rougham		
Applicant:	Barley Homes (Group) Ltd		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Savannah Cobbold

Email@democratic.services@westsuffolk.gov.uk

Telephone: 01284 757614

Background:

The application is referred to the Development Control Committee as the site has been brought forward by Barley Homes.

The application is recommended for APPROVAL. The Parish Council has objected to the scheme due to the design falling short of providing a safe environment with regard to place and movement.

Proposal:

1. The application seeks full planning permission for the construction of 13 dwellings, with public open space, parking and creation of a new access onto Kingshall Street. Landscaping and associated drainage is also sought.
2. Outline planning permission was granted under reference DC/19/1405/OUT which considered the means of access as well as 13 dwellings, albeit indicatively, public open space, parking and landscaping. The site changed ownership and Barley Homes came forward with a reserved matters application. This sought to change the location of the proposed access and noting that access was a matter considered at the outline planning application stage, could not be changed via the reserved matters application. As such, the application was revised to become a full planning application in order to incorporate the revised access location.

Application supporting material:

3.
 - Application form
 - Transport and highways note
 - Planting schedule
 - Elevations and floor plans
 - Landscape schedule
 - Street scenes
 - Location plan
 - Site plan
 - Surface water calculations
 - Soft landscape design
 - Tree survey
 - Landscape and environmental management plan
 - Landscape specification
 - Covering letter
 - Block plan
 - Ecology report

Site details:

4. The application site is located within the settlement boundary for Rougham, fronting onto Kingshall Street.
5. The site comprises undeveloped agricultural land with residential properties to the north, Kingshall Street to the east, agricultural buildings to the south and fields to the west and north west. The site is partially bounded to the north by a fence and hedge together with a

small number of trees along the boundary to No. 54 Kingshall Street which extends slightly beyond and around this boundary to the west and north within the existing field. The eastern boundary to the site abuts Kingshall Street and is partially screened by a species poor hedgerow running from the northern extent of this boundary which incorporates a small number of trees situated close to the junction with the northern boundary. Within the line of the hedgerow is a dried pond which narrows to form a drainage ditch running the length of the eastern boundary.

Planning history:

6.

Reference	Proposal	Status	Decision date
DC/19/1405/OUT	Outline Planning Application (Means of access to be considered) - 13 no. dwellings with public open space, parking and landscaping	Application Granted	20 November 2020

Consultations:

The most recent consultation responses are summarised below. Full copies of the responses can be viewed on the public planning file using the following link: [DC/23/1777/FUL | Planning application - 13 dwellings with public open space, parking and creation of access, landscaping and associated drainage | Land Opposite Kingshall Farmhouse Kingshall Street Rougham Suffolk \(westsuffolk.gov.uk\)](https://www.westsuffolk.gov.uk/DC/23/1777/FUL%20|%20Planning%20application%20-%2013%20dwellings%20with%20public%20open%20space,%20parking%20and%20creation%20of%20access,%20landscaping%20and%20associated%20drainage%20|%20Land%20Opposite%20Kingshall%20Farmhouse%20Kingshall%20Street%20Rougham%20Suffolk)

7. Place Services Ecology

No objections subject to conditions.

Place Services Landscape

No objections subject to conditions.

Place Services Trees

No objections subject to conditions.

SCC Development Contributions

The following contributions have been requested:

Secondary school expansion including forward funding @ £29,095 per place = £58,190

Sixth form expansion including forward funding @ £29,095 per place = £29,095

Early years expansion, improvement & enhancement @ £21,153 per place = £42,306

Libraries improvements @ £216 per dwelling = £2,808

Household waste @ £141 per dwelling = £1,833

Monitoring fee per obligation trigger point = £476

Highways = TBC by SCC Highways

Suffolk Fire and Rescue

Set out standard notes regarding access and fire fighting facilities and water supplies.

SCC Green Access Team

The following contribution has been requested to secure a link to the footpath to the north:

The cost of a 1.5m PROW unbound surface with the creation order will be £19,250 and to be indexed linked.

SCC Floods and Water Team

Recommend approval of this application subject to conditions relating to a surface water strategy, water verification report and the submission of a construction surface water management plan.

SCC Highways

No objections subject to conditions relating to estate roads and access, ditching, bus stop provision, refuse bins, parking, EV charging and a construction management plan.

Norfolk and Suffolk Constabulary

No comments received.

Police Architectural Liaison Officer

No comments received.

Waste Management

Confirmation that swept path analysis is acceptable.

Strategic and Enabling Officer Housing

The proposed scheme will benefit from affordable units whilst acknowledging that the proposed dwellings are being built to M4(2) standards which will enable them to be futureproof and adapt with the changing needs of our communities.

The affordable housing mix proposed was - 2X1B houses (affordable/social rent) 1X2B house (affordable/social rent) 1X2B house (shared ownership).

The affordable housing mix based on the needs of the housing register and up to date policy is - 2X1B houses (affordable/social rent) 1X4B7P house (affordable/social rent) 1X2B house (shared ownership)

Following discussions with the Obligations Officer and Strategic Housing team, it is noted that to accord with the NPPF, the scheme must secure at least two affordable home ownership dwellings. The first proposed mix incorporated one home ownership dwelling, which did not comply with the requirements of the NPPF as this requires a minimum of 10% of the total dwellings to be home ownership. This would equate to 1.3 dwellings, so it is preferable to raise this to 2. As such, the proposed housing mix has been revised to the following: 1X1B house (shared ownership), 1X1B house (affordable/social rent), 1X2B house (shared ownership), 1X2B house (affordable/social rent), in order to achieve 30% affordable, including two home ownership dwellings in line with the NPPF.

Leisure & Cultural Officer

Requests off site contribution towards additional play equipment to be spent at Rougham playing field (£13,260).

Contaminated Land and Air Quality

No objections subject to a condition requiring all dwellings to be equipped with an EV charging point.

Public Health and Housing

No objections subject to conditions.

Energy and Sustainability Team

No comments to make.

Environment Agency

The development falls outside of the threshold for the Environment Agency to comment and Standing Advice has been applied.

Anglian Water Services

No objections – informatives have been recommended.

SCC County Archaeologist

Condition 10 applied to the outline planning permission DC/19/1405/OUT for this site secures a programme of archaeological investigation, reporting and archive deposition. An archaeological evaluation has been undertaken on this site and we will not require any further archaeological fieldwork, however the report arising from the archaeological fieldwork has not been submitted for our approval and archiving has not yet been secured. As a result condition 10 secured on DC/19/1405/OUT will still need to be fulfilled.

If the LPA considers that the outline application is superseded by DC/23/1777/FUL, then we would advise the following condition in order to secure the reporting and archiving:

1. 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 DC/19/1405/OUT and the provision made for analysis, publication and dissemination of results and archive deposition.

However, should the LPA consider that the conditions applied at outline planning permission are sufficient, if planning permission is granted for this new planning application then there should be a note included in the planning grant regarding the obligation to fulfil condition 10 of DC/19/1405/OUT.

Ward Member

No formal comments received.

Representations:

8. Parish Council

Rushbrooke with Rougham Parish Council objects to the planning application on the grounds of safety given that there are no streetlights and no connecting footpath even though it says access onto established public walking routes; these cannot be seen on the submitted plans.

The Parish Council appreciate the need for a new development to support local services and enrich the community but we feel the design has fallen short of providing a safe environment with regard to place and movement. The proposed development does not provide a safe means of access to the local facilities in line with the hierarchy of road users. Pedestrians will have to walk along Kingshall Street to access these facilities, which is a narrow village road with no footway. There is the potential alternative for pedestrians to access the existing PROW to the rear of properties fronting Kingshall Street. However, the Parish Council do not consider the suggestion for this access is deliverable alongside the housing as the plans stand.

There is no provision for streetlighting, which again is a safety concern as it forewarns traffic entering the village from the South of an urban environment with the expectation to encounter people. The proposed width of the carriageway is a concern for pedestrians and cyclists particularly when encountering large agricultural vehicles accessing farm buildings just beyond the site.

The basin is designed as an off-line feature, with the inlet and outlet close to each other. This could lead to stagnating water and odours and should be redesigned with a through flow to provide a healthier environment.

9. Neighbours

A total of 26 representations have been received.

A summary of material planning considerations is listed below.

- Parking concerns
- Pedestrian safety
- Highway safety
- Infrastructure
- Sustainability
- Flooding/surface water
- Biodiversity
- Noise and disruption
- Access/visibility

Policy:

10. 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.

11. 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:

Joint Development Management Policies Document

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM7 Sustainable Design and Construction

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM20 Archaeology

Policy DM22 Residential Design

Policy DM44 Rights of Way

Policy DM46 Parking Standards

Rural Vision 2031

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV24 - Rougham

St Edmundsbury Core Strategy 2010

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS5 – Affordable Housing

Supplementary Planning Documents

West Suffolk Affordable Housing (2019)

Former St Edmundsbury Open Space, Sport and Recreations Facilities
(December 2012)

Other planning policy:

12.National Planning Policy Framework (NPPF)

13.The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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:

14.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
- Access and highway safety
- Ecology and biodiversity
- Arboricultural impacts/landscaping
- Contaminated land and drainage
- Planning obligations
- Other matters of relevance
- Response to neighbour representations

Principle of Development

15.Policy DM1 and RV1 state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

16.Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.

17. Rougham is identified as a local service centre in the settlement hierarchy in the Core Strategy (Policy CS4). Policy CS1 sets out a sequential approach to directing development in accordance with the settlement hierarchy. The policy confirms the main focus of development will be the towns, supported by appropriate levels of development in Key Service Centres, Local Service Centres and Infill Villages.
18. The Rural Vision designates this site for residential development, within the existing settlement boundary of Rougham. The site's allocation is set out in Policy RV24a 'South of Kingshall Street'. The allocation states that the greenfield site is capable of being delivered in the short term and gives an indicative capacity of 12 residential units. The proposed scheme proposes 13 dwellings, which is considered to comply with Policy RV24 as the policy provides an indicative capacity rather than a maximum figure.
19. In addition to delivering housing on the site the policy also requires that proposals for development incorporate areas of informal and formal open space and footpath links to the village. The policy also states that strategic landscaping and open space must be provided to address the individual site requirements and location. The proposed scheme indicates areas of informal open space, footpath links to the village, appropriate landscaping and safeguarded vehicular access to the fields to the north. The policy explicitly refers to the provision of formal play space, however given the limitations of site area and number of dwellings proposed, officers consider that securing an off-site contribution for play equipment at Rougham playing fields is an acceptable alternative.
20. It is therefore considered that the principle of residential development on the site is in accordance with the development plan.

Impact on Character and Appearance of the Area

21. Policy CS3 states that: all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
22. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and space and strong sense of place and distinctiveness.
23. Rougham has a varied mix of building styles, predominantly housing, with features and materials that reflect an expansion of the village from its original core, comprising mostly small terraced and semi-detached brick workers cottages.
24. Later twentieth century house types now predominate the village and reflect both local authority house design styles and commercial

development types, with a mixture of detached bungalows and detached and semi-detached two storey dwellings. External facade materials are a mix of plain and coloured renders, red and buff brickwork, some painted, pan tiles, plain tiles, slate and concrete roof and wall clad tiles.

25. The development site is bounded by open countryside to the south and west. The views out of the site over the surrounding countryside are important in relation to maintaining the rural appearance of the site.
26. The access in the approved outline application was located to the south of the site with the open space on the southern boundary. In this application, the access is located more towards the northern aspect of the site, with the open space on the northern boundary. To accommodate the change of access point, hedging and trees will need to be removed, which has the potential to impact the character and appearance of the site. However, the loss of trees and hedges is mitigated via a soft landscaping plan with additional planting on the front boundary. Taking this into consideration, officers are content that the removal of vegetation to accommodate a revised access point is acceptable.
27. The layout allows for views out to the open countryside beyond from within the heart of the site and considers the views from the wider countryside back into the development to ensure that the rural setting of the village edge is maintained. The scheme also incorporates a high level of landscaping to further enhance the rural appearance. Looking at the block plan, the development is set back from Kingshall Street allowing adequate space for landscape enhancements. The area of open space is situated on the front of the site in order to retain the green frontage and an attractive viewpoint on approach to the site. The parking layout has been carefully designed so that it sits mostly towards the side of the dwellings to ensure that the design is not dominated by car parking. The dwellings are well proportioned and designed to reflect the local vernacular. It is noted that plot 12 will be the focal point of the wider development, this plot has been designed to create an attractive viewpoint when entering the development.
28. The layout of the site will allow for adequate site areas for each dwelling, again to reflect the open nature of most of the dwellings within the surrounding area and on this basis, it is considered to accord with policies DM2 and DM22 of the Joint Development Management Policy Document (2015) and CS3 of the Core Strategy Policy Document in relation to good design.

Impact on Residential Amenity

29. Policy DM2 requires proposals to ensure that residential amenity is not adversely affected. This applies to existing occupiers and to future occupiers, ensuring that they will enjoy a satisfactory level of amenity.
30. Towards the south of the site are agricultural buildings associated with the wider Kingshall Farm. Towards the north of the site sits a pair of semi-detached dwellings (52 and 54 Kingshall Street). These dwellings are set within a generous curtilage. Plot 13 is the closest proposed

dwelling to this neighbouring pair and sits at approximately 49 metres from the rear elevation of number 54. The area of open space is located on the southern boundary of 54 Kingshall Street creating a buffer between the proposed dwellings and neighbouring dwellings.

31. Assessing the relationship between the proposed dwellings and taking into account amenity of any future occupiers, the positioning of the units within the development are considered the best solution for providing an acceptable level of amenity space. The scheme has been designed to maximise the availability of natural light between and around the dwellings and to reduce or eliminate overlooking and the potential for overshadowing.
32. The dwellings are set spaciouly within the site boundary and demonstrate a satisfactory level of rear amenity space.
33. Public health and housing have reviewed the application and confirm that they have no objections from a noise and nuisance point of view subject to conditions restricting construction hours, in relation to external lighting and acoustic insulation. They have recommended a condition in relation to the burning of waste on site which will not be conditioned due to being covered under a separate legislation.
34. In light of the above, officers are content that the scheme will not adversely impact the residential amenity of future occupiers of the scheme as well as neighbouring properties around Kingshall Street and therefore is compliant with policy DM2.

Access and Highway Safety

35. Policy DM2 of the Joint Development Management Policies Document states that proposals for all development should produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
36. The proposal includes the creation of a new access onto Kingshall Street. An access towards the southern boundary of the site was previously approved as part of the outline application. The access for this proposal is in a different location further to the north and as such it could not be dealt with as a reserved matters application as it fell outside the bounds of the outline permission.
37. Suffolk County Council as Local Highways Authority have reviewed the plans and provided a response dated 21 May. They have no objections to the scheme subject to conditions relating to the access, estate roads, ditches, bins, bus stop provision and parking.
38. Policy DM46 deals with parking standards and states that the authority will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles, in accordance with the adopted standards current at the time of the application.

39. The scheme provides a site plan which shows the placement of cycle sheds for each dwelling. This will provide a safe and secure location for cycles thus aiding with the promotion of sustainable transport. To ensure that this is provided, a condition will be added to safeguard this and to secure the retention of cycle storage. The layout also ensures that there is sufficient space within the private drives for cycles to be brought out from the gardens even when cars are parked.
40. Many of the representations received relate to the lack of footpaths within Rougham and how the site will not be connected to the wider village. The site allocation policy requires a footpath link to be provided and as such, the local planning authority are seeking to secure £19,250 (index linked) for the connection of the site to the existing public right of way towards the north of the site. This existing link leads to Rougham Sports Hall, field and play area. This is considered to comply with the requirements of policy DM44 which requires improvements to such rights of way to be sought in association with new development to enable new or improved links to be created within the settlement, between settlements and/or providing access to the countryside or green infrastructure sites as appropriate and to achieve the objectives of the Suffolk Rights of Way Improvement Plan.

Ecology and Biodiversity

41. Policies DM10, DM11 and DM12 seek to safeguard protected sites and species, and secure appropriate mitigation and enhancements in terms of biodiversity. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 as amended, also sets out a statutory duty to conserve and enhance biodiversity through the general biodiversity objective, which is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England.
42. The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving and enhancing biodiversity includes restoring and improving species and populations and habitats, as well as protecting them.
43. The National Planning Policy Framework (NPPF, 2023) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 180).
44. The application has been accompanied by an ecology report created by a skilled and qualified individual.
45. This concluded that the site did not support any built structures that could be used by roosting bats and the few small trees that made up the short section of hedgerow along the eastern site boundary were all devoid of potential bat roost features and had no suitability for tree roosting bats. The site was dominated by arable land of negligible value to foraging and commuting bats. The narrow and relatively short strip of bramble scrub and hedge along the eastern Site boundary, and the adjoining wet ditch and tall ruderal vegetation had some potential to be

used as a bat fly-way / foraging area as the habitats are likely to generate winged insects on which bats could feed, but their small overall area (0.064 ha) represents a trivial proportion of a typical bat species foraging area and would be of limited significance to the local bat population in terms of a foraging resource.

46. In summary, the proposed 13 dwelling residential development is not considered likely to result in any significant direct or indirect adverse impact on biodiversity.
47. Place Services as Ecology consultant has also reviewed the report submitted with the application and they are satisfied that there is sufficient ecological information available to determine the application. They have made recommendations in terms of conditions to be secured and are content that the LPA can demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).
48. It should be noted that Biodiversity Net Gain (BNG) does not apply to this application. West Suffolk Planning Website states the date of validation for this application was after the date of mandatory Biodiversity Net Gain for major developments as a result of the reserved matters application being converted to a full application, but this application was originally validated in 2023 and as such is not subject to mandatory BNG requirements.
49. The ecological report submitted with the application provides recommendations of mitigation techniques as well as biodiversity enhancements to be provided. Details of enhancements are to be provided via a condition. Given this, Officers are content that the scheme complies with policies DM10, DM11 and DM12.

Arboricultural Impacts/Landscaping

50. Policy DM13 of the Joint Development Management Policies Document seeks to ensure that development does not have an unacceptable adverse impact on the character of the landscape or landscape features.
51. The site is heavily vegetated towards the boundaries and on adjacent land, and as such the application has been accompanied by a combined Tree Survey, Arboricultural Impact Assessment (AIA), Provisional Tree Protection Plan (TPP) and Provisional Arboricultural Method Statement (AMS) along with a Soft Landscape design and Landscape and Environmental Management Plan. These have been reviewed by Place Services as tree consultants.
52. The Tree Survey describes 6 individual trees (1 Category A and 5 Category B) and 3 groups of trees (1 Category B and 2 Category C). The AIA states this proposal will require the removal of G3 (Category C) and partial removal of G2 (Category B) in order to accommodate the access point. T1 is likely to require a crown lift and the remaining portion of G2 is recommended to be coppiced to allow sustainable retention. T5 and T6 are trees on the other side of the main road to the

proposed development, but their canopy height should be considered if/when large construction vehicles are on site.

53. The AMS states tree works are to take place prior to construction works, which are the removal partial removal of G2 and full removal of G3, coppicing of ash, hazel and holly in G2 as per TPP. Tree protection fencing is then to be erected prior to any construction activity, as shown on the TPP. This will form a Construction Exclusion Zone, where no personnel, plant or materials are permitted within. Once all construction works are complete, the protective barrier fencing can be removed.
54. New planting is proposed in the soft landscaping plan and once all construction is complete, landscaping works can commence. The trees and hedging proposed is appropriate and planting must take place between November – March.
55. It is recommended by Place Services as Tree Consultants that this application is supported subject to non-dischargeable condition 'Protection of trees' and the dischargeable conditions 'Implementation of landscaping'. All works are to be in strict accordance with BS 5837:2012. Trees in Relation to Design, Demolition and Construction to Construction'.
56. Place Services as Landscape Consultants have reviewed the submitted documents and drawings in relation to proposed landscaping and consider this acceptable.
57. Trees can successfully be retained as to facilitate the development and planting of new trees to the boundary of the site which is considered important in the softening of the development including the field edge and to the front of the site.
58. With regard to boundary treatments four rail and timber post fence as curtilage boundary with hedging to inner side are proposed and this is to be maintained by occupier. This is an acceptable delineation between open field and domestic plots.
59. The submitted Landscape and Ecological Environment Plan (LEMP) includes an adequate management strategy plan and as such, this has been conditioned to be implemented as already submitted and approved.
60. In light of the above and subject to the recommended conditions it is considered that the development is acceptable in terms of policy DM13.

Contaminated Land and Drainage

61. Paragraph 105 of the NPPF states that local parking standards for residential and non-residential development, policies should take into account the need to ensure an adequate provision of spaces for charging plug-in and other ultralow emission vehicles.
62. Paragraph 110 of the NPPF states that applications for development should be designed to enable charging of plug-in and other ultralow

emission vehicles in safe, accessible and convenient locations. 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 states that Access to charging points should be made available in every residential dwelling. We therefore recommend the below condition requesting electric vehicle charge points is attached to the planning consent, should planning permission be granted, to enhance the local air quality through the enabling and encouraging of zero emission vehicles.

63. Taking this into consideration, the environment team have no objections to the scheme and have taken into account comments made on 12 August 2019 in relation to DC/19/1405/OUT. No objections are raised subject to a condition requiring all dwellings to be equipped with an electric vehicle charging point which will be thereafter retained.
64. Suffolk County Council as Lead Local Flood Authority have reviewed the amended details submitted 5 June 2024. As a result of reviewing the basin sections, surface water drainage strategy, drainage strategy plan as well as an amended site plan. As such, they recommend approval of the application subject to conditions.

Planning Obligations

65. Paragraph 65 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not 'major' developments. Major housing developments are defined within the Framework as developments where ten or more homes will be provided, or the site has an area of 0.5 hectares or more. Policy CS5 states that on all schemes of 10 or more dwellings or sites of more than 0.33 hectares a target of 30% of the number of net new dwellings will be sought as affordable.
66. The application on the site proposes thirteen dwellings, which in accordance with the NPPF triggers the requirement for affordable housing. Policy CS5 of the Core Strategy sets this affordable housing target at 30%. The 30% affordable housing requirement will be divided further into 80% affordable rented dwellings and 20% intermediate housing. 30% of 13 would equate to 3.9 dwellings. It would be the preference to round up the 0.1 and provide 4 dwellings. Drawing no. WSC.1065.P02 REV E shows that 4 affordable units will be provided. Following discussions with the Obligations Officer and Strategic Housing team, the proposed affordable mix is as follows:
- 1B shared ownership
 - 1B affordable/social rent
 - 2B shared ownership
 - 2B affordable/social rent
67. This has been agreed by Barley Homes and complies with the requirements of the National Planning Policy Framework.

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

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

69.The following obligations have been requested to mitigate for the impacts of this development. These are considered to comply with the above requirements:

Education:

The County Council has requested a contribution of £58,190 towards secondary school expansion, including forward funding.

The County Council has requested a contribution of £29,095 towards sixth form expansion including forward funding.

The County Council have requested a contribution of £42,306 towards early years expansion, improvement and enhancement.

Libraries:

The County Council has requested a contribution of £2,808 towards libraries improvements.

Household waste:

The County Council has requested a contribution of £1,833 towards household waste.

Monitoring fee:

£476 per obligation trigger point

Affordable housing:

30% affordable housing with a defined mix and tenure split.

PROW connection:

A connection to the PROW to the north is required and SCC has advised that the contribution required to deliver this is £19,250. The applicant has also suggested that an obligation could be worded such that the delivery of the route falls to them. This will be the subject of discussions with the rights of way team and the obligations officer and the delivery of the connection will be secured by one of these options.

Off site play:

A contribution of £13,260 for additional play equipment to be spent at Rougham playing field

Other Matters of Relevance

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

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

71. It is noted that the Parish Council have raised an objection to the scheme. The Parish Council appreciate the need for new development to support local services and enrich the community, but they feel the design has fallen short of providing a safe environment with regard to place and movement. They are concerned that the proposed development does not provide a safe means of access to the local facilities in line with the hierarchy of road users. Pedestrians will have to walk along Kingshall Street to access these facilities, which is a narrow village road with no footway. There is the potential alternative for pedestrians to access the existing PROW to the rear of properties fronting Kingshall Street. However, the Parish Council do not consider the suggestion for this access is deliverable alongside the housing as the plans stand.
72. In terms of connectivity to the site and providing a safe way for pedestrians, officers note it is not possible to provide a footpath along Kingshall Street given the narrow nature of this. The site allocation policy RV24(A) states that proposals for development on the site must incorporate footpath links to the village. As a result, officers are in the process of securing a financial contribution to provide a footpath link from the site to existing public rights of way links. Officers are of the opinion that this will meet the requirement of the site allocation policy.
73. The Parish Council also raised concerns regarding the lack of street lighting. Street lighting falls within the remit of Suffolk County Council as Highways Authority. Highways Officers have reviewed the scheme and have not made recommendations in terms of additional street lighting. Officers are therefore content that this matter is adequately addressed.
74. Concern has also been raised regarding the proposed basin. The Parish Council state that the basin is designed as an off-line feature, with the inlet and outlet close to each other. This could lead to stagnating water and odours and should be redesigned with a through flow to provide a healthier environment. This element of the design has been reviewed by Suffolk County Council's LLFA and they have confirmed that they have reviewed the detention basin sections, and raise no objections.
75. Policy DM20 requires that development does not have any adverse effects on sites of archaeological importance. The County Archaeologist has confirmed that archaeological investigation has already been undertaken on this site and no further field work is required. Subject to the use of the recommended condition to secure the appropriate reporting, the development would therefore meet the requirements of policy DM20.

Response to Neighbour Representations

- 76.26 neighbour representations have been received as a result of consultation and display of a site notice. The comments received reference parking concerns, concerns regarding pedestrian safety, access, visibility and highway safety. As such, concerns have been raised regarding the potential of cars parking on Kingshall Street, which is a narrow road as well as different vehicles using the road, including buses, farm vehicles, lorries, etc.. The plans demonstrate conformity with Suffolk Parking Guidance (2023). Furthermore, Suffolk County Council as Highways Authority have raised no objections in terms of access, visibility splays and highway safety. They have also reviewed the wider street scene and consider the width of Kingshall Street satisfactory in order to provide bus stop provision. The scheme is therefore considered to comply with policies DM2 and DM46.
77. A main concern raised relates to pedestrian safety and lack of footpath along Kingshall Street. The site has located within close proximity of various public rights of way and therefore Officers are seeking to secure £19,250 towards providing a connection from the site to the existing rights of way. These connect to the sports hall, playing fields and play park. Given the narrow nature of Kingshall Street, Officers consider it is not possible to provide a new footpath along this road and that the provision of connecting to the existing rights of way mitigates this.
78. Concerns have also been voiced regarding the lack of infrastructure within Rougham including the school and pub. As part of this planning application, contributions have been secured regarding school provision. One representation raises concern about ensuring that the number of dwellings approved does not increase and that the layout is designed to ensure there is no future development in the fields beyond. The scheme seeks permission for 13 dwellings and as such, if the number was to increase, further permission would need to be sought, however, the site allocation's indicative capacity is up to 12 dwellings. The layout shows potential access further north from plot 13, however this is in line with the site allocation policy RV24.
79. Sustainability has also been raised as a concern regarding the proposed development. It is noted from residents that the scheme incorporates solar panels and other features however, given the rural location of Rougham, occupiers will have to travel for work. In response to this, the site provides electric vehicle charging points in order to improve air quality as well as secure cycle storage for each dwelling to encourage sustainable modes of transport.
80. Residents have raised comments in relation to surface water and how this ends up in neighbours ponds and at times, has flooded gardens. Questions have been asked regarding what will be done to stop this, and what will happen to wildlife living in ponds. Firstly, Suffolk County Council's LLFA have reviewed the information provided in terms of surface water drainage and raise no objections to the scheme subject to conditions. Secondly, surveys have been carried out including at the pond, and it has been confirmed that this is negligible for great crested newts.

81. In terms of comments raised regarding noise and disturbance during the construction phase, public health and housing have reviewed the application information and confirm no objections to the scheme. In order to reduce disturbance during the construction phase, it is recommended that restrictions to construction activity be limited to certain times. This will be conditioned. Furthermore, details regarding a construction method statement shall be secured via a planning condition.

Conclusion:

82. In conclusion, the site is allocated for residential development within the Rural Vision 2031 policy document for an indicative capacity of up to 12 dwellings, however the principle of 13 has already been established via an earlier outline application. The policy requires a footpath link to be provided as well as provision for open space; The layout has been designed in a way to complement the rural nature of the site, incorporating a satisfactory level of landscaping and provides open space as well as a contribution to create a connection to existing footpath links. Manoeuvrability within the site has been achieved and adequate cycle provision has been made within each plot. Officers are content that the scheme put forward represents good design and therefore complies with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. Time limit

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

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

2. Compliance with plans

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

Plan type	Drawing no.	Date received
Soft landscaping plan	682/23	4 April 2024
Ecology report	AEL2254	4 April 2024
Drainage strategy	C-001-P03	4 April 2024
Landscape and environmental management plan		4 April 2024
Plots 3 and 4 (floor plans and elevations)	WSC-1065-P04 D	20 June 2024
Proposed block plan	WSC-1065-P02 F	4 April 2024
Covering letter		4 April 2024
Landscape specification	REV A	4 April 2024

Plots 5 and 10 (floor plans and elevations)	WSC-1065-P08 C	4 April 2024
Plot 13 (floor plans and elevations)	WSC-1065-P10 D	4 April 2024
Tree survey, Arbs impact assessment, tree protection plan and AMS		4 April 2024
Surface water calculations		4 April 2024
Plots 1, 2, 7 and 8 (floor plans and elevations)	WSC-1065-P05 C	4 April 2024
Site plan	WSC-1065-P03 G	20 June 2024
Location plan	WSC-1065-P01 A	4 April 2024
Street scenes, garages and sheds	WSC-1065-P11 D	4 April 2024
Landscape schedule		4 April 2024
Plots 6 and 11 (floor plans and elevations)	WSC-1065-P07 B	4 April 2024
Detention basin sections	C-002 P01	5 June 2024
Drainage strategy	C-001 P04	5 June 2024
Drainage strategy	RLC REF. 231105	5 June 2024

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

3. Construction management plan

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

- a. The parking and turning of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- d. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate including a communications plan to inform local residents of the program of works
- e. provision and use of wheel washing facilities including mechanical highway sweeping
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- i. Noise method statements and noise levels for each construction activity including piling and excavation operations
- j. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for

diversions during the construction period and for the provision of associated directional signage relating thereto.

k. Details of measures to prevent mud from vehicles leaving the site during construction

l. programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works

m. Provision of boundary hoarding, lighting and signage

n. Haul routes for construction traffic on the highway network and monitoring and review mechanisms

o. Layout of facilities above to be included on a plan

Reason: In the interests of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase whilst ensuring the satisfactory development of the site to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2, DM14 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Acoustic insulation

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

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

5. External lighting

Any external artificial lighting for the dwellings hereby approved shall be installed in accordance with the advice contained in the Institution of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

6. Construction hours

Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

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

7. EV charging

Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

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

8. Limit water use

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

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

9. Site investigation

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 DC/19/1405/OUT 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 DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

10. Ecological enhancements

Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

11. Soft landscaping

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

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

12. AMS

The development shall be carried out strictly in accordance with the tree survey, arboricultural impact assessment, tree protection plan and arboricultural method statement, prepared by Richard Morrish Associates Ltd, dated October 2023, reviewed March 2024.

Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Hard landscaping

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

supports and other technical features); retained historic landscape features and proposals for restoration where relevant.

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

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

14. Boundary treatments

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

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

15. Compliance with biodiversity

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (Applied Ecology Ltd, March 2024) 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 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 (as amended).

16. Non-licensed GCN method statement

Prior to commencement of the development, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

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 (as amended).

17. Biodiversity enhancement strategy

Prior to any works above slab level, a Biodiversity Enhancement Strategy for biodiversity enhancements, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecology Report (Applied Ecology Ltd, March 2024)), 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 of proposed enhancement measures by appropriate maps and plans (where relevant)
- d. Persons responsible for implementing the enhancement measures
- e. Details of initial aftercare and long-term maintenance (where relevant)

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

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (as amended).

18. Wildlife sensitive lighting scheme

Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. Identify those areas/features on site that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b. show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To 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 (as amended).

19. Estate road junction

The new estate road junction as shown on Drawing No. WSC.1065.P03 G inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other

materials ie not for the purpose of constructing the new estate road/junctions.

Reason: In the interests of highway safety, to ensure a safe access to the site is provided before other works commence, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

20. Carriageways and footways

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

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

21. Ditch

Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The piped or bridged ditch shall be retained thereafter in its approved form. (See Note 6).

Reason: To facilitate a safe access by ensuring uninterrupted flow of water and reducing the risk of flooding of the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

22. Bins

Before the development is occupied details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

23. Parking

No dwelling shall be occupied until the parking for that plot has been provided in accordance with Drawing No. WSC.1065.P03. for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2023) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

24. Bus stop provision

Prior to the occupation of the new development a scheme of bus stop provision to serve the hereby permitted development shall have been provided, in accordance with details previously submitted to and approved in writing by the Local Planning Authority. In the event that it is demonstrated to be not technically feasible to deliver new bus stops, a scheme for improvements to existing bus stops within the vicinity of the development shall be submitted to the Local Planning Authority and agreed in writing. The scheme shall be implemented prior to the first occupation of the new development.

Reason: To promote and facilitate access to sustainable transport modes and to provide safe and suitable access for all users in accordance with National Planning Policy Framework (Dec 2023) Para. 114 and Para. 116, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

25. Compliance with LEMP

The Landscape and Ecology Management Plan as already submitted shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the protection of important species and those protected by legislation, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

26. Implementation of surface water strategy

The strategy for the disposal of surface water dated June 2024 and the Flood Risk Assessment (FRA) dated November 2018 reference 2163/RE/10-18/01 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, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

27. Drainage verification report

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, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

28. Construction surface water management plan

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. 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, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

And, it is further recommended that planning permission be approved subject to the completion of a S106 to secure the following:

Term	Description
Affordable Housing	30% Tenure mix as follows: 1B shared ownership 1B affordable/social rent 2B shared ownership 2B affordable/social rent
Public right of way	£19,250
Open space/parks	£13,260
Secondary school expansion including forward funding @ £29,095 per place	£58,190
Sixth form expansion including forward funding @ £29,095 per place	£29,095

Early years expansion, improvement and enhancement @ £21,153 per place	£42,306
Libraries improvements @ £216 per dwelling	£2,808
Household waste @ £141 per dwelling	£1,833

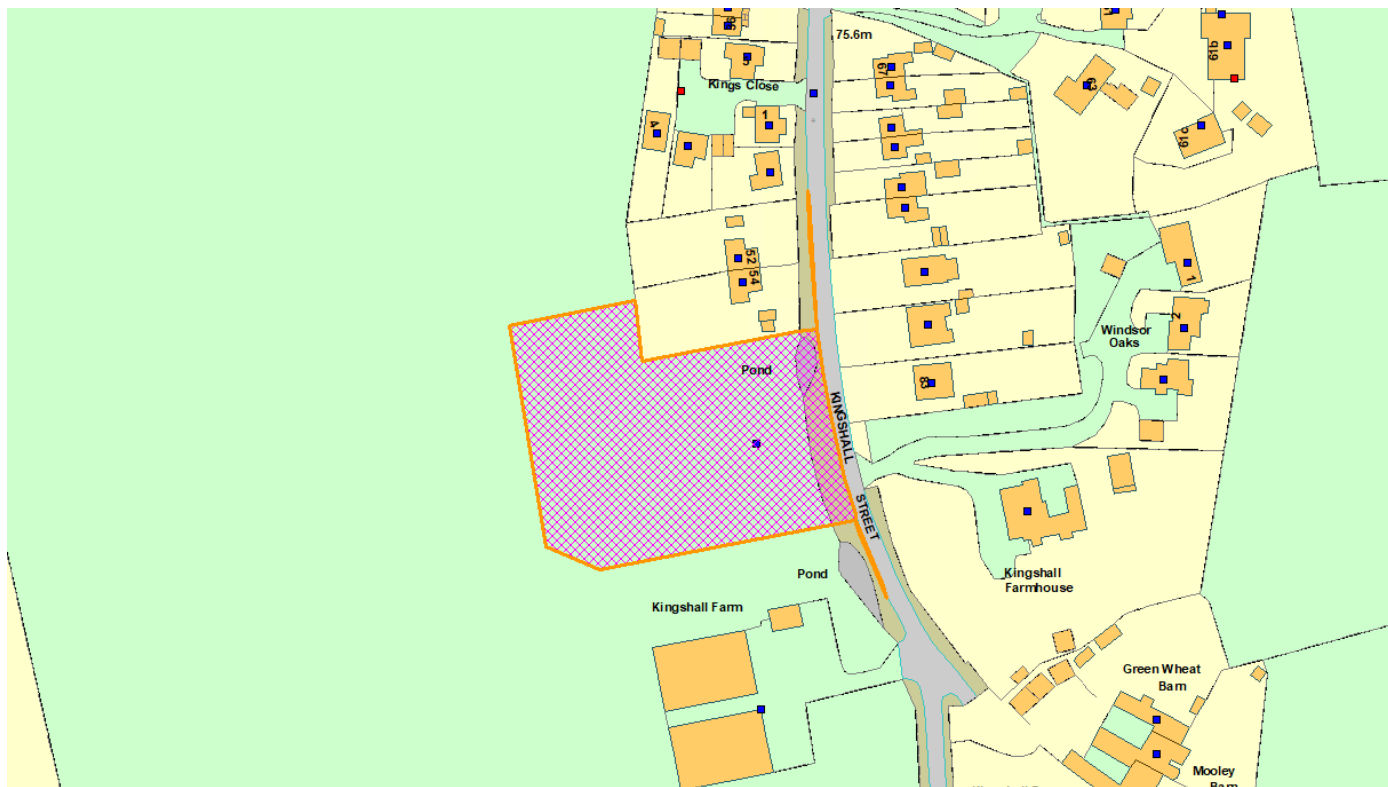
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1777/FUL](https://www.dorsetcouncil.gov.uk/DC/23/1777/FUL)

This page is intentionally left blank

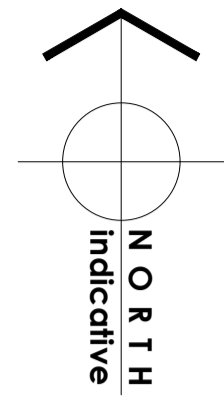


DC/23/1777/FUL – Land opposite Kingshall Farmhouse, Kingshall Street, Rougham

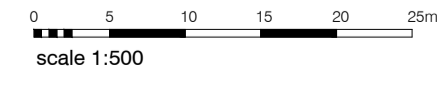


This page is intentionally left blank

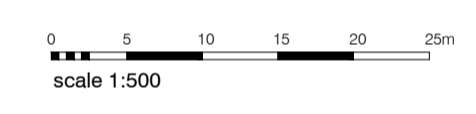
ALL DIMENSIONS ARE SHOWN IN 'mm' UNLESS OTHERWISE STATED.
THE GENERAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO THE SUPERVISING OFFICER.



Block Plan



Development Mix



- 1b (2p) - House M4(2)
- 2b (4p) - House M4(2)
- 3b (5p) - House M4(2)
- 3b (6p) - House M4(2)
- 4b (7p) - House M4(2)
- Affordable

Revisions		
Suffix	Date	Amendments
A	7-9-23	Boundary treatment plots 1 & 8
B	17-10-23	Updated to match drainage strategy and landscape plan.
C	22-11-23	Reductions to surfacing areas.
D	06-01-24	Planning revisions.
E	11-01-24	Boundary trees updated
F	04-04-24	Full Planning Submission

Status
Planning Submission

The Design Partnership
The Design Partnership (Ely) Ltd
Claremont House,
10 Station Road,
Chatteris
Cambridgeshire PE16 6AG
Tel: 01354 693111

Job Title
Proposed 13 New Dwellings
Kingshall Street, Rougham
For Barley Homes Group Ltd

Drawing Title
Planning Submission
Block Plan / Development Mix

Date	Scale	Dwn	Dwg No	Rev
August 2023	1:250@A1	PD	WSC.1065.P02	F

This page is intentionally left blank

Development Control Committee

10 July 2024

Planning Application DC/23/1111/FUL – Mildenhall Academy, Sheldrick Way, Mildenhall

Date registered:	15 August 2023	Expiry date:	11 October 2023 EOT 12 July 2024
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Mildenhall	Ward:	Mildenhall Queensway
Proposal:	Planning application - installation of two portacabins for 104 weeks with associated pedestrian access		
Site:	Mildenhall Academy, Sheldrick Way, Mildenhall		
Applicant:	Academy Transformation Trust		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

Connor Vince

Email: democratic.services@westsuffolk.gov.uk

Telephone: 01284 757373

Background:

This application is before Development Control Committee as the application is on land owned by West Suffolk Council.

Mildenhall High Town Council 'support' the proposal and the application is recommended by officers for approval.

Proposal:

1. Planning permission is sought for the installation of two single storey portacabin buildings to be used as double classrooms for the students of Mildenhall College Academy. The application states that temporary planning permission is sought for 104 weeks.
2. The application is retrospective, as the portacabin buildings had been installed prior to the start of the 2023/2024 academic year in September 2023.
3. The property is owned by West Suffolk Council. The applicant has served notice on West Suffolk Council as landowner through Certificate B. It is for this reason that the matter is before the Development Control Committee.

Application supporting material:

4. Application Form
Design and Access Statement
Existing Location and Block Plan
Proposed Location and Block Plan
Proposed Elevations and Floor Plans
Preliminary Ecological Appraisal
Arboricultural Impact Assessment
Tree Protections Plans
5. The full list of approved plans and documents, which are relevant to the proposed development are detailed in full within Condition 2 in the recommendations section of the report.

Site details:

6. The application site is within the Mildenhall settlement boundary and forms part of the wider Mildenhall Hub site, within the grounds of Mildenhall Academy.
7. The two portacabin buildings are situated on an existing grassed area, to the south-east of the primary Academy building and hard-surfaced basketball courts.

Planning history:

8.

Reference	Proposal	Status	Decision date
DC/17/1106/FUL	Planning Application - Construction of Mildenhall Hub to include Office, Leisure, Health,	Application Granted	24 November 2017

Emergency and Educational Facilities with associated external works including revised vehicle access from Sheldrick Way, new vehicle parking area, a Sustainable Urban Drainage scheme, 3g Playing Pitch and provision of new Public Plazas.

Consultations:

9. Place Services Trees:

- The site is heavily vegetated to the boundaries many of which are visible in the local area contributing to the amenity of the area. Trees can be impacted by construction through root severance, changes to the root environment, compaction through the movement and storage of plant, damage through harmful construction practices, contamination due to spillage of fuel or other materials, unsympathetic facilitation pruning, and direct damage to the stem and crown. An Arboricultural Impact Assessment (AIA) with a Tree Survey, a Tree Constraints Plan (TCP) and a Tree Protection Plan (TPP) have been submitted as part of the application.
- The AIA, TCP and TPP indicates that the trees are situated on the west and south of the proposed portacabins. According to the TPP, there is no encroachment of the proposal to the Root Protection Areas (RPAs) of adjacent trees. The TPP also demonstrates suitable specification of tree protection fencing in accordance with BS5837:2012 to mitigate the potential root severance. This should be used throughout the demolition and construction phases and placed as shown on the TPP.
- According to Section 6 of the AIA, no trees required to be removed to implement the proposals. Although the current crown spread of T7 is close to the building line, this tree has a high crown clearance which there is no requirement to undertake pruning to the retained trees. It is also outlined that underground services are not to be routed through the RPAs of any retained trees which is appropriate.

10. Place Services Ecology:

- We have reviewed the Preliminary Ecological Appraisal (Collington Winter, August 2023) relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.
- We are satisfied that there is sufficient ecological information available for determination of this application.
- The site is approximately 1.4 kilometres from Breckland SPA and Breckland Forest SSSI. With reference to Natural England's Annex A guidance on ruling out impacts of small scale development to Breckland SPA (Feb 2023), this application is within the 1.5km constraint zone around the SPA and is located within a West Suffolk Market Town, which is

listed in Table 3. Using DEFRA's Geographic Information tool MAGIC the LPA do not need to consult Natural England on this application prior to determination.

- The ecological report has assessed the site in relation to suitability for ground nesting birds, stating the site is unsuitable for use by ground nesting birds. Due to the type of proposals, scale and location, within the grounds of an existing school, we are satisfied this development can be screened out at HRA Stage 1 (no Likely Significant Effect on Stone Curlew when considered in combination with other plans and projects).
- Whilst not specifically clear from the ecological report or plans, the Design and Access Statement shows the adjacent line of trees will be retained. The Preliminary Ecological Appraisal (Collington Winter, August 2023) states these trees have low bat roost potential. We are satisfied that if the trees are retained there is no need for further surveys for bats to be undertaken. An increase in artificial light would negatively impact foraging, commuting and roosting 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 Professionals¹ and secured by a condition of any consent.
- As stated within the Preliminary Ecological Appraisal (Collington Winter, August 2023) standard pollution control measures should be implemented due to the River Lark being located approximately 130 metres south.
- 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.
- The mitigation measures identified in the Preliminary Ecological Appraisal (Collington Winter, August 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats, reptiles, Badger, Hedgehog and breeding birds.
- Additionally, no biodiversity enhancement measures are identified in the documents provided. We recommend that, to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework December 2023, biodiversity enhancement measures will need to be provided. The biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. It is recommended that this could also include provision of bat and bird boxes. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

10.Sport England:

- 05 September 2023: Sport England raises no objection to this application. Whilst it does not meet any of our policy exceptions or the criteria set out under paragraph 99 of the National Planning Policy Framework, due to the fact that the playing field will be lost for 52 weeks with no replacement or

mitigation, and the fact that there is no community use, in this instance Sport England is willing to consider a departure from our usual policy subject to conditions being imposed requiring the playing field's full reinstatement once the temporary period has expired (including both its condition and a suitable timeframe).

30 April 2024: Sport England has no comments to make on this additional information consultation (*Officer Note – that consultation relating to the fact that the proposal is now for a period of two years, not one*).

Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

11. Public Health and Housing:

- 31 August 2023: I have reviewed the above application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team can confirm I would have NO OBJECTIONS to the proposed installation of two portacabins with associated pedestrian access SUBJECT TO an appropriately worded condition that limits this permission to 52 weeks as per the time-limited permission requested.

24 June 2024: I can confirm I would still have NO OBJECTIONS for the following reason:

- I am satisfied that the use of the proposed portacabins is unlikely to have an adverse impact in terms of noise / other nuisance or residential amenity, in the context that they are relatively de minimis to the overall site of the Mildenhall Academy (even over the extended period now requested).

As before, this is SUBJECT TO an appropriately worded condition that limits this permission to 104 weeks as per the amended time-limited permission requested."

12. Suffolk Fire & Rescue:

- No objections

13. Suffolk Highways:

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

14. Environment Team:

- Based on the submitted information for the above site, including the temporary nature and limited change of use, this Service is satisfied that the risk from contaminated land is low.

Representations:

15. Mildenhall High Town Council:

11 September 2023: "SUPPORT, however there was disappointment that the portacabins are already in use before the application had been considered."

16 May 2024: "Support."

16. Ward Member(s): No comments received.

17. No letters of representation have been received from any members of the public.

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

19. 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:

Forest Heath Core Strategy – CS2 Natural Environment

Forest Heath Core Strategy – CS5 Design Quality

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM41 Community Facilities and Services

Other planning policy:

20. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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:

21. The issues to be considered in the determination of the application are:
- Principle of Development
 - Impact on Character and Appearance of the Local Area
 - Amenity Impacts
 - Ecological Impacts
 - Other Matters

Principle of Development

22. Core Strategy policy CS2 states areas of areas of landscape, biodiversity and geodiversity interest and local distinctiveness within the district will be protected from harm and their restoration, enhancement and expansion will be encouraged and sought through a variety of measures.
23. Core Strategy CS5 states all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
24. Joint Development Management Policy DM1 states "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework."
25. Policy DM2 states proposals for all development should... "recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area.
26. Policy DM41 states "the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities." The application proposes the construction of two, single storey portacabin buildings with associated pathway on land associated with Mildenhall Academy, for a period of 104 weeks. The application is

retrospective, with the portacabins believed to have been installed in August 2023 in preparation for the 2023/2024 academic year. Certainly they had both been installed on 17 August when Officers visited the site. As per section 2 of the Design and Access Statement, the long term plan is for the main school building to be extended, and which will accommodate the extra pupil numbers. Once said extension is built (which at present does not benefit from planning permission), both units will be removed from site. As it stands, a planning application has not been submitted for the extension, however, it is believed that there is enough time for one to be submitted, decided upon, and constructed before the expiry of this planning application. In any event, whilst the portacabins are utilitarian in their appearance, officers do not consider there to be any adverse impacts associated with their existence in their current location noting the temporary nature of the proposal.

27. Their appearance and other material planning impacts are considered in later paragraphs. However, Officers are content to proceed with a temporary permission being given from the date of determination of the application, in the event the application is granted by the Committee. Therefore, the temporary consent would cease in July 2026. The specific wording of this condition can be found in the recommendations section below.
28. The portacabins are to act as classrooms. As per Section 2 of the submitted Design and Access Statement, the buildings are required as "Student numbers have been on the rise for a while and from the start of the September 2023 term, Mildenhall College Academy has taken on extra persons. As the school has been at capacity, in order to accept and accommodate the numbers, the proposed Portakabin buildings have been installed. This will allow the academy to continue functioning to its maximum capability." No increase in staff numbers is proposed, with no more than 32 persons using either building.
29. The applicant's long-term plan, as per the aforementioned statement, is to extend the main building to the north-west to provide the additional classrooms and space required, currently facilitated by these portacabins.
30. The buildings are utilitarian in their appearance and form. However, given the temporary nature of their proposed use, and the support gained from DM41, as well as their modest scale and location within an established school site, the proposal is considered to be acceptable in principle, subject to other material planning considerations as will be discussed below.

Impact on Character and Appearance of the Local Area

31. Policy DM2 states proposals for all development should... "recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area." Moreover, policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

32. The application site is heavily vegetated to the western, southern and eastern boundaries, which are visible to residential properties and the wider Mildenhall Hub site and undoubtedly contribute to the amenity of the area. However, glimpsed views of the portacabins are achievable via the public right of way, off-site to the south. Given the modest scale of the cabins and their location within an established school site, and noting the temporary nature of the consent, any harm arising in this regard is considered to be moderate, and not at a level that would come close to justifying a refusal of permission.
33. An Arboricultural Impact Assessment (AIA) with a Tree Survey, a Tree Constraints Plan (TCP) and a Tree Protection Plan (TPP) have been submitted as part of the application. The AIA, TCP and TPP indicate that the trees most at risk during installation are situated on the west and south of the proposed portacabins.
34. As per the TPP, there is no encroachment of the proposal to the Root Protection Areas (RPAs) of adjacent trees. The TPP also demonstrates suitable specification of tree protection fencing in to mitigate the potential root severance. No trees are proposed to be removed as part of this proposal.
35. Given the application is retrospective and the conditions refer to protection measures during the construction of the portacabins, the conditions are now obsolete. However, Officers are content that no harm has been caused to the aforementioned trees. The proposal is therefore in accordance with policies DM2 and DM13.

Amenity Impacts

36. Policy DM2 seeks to secure development proposals which do not have an adverse impact on existing or proposed residential amenity. Furthermore, Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise from the utilisation of the adjacent skatepark, and play areas) to contain sufficient information to enable the Authority to make a full assessment of potential hazards.
37. Public Health and Housing do not object to the application. The use is consistent with that of the wider site, with no additional material adverse impacts associated with noise to nearby residents. The closest residential receptor to the portacabins would be 170 metres due east across the playing field. The proposal is therefore considered to comply with the provisions of policies DM2 and DM14.

Ecological Impacts

38. As required by the National Planning Policy Framework the LPA 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. Biodiversity Net Gain does not apply in this case as the application was submitted prior to this requirement becoming applicable to planning applications.

39. The National Planning Policy Framework indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged.
40. A Preliminary Ecological Appraisal has been submitted alongside the application. As per Place Services Ecology's comments, the site is approximately 1.4 kilometres from Breckland SPA and Breckland Forest SSSI. With reference to Natural England's Annex A guidance on ruling out impacts of small scale development to Breckland SPA (Feb 2023), this application is within the 1.5km constraint zone around the SPA and is located within a West Suffolk Market Town.
41. Given the context of the proposal, no likely significant impacts are considered to arise in relation to Stone Curlew, when considered in combination with other plans and projects. Furthermore, given that no trees are to be felled, the Ecological Consultant is content that no further surveys are required in relation to bats. Biodiversity enhancement measures are recommended and have been conditioned below. The Ecological consultant has also requested a condition requiring a wildlife sensitive lighting strategy to be submitted to the LPA. This has also been conditioned. The application is therefore in compliance with the provisions of policies CS2, DM10, DM11, DM12 and the NPPF.

Other Matters

42. Policy DM42 states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other Policies in this and other adopted Local Plans. Development which will result in the loss of existing amenity, sport or recreation open space or facilities will not be allowed unless:
 - a. it can be demonstrated that the space or facility is surplus to requirement against the local planning authority's standards for the particular location, and the proposed loss will not result in a likely shortfall during the plan period; or
 - b. replacement for the space or facilities lost is made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility.
43. Sport England initially queried the loss of playing fields in its formal comments. However, having received an updated block plan and statement from the applicant, as well as the revised timescales for the temporary consent, Sport England notes that there will be a temporary loss of playing field space, albeit it does not raise any formal objection. As such, given the modest encroachment into the aforementioned playing fields and the temporary nature of the consent, there will be no permanent loss of open space. Therefore, the proposal complies with the provisions of Policy DM42. Officers also note the consent for the portacabins will be temporary, as per condition one below. Officers further note the applicant's longer-term goal to construct a permanent

extension. However, given the moderate harm from utilitarian proposals of this nature it is worth noting that successive extensions to the temporary consent are unlikely to be granted. Nonetheless, the two year timeframe that consent would be granted for, on top of the timescale the cabins have already been onsite for, would appear to offer ample time for steps towards the provision of a permanent extension to the school to be progressed.

Conclusion:

44. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework. Whilst the portacabins are utilitarian in appearance, the portacabins allow Mildenhall Academy to facilitate the increase in student numbers and therefore engender some social and educational benefits. Officers therefore conclude that the very modest harm associated with the structures is justified via the temporary consent, detailed within condition 1 below.

Recommendation:

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

1. On or before the 12 July 2026, the buildings hereby permitted shall be removed and the land shall be restored to its condition. If the need ceases prior to the duration of the consent, the buildings shall be removed within 3 months of the last use.

Reason: The building is not considered suitable as a permanent form of development.

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:

Plan type	Reference	Date received
Amended Location and Block Plan	RC220210693 ELBP REV B	13 September 2023
Amended Floor Plans	RC220210693 PLBP REV B	13 September 2023
Proposed Elevations and Floor Plans	HD/9254/01	17 July 2023
Proposed Elevations and Floor Plans	HD/9254/02	17 July 2023
Tree Protection Plan 1	CE-MH-2506- ADW01	11 March 2024
Tree Protection Plan 2	CE-MH-2506- ADW01	11 March 2024

Arboricultural Impact Assessment	CE-MH-2506-RP01	11 March 2024
Amended Design and Access Statement		17 May 2024
Preliminary Ecological Appraisal	CW20-1132 RPT 001	26 February 2024
Application form		17 July 2023

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

3. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal, reference CW20-1132 RPT 001, dated February 2024 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Within 3 months of this permission, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. Within 3 months of this permission, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall be in accordance with GN:08/23 and:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their

territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority." #

Reason: To safeguard the visual amenities of the locality and the ecological value of the area, in accordance with policies DM2 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1111/FUL](https://www.westsuffolk.gov.uk/DC/23/1111/FUL)

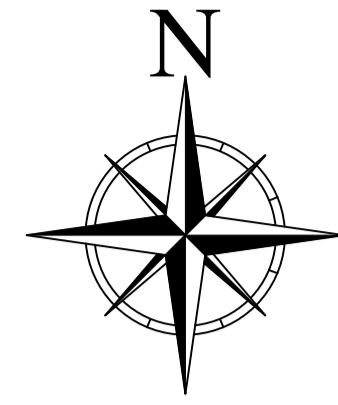
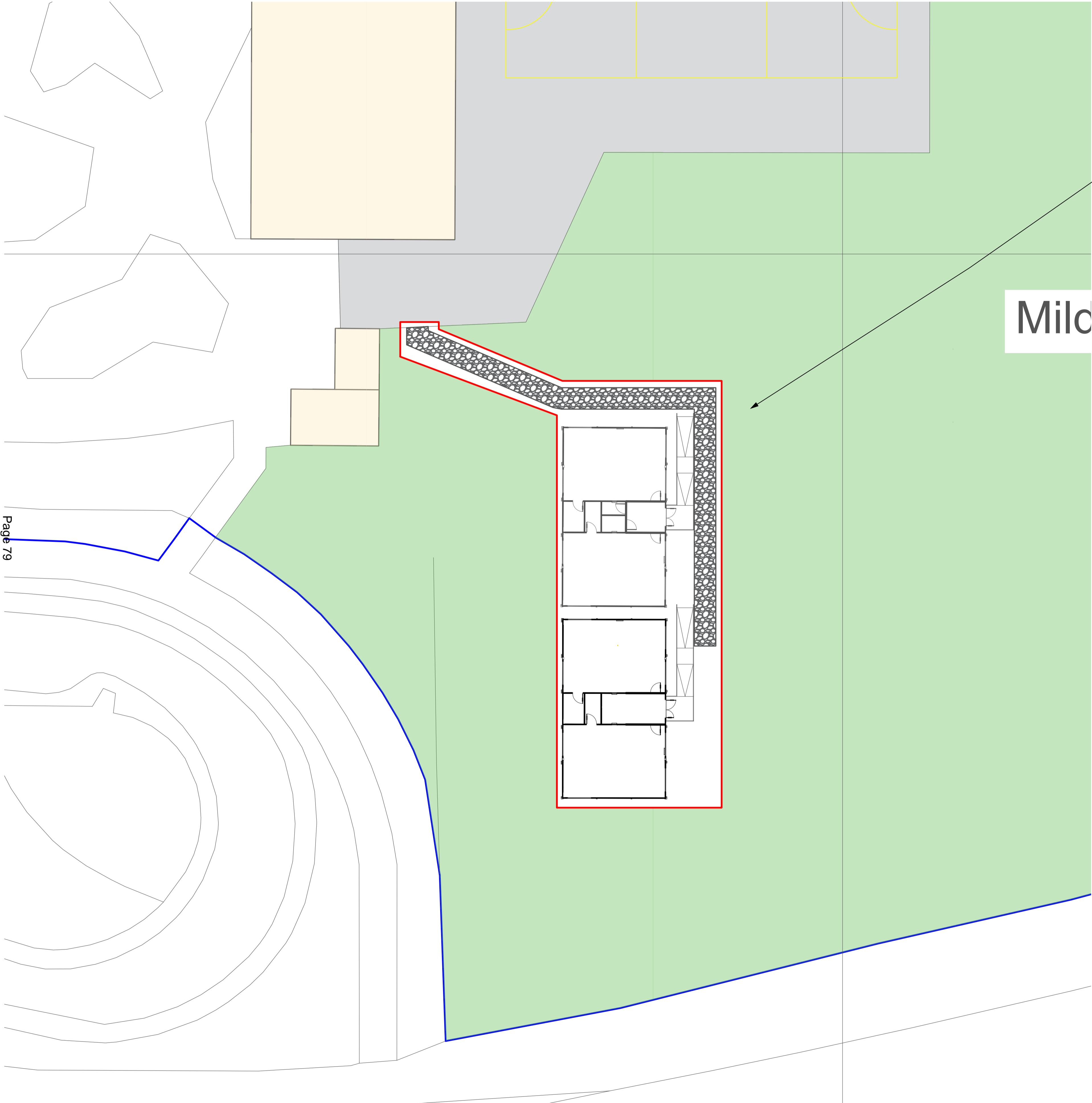
This page is intentionally left blank



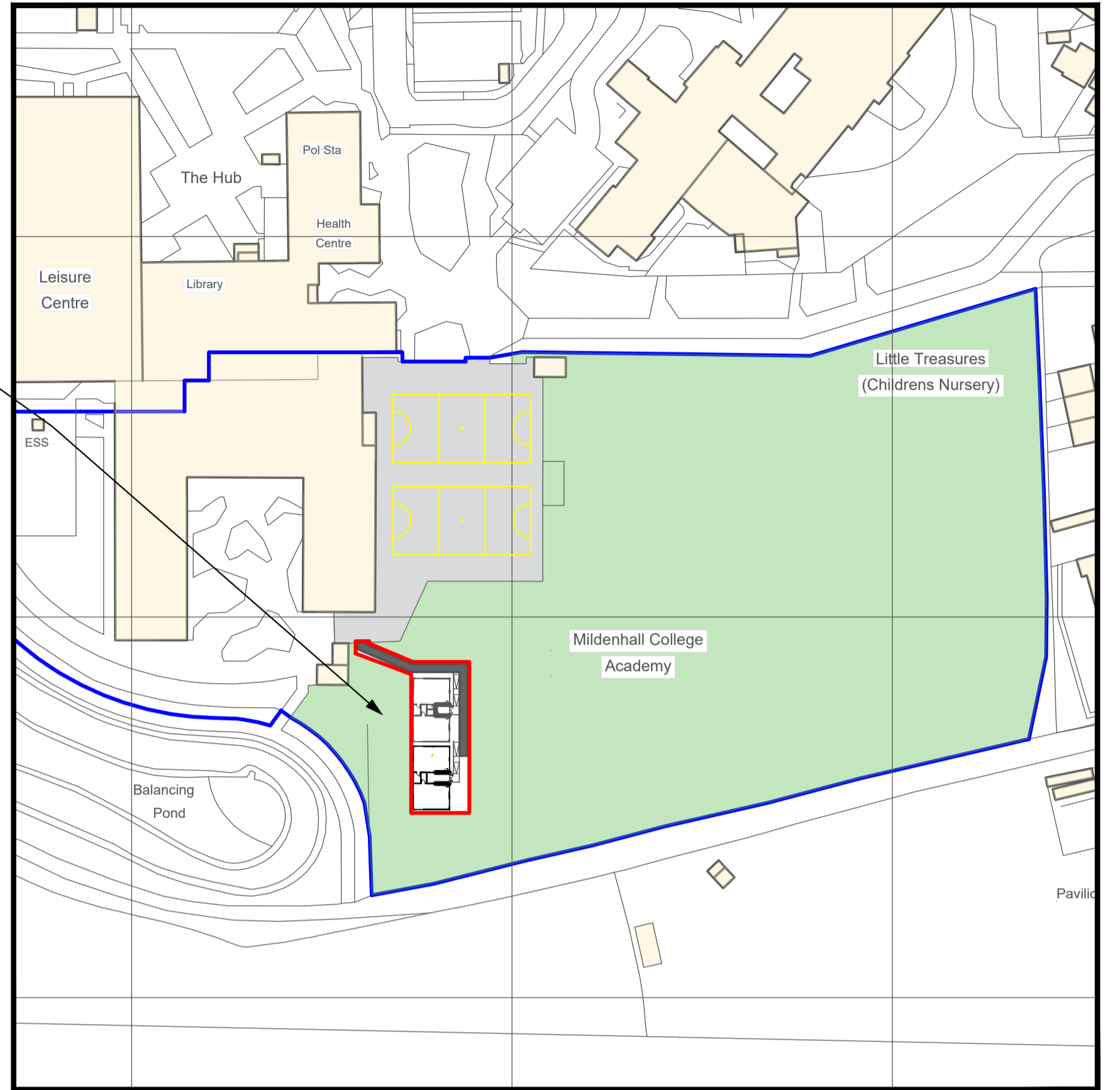
DC/23/1111/FUL – Mildenhall Academy, sheldrick Way, Mildenhall



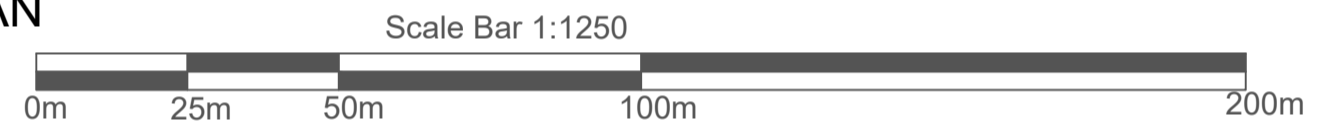
This page is intentionally left blank



Proposed location of two single storey Portakabin buildings



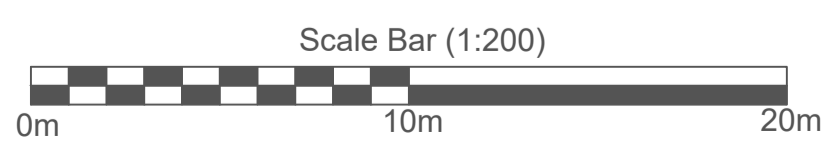
LOCATION PLAN
scale 1:1250



© Crown Copyright and database rights 2023 OS Licence no. 100041041

Page 79

BLOCK PLAN
scale 1:200



<p>NOTES:</p> <ul style="list-style-type: none"> Site plan is based on existing Ordnance Survey information Responsibility is not accepted for errors made by others in scaling from this drawing. Contractors must check all dimensions on site. Discrepancies must be reported to the drawing owner before proceeding. 	
<p>Title Proposed Location & Block Plan Mildenhall College Academy at Sheldrick Way, Mildenhall, IP28 7JX</p>	
<p>Date: 13th September 2023</p>	
<p>Scale : 1:200 & 1:1250 @ A1</p>	
<p>Drawing Number RC220210693 PLBP</p>	
<p>Rev B</p>	

Portakabin Limited 2000
This drawing is the property of Portakabin Limited,
it must not be copied or reproduced or divulged
to anyone without written permission.

This page is intentionally left blank

Development Control Committee

10 July 2024

Planning Application DC/24/0524/FUL – West Suffolk Council, Anglian Lane, Bury St Edmunds

Date registered:	16 April 2024	Expiry date:	11 July 2024 (EoT)
Case officer:	Gregory McGarr	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Tollgate
Proposal:	Planning application - a. demolition of existing front porch section and side lean-to section b. construction of brick plinth and replacement of wall and roofing panels with replacement panels		
Site:	West Suffolk Council, Anglian Lane, Bury St Edmunds		
Applicant:	Rachael Mann		

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:

Gregory McGarr

Email: democratic.services@westsuffolk.gov.uk

Telephone: 01284 757314

Background:

The application is referred to Development Control Committee as a result of the applicant being West Suffolk Council and the site being within the ownership of West Suffolk Council.

Proposal:

1. The application seeks planning permission for the demolition of an existing front porch section and side lean-to section to be replaced with the construction of a brick plinth and replacement of wall and roofing panels.

Application supporting material:

2. Application form
Location plan
Existing elevations
Proposed elevations
Existing floor plan
Proposed floor plan
Topographical survey

Site details:

3. The application site consists of a detached building formerly used as a warehouse within the defined settlement boundary of Bury St Edmunds. The application site is accessed from Anglian Lane and is within a General Employment Area as defined in Policy BV14 of the Bury St Edmunds Vision 2031. The site hosts three Groups of trees protected by Tree Preservation Order 034 (1977). The application site is not located within a Conservation Area and does not relate to works to a listed building. The application site is not within a flood zone.

4. Relevant planning history:

Reference	Proposal	Status	Decision date
DC/15/2041/FUL	Planning Application - Creation of a new access road to the site directly from Beetons Way	Application Granted	3 December 2015
DC/19/2335/HYB	Hybrid Planning Application - 1) Planning Application - Alter and extend existing warehouse/depot to create a new public/private sector hub with new sports and leisure facilities including new energy centre, surface car parks, a multi-storey car park, sports pavilion, associated landscaping and highways improvement works (following demolition of existing leisure centre,	Application Granted	23 December 2021

retail clearance building
and ancillary buildings
associated with former
operational depot) 2)
Outline Planning
Application - Early years
nursery

Consultations/Representations

5. Bury St. Edmunds Town Council

Comments received on 16th May 2024:

“That based on information received Bury St. Edmunds Town Council recommends approval.”

6. Ward Members (Councillor Hind and Councillor Sayer)

No representations received.

7. Public Rights of Way and Green Access Team

“Notice is hereby given that Public Rights of Way and Green Access does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the Public Right of Way network.”

8. Neighbour/Third-Party Representations

No representations received.

Policy:

9. 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.

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

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness

- Policy DM13 Landscape Features
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

St Edmundsbury Core Strategy 2010:

- Policy CS3 Design and Local Distinctiveness
- Policy CS9 Employment and the Local Economy

Bury St Edmunds Vision 2031:

- Policy BV14 General Employment Areas – Bury St Edmunds

Other planning policy:

11. National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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:

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

- Principle of development
- Impact on character and appearance
- Impact on amenity
- Impact on landscape features
- Other matters

Principle of Development

13. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the St Edmundsbury Core Strategy Development Plan Document (2010) and the 2031 Vision Documents. National planning policies set out in the NPPF 2023 are also a key material consideration.

14. Paragraph 11 of the NPPF (2023) (as well as policy DM1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.

15. Policy BV14 of the Bury St Edmunds Vision states that Anglian Lane is designated as a General Employment Area and that the redevelopment of vacant premises will be encouraged in advance of allowing development on new sites. The design of new development within these sites should be sympathetic to environmental and heritage features with any impacts mitigated. Additionally, Policy CS9 of the St Edmundsbury Core Strategy states that Bury St Edmunds, as a key centre for development and change, will be expected to provide for the development of a wide range of well-located quality employment premises for the town and the wider area. Policy DM30 of the Joint Development Management Policies Document seeks the protection of employment land and aims to ensure that there is a sufficient supply of employment land available to meet local employment job growth requirements.
16. The application site is situated within a General Employment Area where the redevelopment of the site and continued employment use complies with Policies BV14 and DM30. The proposal also accords with the wider expectation set out in policy CS9 for Bury St Edmunds to provide quality employment premises. The principle of development is therefore acceptable.

Impact on Character and Appearance

17. Policies DM2 and CS3 seek to ensure that proposals respect the character, scale and design of the host building and the surrounding area. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based.
18. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.
19. The application site is set back from Beetons Way to the west and during the summer is well screened by landscaping. Views of the principal elevation are from Anglian Lane to the east. The A14 is to the south with some views of the roof of the building visible.
20. The external materials to be used will alter the appearance of the building due to the colour change to grey steel wall panels in addition to the incorporation of roller shutter doors. This will result in the building retaining its appearance as a storage and distribution centre and will not have a materially negative impact upon its appearance.
21. The site is in a locality that includes similar uses and is not a residential area. The changes to the existing building sought under this proposal are not considered to materially alter the wider character of the area.
22. The proposed development is therefore in keeping with the current use of the application site in addition to the wider surrounding area.

Impact on Amenity

23. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.
24. The proposed development is situated in an area where there are no residential dwellings or other sensitive uses which would be impacted as a result of this development. The use of the application site will remain the same resulting in no additional impacts upon the amenity of neighbouring sites. Given the location of the application site and its present use it is not considered that there will be any material adverse impacts with regards to amenity and it is therefore considered to be acceptable.

Impact on Landscape Features

25. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. The application site hosts three groups of trees which are protected by Tree Preservation Order. The proposal does not seek an expanded footprint of the existing building and the trees are not considered to be within influencing distance of the development.
26. Due to the nature of the proposal in combination with the location of the trees in relation to the building the proposal is considered to have an acceptable impact upon landscape features.

Other Matters

27. It is noted that the plans which have been submitted to accompany the proposed development include features such as roller shutter doors, installation of Armco barrier around the building, replacement of windows, replacement guttering and indicative photovoltaic panels. These have not been included in the description for the proposed development as the works fall within Section 55 (2)(a)(ii) of The Town and Country Planning Act 1990 as they do not materially affect the external appearance of the building.

Conclusion:

28. In conclusion, the proposed development is considered to be acceptable and in compliance with Policies DM1, DM30, CS9 and BV14 with regards to the principle of development and with regards to DM2, DM13 and CS9 which are materials considerations. The proposal is therefore in compliance with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. Time limit

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

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

2. Compliance with plans

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

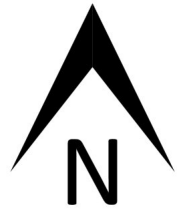
Plan type	Reference	Date received
Proposed Elevations	PL02 REV D	16 April 2024
Existing Elevations	48823NOLS-03	16 April 2024
Location Plan	PL03	16 April 2024
Topographic Survey	48823NOLS-06	16 April 2024
Existing Floor Plans	48823NOLS-05	16 April 2024
Proposed Floor Plans	PL01 REV C	16 April 2024

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

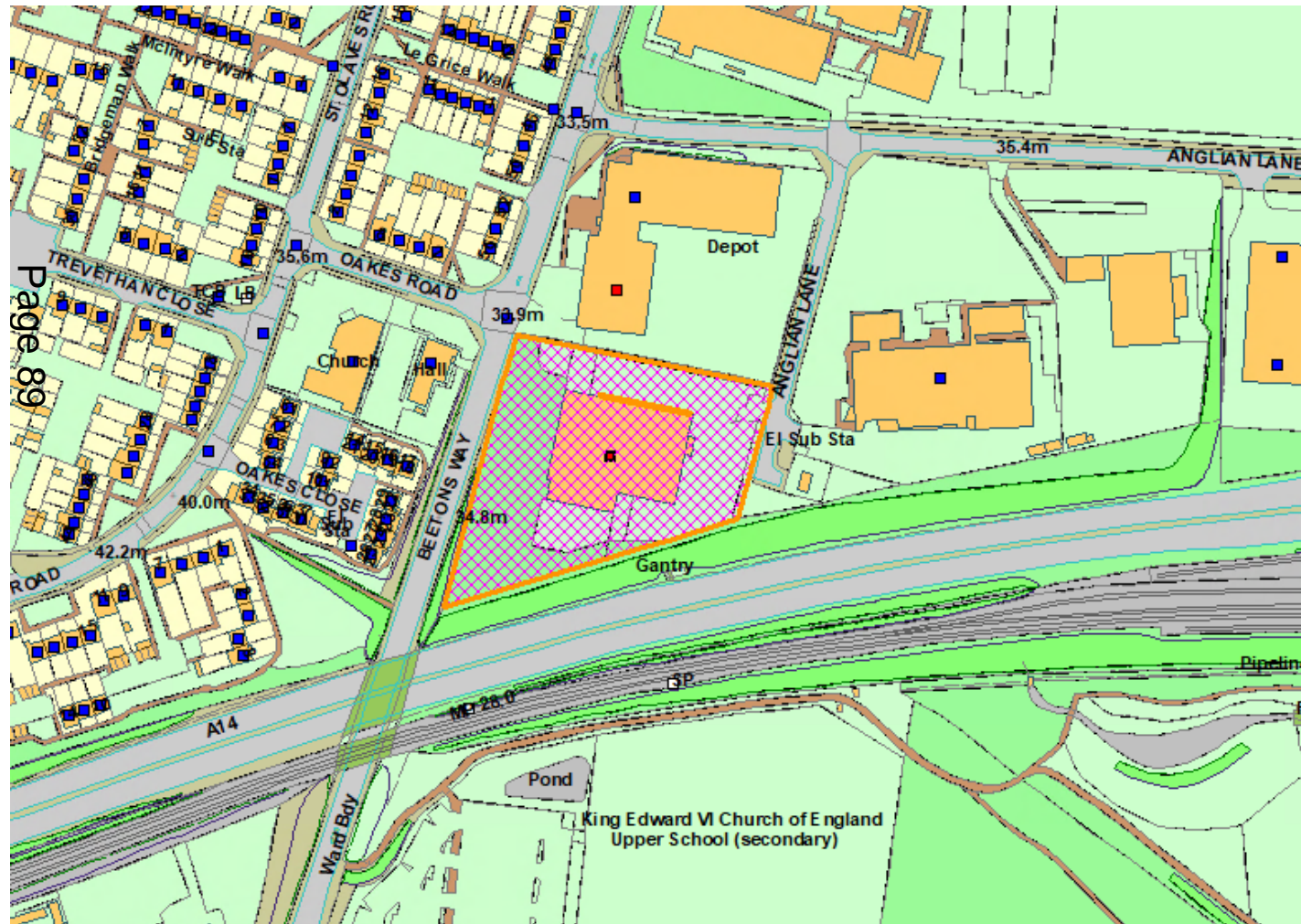
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/24/0524/FUL](https://www.westsuffolk.gov.uk/DC/24/0524/FUL)

This page is intentionally left blank



DC/24/0524/FUL - West Suffolk Council, Anglian Lane, Bury St Edmunds



This page is intentionally left blank

This page is intentionally left blank