



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/027

Development Control Committee 28 March 2019

Planning Application DC/18/1147/FUL – Land Adjacent to The Forge, The Street, Lidgate

Date Registered: 13.06.2018 **Expiry Date:** 5.04.2019 - EOT

Case Officer: Ed Fosker **Recommendation:** Approve Application

Parish: Lidgate Parish Council **Ward:** Wickhambrook

Proposal: Planning Application - (i) 1no. dwelling; (ii) 1no. ancillary outbuilding and (iii) improvements to existing vehicular access.

Site: Land Adjacent to The Forge, The Street, Lidgate

Applicant: Logan Homes 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:

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Background:

This application was considered by the Development Control Committee on 7 March 2019, having been before the Development Control Committee, as the Officers' recommendation was contrary to the view of Lidgate Parish Council.

The application was deferred at the 7th March Committee meeting due to local residents submitting a geology report to Historic England with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle with potential to impact on the application site.

This report should be read in conjunction with the Committee Report of 7 March 2019, which is attached as Working Paper 1.

Proposal:

1. Planning Permission is sought for 1no. four bed two storey detached dwelling and 1no. single storey two bay cartlodge as well as improvements to the existing vehicular access.

Site Details:

2. The site details are set out in Paragraphs 2 and 3 in Working Paper 1.

Planning History:

3. The relevant planning history is set out in Paragraph 4 of Working Paper 1.

Consultations:

4. The initial consultation responses are set out in Section 6 in Working Paper 1.
5. A summary of comments from the relevant consultees relevant to the amendment are summarised as follows:

Historic England:

- Have confirmed that they are not intending to review the scheduling based on the new evidence.
6. All consultation responses can be viewed online in full.

Representations:

7. The initial representations are set out in section 15 in Working Paper 1.
8. Due to the nature of the amendment, neighbours, Town Council and Ward Member were not formally re-consulted.
9. No further representations have been received since the Committee meeting of 7 March 2019.
10. All representations can be viewed online in full.

Policy:

11. The relevant policies are set out in section 17 to 19 in Working Paper 1.

Officer Comment:

12. The principle of the development remains unchanged and this is set out in paragraphs 21 to 28 of Working Paper 1, attached.

13. The key issues to be considered in the determination of this application also remain unchanged, these are:

- Principle of Development
- Impact on the Character of the Conservation Area
- Impact on the Setting of listed buildings
- Impact on Neighbour Amenity
- Biodiversity
- Other Matters

14. The majority of the assessment in the committee report from Thursday 7th March remain relevant and unchanged. However additional information was provided by local residents with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle.

Impacts on Heritage Assets

15. During the course of the application a request was submitted to Historic England for extension of the Scheduled Ancient Monument status of Lidgate Castle, comprising an area mainly to the south of the Castle (including the site which is the subject of this application). After investigation Historic England decided to amend the Scheduled Ancient Monument status to now include parts of the external banks of the inner and outer castle bailey, the banks and ditches defining the C16 remodelled fortified manorial complex, building platforms and terracing south of the church and the Bailey Pond. However Historic England commented that with regard to the area to the south the survival of earthworks is fragmentary and difficult to establish with confidence how those that do survive relate to the castle complex if at all and this area (which included the site of this application) was not to be included.

16. Historic England have considered additional information provided by local residents with regard to re-opening the amendment to the Scheduled Ancient Monument status of Lidgate Castle with potential to impact on the application site. Historic England have indicated informally via e-mail that they are not intending to review the scheduling based on the new evidence but that they will respond further in writing before 28th March, and for this reason this matter is placed back on the agenda, with this being further updated either in the late papers or verbally at the meeting as appropriate depending on when the formal written comments from Historic England are received.

Conclusion and Planning Balance:

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

18. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework 2018. Whilst this is a large plot, and therefore on its own face at odds with the provisions of DM2 that seeks to allow dwellings on small undeveloped plots, the plot size, and the dwelling, is commensurate with otherwise in the immediate vicinity, and this is a factor which weighs in its favour. Also material is the retention of the soft landscaping to the site frontage as well as the support of the Conservation Officer, noting the lack of harm arising to the Conservation Area as a consequence of the development of this site. On this basis, and on balance, the proposal can be supported.

Recommendation:

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. No development above slab level shall take place until samples of the external materials to the house and outbuilding have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.
3. The dwelling hereby approved shall not be occupied until the area(s) within the site shown on Drawing No. 18/25/03 for the purposes of [LOADING, UNLOADING,] 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 in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.
4. The dwelling hereby approved shall not be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC Drawing No. DM02 (access over footway); and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
Reason: In the interests of highway safety to ensure that the layout of the

access is properly designed, constructed and provided before the development is commenced.

5. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the B1063 shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
6. The areas to be provided for storage and presentation of Refuse/Recycling bins as shown on Drawing No. 18/25/03 shall be provided in its entirety before first occupation of the dwelling and shall be retained thereafter for no other purpose.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
7. 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. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
8. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
Reason: In the interests of road safety.
9. Before the access is first used visibility splays shall be provided as shown on Drawing No. 18/25/03 with an X dimension of 2.4m and a Y dimension of 59m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.
10. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in

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

11. 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.

Reason: To safeguard the character and appearance of the area and the residential amenity of neighbouring occupiers, in accordance with policies DM2 and DM22 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Before occupation of the dwelling hereby approved biodiversity enhancement measures will include the renewal of the post and rail fencing around the perimeter (note 8 on dwg.18/25/03) with no gravel board to allow the passage of amphibians, reptiles and mammals through the fence at ground level as not create a barrier into or out of the site. Any such measures as shall be installed and thereafter retained as so installed. There shall be no occupation unless and until the biodiversity enhancement measures to be installed have been installed.

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

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

15. The site demolition, preparation and construction works shall be carried out

between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area.

16. The mitigation measures as laid out within the flood risk assessment by G. H. Bullard & Associates LLP dated March 2018 shall be implemented in full prior to first occupation of the dwelling hereby approved and shall remain thereafter unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the safety of any future occupants and to ensure a satisfactory environment, in accordance with policy DM2, of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework 2018 and all relevant Core Strategy Policies.

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy HC9 of Replacement St Edmundsbury Borough Local Plan 2016, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

18. Prior to operational use of the site, at least one electric vehicle charge point shall be provided at reasonably and practicably accessible location. The Electric Vehicle Charge Point shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

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 paragraphs 105 and 110 and the Suffolk Parking Standards.

15.0 Documents:

- 16.1 All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PA9BO7PD04S00>