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<b>MSDC PLANNING</b>	
<b>DATE:</b>	<b>WEDNESDAY, 14 FEBRUARY 2024 9.30 AM</b>
<b>VENUE:</b>	<b>KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

For consideration at the meeting on Wednesday, 14 FEBRUARY 2024, the following additional or updated papers that were unavailable when the Agenda was printed.

## TABLED PAPERS

		<u>Page(s)</u>
a	<b>DC/23/01323 CHILTON SPORTS CLUB, CHILTON WAY, STOWMARKET, IP14 1SZ</b>	3 - 8
b	<b>DC/23/05045 SIX BELLS INN, CHURCH ROAD, FELSHAM, BURY ST EDMUNDS, SUFFOLK, IP30 0PJ</b>	9 - 10
c	<b>DC/24/00016 CHURCH FARM CLOSE, PALGRAVE, DISS, SUFFOLK, IP22 1AX</b>	11 - 16

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## PLANNING COMMITTEE 14 February 2024

### TABLED PAPER

#### Item 7a

#### DC/23/01323: SHELF project

**In an email dated 12 February @ 4.47pm to the SHELF project lead from Suffolk County Council's Schools and Infrastructure Programme Manager the following information was provided.**

*"Firstly, thank you for sending through the committee report. Please can we request that the Planning Officer has the following information from SCC and can we be informed if the report is updated.*

*Suffolk County Council (SCC) are the freeholder of the school site which is leased under an Academy Lease. Under the previous headship various land transfer options were considered with the Department for Education's (DfE) LOCATED team. It was decided not to proceed and there are no plans to revisit this proposal. To date any land transfers from SCC ownership are yet to be agreed. Any loss of education land would be subject to DfE approval. Sufficient land would need to be retained by SCC to ensure the school expansion is feasible.*

*Suffolk County Council are working with the Trust to expand the school in response to pupil growth from local housing. The feasibility work is underway. It was identified early on that the 6<sup>th</sup> Form Centre would need to remain on the site. Some additional parking to mitigate the increase in staff numbers will be included in this expansion work. However there are no plans for a parking redesign as this would fall out of the scope and budget of the project"*

#### **Officer comment:**

**This email provides what appears to be an unequivocal position statement that confirms the building required (by SHELF) to be demolished to facilitate the proposed access to the new parking area off Gainsborough Road will not be available to the project and therefore cannot be demolished.**



figure 71: **Existing Vehicular Access point Gainsborough Road**



figure 72: **Building Indicated as being Demolished**

The report to Committee does however have regard to such an eventuality and is considered as paragraph 17.3 and figures 70, 71, 72 and 73. *(Mod Gov version of report at pages 151 -153)*

Essentially an alternative route for the access will be required that avoids conflict with the building to be retained. The report includes a conceptual suggestion by the Development Management Service. Such an arrangement may also necessitate a change to the design of any future wellbeing hub building but this can be controlled and managed through the Reserved Matters (in the event that outline planning permission is granted).



figure 73: Access Alternatives if Building Not Demolished

The new parking area is required to serve not just the Wellbeing Hub but also the Sports Hall and associated outdoor facilities east of Chilton Way. It is therefore imperative that the access position is resolved as it is intended to condition package 2 works east of Chilton Way such that they cannot proceed until an agreed car park is agreed and that the building cannot come into use until such time as the all the approved car parking off Gainsborough Road is available.

The situation does not impact construction of the Pavilion on the west side of Chilton Way (package 2 works).

Package 3 (Wellbeing Hub) is required to deliver its own parking area as a reserved matter by resolving access to that parking will be tethered to the current 'access' issue.

**IT IS THEREFORE RECOMMENDED THAT THE RECOMMENDATION WITHIN THE REPORT IS AMENDED TO READ**

### **35.0 Recommendation**

**That:**

**1. Subject to first securing, to the satisfaction of the Chief Planning Officer:**

- (i) Amended drawings showing an alternative and safe access arrangement to that presently proposed for the planned new car park off Gainsborough Road that does not require the demolition of the existing sixth form building or the DfE has confirmed in writing its approval of the demolition of the said building; and,**
- (ii) A signed S106 Agreement from the applicant committing to pay Suffolk County Council a contribution of £17,500 (index linked) to provide a Traffic Regulation Order and physical works for parking restrictions on roads adjacent to the development, should the need arise due to evidence that on-street parking issues occur as a result of the development within an agreed period (typically 5 years from full operation of the development); and,**
- (iii) Confirmation by the applicant that a Service Level Agreement (SLA) has been signed to provide suitable off-site ad-hoc parking to supplement on-site parking provision and that such spaces will be available as part of the package 1 works.**

**Continued...**

**Then:**

- 2. The Chief Planning Officer be authorised to GRANT FULL planning permission for**

**Works of demolition and construction to provide a new shared sports pavilion to replace the existing building, a new sports hall, enhance existing /deliver new outdoor recreational facilities , and relocated play area along with the provision of associated parking, amended vehicular access, lighting, means of enclosure, landscaping, highway improvements and other associated works with appropriate conditions: and,**

- 3. The Chief Planning Officer be authorised to GRANT OUTLINE planning permission for the construction of a mixed-use community wellbeing hub with appropriate condition**

**Recommended Conditions (these may be amended prior to or as a consequence of the meeting)**

**No change from published report**

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# Agenda Item 7b

## Committee Report - Addendum

**Item No:** 7B

**Reference:** DC/23/05045

**Case Officer:** Alex Scott

**Ward:** Rattlesden.

**Ward Member/s:** Cllr Nicky Willshere.

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## **AMENDED RECOMMENDATION - REFUSE PLANNING PERMISSION/AGREE PUTATIVE REASON(S) IN RESPONSE TO APPEAL AGAINST NON DETERMINATION**

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### **Description of Development**

Full Planning Application - Erection of 2 No detached dwellings and associated parking including landscaping, utilising public house access.

### **Location**

Six Bells Inn, Church Road, Felsham, Bury St Edmunds Suffolk IP30 0PJ

**Expiry Date:** 12/01/2024

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Cordage 44 Limited

**Agent:** Mr Jeremy Heppell

**Parish:** Felsham

**Site Area:** 0.17 of a hectare

### **Density of Development:**

Gross Density (Total Site): 0.34 dwellings per hectare

Net Density (Developed Site, excluding open space and SuDs): NA.

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## **AMENDED RECOMMENDATION**

**That Members resolve to delegate to the Chief Planning Officer to either: REFUSE planning permission; or, in the event that the appeal has begun, agree putative reasons for refusal, for the following reasons, or for reasons as required by the Chief Planning Officer:-**

The current proposal would involve the erection of 2 no. substantial, detached dwellings, with relatively large built footprints, set in relatively small plots, positioned close together, at the head of a new proposed access road, on existing undeveloped land and space, noted for its spacious quality, within the Felsham Conservation Area.

Although set back from the street scene, there would be glimpsed views of the proposed dwellings through the access drive and through gaps in the vegetation from Church Road

and through gaps between buildings on Bury Road. The proposed dwellings would also be widely visible from the properties which surround the application site, including the retained outdoor space associated with the Six Bells Public House.

The proposal would noticeably introduce a significant bulk of compact modern development into this current undeveloped area of important visual space, being significantly harmful to its existing character and quality and positive contribution to the existing built environment of the village. The proposal would also result in an overall basic, bulky and cramped appearance which would conflict with the spaciouly arranged variation of traditional buildings within the locality.

The site currently forms part of a pleasant green undeveloped space in a prominent location within the village settlement and Conservation Area and, through the proposed development, the spacious quality of the site would be significantly eroded and a conflicting and incongruous form of development would be introduced. It is, therefore, considered that the proposed development would result in demonstrable harm to, and would fail to preserve or enhance the character and quality, and visual amenity, of the village's built environment.

It is, therefore, concluded that the current proposal conflicts with paragraphs 128, 131, 135, 137 and 139 of the NPPF and fails to accord with the provisions of current adopted development plan policy LP24, which taken together seek to ensure well-designed and beautiful, attractive and healthy places and the desirability of maintaining an area's prevailing character and setting.

# Agenda Item 7c

## Committee Report

**Item No: 7C**

**Reference: DC/24/00016**

**Case Officer: David Pizzey**

**Ward: Palgrave.**

**Ward Member/s: Cllr Tim Weller.**

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## **RECOMMENDATION – INFORM APPLICANT THAT THE NOTIFIED WORKS TO TREES IN CONSERVATION AREA MAY GO AHEAD**

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### **Description of Development**

Notification of Works to Trees in a Conservation Area - Reduce crowns of Field Maple (T1), Hawthorn (T2), Hawthorn (T3) and Field Maple (T4) by approximately one third

### **Location**

7 Church Farm Close, Palgrave, Diss, Suffolk IP22 1AX

**Expiry Date: 14/02/2024**

**Application Type: TCA - Notification: Works to Trees in Con Area**

**Development Type: Misc Not for PS2**

**Applicant: H Bunbury**

**Agent:**

**Parish: Palgrave**

**Details of Previous Committee / Resolutions and any member site visit: None**

**Has a Committee Call In request been received from a Council Member (Appendix 1): No**

**Has the application been subject to Pre-Application Advice: No**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The application is made by a close family member of an Officer of the Council. Under paragraph 16.5 of the Councils Planning Charter such applications are reported to Committee for determination in the interests of transparency.

The application is reported as an urgent item of business having regard to the default ability to proceed if the local planning authority does not respond within 6 weeks of notice.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

Adopted Joint Local Plan September 2023. Policies:

- LP16 Biodiversity & Geodiversity
- LP17 Landscape

NPPF paragraphs 180 to 188 generally.

### **Neighbourhood Plan Status**

This application site is within the area of a made Neighbourhood Plan Area (The Diss & District Neighbourhood Plan – Made October 2023). See in particular policy 8 Green Corridors & Biodiversity Enhancement inter alia.

### **Representations**

During the course of the application one Representation from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Town/Parish Council (Appendix 3)**

No objection

##### **B: Representations**

At the time of writing this report one email comment has been received. It is the officer opinion that this represents one general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

Palgrave Parish Council – No objection.

### **PLANNING HISTORY**

**REF:** DC/24/00016

Notification of Works to Trees in a Conservation Area - Reduce crowns of Field Maple (T1), Hawthorn (T2),

**DECISION:** PCO

Hawthorn (T3) and Field Maple (T4) by approximately one third

**REF:** 0370/93/

ERECTION OF 3 NEW DWELLINGS AND GARAGE; UPGRADE AND IMPROVE EXISTING ACCESS AND DEMOLITION OF EXISTING FARM BUILDINGS.

**DECISION:** GTD  
13.08.1993

**REF:** 0490/95/

ERECTION OF GARDEN ROOM.

**DECISION:** GTD  
11.07.1995

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

1.1. Church Farm Close is a residential cul de sac close to the centre of the village forming a small cluster of dwellings accessed off Priory Road. The trees in question lie within a domestic setting.

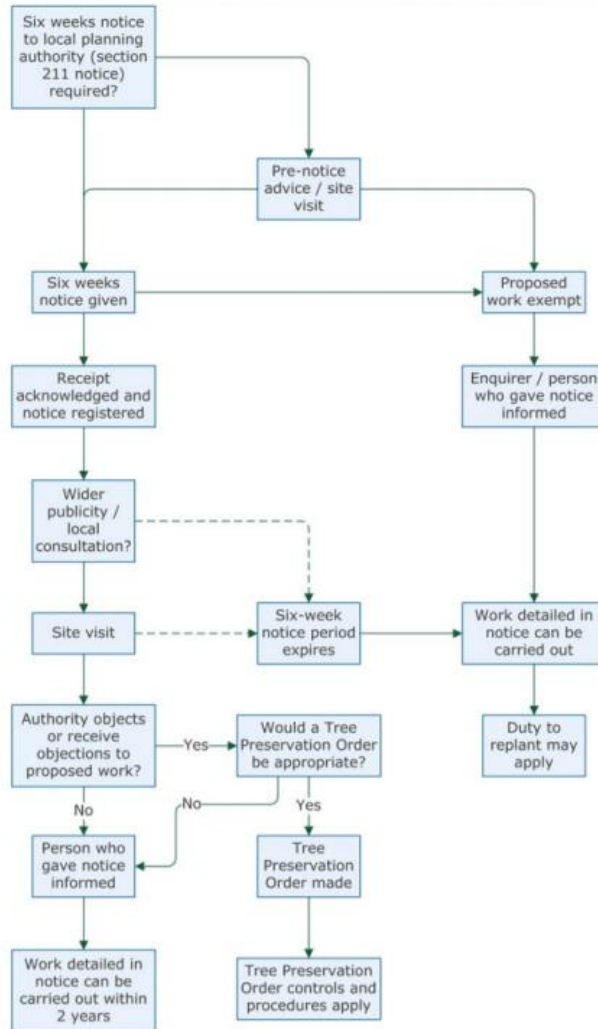
### **2. The Proposal**

2.1. Under The Town & Country Planning Act 1990 (as amended) trees in Conservation Areas are preserved by Section 211 which prohibits works to those trees without prior notice to the local planning authority. Applications in the form of a Section 211 Notice given to the Council are required to be determined within 6 weeks.

2.2. If the local planning authority consider that the tree should be preserved in the interests of amenity by a Tree Preservation Order this may be made during this time. Alternatively the Council may inform the applicant that work can go ahead or simply allow the 6 week period to expire after which time the work may be done within 2 years of the notice. The process is summarised in Flowchart 5 to the published guidance of March 2015 (below).

2.3. A section 211 notice is not, and should not be treated as, an application for consent under an Order. So the authority cannot refuse consent or grant consent subject to conditions.

**Flowchart 5: Notices for work to trees in a conservation area**



2.3. The works here, in summary, to reduce the crowns of a Field Maple (T1), a Hawthorn (T2), Hawthorn (T3) and a further Field Maple (T4) by approximately one third. A verbal update will be given at your meeting.

### **3. The Principle and key issues**

3.1. In summary the key question is whether the local planning authority consider that the tree should be preserved in the interests of amenity by making a Tree Preservation Order. This is a matter of specific merit having regard to the fact and degree of the works and the condition and location of the trees in each case.

3.2. The authority's main consideration should be the amenity value of the tree. In addition, the authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one.

3.3. It is considered that the works are appropriate management pruning of relatively small trees in a residential garden.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

**13.1.** The proposed pruning works will have negligible impact upon local amenity and the character of the conservation area and therefore it would not be appropriate to make a Tree Preservation Order.

**13.2.** The merits of the works are acceptable having regard to the development plan policies quoted above and the material considerations in this circumstance.

### **RECOMMENDATION**

That the applicant be informed that the work may go ahead.

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