



DEV/SE/19/007

## **WORKING PAPER 1**

### **Development Control Committee 3 January 2019**

#### **Planning Application DC/18/0544/HYB – Land North of Green Acre, Thetford Road, Ixworth Thorpe**

**Date  
Registered:** 14.06.2018

**Expiry Date:** 16.11.2018

**Case Officer:** James Claxton

**Recommendation:** Refuse Application

**Parish:** Ixworth & Ixworth  
Thorpe

**Ward:** Ixworth

**Proposal:** Hybrid Planning Application - (i) Full Planning Application -  
Demolition of 3no. existing dwellings and (ii) Outline Planning  
Application (Means of Access to be considered) - for up to 5no.  
Dwellings

**Site:** Land North Of Green Acre, Thetford Road, Ixworth Thorpe

**Applicant:** Frederick Hiam Ltd

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

#### **CONTACT CASE OFFICER:**

James Claxton

Email: James.Claxton@westsuffolk.gov.uk

Telephone: 01284 757382

## **Background:**

**The application is reported to the Development Control Committee at the request of the Assistant Director (Planning & Regulatory Services) David Collinson, on behalf of the local Ward Member John Griffiths (Ixworth). The Parish Council do not object, contrary to the Officer recommendation of REFUSAL.**

**A site visit will take place on the 20 December 2018.**

## **Proposal:**

1. Outline permission is sought for the erection of 5no dwellings, with the means of access to be considered. Full planning permission is sought for the demolition of 3no. existing dwellings to enable development of the site. All other matters are reserved, and any other information submitted is indicative only and not capable of being taken into account at this stage, except to otherwise indicate how it might be possible to develop the site.

## **Application Supporting Material:**

- Application Form
- Drawings of existing and proposed
- Indicative drawings of site layouts

## **Site Details:**

2. The site is located to the west of the A1088 in the village of Ixworth Thorpe, which for planning purposes does not have a settlement boundary and is therefore considered to be countryside. The site consists of a terrace of 3no. two storey dwellings. On the northern boundary of the site, running along east to west, is a public foot path.

## **Planning History:**

3. None relevant

## **Consultations:**

- |                       |                       |
|-----------------------|-----------------------|
| 4. Environment Team   | No objections         |
| Highways              | No objections         |
| Parish Council        | No objections         |
| Rights of Way officer | No objections         |
| Ward Member           | No comments received. |

## **Representations:**

5. One representation was received from Green Acre which objected to this proposal on the following material planning considerations –
  - Impacts on amenity
  - Irregular local bus service
  - Possible biodiversity impacts

**Policy:**

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

**Joint Development Management Policies Document:**

DM1 Presumption in Favour of Sustainable Development.  
DM2 Creating Places – Development Principles and Local Distinctiveness  
DM5: Development in the Countryside  
Policy DM11 Protected Species  
Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity  
DM13 Landscape Features  
DM22 Residential Design  
DM27: Housing in the Countryside

**St Edmundsbury Core Strategy December 2010**

Policy CS2 (Sustainable Development)  
Policy CS3 (Design and Local Distinctiveness)  
Policy CS4 (Settlement Hierarchy and Identity)  
Policy CS13 (Rural Areas)

**Other Planning Policy:**

National Planning Policy Framework (2018)

7. The NPPF was revised in July 2018 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 key development plan policies in this case are policies DM1, DM2, DM5, DM11, DM12, DM13, DM22, DM27, CS2, CS3, CS4 and CS13, and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM and Core strategy Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant Policy. The policies used in the determination of this application are considered to accord with the revised NPPF and are afforded full weight in the decision making process.

**Officer Comment:**

8. The issues to be considered in the determination of the application are:
  - Principle of Development
    - Demolition of the existing dwelling
  - Settlement Hierarchy and Sustainable development

- Impact on Character
- Highway safety
- Residential Amenity
- Biodiversity
- Other Matters

## **Principle of Development**

9. Decisions on planning applications are required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to be made in accordance with development plans unless there are material considerations that indicate otherwise.
10. St Edmundsbury Borough Council is able to demonstrate at least a five year supply of housing land for the period 2017 – 2022, plus necessary buffer, as detailed in the council's report "Assessment of a five year supply of housing land taking a baseline date of 31 March 2017". The relevant policies for the supply of housing are therefore considered to be up-to-date. The starting point for all proposals is therefore the development plan.
11. The Council's settlement strategy derives from a detailed understanding of the character of the borough and the requirement to accommodate growth sustainably. The local policy framework seeking to deliver that strategy has been subject to a rigorous process of evidence gathering, consultation, and examination. It accords with the basic principles of the NPPF, which seeks to secure sustainable development and reduce the need to travel. The principle of development in this case would not accord to the pattern of settlement established in the Core Strategy.
12. Ixworth Thorpe does not have a settlement boundary and is identified in the Core Strategy as Countryside. Policy CS4 identifies these areas as unsustainable due to the reliance on motor cars to access shops, other facilities or employment. Policy CS13 further states that development permitted in such locations will only be so much as is necessary reflecting the need to maintain the sustainability of services in the community they serve, and the provision of housing for local needs. Development outside defined areas will be strictly controlled.
13. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside along with the criteria proposals will need to meet and those policies that set out further criteria depending on the type of development. In this instance, policy DM27 sets out those additional criteria for new market dwellings in the countryside. Proposals will only be permitted on small undeveloped plots where they are within a closely knit cluster, and front a highway. A small undeveloped plot is one that could be filled by either one detached dwelling, or a pair of semi-detached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
14. The proposal is not within a closely knit cluster. It is located in a generally extremely loose collection of dwellings, which in themselves sit approximately 1.4km from the closest settlement boundary which is at Honington Village which itself has limited services, all of which are located to the west of the A1088. Development in this loosely coalesced collection of dwellings should be resisted in accordance with Policies DM5 and DM27.

This proposal does not comply with policies CS4, CS13, DM5 or DM27 that all seek to concentrate new development in the countryside within the bounds of existing settlements, or otherwise within more defined 'clusters' of dwellings. There is, consequently, an unequivocal policy conflict and this failure to meet the provisions of the Development Plan, indicate that significant weight should be attached to this conflict against the scheme as a matter of principle. Any harm, including matters of detail, as shall be set out below, must indicate refusal, in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

### **Demolition of the existing dwellings**

15. Policy DM5 also allows for the demolition and replacement of dwellings in the open countryside provided that the replacement respects the scale and floor area of the existing dwelling and that extensions to existing curtilages are fully justified. In this case the existing dwellings on the site are a terrace of 3no. dwellings which are considered to be in-keeping with other more traditional properties in the area both in terms of scale and form. The proposed dwellings detailed on the indicative drawings are of a scale that is not reflective of the originals, nor of other traditional properties in the immediate area. However the matters of scale and layout have not been submitted for consideration in this proposal, and it could be considered that appropriate details could be secured.
16. Notwithstanding that whilst there could be considered to be an element of policy compliance through the delivery of replacement dwellings with DM5 subsection (g) on a one for one basis, no justification has been provided for the inclusion for 2no. further dwellings beyond those three that would otherwise form replacements. Therefore it is considered that the principle of demolishing 3no. existing dwellings is acceptable, but the principle for the additional dwellings has not been established.

### **Impact on Character**

17. Policy CS3 of the Core Strategy requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area. This requirement is detailed further in Policy DM13 (Landscape Features) which states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features wildlife or amenity value.
18. Arguments that the proposal might otherwise be acceptable since it is located near to existing built development could be applied to many cases and could result in significant unplanned and incremental expansion of rural settlements. There is a very modest element of existing vegetation but not at a level which would provide any notable degree of screening to the proposal, and in any event, the proposal will have an intrinsic adverse effect upon the character of the area. By intruding into the widely spaced dwellings which form part of the intrinsic character for this otherwise loosely grained setting, it is considered that the proposal would be to the significant and material detriment of the character and appearance of the area, and would, by reason its siting any also by reason of the more closely spaces and generously scaled dwellings proposed, have an unwelcome, intrusive and visually harmful urbanising effect on public views of the locality. This would

be the case regardless of the scale or specific position of dwellings on this site.

19. In addition further harm stems from an unsustainable form of development outside defined settlement boundaries. It extends existing ribbon development in the countryside eroding patterns of development between settlements.
20. The proposal would therefore create a significant level of visual intrusion in this rural location, spreading beyond those boundaries enshrined in policy, creating a significant impact so as to cause material harm to the surrounding landscape character, and which would not accord with policies CS3 and DM13.

### **Highway safety**

21. As detailed in the Highways consultation response it is considered that the existing access can be made acceptable, subject to the submission of further detail secured via conditions.

### **Residential Amenity**

22. It is reasonable to suggest that by virtue of the proposed location, and as scale is a reserved matter, dwellings on this site could be appropriately designed to satisfactorily mitigate adverse impacts to residential amenity.

### **Biodiversity**

23. The application is not accompanied by a protected species survey. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. Noting the development includes the demolition of 3 no. existing older dwelling dwellings which sit within a vegetated area consisting of hedgerows, scrub and deciduous trees, and which abut open countryside, there is a reasonable chance that the site may be used by protected species.
24. It is considered that, without evidence otherwise to the contrary and noting the requirements of the above legislation, the proposal could have repercussions on biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered, contrary to Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as to the provisions of the NPPF in relation to biodiversity.

### **Other Matters**

25. One representation was received from Green Acre which objected to this proposal, in regards to impacts on amenity as detailed in this report it is possible through the submission of Reserved Matters for an appropriate design to be secured that reduces the impact, or risk of, negative harm to amenity spaces. Furthermore possible biodiversity impacts from this proposal have been addressed within this report, and the lack of information submitted on this matter are included as an additional reason for refusal.

Considerations around the irregular local bus service are noted, and have been considered in the determination of this application.

## **Conclusion:**

26. The aim of the adopted policies is not to stop all development, but to allow modest development to support rural economies, restricting sprawl on the edges of settlements, or otherwise within loosely spaced dwellings where that loose spacing is an intrinsic part of the character of the countryside, that might otherwise harm landscapes and result in undesirable development.
27. As stated, the Local Authority has a demonstrable five year housing land supply and relevant policies for the supply of housing are considered up to date. On this basis, the presumption as set out within the NPPF does not apply and development should be considered in accordance with the Development Plan. Furthermore there are no material considerations that would outweigh that conflict, and the Local Planning Authority is under no additional pressure to release land that does not accord with adopted plans and policies.
28. The development would be visible from public view points, afforded from the A1088 to the east of the site which runs north to south, and those views could be considered to be moderately effected due to the distances involved, approximately 35 metres and above. However from the public footpath which is located on the northern boundary of the site provides immediate and uninterrupted views of the site, and the impacts would be significant due to the urbanising effect. The visual incursion by development in this location would be significantly harmful from both a countryside and locational sustainability aspect, as it does not accord with settlement policies as detailed above. Noting the weight that must be attached to the development plan this is a factor which weighs very heavily against the proposal in the balance of considerations.
29. As detailed in the report it there is only very limited public benefit from allowing development in this location, which in itself is, in any event, not policy compliant. As detailed the dwellings would provide little, if any, vitality to local services and facilities, but what positives could be drawn from that would be outweighed by the unsustainability of the site itself.
30. The proposal is considered to be an inappropriate and unsustainable development in the countryside. Decision making in the planning system is expected to have a consistent approach. This proposal would deliver development outside of defined clusters that would erode the character of settlements and result in ribbon development, with the associated harm that arises from those forms of development. The development fails to accord with policies DM2, DM25, DM27, DM33, CS2, CS4 and CS13 and paragraphs 47 and 83 of the NPPF.
31. In addition no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species. Without evidence to the contrary and noting the requirements of the above legislation, the proposal could harmful to biodiversity and protected species within the area. Without an appropriate

survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

32. Balancing what positives the proposal may have against negatives is it deemed from the overall assessment detailed in this report that it is reasonable to conclude that the proposal is contrary to the local and national planning policies identified above and should be refused.

### **Recommendation:**

33. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The broad overall aim of paragraphs 47 and 83 of the National Planning Policy Framework (NPPF) is to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities, by supporting its three dimensions - economic, social and environmental. This approach is also set out in the St Edmundsbury Core Strategy (CS), and the Joint Development Management (DM) Policy DM1. However only new isolated dwellings with accepted exceptional circumstances will be permitted. In addition to this the Council's settlement strategy is derived from a detailed understanding of the character of the district and the requirement to accommodate growth sustainably.

The proposal is for dwellings outside the settlement boundary and would therefore fall within the remit of policies DM5 and DM27. It is not an infill plot within a cluster, being sited outside of a very loose collection of dwellings, and therefore represents unsustainable development contrary to the provisions of Policies DM5 and DM27. By virtue of this location the proposal would create a visual intrusion, increasing the urban characteristics of this location which is otherwise inherently rural noting the loosely grained character of existing development in the vicinity, contrary to the provisions of Policies CS3 and DM2.

There are no local shops, services or other facilities within a reasonable walking distance of the site that would appropriately cater for the day to day needs of any future occupiers of the proposed dwellings. The nearest reasonable range of day to day facilities are in Ixworth or Honington Airfield, both of which are approximately 2.5km from the site. In view of the limited options for travel other than by private car, which is exacerbated by the lack of a continuous formal pedestrian foot path linking the site to those settlements, the proposal would not contribute to sustainable travel patterns.

The proposal would not provide any substantial contributions to the locality in terms of economic, social and environmental dimensions. The proposal would be contrary to the pattern of settlement established in the Core Strategy, and would not respect the character and context of countryside settlement.

Accordingly, the proposal fails to accord with policies DM2, DM5, DM13, DM27, DM33, CS2, CS3, CS4 and CS13 and paragraphs 47 and 83 in particular of the NPPF, which seek to tightly constrain development in the



countryside to that which supports local services and is in appropriate locations. The proposal is in clear and significant conflict with local and national policies.

2. The Conservation of Habitats and Species Regulations (2010) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. In this case, no protected species surveys have been submitted and, noting the proximity of the development to the abutting open countryside and existing site conditions, there is a reasonable chance that the site may be used by protected species.

Without evidence to the contrary and noting the requirements of the above legislation, the proposal could be harmful to biodiversity and protected species within the area. Without an appropriate survey and details regarding potentially required remedial, mitigation or enhancement works, the proposal is considered contrary to Policies DM11 and DM12 of the Joint Development Management Policies Document as well as to the provisions of the NPPF in relation to biodiversity.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P5XNXXPDMXM00>