

Development Control Committee 1 September 2021

Planning Application DC/21/1536/FUL – West Suffolk Council, College Heath Road, Mildenhall

Date registered:	23 July 2021	Expiry date:	17 September 2021
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Mildenhall	Ward:	Mildenhall Kingsway and Market
Proposal:	Planning application - Installation of two metre high security fencing including personnel and vehicle access gates, to external boundary		
Site:	West Suffolk Council, College Heath Road, Mildenhall		
Applicant:	Mr Oliver Loughton		

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:

The application is referred to the Development Control Committee as West Suffolk Council is the applicant.

Proposal:

1. Planning permission is sought for the erection of a 2.0 metre tall boundary fence to the West Suffolk Council College Heath Road Office site. This is proposed to secure the site following the closure of the offices.

Application supporting material:

2. Information submitted with the application as follows:
 - Application Form
 - Location Plan
 - Block Plan
 - Satellite Map
 - Fencing Specification
 - Tree Constraints Plan
 - Tree Survey Table

Site details:

3. The District Offices are a two storey building set within landscaping and car parking. The site is otherwise open and is bounded on two sides by College Heath Road. The western wing has previously been granted planning permission to be converted to a fitness gym and this wing faces the highway adjacent to housing at Peterhouse Close.

Planning history:

4.

Reference	Proposal	Status	Decision date
DC/14/1289/R4LA	Conversion of part of office space (Class B1) to fitness gym and dance studio (Class D2)		8 September 2014
DC/14/1614/ADV	Application for advertisement consent - display of 3 non-illuminated fascia signs	Application Granted	10 October 2014

Consultations:

5. At the time of writing this report, the consultation period is ongoing and will expire on 30 August 2021, as per the posted site notices. This matter will be updated in the late papers or verbally at the meeting, as appropriate. However, no letters of representation have been received at this time.

Mildenhall Town Council: Support

Ward Councillor: No comments received

Public Health And Housing: No comment or objection

Suffolk Wildlife Trust: No comments received

Natural England: No comments.

Ecology And Landscape Officer: No comments received

RSPB Eastern England Regional Office: No comments received

Tree Officer: Further information required via the submission of a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). The aforementioned documents can be secured via pre-commencement condition, however, the applicant has stated they wish to provide the information upfront. The details of these documents, if considered acceptable, will be secured via compliance conditions accordingly.

Representations:

6. No comments received at the time of the publication of this report.

Policy:

7. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.
8. 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:

Core Strategy Policy CS5 - Design quality and local distinctiveness

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Other planning policy:

National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given.

Officer comment:

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

- Principle of Development
- Scale, Layout & Design
- Impact on Amenity
- Ecological Impacts
- Arboricultural Impacts

Principle of Development

9. The proposed development has been assessed against policy DM2 and is considered generally to be acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity and highway safety. Along with CS5, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.
10. The College Heath Road site previously provided office space for West Suffolk Council, with the western wing previously being converted and operating as a fitness gym. The provision of fencing to the external boundary of the site is proposed to secure the site and offer protection from unauthorised ingress while the site is unoccupied, and prior to reuse or demolition. The proposed works are therefore considered to be acceptable in principle. However, further consideration must be given in relation to policy DM2 and DM13, regarding the appearance and location of the proposed fencing in relation to services, amenity and landscaping features accordingly.

Scale, Layout & Design

11. The application proposes the erection of approximately 276 metres of 2 metre high twin wire mesh security fence panels, along the site boundary of the former West Suffolk Council Offices. The fencing is to be situated a minimum of 2 metres from the highway, with the existing vehicle entrances to be blocked. The existing boundary timber fence and hedging on the eastern boundary will be retained to further add to the security of the site. One personnel gate is to be located adjacent to No. 100a College Heath Road, with one double vehicle gate located on the service road also adjacent to No. 100a College Heath Road.

12. Whilst the fencing will clearly be visible from the wider area and local street scene, given the sympathetic appearance and colour scheme of the fencing, the character and local distinctiveness of the area will be preserved. The scheme therefore complies with the provisions of policies CS5 and DM2 accordingly.

Impact on Amenity

13. Whilst the site is currently unoccupied, the fencing will be visible from the street scene with residential properties in particular bordering the site to the east and south. Residential properties are also located across College Heath Road to the west. Whilst the proposed fencing would be visible from these aforementioned residential dwellings, due to the position and modest height, it is not considered that the proposal would have an unacceptable impact on residential amenity. Therefore, the development is considered to comply with policy DM2.

Ecological Impacts

14. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
15. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
16. The application site is situated within the Stone Curlew 1500 metre buffer and is situated approximately 35 metres west of the Woodlark and Nightjar 400 metre buffer. The Ecology & Landscape Officer has confirmed that, given the nature of the proposed works, there are no objections to the proposal in relation to the aforementioned designated sites. The introduction of the fencing will avoid any adverse ecological impacts. The proposal is therefore considered to comply with the relevant provisions of policies DM11 and DM12 accordingly.

Arboricultural Impacts

17. 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.
18. Whilst the site is not situated within a conservation area, nor are there any trees protected by a tree preservation order on, or bordering the site, there are a number of significant soft landscaping specimens which are on and border the site. The tree constraints plan identified 51 individual specimens and 14 groups of trees located at the site.
19. The application site is situated within the Stone Curlew 1500 metre buffer and is situated approximately 35 metres west of the Woodlark and

Nightjar 400 metre buffer. The Ecology & Landscape Officer has confirmed that, given the nature of the proposed works, there are no objections to the proposal in relation to the aforementioned designated sites. The proposal is therefore considered to comply with the relevant provisions of policies DM11 and DM12 accordingly.

20. The route of the fence line appears to run through the Root Protection Areas of T1, T6, T22, T33, T34, T35, T51, T22, G1, G2, G9, as identified on the Tree Constraints Plan. It is acknowledged that the re-routing of the fence line to be sited entirely outside of RPAs is not likely to be feasible owing to the position of the trees in conjunction with the area which requires unbroken security fencing. As confirmed by the Arboricultural Officer, it will therefore be necessary to seek input as to how best mitigate any adverse impacts from excavations. The exact positioning of the fence posts and their method of installation will be key considerations, as well as other factors including access facilitation pruning and measures to prevent unintended damage through construction related activities. This would typically be through an AMS (Arboricultural Method Statement) and TPP (Tree Protection Plan). These aforementioned documents can be secured via pre-commencement conditions, although at the time of writing this report the applicant has indicated that they are commissioning these reports to be considered as part of this application. Whilst these documents have not yet been assessed by the Arboricultural Officer, should the details of these documents be acceptable, compliance conditions, as opposed to pre-commencement conditions, will be applied accordingly in the event the application is granted planning permission.

21. This specific matter will be updated in the late papers or at the meeting, as appropriate. Nonetheless, and subject to conditions as appropriate, the arboricultural related impacts of the proposal are considered satisfactory.

Conclusion

22. 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:

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

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

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

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

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

Reference number	Plan type	Date received
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3. Arb condition(s) depending on applicant response.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1536/FUL](#)