

Development Control Committee

Title	Agenda		
Date	Wednesday 3 February 2021		
Time	10.00 am		
Venue	Facilitated by Microsoft TeamsLive virtual meetings platform only The meeting will be accessible by the press and public via a live stream; the link to which will be published on the Council's website alongside the agenda papers		
Full Members	<p style="text-align: center;">Chair Andrew Smith</p> <p style="text-align: center;">Vice Chair Mike Chester and Jim Thorndyke</p> <p>Conservative Group (9) Andy Drummond David Roach Susan Glossop Peter Stevens Ian Houlder Ann Williamson</p> <p>The Independent Group (6) Richard Alecock Roger Dicker John Burns David Palmer Jason Crooks Don Waldron</p> <p>Labour Group (1) David Smith</p>		
Substitutes	<p>Conservative Group (5) Carol Bull Sara Mildmay-White Terry Clements David Nettleton Rachel Hood</p> <p>The Independent Group (2) Trevor Beckwith Andy Neal</p> <p>Labour Group (1) Diane Hind</p>		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.		
Quorum	Six Members		
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer's presentation of the application to the meeting			
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Development Control Committee Agenda notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material planning considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their officers must adhere to this important principle which is set out in legislation and Central Government guidance.**
2. **Material planning considerations include:**
 - Statutory provisions contained in planning acts and statutory regulations and planning case law
 - Central Government planning policy and advice as contained in circulars and the National Planning Policy Framework (NPPF)
 - Supplementary planning guidance/documents eg. Affordable Housing SPD
 - Master plans, development briefs
 - Site specific issues such as availability of infrastructure, density, car parking
 - Environmental; effects such as effect on light, noise overlooking, effect on street scene
 - The need to preserve or enhance the special character or appearance of designated conservation areas and protect listed buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
 - The following planning local plan documents covering West Suffolk Council:
 - Joint development management policies document 2015
 - In relation to the Forest Heath area local plan:
 - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
 - ii. Core strategy single issue review of policy CS7 2019
 - iii. Site allocations local plan 2019
 - In relation to the St Edmundsbury area local plan:
 - i. St Edmundsbury core strategy 2010
 - ii. Vision 2031 as adopted 2014 in relation to:
 - Bury St Edmunds
 - Haverhill
 - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

3. The following are **not** material planning considerations and such matters must **not** be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property or access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation received after the distribution of committee papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- a. Officers will prepare a single committee update report summarising all representations that have been received up to 5pm on the **Thursday** before each committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- b. the update report will be sent out to Members by first class post and electronically by noon on the **Friday** before the committee meeting and will be placed on the website next to the committee report.

Any late representations received after 5pm on the **Thursday** before the committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Council's website.

Development Control Committee

Decision making protocol

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision making protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below:

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a member wishes to alter a recommendation:
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to;
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory);
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with

the Chair and Vice Chair(s) of Development Control Committee.

- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (Human Resources, Legal and Democratic) (or officers attending Committee on their behalf);
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the member will clearly state the condition and its reason or the refusal reason to be added, deleted or altered, together with the material planning basis for that change.
 - Members can choose to:
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend Development control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members and officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural matters

Part 1 – public

1. Apologies for absence

2. Substitutes

Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.

3. Declarations of interest

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

4. Minutes

1 - 10

To confirm the minutes of the meeting held on 6 January 2021 (copy attached).

5. Planning Application DC/20/1870/FUL - Maid's Head, 9 Kingsway, Mildenhall

11 - 24

Report No: **DEV/WS/21/001**

Planning application - Conversion of existing storage barn to one dwelling with associated access and parking

6. Planning Application DC/20/1898/OUT - Plot 1, Landmark, Coltsfoot Green, Wickhambrook

25 - 40

Report No: **DEV/WS/21/002**

Outline planning application (means of access to be considered) - two dwellings

7. Planning Application DC/20/1816/HH - 6 Nethergate Street, Hopton

41 - 52

Report No: **DEV/WS/21/003**

Householder planning application - a. front porch b. part two storey and part single storey side extension

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 January 2021** at **10.00am** via Microsoft Teams.

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

Ann Williamson

Ian Houlder

In attendance

Simon Brown (Ward Member: Pakenham & Troston)

James Lay (Ward Member: Newmarket West)

90. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

91. **Apologies for absence**

No apologies for absence were received.

92. **Substitutes**

No substitutions were declared.

The Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

93. **Minutes**

The minutes of the meetings held on 18 November 2020 and 2 December 2020 were both unanimously confirmed as a correct record.

94. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

95. **Planning Application DC/20/1445/FUL - Land adjacent to Moonstone, Chilton Street, Clare (Report No: DEV/WS/21/059)**

Planning Application - (i) 1no. Dwelling (ii) Garage with habitable space above and associated landscaping (resubmission of DC/19/0270/FUL)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the support offered by Clare Town Council which was in conflict with the Officer's recommendation of refusal, for the reasons set out in Paragraph 94 of Report No DEV/WS/21/059.

Members were advised that the planning application was a revised scheme from the previously refused application (DC/19/0270/FUL - 1no. Dwelling (ii) Garage with habitable space above and associated landscaping).

The Senior Planning Officer explained that the main differences were that the dwelling now proposed had a reduced footprint of 28 metres by 8 metres (previously 34m x 8.2m), a ridge height of 10.2 metres (previously 11.2m) but would still be externally finished with a Corten steel tree canopy frame which 'enveloped' the dwelling.

The reduction in footprint allowed for the proposed dwelling to be moved slightly further away from the site boundaries and in turn the garage was set further back within the plot. The ridge height of the garage had also been reduced by 0.7 metres.

As with the previous application the applicants claimed that the proposal should be considered as an NPPF 'Paragraph 79' proposal and as such the comments from the Suffolk Design Review Panel (SDRP) on the previous application were considered to remain relevant.

The Committee was informed that since publication of the agenda the applicants had submitted an arboricultural impact assessment. Whilst Officers had not had time to fully assess the content of the documentation Member were advised that the assessment could negate the need for refusal reason number four.

Accordingly, Officers were continuing to recommend that the application be refused for the reasons set out in the report with delegated authority being sought to liaise with the Chair with regard to the inclusion/removal of reason four, as deemed necessary once the report had been considered by the Council's Tree Officer.

As part of his presentation the Officer provided videos of the site by way of a virtual 'site visit'.

Speakers: Anna Juhl & Robert Marshall (neighbouring objectors) spoke against the application (*neither individual connected to the meeting to personally address the Committee and instead opted to have the Democratic Services Officer read out a pre-prepared submitted joint statement on their behalf*)
Craig Beech (agent) spoke in support of the application

During the debate some Members posed questions with regard to the recently received arboricultural impact assessment which the Senior Planning Officer and Service Manager (Planning – Development) responded to.

Councillor Ian Houlder proposed that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 13 voting for the motion and 3 against, it was resolved that

Decision

Planning permission be **REFUSED** for the following reasons, with Delegated Authority given to Officers to liaise with the Chair with regard to the inclusion/removal of reason four, as deemed necessary:

- 1 The National Planning Policy Framework (NPPF) requires the planning system to recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS4 establish the spatial strategy and the settlement hierarchy for development within the former St. Edmundsbury area. Policy DM13 bolsters this position and provides that development which is proposed outside of the settlement boundaries, as identified through CS4 and as is the case in this instance, will be strictly controlled. Policy RV3 of the Rural Vision Document further clarifies that the proposals for residential development will be favoured within the defined settlement boundaries. Collectively, these policies seek to resist residential development outside of settlement boundaries and instead direct it towards localities and settlements which are able to accommodate further growth in a sustainable way. Furthermore, Policy DM5 of the Joint Development Management Policies Document (Development within the Countryside) provides that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of the identified settlement boundaries. The proposal does not meet the provisions of policies DM5 or DM27 or paragraph 79 of the NPPF, which outweigh this very significant conflict with the Development Plan. The Local Planning Authority is able to demonstrate an up to date 5 year housing supply and the most determinative policies for decision making are considered up to date, as such the principle of development in this location is not supported,

2 In conjunction with policy CS3 of the Core Strategy, policy DM2 of the Joint Development Management Policies Document provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. The proposed development is a large building with a Corten steel skin installed to the external elevations. Physically, the proposed dwelling has 5 bedrooms and it has a footprint of 28m x 8m with a ridge height of 10.2m.

The submitted site sections illustrate that the dwelling, as proposed, would be larger than the locality's existing buildings and in particular the existing dwellings which are modest, rural units. The building's substantial footprint and generous ridge height give rise a proposal which is incongruent with the prevailing rural character of the application site and wider context. The dwelling presents as a very large, dominating urban block in an area which is otherwise loosely developed with a typical rural vernacular. The massing and bulk do not respect the rural setting of the locality and as a result, the development is visually harmful in the way it dominates the plot and creates a jarring visual contrast between the dwelling and its rural, verdant setting. This results in a proposal which materially and significantly conflicts with policies CS3, DM2 and DM22 of the development plan in a way which is deemed to be harmful to the existing character and rural setting of the application site.

As a direct result of the inappropriate scale and massing of the proposed dwelling, the development is deemed to have an adverse impact upon the prevailing landscape and thus conflicts with policy DM13 of the joint Development Management Policies Document. The proposed new dwelling is higher than the next largest building, the existing agricultural barn on the site. The building is not typical of the cluster and represents a departure from the local vernacular in its appearance and size. The submitted photomontage view of the building from the footpath to the north west of the site shows that the building will be dominant with the hard edges of the building set against the sky; the trees to the rear will no longer be visible on the skyline. The introduction of a hard edged, visually discordant addition to the landscape is visually intrusive and represents a visually jarring feature within an otherwise undeveloped rural setting.

The area is rural in character and there are few sources of artificial or intrusive light; this contributes to the undeveloped and natural character of the locality. However, by introducing a large physical mass to the landscape, with internally illuminated panels - which ultimately project light outwards into the unlit landscape - the prevailing sense of place would be unduly compromised. Such a design fails to respect the locality's countryside character and would represent a conflict with policies CS3, DM2 and DM13 by virtue of the harmful visual impact to the immediate and wider setting of the building.

Therefore, as a result of the material conflict with development plan policies CS3, DM2, DM13 and DM22, the scheme is not considered by

the Local Planning Authority to represent development which satisfactorily complies with paragraph 79 of the National Planning Policy Framework. Due to the introduction of a large, inappropriately scaled building, the scheme as proposed does not significantly enhance the immediate setting within which it is proposed and nor is it sensitive to the prevailing defining characteristics of the area.

- 3 As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the Local Planning Authority have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

The proposed dwelling will be located adjacent to an existing belt of mature trees and the submitted ecology survey confirms that these trees to the south of the site represent a moderate value to foraging bats due to the connectivity with the Chilton Stream. However, although the submitted ecology report acknowledges that additional lighting has the potential to have an adverse impact upon foraging bats, the scheme includes opaque roof and wall panels to give a night time lighting effect.

The introduction of additional light sources in close proximity to an area likely to be used by foraging bats is not consistent with the principles of retaining a dark site as alleged within the submitted ecology survey.

Accordingly, due to the potential adverse impacts upon the local bat population, the scheme represents a conflict the advice contained within the NPPF at paragraphs 8c, 170 and 175 and policies DM11 and DM12 of the Joint Development Management Policies Document and policy CS2 of the Core Strategy.

- 4 Whilst the submitted landscaping proposals plan provides some detail as to the position of the boundary trees, the application is not supported by a BS5837 compliant arboricultural report. In this instance, the Local Planning Authority would maintain that such detail is required given the proximity of the development to the off-site, visually prominent tree specimens. It is accepted that the proposed development may be able to co-exist with the trees which are already in situ but the Local Planning Authority are unable to reach such a conclusion without the necessary arboricultural report being submitted. It must therefore be concluded that in the absence of information which indicates otherwise, the proposal is unable to demonstrate that it sufficiently satisfies policy DM13 which specifically aims to ensure landscape features (trees in this instance) are not unduly sacrificed or threatened.

96. **Planning Application DC/20/1497/FUL - Land East of Redcastle Farm Cottage, Brand Road, Great Barton (Report No: DEV/WS/21/060)**

Planning application - 1no. Holiday cottage

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the support offered from Great Barton Parish Council which was in conflict with the Officer

recommendation of refusal, for the reason set out in Paragraph 45 of Report No DEV/WS/21/060.

As part of his presentation the Planning Officer provided videos of the site by way of a virtual 'site visit'.

Speaker: Councillor Simon Brown (Ward Member: Pakenham & Troston) spoke in support of the application

Councillor Peter Stevens spoke in support of the application which he considered to be sustainable, well related to the existing facilities and considered that more weight should be attached to provide to the economic benefits of the development in relation to Policy DM34.

Accordingly, he proposed that the application be approved contrary to the Officer recommendation and this was duly seconded by Councillor David Roach.

In response, the Service Manager (Planning – Development) addressed the meeting and advised that the proposal would not be 'minded to' and the Decision Making Protocol would not be invoked in this instance.

Following which, the Planning Officer verbally outlined the conditions that could be appended to a planning permission, if granted.

Upon being put the vote and with 12 voting for the motion and 4 against, it was resolved that

Decision

Planning permission be **GRANTED CONTRARY TO THE OFFICER RECOMMENDATION** subject to the following conditions:

1. 01A - The development hereby permitted shall be commenced no later than 3 years from the date of this permission.
2. 14FP - The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. 03D - The holiday let unit hereby permitted shall be occupied only as holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning Use Classes Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). The development shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of 3 weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding 4 weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let unit shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.

4. The hours of site clearance, preparation and construction operations including deliveries to the site and the removal of excavated materials and waste from the site shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site clearance, preparation or construction activities shall take place at the development site on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
5. The use shall not commence until the areas within the site shown on Block Plan 542.1 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that those areas shall be retained and used for no other purposes.
6. Before the development is occupied details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
7. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
8. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:

 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
9. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition.
10. 10A - No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and

species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

11. 10J - 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 scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

12. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

97. **Planning Application DC/20/1708/HH - 11 St Marys Square, Newmarket (Report No: DEV/WS/21/061)**

(Councillor Andy Drummond declared a non-pecuniary interest in this item in light of the fact that he had attended the Delegation Panel meeting during consideration of the application and had requested that it be referred to Committee for determination. Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.)

Householder planning application - (i) single storey rear extension (ii) conversion of garage into habitable space

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the objection from Newmarket Town Council which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 30 of Report No DEV/WS/21/061.

As part of the Planning Officer's presentation the Committee were advised that there was currently an existing extension on site without the benefit of planning permission. The application before Members sought permission for the retention of this structure with changes made to the external materials.

The Officer also outlined the Permitted Development 'fallback' position to consider when determining the application.

Speakers: Debbie Baines (Clerk, Newmarket Town Council) spoke against the application
Councillor James Lay (Neighbouring Ward Member, Newmarket West) spoke against the application

During the debate a number of comments/questions were posed on various elements of the proposal which the Planning Officer and/or Service Manager (Planning – Development) responded to as follows:

- Building Control compliance – Members were reminded that this was not a material planning consideration and would be dealt with separately;
- Conservation Area – whilst the application was not within the designated Conservation Area, it was adjacent to it and Local Planning Authorities had a duty to consider the impact of applications on the character and appearance of the Conservation Area still; and
- Parking/Highways – the Committee was advised that Suffolk County Council Highways was not consulted on the application because planning permission was not required for the conversion of the garage to living accommodation. Whilst the garage conversion technically removed an off-street parking space there were designated parking spaces nearby and the property was in a town centre location.

Councillor Roger Dicker proposed that the application be granted as per the Officer recommendation. This was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 9 voting for the motion and 7 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
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:
3. Within three months from the date of this decision, the extension hereby permitted shall be clad in facing bricks to match the original dwelling, in accordance with the detail shown on drawing 111 (02)-02 Revision B.

The meeting concluded at 12.13 pm

Signed by:

Chair

Development Control Committee 3 February 2021

Planning Application DC/20/1870/FUL – Maid's Head, 9 Kingsway, Mildenhall

Date registered:	9 November 2020	Expiry date:	4 January 2021 EOT 12 February 2021
Case officer:	Connor Vince	Recommendation:	Refuse application
Parish:	Mildenhall	Ward:	Mildenhall Kingsway and Market
Proposal:	Planning application - Conversion of existing storage barn to one dwelling with associated access and parking		
Site:	Maids Head, 9 Kingsway, Mildenhall		
Applicant:	Mr Ron Pammenter		

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:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 07866 913717

Background:

This application is presented to Development Control Committee following consideration at Delegation Panel on 29 December 2020.

It was presented to the Delegation Panel due to the support from Mildenhall Town Council. The application is recommended for REFUSAL.

Proposal:

1. Planning permission is sought for the conversion of an existing storage barn fronting Kingsway to be converted to one dwelling. The building is presently used for storage in association with the Maid's Head public house. The application incorporates parking provision and internal alterations for the conversion, with an internal floor area of 40 square metres across two floors.

Application supporting material:

In support of this planning application, the following has been provided:

- Location plan
- Existing floor plans and elevations
- Proposed floor plans and elevations
- Land contamination questionnaire
- Land contamination report
- Design & access statement

Site details:

2. The storage barn is situated on the south-eastern edge of the site, adjacent to Kingsway to the south. The car park serving the Maid's Head public house surrounds the site, with an open beer garden north of the aforementioned car park. Access to both the proposed dwelling and the Maid's Head Public House is served via the same access from Kingsway.
3. The storage barn has previously been used as a beer keg store and miscellaneous articles store in association with the Maid's Head Public House. The site is situated within the Mildenhall settlement boundary and conservation area and fronts Kingsway to the south. Residential dwellings are found to the immediate south and east of the site.

Planning history:

4. None relevant

Consultations:

5. **Mildenhall Town Council** – Support
6. **Conservation Officer** – On the basis the proposed works will not involve alteration to the elevation as seen from the public highway the works will not adversely affect the character or appearance of the conservation area. I therefore have no objections.

7. **Public Health & Housing** - Public Health and Housing do not object to the application.
8. **Waste Team** – No objection
9. **Environment Team** - Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low. No objections subject to condition requiring the provision of electric vehicle charging points.
10. **SCC Highways** – No objections subject to three conditions requiring:
 1. Parking/Manoeuvring areas retained
 2. Details for the provision of cycle storage
 3. Retention of areas provided for refuse/recycling bins

Representations:

11. No comments received.

Policy:

12. 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.
13. 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:

Site Allocations Local Plan 2019 (former Forest Heath area) SA1 - Settlement boundaries

Core Strategy Policy CS1 Spatial Strategy

Core Strategy Policy CS2 - Natural Environment

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 DM7 Sustainable Design and Construction

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM46 Parking Standards

Other planning policy:

14.National Planning Policy Framework (NPPF)

15.The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Design, Form and Scale
- Amenity Impacts
- Heritage Impacts
- Highways Impacts
- Other Matters

17.The site is situated within the settlement boundary for Mildenhall, as well as the Mildenhall Conservation Area. Firstly, the principle of development given the local context will be discussed.

Principle of Development

18.The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.

19. Policy CS1 of the Forest Heath Core Strategy provides that within the defined Housing Settlement Boundaries, planning permission for new residential development will typically be granted where it is not contrary to other planning policies.
20. The application site lies within the defined settlement of Mildenhall which is classified within Policy CS1 of the FHDC Core Strategy Document as a market town. Within the confines of policy CS1 and SA1, the Spatial Strategy for the District focuses growth in the towns and key service centres where employment, housing, services and facilities can be provided in close proximity to each other.
21. The conversion of the storage barn to dwelling is therefore considered appropriate in this location being surrounded by existing residential properties and owing to the fact that the application site is located within the defined settlement boundary. It is therefore considered a sustainable re-use of land and subject to material planning considerations, there is nothing which would prevent the broad principle of residential development being acceptable.
22. Accordingly, there is nothing to preclude consideration of this site for residential development subject to the impacts of the proposal otherwise being satisfactory and in accordance with up to date planning policies.

Design, Form and Scale

23. With the principle of the development established as being a proposal that the Local Planning Authority are able to support, consideration must be given to the design, form and scale of the proposed development in relation to other relevant Joint Development Management Policies. DM2 and DM22 in particular seeks to ensure that proposal for all new development should not result in any adverse impacts on the local character of the area and any adverse impacts to residential amenity.
24. Policy DM2 states that proposals for all development should recognise and address the key features and the character of the areas within which they are to be based. Policy DM22 further states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
25. The majority of the changes to the storage barn are internal, with fenestration changes in the form of two additional windows to the rear (northern) elevation being incorporated into the design. The rear elevation will form the entrance to the dwelling, with the front (southern) elevation fronting Kingsway incorporating no fenestration changes as part of the proposal. An additional floor is proposed inside the storage barn to accommodate a bedroom and bathroom on the upper floor, with an open-plan living room and kitchen on the ground floor. No changes are proposed on the rear. The internal floor area for the proposed dwelling equals 40 square metres, which is 3 metres above the minimum threshold as detailed within national space standards, albeit members are reminded that these are only advisory in the absence of a local policy that prescribes them.

26. The proposal includes a modest fenced garden area and parking space to the rear, neither of which will be readily visible and both of which are located within the context of the existing car parking area. The changes to the building are modest, and only on the rearwards facing elevation, and it is concluded that the overall impacts upon the character and appearance of the area would be satisfactory, subject to conditional control in relation to the details of any fenced enclosure to the garden area. The proposal therefore satisfies the provisions of DM2 and DM22 in relation to the impact upon character and appearance.

Amenity Impacts

27. Policy DM2 of the Joint Development Management Policies Document is clear in that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, volume or type of vehicular activity generated. This extends to residential amenity and also seeks to limit the harm suffered by developments from existing uses, providing as a criterion that development should not be sited 'where its users would be significantly and adversely affected by noise...or other forms of pollution from existing sources'. The NPPF also sets out that proposals should not harm existing levels of amenity.
28. Paragraph 127 of the NPPF further states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
29. The proposed dwelling will incorporate a shared access with the Maid's Head Public House, with a small private amenity space which will be screened by a fence, but located intimately within the existing public house car park and otherwise closely related to both the vehicular access and outside 'beer garden' area associated with the pub. The existing 5-metre wide access serves the Maids Head Public House and has parking for up to 20 vehicles and a 'garden area' for patrons to use when using the Maids Head facilities. The Maid's Head Public House does not have access to the beer cellar from the front, meaning it is likely that the public house will be serviced by vehicles using the Kingsway access and from the rear car park, in close association with this proposed dwelling. All service vehicles would, it is anticipated, utilise this access, creating adverse and materially harmful amenity impacts via vehicular traffic and associated noises arising from servicing activities in such close proximity.
30. Whilst no specific details are available regarding the fence that is proposed to surround the amenity area, and whilst this might offer some modest screening effect, it is officers' view that the continued shared use of this access by patrons of the Maid's Head pub, accompanied by the use of the public garden space to the immediate north of the proposed dwelling, plus the servicing effects noted above, would engender adverse noise and general amenity impacts on the future occupants of the dwelling, therefore contrary to the provisions of Policies DM2 and DM22. Vehicles will be using this parking area for turning and manoeuvring and for entering and leaving of the premises. Given the function of the Maid's Head, patrons will

also be congregating at, plus arriving at and leaving, the Public House at unsociable hours. Furthermore, there remains the potential for the slamming of car doors, headlights shining, revving engines, for example, which are all cumulative effects late in the evening and which are also anticipated to have some adverse impacts. This harm is compounded by the private amenity space provided for the converted dwelling being within the former car park and close to the access and beer garden, with associated activities which will all continue to arise from the lawful public house use if planning permission is granted.

31. Whilst there are other dwellings within close proximity to the Maid's Head, none share such an intimate relationship as this proposed dwelling. These dwellings at 11 and 13 Kingsway, for example, are 3 metres and 13 metres in separation distance respectively from the site boundary, would not engender such adverse impacts associated with residential amenity as would be anticipated in this case due to the screening provided by a high wall on the eastern boundary of the Maid's Head site, and also due to the fact that they are not so intimately associated with and related to the existing access, car park and beer garden as this proposed property is.
32. No objections have been raised to the proposal from Public Health and Housing. However, providing a market dwelling within such close proximity to the Maid's Head Public House may also affect the future viability of the pub moving forward if restrictions are placed on it due to its proximity to a residential dwelling, and in this regard the provisions of the NPPF are relevant
33. Paragraph 182 advises that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities such as pubs. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. In this regard officers are concerned not only that the fence proposed is inadequate mitigation for the effects but that, more fundamentally, the very close relationship between the public house use, including its access, car park and outside garden area, means that effective mitigation from noise effects simply would not be possible, leading to concerns that the proposal is not integrated effectively with existing business, contrary to the provisions of paragraph 182 of the NPPF.
34. The proposal is therefore considered to conflict with the provisions of policies DM2 and DM2, plus those provisions of the NPPF which seek to protect the amenities of residential occupiers, and to paragraph 182 of the NPPF.

Heritage Impacts

35. 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.

36. Policy DM17 further states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.
37. The majority of the proposed works are internal, with fenestration changes occurring to the rear (northern) elevation, which will not be visible from the street scene, namely Kingsway to the south. The proposed fencing is also discretely sited, and details of which could be satisfactorily controlled through the imposition of a condition.
38. In conclusion, and on the basis that the proposed works are modest and generally incidental alterations that will not materially alter the form or overall appearance of the building, it is considered that the proposal will not adversely affect the character or appearance of the conservation area. The proposal therefore complies with the provisions of Policy DM17.

Highway Impacts

39. At paragraph 110, the 2019 NPPF provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed.
40. The Suffolk Parking Standards require a 1-bedroom dwelling to deliver at least one parking space for potential occupants. As indicated on the submitted site plan, one parking space is provided, therefore complying with the provisions of the Suffolk Parking Standards. No conflict is anticipated to arise between the use of the car park and the provision of the dwelling that would otherwise have safety implications for vehicular or pedestrian safety.

Other Matters

41. As required by the National Planning Policy Framework (2019) at paragraphs 8c, 170 and 175 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. Section 40 of the Natural Environment and Rural Communities Act 2006 further places a duty to conserve biodiversity on public authorities in England. At a local level, this is exhibited through policies CS2, DM11 and DM12.
42. 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.
43. 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.

44. The storage barn has traditionally been used in association with the main building of the Maid's Head Public House. The building is in good condition externally and, given its location within the settlement boundary for Mildenhall, is not within close proximity to any water bodies or woodlands. No adverse impacts on biodiversity are therefore considered to arise, in compliance with the provisions of policies CS2, DM11 and DM12.

Planning Balance:

45. In conclusion, the proposed conversion of the storage barn will undoubtedly provide economic benefits for the applicant by way of providing a dwelling within what is principally a sustainable location, reusing what is currently a disused building. Furthermore, it is acknowledged there are no objections to the proposal from statutory consultees, with support from the Town Council. However, it is considered that due to the proximity of the dwelling to the retained public house and associated car park and beer garden, including the likely use of such at unsocial hours, plus use of the access from Kingsway, as well as the adverse impacts attributed to noise and the aforementioned use of the access and parking area for the servicing of the public house, there will be significant and material adverse effects upon the amenities of the occupants of this modest dwelling and garden. The proposal is therefore considered to conflict with the provisions of policies DM2 and DM22 and is therefore recommended for refusal. The further provision of a market dwelling in this location, within such close proximity to the Maid's Head also has the potential to adversely affect the future operation of the public house, if noise complaints are subsequently received, contrary to the provisions of paragraph 182 of the NPPF.

Recommendation:

46. It is recommended that planning permission be **REFUSED** for the following reason:

1. Policy DM2 of the Joint Development Management Policies Document is clear that proposals for all development should not, taking mitigation measures into account, adversely impact the amenities of adjacent areas. This includes effects upon residential amenity and also seeks to limit the harm suffered by developments from existing uses, providing as criterion h that development should not be sited 'where its users would be significantly and adversely affected by noise...or other forms of pollution from existing sources'. The NPPF also sets out that proposals should ensure a high standard of amenity for existing and future users.

The proposed dwelling will incorporate a shared access with the Maid's Head Public House, with a small private amenity space which will be screened by a fence, but located intimately within the existing public house car park and otherwise closely related to both the vehicular access and outside 'beer garden' area associated with the pub. All service vehicles would, it is anticipated, utilise this access, creating adverse and materially harmful amenity impacts via vehicular traffic and associated noises arising from servicing activities in such close proximity.

It is considered that the continued shared use of this access via patrons of the Maid's Head pub, accompanied by the use of the public garden space

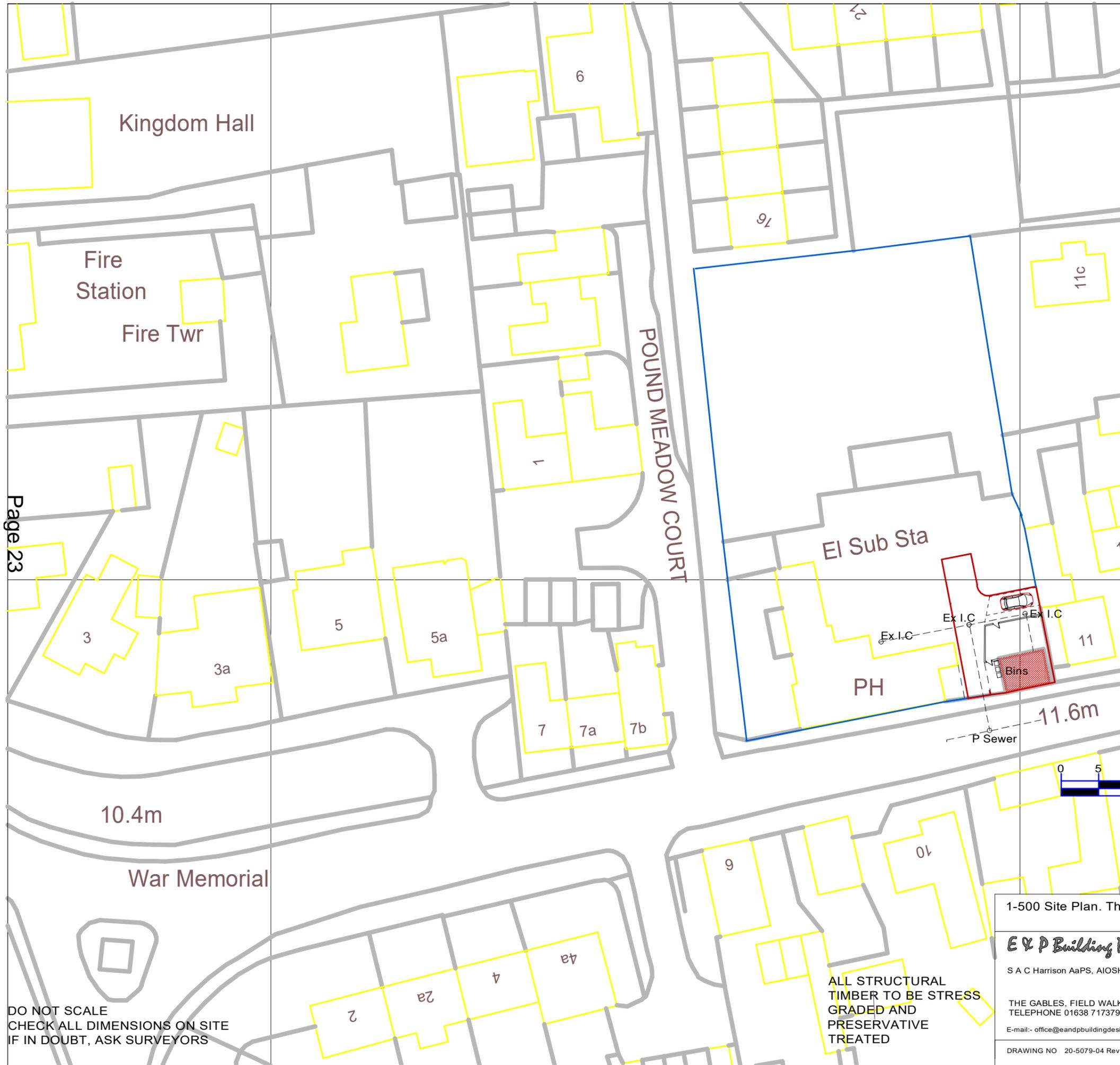
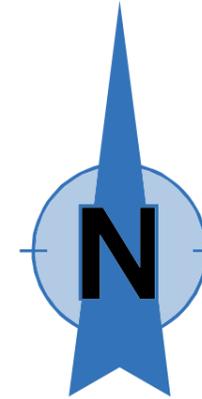
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Maids Head, 9 Kingsway, Mildenhall, IP28 7HN



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THE GABLES, FIELD WALK, MILDENHALL, BURY ST EDMUNDS, SUFFOLK, IP28 7AH
 TELEPHONE 01638 717379. FAX 01638 714725.

MOBILE 07802 314538

E-mail:- office@eandpbuildingdesign.co.uk

Web address:- eandpbuildingdesign.co.uk

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Development Control Committee

3 February 2021

Planning Application DC/20/1898/OUT **Plot 1, Landmark, Coltsfoot Green, Wickhambrook**

Date registered:	30 October 2020	Expiry date:	25 December 2020 (EoT 8 February 2021)
Case officer:	Alice Maguire	Recommendation:	Refuse application
Parish:	Wickhambrook	Ward:	Whepstead and Wickhambrook
Proposal:	Outline planning application (means of access to be considered) - two dwellings		
Site:	Plot 1, Landmark, Coltsfoot Green, Wickhambrook		
Applicant:	Mr David King		

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:

Alice Maguire

Email: alice.maguire@westsuffolk.gov.uk

Telephone: 07904 389982

Background:

This application was considered at Delegation Panel on 12 January 2021. It was agreed the matter should be referred to the Development Control Committee for determination.

The Parish Council have no comments to make on the application which has an officer recommendation of REFUSAL.

Proposal:

1. This application seeks outline planning permission with only the means of access to be considered at this stage, for two detached dwellings. The access is shown at 4.5m wide, reducing to 3m at its narrowest point further into the site. Visibility splay drawings have been provided within the Highways Statement. The indicative plans show two detached dwellings with attached garages and additional driveway space to park in front. A field access is shown to be retained beyond the second dwelling for the existing property 'Landmark'.

Application supporting material:

2.
 - Application form
 - Location Plan
 - Site Layout Plan
 - Planning, Design & Access statement
 - Preliminary Ecological Appraisal & Biodiversity checklist
 - Land contamination assessment & Questionnaire
 - Highways Statement

Site details:

3. The site is located to the rear of 'Landmark' which is a detached bungalow on the edge of a cluster of dwellings known as Coltsfoot Green, outside of the settlement boundary of Wickhambrook and therefore within designated countryside. The edge of the Wickhambrook settlement boundary is approx. 350m to the west. There is a public footpath directly to the north west of the site, which connects Coltsfoot Green to the edge of Wickhambrook.

Planning history:

4.

Reference	Proposal	Status	Decision date
E/98/2602/P	Certificate of Lawful Use or Development - Use of land for grounds maintenance and fencing contracting business and plant growing and sales	Application Refused	11 May 1999
E/98/1283/P	Planning Application - Erection of workshop and storage building (to replace existing	Application Refused	7 April 1998

outbuildings) to be used in connection with existing ground maintenance and general contracting business

Consultations:

5. SCC Highways

No objection subject to conditions to secure access surfacing and position of gates should they be installed.

West Suffolk Environment Team –

Revised comments received 18.01.2021:

Following receipt of further information remove previous objections, subject to a condition requiring additional investigation (as recommended in the study), prior to commencement.

Condition also recommended to secure electric vehicle charging point.

West Suffolk Waste Management Team

no objection – bins will need to be presented at the junction with the main road on collection day.

West Suffolk Public Health & Housing Team

no objection subject to conditions to secure restricted construction hours and external lighting details should they wish to be installed.

Representations:

6. The local Ward Member (Councillor Mary Evans) requested that this application be considered by the Delegation Panel.
7. Wickhambrook Parish Council considered this application at its November meeting and had no comments to make.
8. No other representations have been received.

Policy:

9. 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.

10. 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:

Joint Development Management Policies Document 2015

- 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 DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM27 Housing in the Countryside

Core Strategy 2010:

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing Settlement Boundaries

Other planning policy:

11. National Planning Policy Framework (NPPF)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 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 2019 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
- Brownfield land
- Impact on character of the area
- Highways impacts
- Impact on neighbour amenity
- Ecology impacts
- Contamination

Principle of Development

13. The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
14. The site is not within a housing settlement boundary and is within designated countryside. Policies DM5 and DM27 of the Joint Development Management Policies Document seek to protect the countryside against unsustainable development. Policies CS1 and CS4 of the Core Strategy detail where support may be offered to new development within rural areas. RV3 from the Rural Vision Document further states applications for dwellings will generally be supported within housing settlement boundaries, subject to other, relevant planning considerations. Accordingly, consideration must also be given to the other adopted policies and the provisions of the National Planning Policy Framework.
15. Coltsfoot Green is not listed as a key service centre, a local service centre or an infill village. Paragraph 39.4 of the Rural Vision states that any village which is not listed as a key service centre, local service centre or infill village, has very few, or no services and facilities, and so to locate a large amount of further growth in these locations would not be sustainable. Paragraph 38.3 (b) of this document states that Wickhambrook is in close proximity to a cluster of small developments (including Coltsfoot Green) whose individual character should be protected, through separation or through sensitive site specific design.
16. Policies DM5 and DM27 of the Joint Development Management Policies Document 2015 seek to protect the countryside from unsustainable development. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:
 - a) The development is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway;
 - b) The scale of development consists of infilling a small undeveloped plot by one or a pair of semi detached dwellings, commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

This proposal seeks outline planning permission for two dwellings to be located to the rear of the residential property of Landmark. The proposal is not considered to accord with Policies DM5 and DM27, given that it is for two detached dwellings and that the plot does not front a highway or form an infill within a continuous built up frontage. The site is also not within, but on the edge of a cluster of at least 10 dwellings.

Brownfield land

17. The submitted design and access statement refers to the existing use of the land as being brownfield land. It is understood that the use of the land is currently overgrown grassland, scrub and tall herbs, bounded by trees and hedgerow, with some dilapidated buildings, a small chicken shed and a large shed. The NPPF refers to brownfield land as 'previously developed land': 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' It is difficult to conclude how this site fits this definition. The only structures on the site are the sheds. Other than the chicken shed, no details have been provided about the use of the large shed. The site is largely grassed and overgrown.
18. Even if the site was to be considered as previously developed land, paragraph 118 of the National Planning Policy Framework 2019 states that:
- "Planning policies and decisions should... c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs".
- This paragraph highlights the weight that should be given to the re-use of brownfield sites *within* settlements. The site proposed for development is not within a settlement boundary but within designated countryside.
19. Although the LPA note that there is some small scale, incidental development on the site in the form of dilapidated outbuildings, it is considered that the reference to brownfield land in the NPPF does not apply in this instance noting that the site is outside of any of the LPA's defined settlement boundaries. The proposed development cannot therefore benefit from any significant weight in favour in this regard.

Impact on character of the area

20. Policy DM2 states that proposals for all development should recognise and address the key features and the character of the areas within which they are to be based. Policy DM22 further states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
21. The proposed dwellings would result in development which stretches out beyond Coltsfoot Close, further into open countryside. Wickhambrook village comprises of a large village, with sporadic development around it based around greens, such as Coltsfoot Green. However, between the village and these hamlets are areas of agricultural land and green space. Extending the built form in this

direction, into open countryside, is considered to be harmful to the rural character of the area and would conflict with adopted policies, particularly DM2 and DM13, which seek to protect the character of the these rural hamlets.

22. The proposed development site is on the periphery of Coltsfoot Green, which is characterised by development surrounding the central green, and a more modern estate of housing to the south, forming Coltsfoot Close. There are no other examples of back-land development like this proposal within the vicinity. This therefore erodes the countryside character by introducing uncharacteristic development into an otherwise rural locality.
23. These concerns result in a proposal which is unable to demonstrate adequate compliance with the requirements of Policies DM2, DM22 and DM27, which all seek to ensure that proposals for residential development create and maintain a sense of place by respecting the areas within which they are proposed. As such, the harm arising from the visual impact upon the character and appearance of this otherwise rural and open area is at a level that the Local Planning Authority considers to be significant and weighs against the proposal.

Highways impacts

24. Policy DM2(k & l) states that proposals for all development should produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
25. The proposed dwellings would be accessed from Coltsfoot Green, with the access shown on the site layout plan (Drawing No. 20244-02 Rev B). The access would be 4.5 metres wide from the road, narrowing down to 3.0 metres at its narrowest point adjacent to Landmark, then widening back to 4.1 metres near to the front of the proposed dwellings. The 4.5 metre wide crossover entrance is in accordance with the Suffolk County Council Highways Authority requirements. Visibility splays have also been provided with this application, which are considered to be satisfactory to achieve safe access onto the public highway. The site layout plan also indicates that the adjacent existing public right of way will be retained.
26. The Highways Authority have assessed this application and are satisfied that as there is an existing access, a safe access onto the highway can be achieved at this location. They do not object to the application but recommend conditions. They note within their comments that matters such as bin and cycle storage can be addressed in a future reserved matters application. The proposal is therefore considered to comply with DM2 in this regard.
27. Wickhambrook, which is a key service centre, is approx. 350m to the west. Whilst not a huge distance, it is not considered that this rural road without a footway or street lighting represents a desirable route for pedestrians, especially those with children, prams and wheelchairs.

The main part of the village is not therefore considered to be easily accessible from the site for all users which weighs against its sustainability credentials.

Impact on neighbour amenity

28. Policies DM2 and DM22 seek to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states 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.
29. The proposed dwellings would be located to the rear of an existing residential dwelling, Landmark. The rear garden of Joelanda is directly to the south-east of the site, and beyond this is the rear of the properties of 13-15 Coltsfoot Close.
30. The access to the proposed dwellings will run in very close proximity to Landmark. The distance between the side elevation of Landmark and the proposed driveway to serve the new dwellings measures approx. 0.50 metres. Given that this application seeks two dwellings, there would be increased comings and goings to and from the site which would create potential noise and disturbance impacts to Landmark. It is unclear whether there will be any boundary treatment between Landmark and the proposed access track, therefore with windows open on the west elevation, and when occupying the private rear garden, noise and rumbling from vehicles will be apparent to the occupiers of Landmark. In the hours of darkness, there is also the potential for headlights from passing vehicles to illuminate the rear and side elevation (and thus windows) of Landmark, and therefore adversely impacting the existing residential amenity by way of light pollution. The proposal is therefore contrary to Policies DM2 and DM22 of the Joint Development Management Policy Document and weighs against the proposal.

Ecology Impacts

31. Policy DM11 states that development will not be permitted unless suitable and satisfactory measures are in place to reduce the disturbance to protected species and which 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.
32. 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 enhancements.
33. A biodiversity survey and preliminary ecological appraisal were submitted with this application on 30.10.2020. The report states that the following ecological constraints were identified within the site:

- The site is a low value foraging habitat for bats but may support small numbers of common species which roost in the village locally.
- There is suitable nesting habitat for common and widespread bird species in scrubs/tall herbs, and buildings within the site.
- The site has some limited value for reptiles but may support individual or small numbers of species including slow worm.
- The site supports habitat for hedgehogs.

34. The ecology report goes on to provide mitigation measures, such as the management of external lighting, the time of clearance of vegetation, the installation of nest boxes, the production of a method of working statement, and the inclusion of hedgehog friendly features such as hedgehog tunnels. The report also provides possible opportunities to enhance wildlife potential such as through bird boxes, bat boxes and a hedgehog house.

35. Overall, it is considered that the ecological constraints can be overcome through the mitigation measures and recommendations for enhancement as set out within the ecological report. If planning permission were to be granted, a condition requiring compliance with the measures in this report would be imposed. The proposals in this respect comply with policies DM11 and DM12.

Contamination

36. Following consultation with the Environment Team, an objection was originally raised on the basis that the application did not contain sufficient information on the risk posed by potential contamination at the site. For brownfield sites, a full Phase 1 Desk Study report should be completed and submitted, as the questionnaire and screening report are only valid for existing residential or greenfield sites.

37. The agent submitted a Phase 1 report on 12.01.2021, and the Environment Team were then re-consulted. Further comments from the Environment Team were provided on 18.01.2021. These comments state that the desk study identified a number of potential contaminative sources at the site and a phase II intrusive site investigation is recommended. They however agree with the conclusions and recommendations in the report for intrusive investigations and remove their previous objections subject to conditions.

38. The application is therefore considered to contain sufficient information on the risk posed by potential land contamination at the site is considered to be in accordance with the National Planning Policy Framework (NPPF), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policies Document, in respect of land contamination.

Conclusion:

39. The application proposes two additional dwellings on a site which falls outside any of the LPA's defined settlement boundaries. In order for the LPA to support the principle of development in this instance, the proposal would need to demonstrate that it is able to satisfy the tests

set out within policy DM27. However, the proposal does not comprise the infilling of a small undeveloped plot which fronts onto a highway, is not a single dwelling or pair of semi-detached dwellings and it therefore fails to satisfy policy DM27, and, consequently, policy DM5.

40. The application suggests that weight should be given to the fact that the proposal results in the reuse of a brownfield site. However, this can only be attributed substantial weight if the site was within the settlement boundary which it is not.
41. The proposal seeks to extend the built form beyond the edge of the existing hamlet of Coltsfoot Green, into open countryside. This is considered to be harmful to the rural character of the area and would conflict with adopted policies which seek to protect the character of the landscape. The proposal is therefore considered to be unable to demonstrate adequate compliance with the requirements of Policies DM2, DM22 and DM27, which all seek to ensure that proposals for residential development create and maintain a sense of place by respecting the areas within which they are proposed. As such, the harm arising from the visual impact upon the character and appearance of an otherwise rural and open area is at a level that the Local Planning Authority considers to be significant.
42. The application is also in material conflict with Policies DM2 and DM22 of the Development Plan in relation to impact on residential amenity, given the harm arising by virtue of noise, vibration and light pollution as well as the potential loss of privacy from the additional vehicular movements immediately adjacent to the existing property Landmark. The proposal is therefore considered to be contrary to Policies DM2 and DM22 of the Joint Development Management Policy Document, as well as the requirements of the National Planning Policy Framework, in particular paragraph 127 (f), which refers to residential amenity.
43. There are no other material considerations which outweigh the harm arising from the proposal being contrary to the development plan, its impact on the rural character of the area and its impact on the amenity of Landmark. On this basis the application is recommended for refusal.

Recommendation:

44. It is recommended that planning permission be **REFUSED** for the following reasons:
 1. The 2019 National Planning Policy Framework (NPPF) provides that the planning system should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within the area, whilst policy CS13 reinforces this position and provides that development which is proposed outside of the settlement boundaries identified through policy CS4 will be strictly controlled. Both of these policies seek to resist residential development outside of settlement

boundaries. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of settlement boundaries. The site falls outside of any designated settlement boundaries, showing two detached dwellings. The plots do not front a highway or form an infill within a continuous built up frontage. The proposal does not therefore meet the provisions of any of these policies and there are no material considerations that outweigh this very significant conflict with the Development Plan.

2. Policies DM2 and DM22 of the Development Management Policies Document and the National Planning Policy Framework attach great importance to good design, expecting new developments to be visually attractive, respond to local character and reinforce local distinctiveness whilst Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement. Owing to its location on the periphery of the hamlet of Coltsfoot Green, which does not benefit from being within a settlement boundary, the character of the area is rural in nature, with open countryside to the south and west of the application site. Residential development on the site would therefore have an urbanising impact on the otherwise rural character and appearance of the locality through the introduction of additional built form and a formalised vehicular access. The proposal is therefore contrary to the provisions of policies CS1, CS4 and CS13 of the Core Strategy, Policies DM2 and DM22 of the Joint Development Management Policies Document and the National Planning Policy Framework 2019.
3. Policies DM2 and DM22 of the Development Management Policies Document states that proposals for all development should not adversely affect residential amenity, nor the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, light pollution, and volume or type of vehicular activity generation. Given the negligible distance provided between the proposed access and the residential property of Landmark, the vehicular movements to and from the new dwellings are considered to result in a detrimental impact to their residential amenity by virtue of noise, light pollution, vibrations and potential overlooking from the comings and goings and lights of vehicles along the access. As such, the proposal is considered to be contrary to the National Planning Policy Framework and provisions of the Joint Development Management Policies Document, in particular to Policies DM2 and DM22, in respect of residential amenity.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1898/OUT](https://www.dorset.gov.uk/DC/20/1898/OUT)

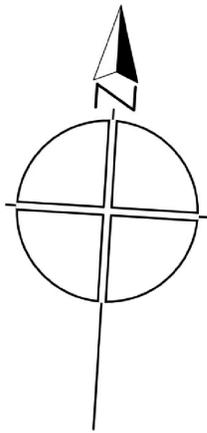
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DC/20/1898/OUT

Plot 1 Landmark, Coltsfoot Green, Wickhambrook, Suffolk



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4.5m ACCESS, REFER
DRAWING 20244-01 FOR
VISIBILITY SPLAY DETAILS

EXISTING PUBLIC RIGHT OF
WAY. APPLICANT HAS AGREED
CONTRIBUTION FOR SURFACE
IMPROVEMENTS

FIELD ACCESS RETAINED
FOR EXISTING PROPERTY
"LANDMARK"

LANDMARK

4.5m

4.1m

8.0m

4.1m

REV	AMENDMENT	DATE	CHKD
B	NOTES ADDED	15-10-20	HC
A	FIRST ISSUE	06-10-20	HC
DRAWING STATUS: PLANNING			
PROJECT: R/O LANDMARK, COLTSFOOT GREEN, WICKHAMBROOK, CB8 8UW			
DRAWING TITLE: INDICATIVE SITE LAYOUT PLAN			
SCALE	DRAWN BY	DATE	
1:250 @ A1 1:500 @ A3	HC	10-2020	
DRAWING NUMBER: 20244-02			REVISION: B

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Development Control Committee 3 February 2021

Planning Application DC/20/1816/HH – 6 Nethergate Street, Hopton

Date registered:	3 November 2020	Expiry date:	29 December 2020 – EOT 5 February 2021
Case officer:	Amey Yuill	Recommendation:	Refuse application
Parish:	Hopton Cum Knettishall	Ward:	Barningham
Proposal:	Householder planning application - a. front porch b. part two storey and part single storey side extension		
Site:	6 Nethergate Street, Hopton		
Applicant:	Mr R Dewsbery		

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application is before the Development Control Committee following consideration by the Delegation Panel.

It was referred to the Delegation Panel as the Officer's recommendation was one of REFUSAL, contrary to the Parish Council's support of the application.

Proposal:

1. Planning permission is sought for a part two storey, part single storey side extension, to allow for the installation of a dining room and garage at ground floor level and the addition of a fourth bedroom and family bathroom at first floor level. Permission is also sought for a single storey front porch.
2. The two storey hipped roof element of the side extension will measure 4.720 metres in depth, 5.503 metres in width, 4.437 metres to the eaves at the front, 5.063 metres to the eaves at the back and an overall height of 6.841 metres to the highest roof point. The two storey element will also include a dormer window to the front elevation.
3. The single storey flat roof element of the side extension, which will be positioned to the rear of the two storey extension, will measure 3.624 metres in depth, 4.332 metres in width and 2.828 metres in height.
4. The single storey hipped roof porch to the front of the existing dwelling will measure 1.565 metres in depth, 2.690 metres in width and will measure 2.506 metres in height to the eaves and 3.319 metres in height to the highest roof point.
5. The plans originally submitted comprised a larger scale two storey and single storey side extension. Following communications with the agent, an amended scheme was submitted, as detailed above, altering the overall scale of the side extension, along with the roof form. The original plans have been superseded.

Application supporting material:

6.
 - Application Form
 - Existing Location and Site Plan, Floor Plans and Elevations (Drawing No. 119-01)
 - Proposed Floor Plans (Drawing No. 119-02 REV A)
 - Proposed Elevations, Sections and Site Plan (Drawing No. 119-03 REV C)

Site details:

7. The application site comprises a two-storey semi-detached dwelling house on a generous plot, which is part of a cluster of matching or similar pairs in the immediate area.
8. The property is located within the Hopton settlement boundary, set back from the main road, with Nethergate Street being located to the South. The site backs on to open countryside, which can be viewed via the spacious gaps

between itself and the neighbouring dwelling, as is echoed by the other pairs in this section of Nethergate Street.

9. The site has a generous garden to the rear and a more modest, yet still large, garden to the front, with off road parking to the side of the property.

10. The property is neither listed nor situated within a Conservation Area.

Planning history:

No relevant planning history.

Consultations:

Suffolk County Council Highways Authority – No objection. Condition recommended regarding implementation in accordance with plans and retention of parking spaces thereafter.

Public Health and Housing – No objection subject to construction times restriction condition.

Representations:

Parish Council – Hopton cum Knettishall Parish Council support the application.

Ward Councillor – No written comments received.

Neighbour Representation – No neighbour representations received.

Policy:

11. 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.

12. 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 DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards

- Core Strategy Policy CS3 - Design quality and local distinctiveness

Other planning policy:

13. National Planning Policy Framework (NPPF)

14. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of development
- Design and impact on character
- Impact on neighbouring amenity
- Other matters

Principle of development

16. Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.

17. In the case of this application, the dwelling is located within a curtilage which can accommodate the scale of both the side extensions and front porch without over-development occurring.

Design and impact on character

18. Policies DM2, DM24 and CS3 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the host dwelling and the surrounding area.

19. Policy DM2 states that proposals for all development should (i) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and (ii) maintain or create a sense of place and/or local character.

20. Policy DM24 states that development will be permitted provided that the proposal (i) respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area.
21. Views of the proposed front porch will be visible from the public realm of Nethergate Street and will be viewed as part of the wider street scene. The front porch is modest in scale, with a hipped style roof to match the existing dwelling and the proposed materials to be used in its construction are to match those of the existing dwelling, with red/orange brickwork and dark red/orange tiles to the roof. Therefore, the proposed front porch is not considered to have an adverse detrimental impact upon the character or appearance of the host dwelling or the surrounding area.
22. In reference to the two storey and single storey side extension; the proposed materials to be used in its construction are the same as those of the proposed front porch, which are to match those of the existing dwelling, with red/orange brickwork and dark red/orange tiles to the roof. Therefore, the materials are deemed to be acceptable and sympathetic to the existing dwelling. However, there are strong concerns regarding the design and scale of the side extension.
23. Whilst there is a mix in character along Nethergate Street, the host dwelling sits within a row of two uniform pairs and opposite another pair of matching dwellings in a similar design, and which therefore have a simple but pleasing rhythm. This cluster of semi-detached dwellings has a distinctive character, with generous and otherwise regular gaps between each of the similarly spaced pairs. These gaps help provide views into open countryside from the public realm of Nethergate Street further adding positively to the character and appearance of the immediate area as a result of the consistent position, design and spacing of dwellings.
24. The proposal as it stands has been amended, following concerns raised by officers. The initial design for the two storey and single storey side extension was considered to be out of character with the surrounding area due to its dominating scale, lack of subservience, and the closing of the gap between the host dwelling and the neighbouring property, blocking the existing views into the open countryside to the rear of the dwelling. Following discussions with the agent for the application, along with several informal submissions of amended plans, a formal submission of an amended scheme was submitted on 07 December 2020. The amended design shows a side extension which has been reduced in width by 0.338 metres, reduced in height by 0.406 metres and has been pulled back from the principal elevation to provide increased subservience. In addition, the roof form has been amended to a hipped roof, to match that of the existing dwelling and the immediate neighbouring properties.
25. However, it is considered by officers that this amended design has still not overcome the concerns raised and that, therefore, the proposal remains unacceptable. The side extension will still appear large, excessively wide in proportion to its host, overtly bulky and poorly articulated in the street scene, and as a result, in particular with its expansive width and excessively scaled frontage, it is considered that it will result in the material erosion of the important gap between houses, which as noted above, adds so positively to the character of the existing area. In turn, and respecting that all applications should be considered on their own merits, but also that similar applications

should be dealt with consistently, approval runs the risk of introducing, in time, a terrace like design, as other houses in the immediate area seek to extend in a similar manner, and which would materially and harmfully interrupt the simple and pleasing rhythm of the existing row of houses and otherwise uninterrupted views of the countryside.

26. Therefore, it is considered to contribute negatively to the existing street scene and is deemed to result in visual harm, therefore, having a negative impact upon both the appearance and character of the host dwelling and the surrounding area to a materially harmful level. Thus, the application is contrary to the requirements of both policy DM2 and DM24 of the Joint Development Management Plan, CS3 of the St Edmundsbury Core Strategy and the design provisions within the National Planning Policy Framework (2019).

Impact on neighbouring amenity

27. Policy DM24 states that the development should not adversely affect the residential amenity of occupiers of nearby properties. The proposed side extension and front porch are considered to have no adverse impact on the neighbouring amenity, by reason of overlooking, overbearing impact or from loss of light.

28. The neighbouring property to the East of the application site, No.4 Nethergate Street, is potentially the most sensitive to the proposed development, with the side extension sitting only 1.280 metres from the neighbouring boundary. However, the impact is considered to be acceptable, with the neighbouring property having a wide gap between its flank wall and the boundary line of approximately 5.3 metres, ensuring there is no loss of light or an overbearing sense as a result of the proposal. In addition, the proposed side extension has no windows to its Eastern elevation and both the application site and neighbouring properties boast large gardens to the rear. Therefore, increased overlooking or loss of privacy from the rear facing windows is not considered to be sufficient enough to result in material harm to neighbouring amenity.

29. Regarding the neighbouring property to the West, No.8 Nethergate Street, no harm is considered to arise from the proposed development. The two-storey element of the proposed extension will sit behind the existing dwelling, as will the single storey element of the side extension. Therefore, it is considered that the development will have no detrimental impact on the neighbouring amenity by reason of overlooking, overbearing impact or from loss of light.

30. The proposed porch to the front of the dwelling is positioned centrally, is single storey in height, modest in depth and has no proposed windows in either of the side elevations, therefore, is also deemed to be acceptable in terms of its impact on neighbouring amenity to both No.4 and No.8 Nethergate Street.

Other matters

31. Comments were received from Suffolk County Council Highways Authority during both consultations, in which no amendments to the proposal were sought and no objections were stated, deeming the proposal as acceptable from their perspective. The Highway Authority did make a recommendation that a condition should be added to the decision, if permission is granted,

regarding the implementation of the develop being carried out in accordance with plans and the retention of parking spaces thereafter. This is to ensure that sufficient space for the on-site parking and manoeuvring of vehicles is provided and maintained where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway; this condition is considered to be reasonable.

32. Additionally, comments were received from Public Health and Housing regarding both versions of the application, in which no amendments to the proposal were sought and no objections were stated, subject to a condition whereby the hours of operation for the construction of the development are controlled. Officers have deemed this condition acceptable if permission is to be granted.

Conclusion:

33. In conclusion, the two storey and single storey side extension element of the proposal is considered harmful to the character of the existing dwelling and the character and appearance of the wider area. Therefore, the application as a whole is not compliant with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

34. It is recommended that planning permission be **REFUSED** for the following reason:

1. Policies DM2 and DM24 of the Joint Development Management Policies Document (2015) permit development in locations such as this providing that the proposal respects the scale and design of the host dwelling and the character and appearance of the wider area.

The proposed side extension is generously scaled and prominent, projecting from the side elevation of the host dwelling, with a width of 5.512 metres, taking the overall width of the dwelling to 13.312 metres. This part of Nethergate Street currently benefits from the simple rhythm and pleasing character created by the existing houses, sited consistently in matching pairs, and with ready views between dwellings of the countryside, adding to the semi-rural nature of the locality.

The scale, particularly its width and excessively scaled frontage, as well as the visual prominence of the side extension, makes this an intrusive and bulky addition and one which does not respect the character of the host dwelling or the wider area. In this regard it is concluded that the proposal does not respect the character, scale or design of the host property, introducing a bulky, prominent and excessively scaled terrace like design, leading to a material conflict with Policies DM2 and DM24. Furthermore, whilst the wider area is of a mixed character, with a variety of property types in both design and scale, the host dwelling sits within a row of two uniform pairs and opposite another pair of matching dwellings in a similar design, and which therefore have a simple but pleasing rhythm. This cluster of semi-detached dwellings has a distinctive character, with generous and otherwise regular gaps between each of the similarly spaced pairs, which helps provide views into open countryside from the public realm of Nethergate Street and further adding positively to the character

and appearance of the immediate area as a result of the consistent position, design and spacing of dwellings.

In this context it is considered that an extension of this scale, in this location, will appear as a dominant addition to the property in a readily visible location, which will result in the blocking of views to the open countryside from the public realm of Nethergate Street. Material harm to the character and appearance of the area would result, therefore proving contrary to the provisions of the Joint Development Management Policies Document, Policies DM2 and DM24 and Core Strategy policy CS3, as well as the design provisions within the NPPF (Section 12).

Documents:

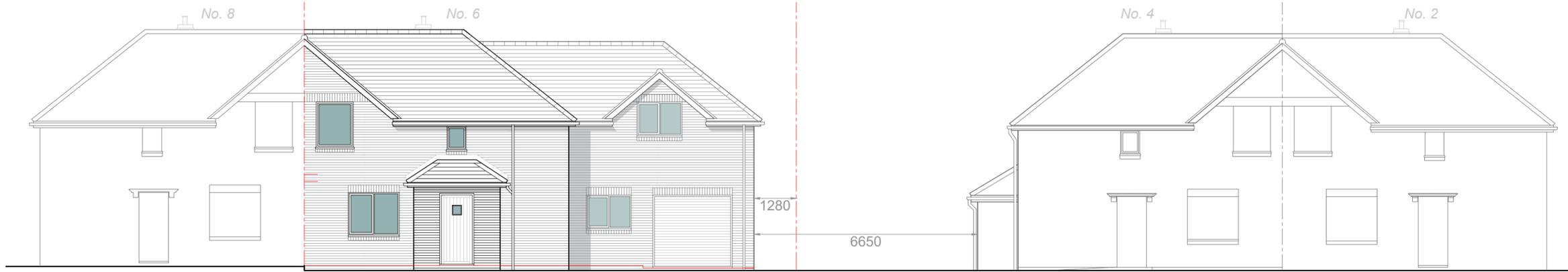
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1816/HH](https://www.dorsetcouncil.gov.uk/DC/20/1816/HH)

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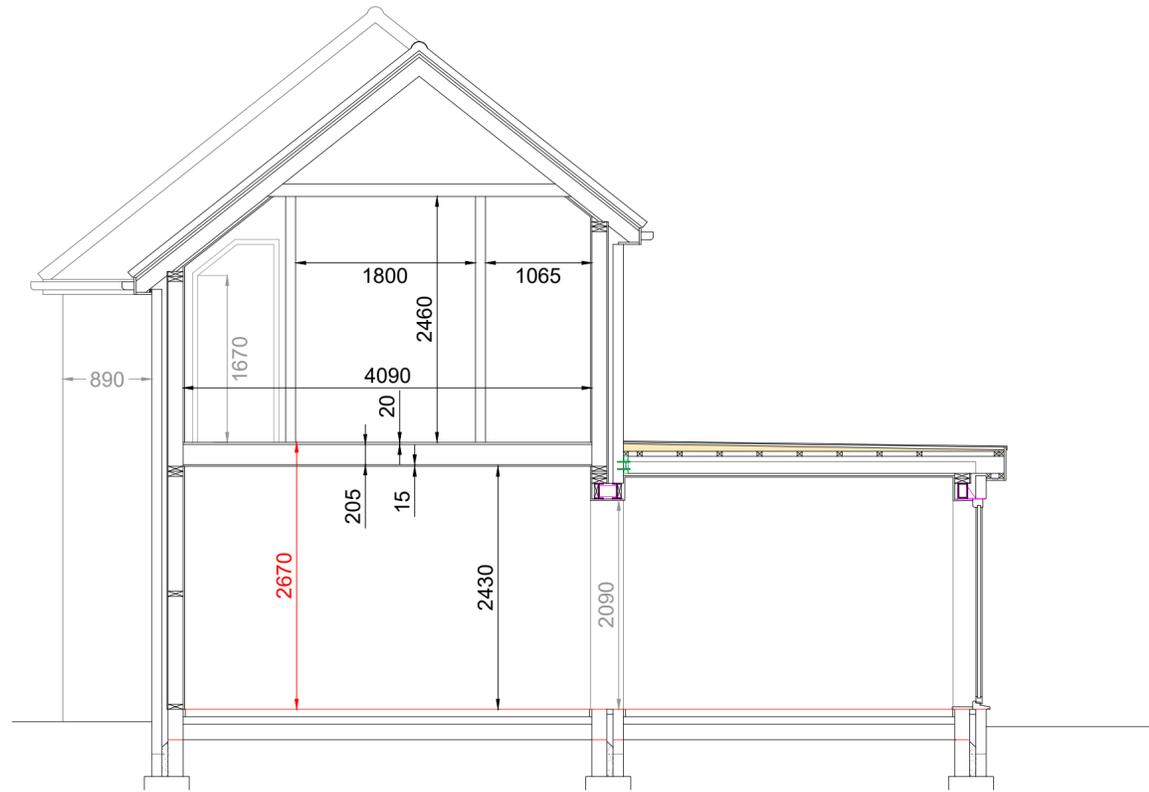
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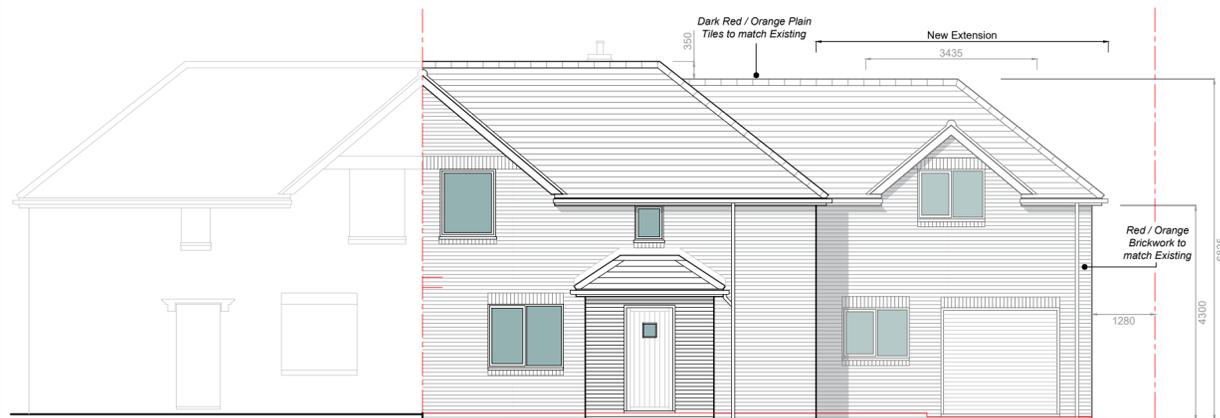
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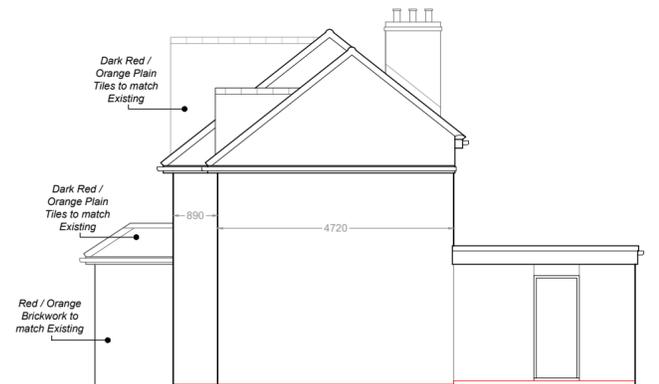
Section Y-Y 1:50



Proposed Site Plan 1:200



Proposed South Elevation 1:100



Proposed East Elevation 1:100



Proposed North Elevation 1:100

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Rev	Description	Name	Date	Drawn:	Checked:	Approved:
A	Parking added to proposed site plan	LB	02.11.20	LB		
B	Roof changed from dual pitched to hipped	LB	22.11.20	Scale @ A2:	Date:	Job No:
C	Reduction in the extension width, dormer and ridge height	LB	06.12.20	as above	Oct 20'	119
				Drawing No:	Revision:	
				119-03	C	

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DO NOT SCALE. All figured dimensions to be checked on site and the architect notified of any variation

Project Title: Two Storey Extension to No. 6 Nethergate Street, Hopton IP22 2QZ
 For: Mr Rowan Dewsbery
 Drawing Title: Elevations and Proposed Site Plan



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