

**Development Control Committee
2 September 2020**

**Planning Application DC/20/0489/FUL -
Land Rear of Springfield, The Street, Hepworth**

Date Registered:	16.03.2020	Expiry Date:	04.09.2020
Case Officer:	Nicholas Yager	Recommendation:	Refuse Application
Parish:	Hepworth	Ward:	Barningham
Proposal:	Planning Application - 1no. Dwelling and detached garage		
Site:	Land Rear of Springfield, The Street, Hepworth		
Applicant:	Mr T Stimson		

Synopsis:

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

Recommendation:

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

CONTACT CASE OFFICER:

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Background:

This application is presented to Development Control Committee following consideration at Delegation Panel on the 11/08/2020. It was presented to the Delegation panel due to the support from Hepworth Parish Council and following a call in from Cllr Bull.

Proposal:

1. Planning permission is sought for 1no. dwelling and a detached garage. The proposed dwelling is constructed in a L-shape measuring approximately 4.0 metres to the eaves, 6.92 metres to the ridge, 10.9 metres in length for one side of the 'L', 11.1 metres in length for the other side of the 'L' shape and 6.2 metres in width. The proposed dwelling will have two front facing dormer windows and a modest front porch. The application site is located off The Street with access from an existing private drive.
2. The proposal also includes a single storey detached garage that is located to the west of the proposed dwelling towards Springfield. The garage is of a traditional design for a single car measuring 3.0 metres in width and 6.0 metres in length.
3. Amended plans were provided by the agent on the 03/08/2020 showing an amended block plan and elevations. The amended plans substitute the original drawing no. 1946/01 with drawing no. 1946/01A. The amended plans show the dwelling and garage moved back in the application site, a reduced height to the eaves and ridge heights, and the overall footprint of the site. The amended submitted drawings also included street scene and 'eye level' drawings.

Application Supporting Material:

- Location Plan
- Biodiversity Statement
- Covering Letter
- Application Form
- Floor Risk and Land Contamination Report
- Topographical Survey
- Design and Access Statement
- Noise Report
- Contamination Questionnaire
- Amended Block Plan and Elevations
- Street Scene and Eye Level Drawing
- Eye Level Drawing of Street Scene

Site Details:

4. The application site is located in the rear garden of Springfield, in-between Springfield and Springmeadow House. Opposite the plot, also set back from The Street, lies an industrial / commercial premises which includes a car sales business and a workshop, both of which appear to operate without any time restrictions. The application site is located within the settlement boundary for Hepworth. The application site is not located within a conservation area nor are there any listed building immediately adjacent to or within the vicinity of the site. There are no Tree Preservation Orders

located on or near the application site. Located to the north of the application site lies semi-detached properties located in a cul-de-sac known as North and South Drive.

Planning History:

There is no planning history on this application site.

Consultations:

SCC Highway Authority:

16/04/2020

5. Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 1946/01 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

The use shall not commence until the area(s) within the site shown on Drawing No. 1946/01 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Parish Council

16/04/2020

6. *Parish Council have no comments to make.*

29/07/2020

7. *I have been asked to contact you on behalf of Hepworth Parish Council regarding the above planning application by Mr Trevor Stimson.*
8. *Parish Council considered this application in April 2020. As the Clerk I minuted the meeting and recorded the outcome as "application supported" but with no further comment to make. The PC recognised the fact that this is not a significant development and is for the benefit of a family whom have a long history within the village.*

9. *I should have marked up the planning portal with application supported but no further comment as this is what is recorded in the minutes. Apparently the portal only shows "no comment". This is an error and the PC would like to confirm that they are supportive of the application. I am sorry for any inconvenience caused.*

Environmental Team

10. The Environmental Team commented on the application stating that based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low. The environmental team offered the following notes: If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

11. The Environmental Team suggested that a condition for the provision of electric vehicle charge points should also be attached to any permission granted.

Ward Member

12. Cllr Carol Bull commented on the application stating the following below;

13. *Just to confirm that I would very much like this to go to delegation panel. Policy DM2 is to some extent subjective and looking at other properties around, particularly those in North Drive, and the general characteristics of the area I do not feel the proposed dwelling would be out of place or affect the amenity of other properties.*

Public Health and Housing

21/04/2020

14. *I have concerns about the potential for significant adverse noise impacts to be caused to future occupiers of a new residential property at this location. The property will be sited adjacent to an existing industrial/commercial site which may have no restrictions to its operating hours. I therefore require the developer to provide a noise impact assessment, to be submitted to and agreed by the LPA, that fully characterises the noise emissions likely to occur from the site, using BS4142:2014 to rate and assess the site and to demonstrate that no significant adverse noise impact will occur, during daytime and night time hours. Any measures identified as required to mitigate high external noise levels shall be submitted to and approved by the LPA prior to any development*

15. Following this consultation response, the agent then submitted a noise report on the 06/07/2020. Public Health and Housing were then re-consulted.

16. Public Health and Housing commented again on the 06/07/2020. It was confirmed that they are satisfied with the findings of the report such that they can support the application. The findings of the report stated that no additional noise mitigation measures are warranted for the private rear garden to secure a reasonable degree of external amenity. Similarly, noise ingress into ground floor spaces and Bedroom 2 at the rear of the dwelling should not need further mitigation. However, Bedroom 1 and 3 will overlook the adjacent premises, and achieving the adopted noise design criteria requires windows to be closed. Consequently, supplementary or alternative mechanical ventilation is recommended for these 2 bedrooms. Some additional best-practice measures have been recommended to minimised noise ingress into the proposed dwelling. Overall, the recommended measures should also provide acceptable internal amenity at night, should the existing adjacent premises operate at night. Therefore, it is suggested that mitigation measures should be included on any approval of the application.

Representations:

17. No third-party comments received.

Policy:

18. 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.

19. 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 DM7 Sustainable Design and Construction
- Policy DM11 Protected Species
- 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 DM13 Landscape Features
- Policy DM14 Mitigation against Hazards
- Policy DM22 Residential Design
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 -Spatial Strategy
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 – Settlement Hierarchy and Identify
- Policy RV1 Presumption in Favour of Sustainable Development
- Policy RV3 Housing Settlement Boundaries

Other Planning Policy:

National Planning Policy Framework (2019)

20.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:

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

- Principle of Development
- Impact on Character of the Area/ Street Scene
- Impact on Neighbour Amenity
- Ecology Impacts
- Parking and Access
- Other Matters

Principle of Development

22.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'.

23. The proposed dwelling is within the Housing Settlement Boundary of Hepworth where the principle of new dwellings is considered acceptable in accordance with the provisions of CS1 and CS4 of the SEBC Core Strategy. RV3 of the Rural Vision Document further confirms that where applications for dwellings are made within the existing settlement boundaries, support will generally be forthcoming subject to other, relevant planning considerations. Accordingly, consideration must also be given to other adopted policies and the provisions of the National Planning Policy Framework.
24. Whilst the broad principle of development is therefore considered to be acceptable, the proposed development also needs to be considered against policies DM2 and DM22 of the Development Management Policies Document. DM2 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.

Impact on Character of the Area / Street Scene

25. 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.
26. The position of this dwelling is considered to be out of character with the surrounding area. The plot of land that is proposed for development is modest in extent, and the proposed dwelling will be sited uncharacteristically forward within the street scene, visible above and beyond the garage to Springfield, and intruding adversely into the setting of Spring Meadow House and of views north along the private drive from The Street. A dwelling in this position is considered to be harmful to the overall character of the area leading to a contrived and overall cramped development within the area that is not considered to be acceptable.
27. It is noted that the development to the north of the site known as North and South Drive are located within a cluster and there are some various forms of cluster located within the village of Hepworth. However, this application site has its own unique setting. The application site is of a larger scale and has a different positioning to the dwellings at North and South Drive. Those dwellings are of a considerably smaller scale and semi-detached and are also separated by soft landscaping. The proposed dwelling with its scale and size is constricted within the application site, this is due to the two neighbouring dwellings located on each side of the proposal and which is exacerbated by the rising levels across the site. This is further constricted by the modest size of the development plot, its proximity closely sited behind Springfield, and the uncharacteristic forward position of the dwelling, all of which make the proposed dwelling harmful to the character and appearance of the area conflicting with the provisions of Policies DM2 and DM22 and to the requirements of the NPPF in relation to good design.

28. Policy DM22 states that new dwellings should also be of a high architectural quality, meaning that:
- They are fit for purpose and function well, providing adequate space, light and privacy,
 - They are adaptable in terms of lifetime changes and use,
 - They are well built and physically durable and they are the product of coherent and appropriate design principles.
29. This supports the provisions of section 12 of the NPPF in relation to good design. In this regard the appearance of the dwelling is considered satisfactory, in and of itself.
30. The proposed dwelling would be located within an area that is considered would lead to poor privacy due to its proximity with and relationship to neighbouring dwellings. The proposal would also lead to adverse overbearing and impact upon outlook effects to the neighbouring dwellings and therefore it is considered the design and form of this proposal to divide the amenity area of Springfield would cause harm to the character of the area Contrary to DM2 and DM22, and the provisions of the NPPF.
31. Accordingly, due to the proposed development layout, and in particular its scale and forward position within the site, as well as its proximity to Springfield, it is considered that the proposal would create a scheme that appears contrived and cramped within its setting and therefore not respectful of the prevailing character of the area The proposal is judged to represent a material conflict with policy CS3 of the Core Strategy Document, policies DM1, DM2 and DM22 of the Joint Development Management Policies Document and the policies contained within the National Planning Policy Framework.

Impact on Neighbouring Amenity

32. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity. The proposed dwelling will be located in the rear garden of Springfield. The position of the proposed dwelling will be located forward within the plot. The application land is located on a gradient which rises from Springfield towards Springmeadow House. The proposed dwelling will be located approximately 9.8 metres away from Springfield and the proposed garage will be located 5.5 metres away from Springfield.
33. It is noted here that due to the development being located on a gradient that the proposed dwelling and garage would lead to a strong visual and physical presence upon Springfield. This is exacerbated by the orientation of Springfield at right angles to the plot. The height of 6.9 metres and the depth of the dwelling are considered to have a significant and material overbearing impact upon the amenities of Springfield, such that would lead to harmful effects to the occupiers that it is not considered would be at an acceptable level. It is also noted that Springfield is a single storey dwelling and that the proposed two-storey dwelling located within such close proximity would create an overbearing effect that will greatly affect the amenity of the occupiers of this property by way of effect upon outlook, noting the scale, proximity and the change in levels. Furthermore, there

are three windows and two glass doors located on the north facing side of Springfield House along with a patio amenity space which will be impacted by the proposed dwelling and garage, as a minimum by a strong perception of overlooking from elevated windows in such close proximity. The proposed dwelling will lead to some loss of privacy of the amenity space and general impact upon outlook and enjoyment of the rooms located on the north facing side of Springfield. The first floor windows located in the proposed dwelling will also cause there to be some direct overlooking effects upon the amenity space of Springfield, further eroding amenity and leading to concerns about the degree of compliance with Policy DM2. This will lead to an unacceptable relationship between the proposed dwelling and Springfield which will therefore reduce amenity to a level that is not considered by officers to be acceptable therefore being considered contrary to policy DM2.

34. Further, due to the overbearing impacts upon the north side of Springfield and its windows and amenity space the proposal is considered to create a harmful impact upon the occupiers of Springfield and therefore this unacceptable relationship between the proposed dwelling and the neighbouring properties represents a significant and material conflict with policies CS3, DM2 and DM22. Further, the layout and relationship between the two properties would lead to an effect that would ultimately cause poor living conditions on the occupiers of Springfield and would lead to a material amount of undue overlooking, thereby further conflicting with policy DM2 and paragraph 127 of the NPPF.

35. The proposed dwelling is also positioned forward of and within close proximity to the neighbouring property of Springmeadow House and it is also considered to create a harmful relationship and therefore to cause harm to the outlook of Springmeadow House. This is increased further due to the position and orientation of Springmeadow House, with the proposal siting prominently to the front of the property, adversely affecting outlook and in a position which is therefore not considered to be acceptable. In this regard also therefore, the proposal is not in accordance with policies DM2 noting the consequential harm to the amenities of the occupiers of Springmeadow House.

36. Due to the overbearing and harmful amenity impacts upon the neighbouring residential property of Springfield and the harmful amenity effects upon the outlook of Springmeadow House, the proposal would prove contrary to Policies DM2 and DM22 of the Joint Development Management Policies, Core Strategy Policy CS3 and the guidance contained within the NPPF which seek to deliver high quality design, secure a good standard of amenity for all existing and future occupants and to improve the character and quality of an area and the way it functions.

37. Public Health and Housing initially commented on the application requesting additional information on the noise impacts of the future occupiers of a new residential property at this location due to being located opposite a factory. Therefore, it was requested that the developer submitted a noise report to demonstrate the levels of noise and any mitigation measures. Following this consultation response, the agent then submitted a noise report on the 06/07/2020. Public Health and Housing were then re-consulted. Public Health and Housing commented on the

06/07/2020 and confirmed that they were satisfied with the findings of the report and raised no objection to the application.

Ecological Impacts

38. 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.
39. 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.
40. The proposal is located within an existing residential curtilage and does not result in the loss of any valued landscapes, a material conflict with policies DM10, DM11 or DM12 has not been identified. Further, the biodiversity statement was submitted with the application which states that no trees buildings or structures are to be removed as part of the construction works, the tall Holly hedge to the rear of the site will be retained and there is no still water (ponds) within close proximity to the site.

Parking and Access

41. 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. Policy DM2 requires that development accords with highway standards and maintains or enhances the safety of the highway network. Policy DM46 requires that proposals accord with adopted parking standards.
42. There is no conflict with DM46 or paragraph 110 of the NPPF. The Highway Authority were consulted on the application and confirmed there were no objections subject to the conditions of refuse/recycling bins and manoeuvring and parking, which would have been considered reasonable if the application was recommended for an approval.

Other Matters

43. Section 3.4.2 of the Suffolk Guidance for Parking provides that "*Access to charging points should be made available in every residential dwelling.*" Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (e) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that

development proposals include measures, where relevant, to limit emissions and reduce pollution. The Environmental Team commented on the application stating that the risk from contaminated land is low. The Environmental Team then recommended some advice notes and that if permission were to be granted then an electric charging condition should be added. Which would be considered reasonable if the application was recommended for approval.

44.DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in relation to water consumption. Therefore, if approval was recommended a condition should be applied ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

45.In conclusion, the proposed dwelling is considered to be inappropriate within this location given the harmful effects the development has on amenity and the character of the area.

46.Due to the constraints highlighted the proposed dwelling is considered to result in an undesirable form of development that would be detrimental to residential amenity and the character and appearance of the locality. It would fail to meet the above-mentioned policy objectives that seek to improve the character and appearance of an area and prevent harm to residential amenity. Furthermore, the proposal would fail meet the objectives of the NPPF that seeks to deliver high quality design, secure a good standard of amenity for all existing and future occupants and to improve the character and quality of an area and the way it functions.

47.Whilst consideration must be given to the benefits of providing a new dwelling within the settlement boundary of Hepworth, the adverse impacts of the proposal outweigh any benefits and therefore the application is recommended for refusal.

Recommendation:

It is **RECOMMENDED** that planning permission be **Refused** for the following reasons:

1. 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. The position of this dwelling is considered to be out of character with the surrounding area. The plot of land that is proposed for development is modest in extent, and the proposed dwelling will be sited in close proximity to the rear of Springfield, as well as uncharacteristically forward within the street scene, intruding adversely into the setting of Spring Meadow House and views north along the private drive from The Street. A

dwelling in this position would be harmful to the overall character of the area and lead to a contrived and overall cramped development, and is therefore unable to respect the prevailing character of the area. The proposal is judged therefore to represent a material conflict with policy CS3 of the Core Strategy Document, polices DM1, DM2 and DM22 of the Joint Development Management Policies Document and the advice contained within the National Planning Policy Framework.

2. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity. Policy DM22 states that new dwellings should also be of a high architectural quality, meaning that they are fit for purpose and function well, providing adequate space, light and privacy. In this instance, the proposed dwelling would result in inappropriate amenity effects on the neighbouring properties. The proposed dwelling would be located in a position which would lead to poor privacy and overbearing impacts due to its position close to and behind Springfield. These impacts will be exacerbated by the modest retained rear garden of Springfield and by the rise in levels, with the proposed dwelling sited at a higher level. The proposed dwelling is also positioned forward of and within close proximity to the neighbouring property of Springmeadow House and it is also considered to create a harmful relationship and therefore cause harm to the outlook of Springmeadow House. This is increased further due to the position and orientation of Springmeadow House, with the proposal sitting prominently to the front of the property, adversely affecting its outlook. This unacceptable relationship between the proposed dwelling and neighbouring properties represents a significant and material conflict with policies CS3, DM2 and DM22. Further, the layout of the proposed dwelling and the two neighbouring properties of Springfield and Springmeadow House would lead to an effect that would ultimately cause poor living conditions on the inhabitants and would lead to a loss of privacy through overlooking from elevated rear windows, thereby further conflicting with policy DM2 and paragraph 127 of the NPPF. Due to the harmful impact upon residential amenity which would arise, the proposal would prove contrary to Policy DM2 and DM22 of the Joint Development Management Policies, Core Strategy Policy CS3 and the guidance contained within the NPPF which seek to deliver high quality design and secure a good standard of amenity for all existing and future occupants.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0489/FUL](https://www.dorsetcouncil.gov.uk/DC/20/0489/FUL)

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