

Development Control Committee **7 February 2024**

Planning Application DC/22/1887/FUL – Land off The Street, Fornham All Saints

Date registered:	4 November 2022	Expiry date:	7 th February 2024 (Agreed EOT)
Case officer:	James Morriss	Recommendation:	Approve application
Parish:	Fornham All Saints	Ward:	The Fornhams and Great Barton
Proposal:	Planning application - create access into All Saints Golf and Country Club		
Site:	Land off The Street, Fornham All Saints		
Applicant:	M and D Developments Limited		

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:

James Morriss

Email: james.morriss@westsuffolk.gov.uk

Telephone: 01284 757370

Background

This application was presented at Delegation Panel on 16 January 2024 as the Officer's recommendation of APPROVAL conflicts with the Parish Council's and Ward Member Councillor Beccy Hopfensperger's objection.

The application was referred to Development Control Committee due to the public interest in the proposed development.

Proposal:

1. Planning permission is sought for a maintenance access to serve All Saints Golf and Country Club. The vehicular access will be located at land off The Street in the location of a historic access onto the northwestern section of the golf course.
2. The access involves construction over a drainage ditch with the creation of an engineered brick retaining wall and the ditch would be piped in accordance with Suffolk County Council's highways standards.
3. The existing footpath section will be tarmacked and beyond the footpath the access is proposed to be surfaced using grasscrete for a length of approximately 5.8 meters. The proposal includes 'estate' style gates and powder coated black fencing at a height of 1.25 metres. Biodiversity enhancements in the form of 3no. bird and bat boxes are also proposed.
4. The applicant has stated that current access to this section of the golf course requires a convoluted route involving crossing several water courses or traveling a greater distance around the golf course to avoid these. The new access would eliminate the need to cross the water courses and assist with efficiency.

Application supporting material:

5. The plans originally submitted have been amended including a relocation by approximately 13.5 meters further West away from the Larks Gate junction. The access has been reduced in width and lengths and the surface was changed from tarmac to grasscrete. The style and height of the proposed gates and fencing has been amended from industrial style wire fencing and gate to more sympathetic estate type gates and black powder coated fencing. In support of the amended scheme an ecology report and heritage impact assessment have been provided.
 - Amended Proposed Location and Block Plan (7400-AR01 REV D)
 - Amended Proposed Elevations (7400-AR01 REV A)
 - Amended Swept Path (7300-AR01 REV D)
 - Amended Ecological Assessment
 - Amended Grasscrete Brochure
 - Amended Heritage Impact Assessment

Site details:

6. The application site forms part of the golf course associated with All Saints Hotel and Country Club. From a planning policy perspective, the application site is located within the countryside. On the opposite side of the road B1106 is residential development, which is within Fornham All Saints Conservation Area. The proposed access would be located across the road from Acer Lodge. As noted above the proposed maintenance access would provide vehicular access to the northwestern section of the golf course. The application site is rural, open and verdant in character.

Planning history:

7. There is extensive planning history relating to All Saints Golf and Country Club however, none of the previous applications are directly relevant to this proposal.

Consultations:

Conservation Officer

8. Comments on original scheme:

'The application proposes the provision of a new vehicular access to serve an existing golf course with the purpose of providing 'immediate access onto the North West side of the golf club to an area which isn't easily accessed from elsewhere on the site for ongoing and future maintenance.'

The application includes an existing and proposed location plan; a proposed site plan indicating the location and details of the proposed access and the application form.

The conservation area boundary at this particular point runs parallel with the southern side of the highway. The junction between highway and access therefore would appear to sit on the boundary of the conservation area. The remaining development would appear to sit outside the conservation area but immediately abuts its boundary. Given the relationship with the conservation area boundary the proposed development has the potential to affect the setting and therefore significance of the conservation area.

Little information has been submitted to support the proposals other than the details listed above. No description of any Heritage Assets (to include the conservation area) potentially affected by the proposal has been provided as required to enable the impact on the significance of assets affected to be determined.

The southern boundary of this particular part of the conservation area is characterised by a continuous row of Poplar trees(?) running parallel with and set back from the road behind a green verge and footpath. Beyond the trees lies the closely mown undulating landscape of the golf course interspersed with trees all of which provide a constant, verdant backdrop to the conservation area at this point which in contrast to the northern side of the highway is uninterrupted by notable development (in the sense of hard surfacing and groups of housing). The current state provides an

attractive setting to the conservation area which positively contributes towards its significance.

It is unclear if the proposals would involve the loss of any of the trees but the introduction of a highway compliant vehicular access would result in a break in the continuous line of vegetation replaced by a hard engineered surface abutting the conservation area whilst projecting some distance into an area which currently provides a softer setting to the conservation area. As a consequence the provision of the proposed access is not considered to either preserve or enhance the character or appearance of the conservation area affecting a setting which currently makes a positive contribution towards its significance.

Based on the limited information submitted and reference to street view it would appear the ability to maintain the area concerned is currently achievable. Whilst the proposed access may be a desirable improvement on the current access, it would appear that the current access is adequate. As such there would appear to be little public benefit to outweigh the harm caused.

The proposed development would therefore fail to meet the requirements of section 72 of the Planning (Listed building and conservation areas) Act 1990 where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area Forest Heath and St Edmundsbury Local Plan policy DM17 and para 202 of the NPPF'

The application is therefore recommended for refusal.

9. Comments on amended plans:

In response to the amended proposal the conservation officer responded, on the basis the proposal involves the reinstatement of an historic access; the size of the proposed access has been reduced by 13m in length and 1 metre in width; a planting scheme has already been approved to be reinstated along the boundary and the fencing and gate are to match existing. The impact on the setting of the conservation area is considered to be notably reduced particularly if the planting can be enforced. On that basis conservation concerns would largely be addressed and objections would therefore be removed.

Highways

10. Comments on original scheme:

'Suffolk County Council as Highway Authority hereby recommends a Holding Objection is upheld until the information requested within this consultation response has been submitted for review, in the interests of providing safe and suitable access to the site for all users, compliant with Paragraph 110 (b) of the National Planning Policy Framework (NPPF) 2019.

There has been no justification given as to why a standard vehicular crossover cannot be used in this instance. As such it is unclear why SCC drawing no. DM04 is being used considering that DM04 access do not

prioritise pedestrians unlike a standard vehicular crossover. Justification of this decision should be provided in detail in any further documents.

Details of the vehicles that will be using the proposed access should be provided alongside swept paths for the largest anticipated vehicles so judgement on the suitability of a DM04 standard access can be made.'

11. Comments on amended plans:

Suffolk County Council have no objections subject to conditions ensuring that the access be constructed in accordance with highways standards. The below response to neighbour concerns raised has also been received from Highways Officers:

'Many of the points raised either had little impact on safety or were not significant enough to warrant a refusal, for us to refuse an application we must have enough justification to uphold our decision should the applicant apply for an appeal as such a refusal is a last resort and unless there are serious safety concerns, we seek to improve the proposal and gain betterments where possible.

We are happy to provide our comments surrounding the impact on pedestrians as well as our judgement on the use of grasscrete, however the other points raised were not significant enough in our assessment to warrant a refusal.

Impact on pedestrians:

This is a due consideration as pedestrian safety is of utmost concern within current legislation. As such and as shown within the provided plans the access will provide 2mx2m pedestrian splays as is standard for access' crossing footways. This is achievable as following our first holding objection the applicant changed the specification of the access to be in line with SCC DM03 standard access drawing which is more pedestrian friendly than the original proposal.

The use of grasscrete:

Due to the abundance of vegetation nearby, grasscrete in this instance would be a suitable material as a way to reduce the access' impact on the street scene.'

Ward Councillor Beccy Hopfensperger:

12. Objection due to impact upon highway safety, loss of amenity and adverse effects on a Conservation Area.

Fornham All Saints Parish Council & Fornham St Martin Parish Council

13. Objection due to adverse impact upon amenity, highway safety and the Conservation Area.

Representations:

14. A total of 22 representations have been received with 20 objections and 2 comments neither supporting nor objecting to the proposal. The reasons for the objections relate to concerns over:

- The impact upon highway and pedestrian safety
- The impact upon the drainage ditch
- The need / justification for the proposal and future use
- Loss of privacy / neighbour amenity

Policy:

15. 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.

16. 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 DM5 – Development in the Countryside

Policy DM11 – Protected Species

Policy DM12 – Mitigation Enhancement, Management and Monitoring of Biodiversity

Policy DM17 – Conservation Areas

Policy DM42 - Open Space, Sport and Recreation Facilities

Policy CS2 – Sustainable Development

Policy CS4 - Settlement Hierarchy

Policy CS13 – Rural Areas

Other planning policy:

17. National Planning Policy Framework (NPPF)

18. 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:

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

- The principle of development
- Impact upon character of the area
- Impact upon the Conservation Area
- Impact on amenity
- Impact on ecology
- Impact on the highway safety

The principle of development

20. From a planning policy perspective the application site is located adjacent to Fornham All Saint's defined housing settlement boundary which is an infill village as defined within Policy CS4. The site and wider golf course are located within the countryside for planning policy purposes. The proposed access will serve the existing golf course for easier access to this part of the existing sport and recreation facility.

21. Policy DM5 states that areas designated as countryside will be protected from unsustainable development and that proposals for economic growth and expansion of all types of business and enterprise that recognise the intrinsic character and beauty of the countryside will be permitted. Policy DM42 supports proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities subject to compliance with other Policies in the Joint Development Management Plan Document and other adopted Local Plans.

22. The proposed vehicular maintenance access will serve the northwestern section of the golf course. The development relates to the on-going management and maintenance of All Saints Golf and Country Club and therefore gains support through Policy DM5 and DM42. The principle of development for a maintenance access in this location is considered acceptable subject to further material planning considerations and policy considerations which are discussed in more detail below.

Impact upon character of the area

23. The application site lies opposite the developed village edge and in contrast has a rural and open character with tranquil views from the public highway extending deep within the golf course. The open and undeveloped nature of the golf course is a key feature and characteristic of Fornham All Saints.

Whilst not situated within Fornham All Saints Conservation Area the proposed access is located adjacent to its boundary. The impact of this development upon the Conservation Area is discussed in more detail under a separate section below.

24. Policy DM2 is clear that planning permission for all developments should recognise and address the key features, characteristics of the area and its landscape character.
25. Policy DM5 seeks to ensure that development for economic growth and expansion within the countryside should not have a significant detrimental impact upon the historic environment or harm the character and appearance of the area.
26. Policy CS13 states that development outside of defined settlements should be strictly controlled with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.
27. Planning permission was originally sought for the access at a width of 9 metres and length of 20 metres with a tall, industrial looking wire fence gate. Officers considered that the superseded scheme would have resulted in an unacceptable urbanising and harmful impact upon the rural character and appearance of the area. There was no justification for an access of this size.
28. 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. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
29. The amended scheme proposes a significant reduction in width to 6.3 metres and length to 7.5 metres. The amended design includes the provision of grasscrete as an alternative to tarmac beyond the edge of the public highway. The dropped kerb and altered footpath would be finished in tarmac in accordance with highway standards and subject to a S278 legal agreement. The alterations also include new gates and fencing at a reduced height of 1.25 metres in an 'estate' style to reflect the rural character. A modest engineered brick retaining wall will be constructed no higher than 600mm above the road level. A condition will secure the specification, type and appearance of the brick.
30. The proposed development is not considered to result in an adverse impact upon the rural character and appearance of the area. Whilst the development will create a break in the otherwise continuous verdant roadside, the amendments secured have significantly reduced the visual impact of this development. The access now appears sympathetic and appropriate for this location.
31. The proposal therefore satisfies Policies DM2, DM5, DM42 and CS13.

Impact upon the Conservation Area

32. Policy DM17 states that development within, adjacent to or visible from a Conservation Area should preserve and enhance the character and appearance of the Conservation Area or its setting.
33. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
34. Following concerns raised by the Conservation Officer in response to the original scheme, the applicant has provided a Heritage Impact Assessment (HIA) which considers the potential impact of this development upon the setting and significance of the Conservation Area. Having reviewed the amendments and updated design and HIA the Conservation Officer no longer objects to this application.
35. The HIA identifies a historic access off The Street opposite a farmstead with a large opening within the field drainage system. The HIA states that there is a long-established functional relationship between the meadows to the south of The Street and Bridge House (Grade II Listed). The historic drainage system appears to have been adapted for access to the meadows roughly within the same location as the proposed development. The assessment considers that the reduction of the proposed access in size has also significantly reduced the visual impact on the setting of the Conservation Area in addition to reinstating a historic feature.
36. The Conservation Officer does not object to the amended scheme on the basis that the proposal involves the reinstatement of a historic access which has been considerably reduced in size. The proposal therefore does not conflict with Policy DM17 and will not result in harm to the setting of the Conservation Area.

Impact upon amenity

37. Policy DM2 is also relevant in considering the impact on the amenity of adjacent dwellings. The policy requires that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated) must be considered.
38. Concern has been raised over the impact of the proposed maintenance access upon the privacy of Acer Lodge, given the access is located opposite their front lounge window. Acer Lodge is located approximately 13.8 metres from the proposed access and separated by the B1106 highway and a low brick wall. Any front elevation of a dwelling is generally expected to benefit from less privacy than, for example, rear amenity space or windows. The proposed maintenance access to the front of the dwelling, due to this separation and the nature of the development is therefore not considered to result in unacceptable loss of privacy or residential amenity. The proposal therefore satisfies Policy DM2 in this respect.

Ecology Matters

39. When determining applications, the LPA has a statutory duty to consider biodiversity. The NPPF (2023) within section 15, para 180 seeks to conserve and enhance biodiversity and suggest that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
40. At a local level, this is exhibited through policies CS2, DM11 and DM12.
41. Following concerns raised by Officers a preliminary ecology report has been submitted to determine the potential impacts of this development upon ecology and protected species. The report concludes that the proposed new access will not result in any significant adverse ecological effects and includes biodiversity enhancement measures with the conclusion that the proposed bat and bird boxes would be appropriate and proportionate to the scale of the development. The proposed development therefore satisfies the above criteria.

Impact on highway safety

42. The applicant's agent states that All Saints Golf and Country Club is approximately 150 acres and that its upkeep and management requires a significant undertaking. Having strategic access points around the perimeter of the site will assist in efficient upkeep and maintaining the quality of the environment. It is noted that access to this section of the golf course is currently achieved from the opposite side of the golf course off Mildenhall Road.
43. Policy DM2 states that proposals for development should produce design in accordance with standards that maintain or enhance the safety of the highway network.
44. Paragraph 115 of the National Planning Policy Framework (2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
45. The proposed access would be constructed in accordance with Suffolk County Council's DM03 Domestic Vehicular Access drawing. This access type has been suggested by Highways Officers as it requires a 2 metre by 2 metre pedestrian visibility splay. This section of B1106 highway has a 30mph speed restriction. The proposed block plan indicates a 90 metre visibility splay looking both east and west. The access will be piped with a 600mm concrete pipe which highways consider is acceptable.
46. The proposed swept path plan has been generated to determine the largest possible maintenance vehicle that could use this access. The swept path shows a 2.3 metre wide and 7.17 metre long rigid axle vehicle manoeuvring into the site either in a reverse gear or a forward gear. It is noted that this drawing solely seeks to demonstrate the largest possible vehicle that the access could accommodate. However, the applicant has confirmed that the type of machinery requiring access would include telehandlers, forklifts, 360 JCB, tractors and trailers.

47.The Highway Authority do not object to this application and have confirmed that the proposed development would not result in an unacceptable risk to highway safety that would justify refusal.

48.On the basis of the above, the proposal does not conflict with policy DM2 and the NPPF in this respect.

Conclusion:

49.In conclusion, the principle and detail of the development as now amended is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. Time Limit

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. Approved 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, unless otherwise stated below:

- Amended Proposed Location and Block Plan (7400-AR01 REV D)
- Amended Proposed Elevations (7400-AR01 REV A)
- Amended Swept Path (7300-AR01 REV D)
- Amended Ecological Assessment
- Amended Grasscrete Brochure
- Amended Heritage Impact Assessment

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

3. Materials

No development shall take place until a brick sample for the proposed retaining wall has 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.

4. Restrict Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the proposed access shall be used only as a maintenance access to serve All Saints Golf and Country Club and for no other purpose.

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.

5. Soft Landscaping

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 soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following 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 assimilate the development into its surroundings and protect the character and appearance of the area, 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.

6. Visibility Splays

Before the access is first used visibility splays shall be provided as shown on Drawing No.AR01 Rev D with an X dimension of 2.4 metres and a Y dimension of 90 metres [tangential to the nearside edge of the carriageway] 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

7. Access

No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing no. AR01 Rev D with an entrance width of 3m. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway.

8. Gradient

The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway. The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

9. Surfacing

Prior to the access being first used, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

10. Drainage 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.

Reason: To facilitate a safe access by ensuring uninterrupted flow of water and reducing the risk of flooding of the highway.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1887/FUL](https://www.dorsetcouncil.gov.uk/DC/22/1887/FUL)