

## **Development Control Committee 6 April 2022**

### **Planning Application DC/22/0037/FUL – Woodland Ways Pond Covert, Sebert Road, Bury St Edmunds**

<b>Date registered:</b>	10 January 2022	<b>Expiry date:</b>	8 April 2022
<b>Case officer:</b>	Amey Yuill	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Moreton Hall
<b>Proposal:</b>	Planning Application - a. metal container for storage purposes and b. 1.8 metre high close boarded fence and gates		
<b>Site:</b>	Woodland Ways Pond Covert, Sebert Road, Bury St Edmunds		
<b>Applicant:</b>	Nicholas Sibbett		

#### **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 is presented to the Development Control Committee for determination because the proposal is on land owned by West Suffolk Council.**

**The proposal is recommended for APPROVAL.**

## Proposal:

1. The application seeks consent for the retention of a metal storage container and a 1.8 metre high close boarded fence, both of which were granted temporary permission under SE/05/02001, then again under SE/11/0225 and then also under DC/16/1909/FUL. The latest of these temporary consents has now expired.
2. The storage container measures 9 x 2.4 x 2.4, and is sited within a 11.1m x 5.4m fenced compound, required for storage purposes for a local community group. The site, along with a number of other small woodland areas in and around Moreton Hall is managed by Woodland Ways, a volunteer community organisation who undertake woodland maintenance, general management and tree planting in order to make the woodland areas attractive and open to public use.

## Site details:

3. The application site is located in an area of protected woodland to the north of Sebert Wood Primary School. The site is within the Local Nature Reserve, Moreton Hall Community Woods and the Local Wildlife Site Pond Covert.

## Planning history:

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/16/1909/FUL	Planning Application - Retention of (i) metal container for storage purposes and (ii) 1.8 metre high close boarded fence and gates	Application Granted	16 November 2016
SE/11/0225	Planning Application - Retention of (i) metal container for storage purposes and (ii) 1.8 metre high close boarded fence and gates	Application Granted	3 May 2011
SE/05/02001	Planning Application - (i) Temporary siting of metal container for storage purposes and (ii) erection of 1.8 metre high close	Application Granted	8 September 2005

boarded fence and gates  
(Revised scheme)

### **Consultations:**

4. **Bury Town Council:** No objection based on information received.
5. **Suffolk County Council Highways Authority:** Does not wish to restrict the grant of planning permission due to the application not having a detrimental effect upon the adopted highway.

### **Representations:**

6. One letter of representation has been received, making the following summarised comments –
  - Assume that this is not the provision of a new container, simply the retention of the existing.
  - As such offers no objection.
  - On the other hand, if this is an additional container then would object.
  - Painting the container would help hide what is a bit of an eyesore, and perhaps the fencing could be heightened so as to obscure the container.
7. **Councillor Trevor Beckwith (Moreton Hall Ward Member):** I support this application as the container is essential for storage of tools and equipment used by an established charity.

### **Policy:**

8. 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.
9. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM41 Community Facilities and Services

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy BV1 - Presumption in Favour of Sustainable Development

**Other planning policy:**

10. National Planning Policy Framework (NPPF)

11. 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. 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 2021 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
- Impacts upon Character and Appearance of the area.
- Other matters

**Principle**

13. The woodland areas with Moreton Hall are managed by a charity for the benefit of all residents, through volunteer maintenance and tree planting initiatives. Policy DM41 states that 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.

14. The container is used for the storage of tools and other equipment associated with the ongoing maintenance of the wider woodland areas. The proposal is therefore supportable in principle and considerable weight in support can be given to these benefits.

**Impacts upon Character and Appearance of the area**

15. The compound and container were originally sited to ensure the existing vegetation, including the mature trees which characterise the site, were retained. The working surface within the compound is covered with bark chippings as per the original consent and no additional operational development is proposed in this application. The retention of the storage container and fenced compound would not introduce any new adverse effects on the existing trees or ecology more generally.

16. Due to the location of the container and the surrounding vegetation it is not easily visible from the nearby public highway. However, the development is considered to be an incongruous feature in the woodland and the container itself is of a temporary nature, albeit has now been on site for in excess of 15 years. The container itself is painted externally albeit the paint is flaking in places due to the age and length of time it has been on site. Previously consents have been for temporary periods, where the visual harm arising from the utilitarian nature of the structure was balanced against the community benefit.

17. Noting that two successive temporary consents have now expired and that the container has been in situ for over a decade its visual effects are known, and it is considered that this is an opportune moment to allow its permanent retention, again balancing the visual harm arising against the very obvious community benefit, but also noting that a condition could also be reasonably imposed to require the repainting of the exterior of the container in a colour to be agreed within six months of the date of any consent.

18. With such a condition imposed it is considered, on balance, that the proposal will have an acceptable impact upon the character and appearance of the area, when balanced against the community benefit arising.

#### Other Matters

19. The container and fencing are in situ and there will therefore be no additional effects upon other material interests, for example biodiversity or arboricultural.

#### **Conclusion:**

20. 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:**

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

1. Compliance with plans.
2. Painting to be undertaken within six months of the date of approval in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0037/FUL](https://www.dorsetcouncil.gov.uk/DC/22/0037/FUL)