

## **Development Control Committee 1 June 2022**

### **Planning Application DC/22/0579/FUL – Mildenhall Library, Chestnut Close, Mildenhall**

<b>Date registered:</b>	4 April 2022	<b>Expiry date:</b>	30 May 2022 EOT 06 June 2022
<b>Case officer:</b>	Connor Vince	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Mildenhall	<b>Ward:</b>	Mildenhall Kingsway and Market
<b>Proposal:</b>	Planning application - Installation of two metre high security fencing to external boundary (previous application DC/21/1536/FUL)		
<b>Site:</b>	Mildenhall Library, Chestnut Close, Mildenhall		
<b>Applicant:</b>	Oliver Loughton, West Suffolk Council		

**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 Development Control Committee as West Suffolk Council is the applicant.**

**The application represents an extension to the provision of security fencing as previously approved via DC/21/1536/FUL. That proposal was considered and approved at Development Control Committee on 1 September 2021.**

## Proposal:

1. Planning permission is sought for the erection of a 2.0 metre high boundary fence to the external boundary of the former Health Centre and Library to the south of the former council offices. This is proposed to secure the site following the closure of the offices and aforementioned buildings.

## Application supporting material:

2. Information submitted with the application as follows:
  - Application Form
  - Location Plan
  - Block Plan
  - Site Plan
  - Fencing Specification
  - Tree Constraints Plan
  - Tree Survey Table
  - Arboricultural Method Statement
  - Arboricultural Method Statement - Demolition

## Site details:

3. The site consists of the former library and health clinic buildings, which are single storey and set within landscaping, parking and footpaths. The site is otherwise open and is bounded on two sides by the former Council Offices entrance to the north and residential properties to the south.

## Planning history:

4.

Reference	Proposal	Status	Determined Date
DC/21/1536/FUL	Planning application - Installation of two metre high security fencing including personnel and vehicle access gates, to external boundary	Application Granted	17 November 2021
DC/22/0276/DE1	Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order	Not Required	11 March 2022

2015 - demolition of  
district offices, health  
and library

**Consultations:**

5.

Mildenhall Town Council: Support

Ward Councillor: No comments received.

Arboriculture comments: No objection subject to compliance with measures indicated within Arboricultural Method Statement

Ecology & Landscape Officer: No objections

Public Health & Housing: No objections subject to construction hours condition.

Natural England: No comments received.

RSPB Eastern England Regional Office: No comments received.

**Representations:**

6. One comment received from 2 Chestnut Close, objecting to the application based on infringement of the proposed fence on land claimed to be owned by the objector. *Officer Note - The applicant has confirmed they have ownership of the site subject to the application and have served the relevant notices.*

**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

**Other planning policy:**

9. National Planning Policy Framework (NPPF)

10. 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:**

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**

11. 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.

12. The former Health Clinic and Library buildings are to be demolished as part of demolition notification DC/22/0286/DE1. This application supplements the previous permission granted to the former council offices site to the north as part of DC/21/1536/FUL, where the provision of fencing to the external boundary of the site will secure the site and offer protection from unauthorised ingress while the site is unoccupied. 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 and Design**

13. The application proposes the erection of 2 metre high twin wire mesh security fence panels, along the site boundary of the health centre and

library, connecting to the fencing previously approved at the former council offices. The fencing is to be situated surrounding the aforementioned buildings, not encroaching on the parking area to the south and mitigating access issues for residents within Chestnut Close.

14. 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, plus its modest height and acceptable location, 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**

15. 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 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**

16. 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.
17. 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.
18. The application site is situated within the Stone Curlew 1500 metre buffer and is situated approximately 80 metres west of the Woodlark and Nightjar 400 metre buffer. The Ecology and Landscape Officer has confirmed that, given the nature of the proposed works, there are no objections to the proposal in relation to these 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**

19. 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.
20. 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.

21. The supporting information in relation to trees was submitted as part of DC/22/0286/DE1 and DC/21/1536/FUL. However, the trees surveyed include those within the site subject to this application and therefore the contents of the reports remain relevant for consideration here.
22. In the survey 46 individual trees and 14 groups were identified and categorised (in accordance with BS5837:2012) as 12 Cat A trees, 3 Cat A groups, 20 Cat B trees, 7 Cat B groups, 14 Cat C trees and 4 Cat C groups. Category A and B trees are material considerations in the planning process so care should be taken to ensure the scheme does not have a detrimental impact on their health and longevity. As well as this any incursions into Root Protection Areas of Cat A, B or C trees should be suitably documented and mitigation included.
23. The fence installation will cause potential root damage to T34, T35 and G9 as a result of the fencing specific to this application. As well as this localised crown reductions will be required for T35, T36 and G9. Within the Arboricultural Method Statement (AMS) suitable mitigation measures have been included that show how the trees will be suitably protected during the works, as confirmed by the Arboricultural Consultant.
24. There are therefore no arboricultural grounds for the scheme to be objected to and the information that has been included within both AMS documents is suitable for the progression of this application subject to the compliance condition identified below.

### **Conclusion:**

25. 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:**

26. 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.

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
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	Application Form	01 April 2022
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	Location Plan	01 April 2022
	Block Plan	01 April 2022
	Site Block Plan	01 April 2022
	Photograph	01 April 2022
	Fencing	
P4291.1 001	Tree Constraints Plan	01 April 2022
	Tree Survey Table	01 April 2022
P4291.2.0	Arboricultural Method Statement	01 April 2022
P4291.3.0	Arboricultural Method Statement	01 April 2022
	- Demolition	

- The development shall be carried out strictly in accordance with the Arboricultural Method Statement (AMS) submitted 01 April 2022, drawing no. P4291.2.0 dated 15 November 2021. The protective measures contained within the scheme shall be implemented, maintained and retained until the development is completed. The development shall be carried out in accordance with the approved AMS unless agreed in writing by the Local Planning Authority.

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.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0579/FUL](https://www.suffolk.gov.uk/DC/22/0579/FUL)