

Development Control Committee 6 October 2021

Planning Application DC/21/1198/FUL – Land North of Green Acre, Thetford Road, Ixworth Thorpe

Date registered:	28 June 2021	Expiry date:	23 August 2021 EOT requested until 8 th October 2021
Case officer:	Jo-Anne Rasmussen	Recommendation:	Refuse application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Planning application - Three dwellings (following demolition of existing dwellings) Amended plans submitted 24 th August		
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.

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Background:

This application is presented to Development Control Committee following consideration at Delegation Panel on the 27 July 2021. It was presented to the Delegation Panel due to the support from the Parish Council. The application was previously due to be heard at September's Committee but was withdrawn from the agenda as amended plans were received which required further consideration and consultation.

This is a resubmission of a previously refused proposal determined at a previous Development Control Committee and subsequently dismissed at appeal.

The application is recommended for REFUSAL.

Proposal:

1. Full planning permission is sought for three dwellings. There are currently three dwellings on site and it is proposed that these will be demolished following completion of the development. The development proposes a pair of semi-detached two storey dwellings and a detached bungalow. The total floorspace for the proposed dwellings would be 345sqm.
2. The existing dwellings form a terrace of three. The dwellings are two-storey and relatively modest in size. The total floor space for the existing dwellings is 214sqm².
3. The dwellings would be built within the residential curtilage of the existing cottages, but pulled forward of their current siting to be closer to the highway and eastern boundary of the site.
4. An outline application for five dwellings, replacing the existing three, was refused by committee in 2019, planning reference DC/18/0544/HYB. The decision was appealed, (reference AP/21/0010/STAND) and the Council's decision was upheld and the appeal was dismissed (see working paper 1).

Site details:

5. 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 three, two-storey dwellings. On the northern boundary of the site, running along east to west, is a public footpath.

Planning history:

6.

Reference	Proposal	Status	Decision date
DC/18/0544/HYB	Hybrid application – (i)full planning application – demolition of 3no.existing dwellings and (ii) outline planning application (means of access to be	REFUSED & appeal dismissed	4/12/2019

considered) for up to 5no dwellings.

Consultations:

7. **Ixworth Parish Council comment:** No Objections, however the Parish Council have stated they would like the methods of heating the properties considered.
8. **Public Health and Housing:** No Objections, subject to conditions
9. **Environment Team:** No Objections subject to condition relating to electric vehicle charging point.
10. **Waste Management:** No Objections, but request bin storage and collection points be included within the application site.
11. **Highways:** No Objections, subject to conditions relating to access, refuse collection, cycle storage and parking
12. **Natural England:** No Comments

Local Member comment:

13. No comments received

Representations:

One letter of representation was received from Green Ixworth, 39 Micklesmere Drive, Ixworth. Their comments are summarised below;

- Similar to previous refusal.
- Site is within the countryside and should therefore abide by the replacement dwelling policy and should be of a similar size to the existing property/conflict with policy
- Sustainability/ Minimum services within the locality/Will create more car use.
- The existing properties should be renovated and refurbished rather than demolished.
- Would remove smaller more affordable dwellings from the hamlet/ could be a rural exception site.
- Concern over heating arrangements/ insufficient details/ solar panels likely to be ineffective.
- No garages or outside storage provided
- Poorly designed dwellings/ access to garden and bins

Policy:

14. 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.
15. 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:

DM1 Presumption in Favour of Sustainable Development.
DM2 Creating Places – Development Principles and Local Distinctiveness
DM5 Development in the Countryside
DM10 Impact of development on sites of biodiversity and geodiversity importance
DM11 Protected Species
DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
DM13 Landscape Features
DM22 Residential Design
DM27 Housing in the Countryside
DM46 Parking standards

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

Rural Vision 2031

Policy RV1 Presumption in Favour of Sustainable Development
Policy RV3 Housing Settlement Boundaries

Other planning policy:

16. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

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

- Principle of Development
- Previous refusal and appeal
- Impact upon the form and character
- Neighbour amenity
- Highways
- Biodiversity
- Other planning considerations

Principle of Development

18. 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.

19. West Suffolk 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.

20. The Council's settlement strategy derives from a detailed understanding of the character of the area 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.

21. 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.

22. Policy DM5 sets out the specific instances of development that are considered appropriate in the countryside. Section g) of this policy supports "the replacement of an existing dwelling on a one for one basis where it can be demonstrated that the proposed dwelling respects the scale and floor area of the existing dwelling and that extensions to existing curtilages are fully justified" as one of those specific instances.

23. The existing dwellings on site are relatively modest, traditional workers' cottages which have a combined floor space of 214sqm. The proposed dwellings are significantly larger with a combined floorspace of 345sqm. A floorplan of the existing dwellings illustrates that two of the properties are

three bedroom and one is two-bedroom. The plans illustrate that the three bedroom properties have a total floor area of 74sqm whilst the two bedroom has 66sqm. Statutory Guidance for Technical Housing space standards (although there is no development plan policy at the moment to support this requirement) states that the minimum space that should be provided within a three bedroom, two-storey house for four people would be 84sqm. The minimum space for a two-storey two bedroom house for three people would be 70 sqm. Therefore the existing properties fall short of providing the minimum space required within the National Space Standards and this fact offers some support in favour of the principle of their replacement.

24. There are no policies within the local plan which would protect or save the existing dwellings and in principle their demolition and replacement would be acceptable. However, DM5 is clear in stating that any such replacement should respect the scale and floor area of the existing dwelling. The proposed dwellings would increase the total floor space of the dwellings provided on site from a modest 214sqm to 345sqm, a significant 62% increase. Further to this, the properties proposed; a pair of semi-detached dwellings and a detached bungalow, all provide three bedrooms, an en-suite to the master bedroom, large entrance halls with built in storage and a study or utility room. As such it is considered that the proposal is not respectful to the modest character and size of the existing dwellings. To provide dwellings of a similar nature to the existing cottages, minimum space standards could be appropriately achieved with a total floor space of 279sqm, which would represent a 30% increase in floorspace, and would be considered suitable for a three bedroom, two storey property for five people. It is not considered the proposed dwellings would be respectful or in-keeping with the size, scale or character of the existing cottages and would therefore fail to comply with DM5. This obvious conflict with the Development Plan is a factor which weighs against the proposal.
25. Further, whilst it is noted there may be enhancements in the construction of the dwellings in terms of sustainability, this would not be sufficient to outweigh the conflict with policy for replacement dwellings and the significant harm to the character of the settlement. Please refer below to paragraphs 32 – 38 for a more detailed assessment of this.
26. Policy DM27 was considered extensively during the previous application. This policy sets out 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 semidetached dwellings, where plot sizes and spacing between dwellings is similar and respectful of the rural character and street scene of the locality.
27. The proposal is not within a closely knit cluster. It is located in a generally very loose collection of dwellings, which in themselves sit approximately 1.4km south from the closest settlement boundary which is at Honington village which itself has limited services. The proposal is not for a single dwelling or pair of semi-detached dwellings, but a total of three dwellings. As such, the proposal does not accord with the provisions set out within DM27 – this view was echoed in the appeal decision for the previous scheme on this site. This is a further factor which weighs heavily against the scheme.

28. This proposal does not comply with policies CS4, CS13, DM5 or DM27 which all seek to protect the countryside from inappropriate development. DM5 specifically sets out the circumstances within which a replacement dwelling is acceptable and whilst the size of the replacement dwelling does not have to be an exact replica it does have to respect the size and scale of the original dwelling. In this case there is a very clear and significant increase in floorspace which cannot be justified or considered to reflect the modest proportions of the traditional cottages. There is, consequently, a policy conflict here 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.

Previous refusal and appeal

29. The previous application, planning reference DC/18/0544/HYB was refused by Committee in December 2019. The application proposed five dwellings, three being considered replacement dwellings and two being new development. The reason for refusal is set out within the decision notice in working paper 2.

30. The refusal was appealed, (reference APP/F3545/W/20/3245658) however this was dismissed in August 2020, with the inspector stating;

“The appeal proposal which would provide a net gain of up to 2 dwellings, would be situated in the countryside where development is strictly controlled and subject to JDMPD Policies DM5 and DM27. The proposed development does not meet any of the defined circumstances for development in the countryside as set out in Policy DM5 and therefore conflicts with that Policy. I saw at my site visit that the appeal site is not situated within a closely knit cluster of 10 or more dwellings. Rather, Ixworth Thorpe consists of a number of dwellings in a dispersed pattern, with significant gaps between individual and groups of dwellings. The appeal site, consisting of the 3 existing dwellings and an area of open land, does not constitute a small undeveloped plot and the proposal conflicts with Policy DM27.

To conclude on this matter, the proposal is not in a suitable location having regard to policies for housing development in rural areas, and of the development plan policies cited by the Council it is contrary to JDMPD Policies DM5, DM27 and to Policy DM33 which is concerned with the re-use or replacement of buildings in the countryside and to CS Policies CS4 and CS13.”

The inspector stated that the “proposal would harm the character and appearance of the area, contrary to JDMPD Policy DM2 which sets development principles including, amongst other things, that development recognises and addresses key features, characteristics and local distinctiveness and Policy DM13 which includes that development proposals should demonstrate their location, scale, design and materials, will protect, and where possible enhance the character of the landscape including the setting of settlements and the significance of gaps between them. It is also contrary to CS Policy CS3 which is concerned with design and local distinctiveness.”

31. Whilst the previous refusal related to a development of five dwellings (therefore, the addition of two dwellings on the site), rather than just the three replacement dwellings, given the proposed siting of the dwellings, on what is currently open frontage, similarities can be drawn between the

previous refusal and the proposed application in relation to the urbanising impact and harm the development would have upon the open character of the settlement.

Impact upon the form and character

32. 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. Policy DM2 requires development to recognise and address the character of the area.
33. The settlement of Ixworth Thorpe has a small number of dwellings scattered along the highway, there is no defined building line with properties having a loosely grained settlement pattern, with the hamlet retaining an open, rural feel.
34. The proposal would look to re-site the replacement dwellings further to the front of the site, closer to the highway. The existing dwellings are small, traditional workers cottages, with the terrace almost appearing as one dwelling when viewed within the wider landscape, they are set back within the site and are relatively discreet and unobtrusive. Given the scale and design of the proposed properties, combined with the layout, the development would have an urbanising impact upon the site, with the dwellings being significantly more intrusive within the landscape and visible within the street scene. Amended plans were submitted which pulled the dwellings back within the site, however they did not overcome the detrimental impact upon the character of the locality.
35. The siting of the dwellings further to the front of the site is similar to that proposed indicatively within the previous application DC/18/0544/HYB. This application was refused and appealed. When referring to the re-positioning of the dwellings in this location the inspector noted;

"The appeal scheme would erode the openness of the settlement through the development of the open grassed area and front gardens of the dwellings to be demolished. Whilst there are existing hedges which it is suggested are to be retained, this loss of openness would nevertheless harm the character and appearance of the area."
36. The small terrace of modestly sized dwellings is typical of the surrounding built character of the locality. There is a more modern bungalow neighbouring the site, however given the loose grain and separation distance between the dwellings this is not considered to be the dominant character of the locality. The design and more specifically the width and span of the new dwellings across the frontage of the site, eroding the open grassed area and front gardens of the dwellings to be demolished results in a more dominant and visually intrusive development, harmful to the character and appearance of the area.

37. The existing dwellings have a total width of approximately 14.5 metres and being set at an angle are between 34.6 metres and 42.6 metres from the eastern boundary of the site. The proposed dwellings have a cumulative width of 30.56 metres (plot 3 is 12.46 metres, plots 1 and 2 are 18.1 metres) and are set at varying points between approximately 10 metres and 19 metres from the frontage of the site. The existing cottages have a footprint of 127sqm whilst the proposed properties have a total footprint of 265sqm. The existing properties have a ridge height of 7.7metres. Plots 1 and 2 have a ridge height of 7.8 metres, the bungalow (plot 3) has a proposed ridge height of 5.8 metres. The significant increase in the width and scale of the properties does not respect the size of the existing dwellings nor is it reflective of their modest character. As such, the design of the dwellings which serves to elongate their width, increases the urbanising impact upon the site. The relocation of the dwellings onto what is currently an open grassed garden area, significantly closer to the public highway, would have an unsympathetic, intrusive and visually harmful urbanising effect on public views of the locality.
38. Para 174 of the NPPF states that development proposals 'should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'. The proposal fails in this regard. The proposal would create a significant level of visual intrusion in this rural location. The siting of the dwellings combined with their scale and design would not be in-keeping with or respectful of the loosely grained and open nature of the settlement of Ixworth Thorpe and would have a materially detrimental impact upon the character and appearance of the area. As such the proposal would not accord with policies CS3, DM2 and DM13.

Biodiversity

39. Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife & Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations (2017, as amended) 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.
40. The Local Planning Authority also has to have regard to conserving biodiversity as part of policy or decision making under Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) sets out a list of habitats and species that are of principal importance for the conservation of biodiversity in England.
41. Policy DM10 requires that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, the Suffolk Wildlife Trust and other specialist sources.
42. The applicant has submitted a nocturnal bat survey, dated October 2019 which found that;
- Evidence of bats was recorded during the initial inspection and further surveys recommended.
 - The nocturnal surveys recorded maximum counts of four Brown Long eared

- and two Common Pipistrelle roosting in the cottages.
 - The demolition will result in the loss of the roosts and a Natural England licence will therefore be required.
 - The licence will need to be supported by appropriate mitigation.
43. The submitted bat survey report advises that a full mitigation package will be required with a Natural England Licence; the conservation significance is very low using a scale of very low to very high and the proportionate mitigation recommended in the Bat Mitigation Guidelines (2004) says for small numbers of common species there should be the following:
- No timing constraints
 - Provision of bat boxes
 - No conditions about monitoring.
44. In this case there will be the provision of bat boxes, comprising of one Integrated Eco Crevice Bat Box and two Integrated Eco Cavity Bat Boxes; these boxes are readily used by the species recorded. The exact location of the bat boxes is yet to be determined but can be agreed by condition if necessary. They would be installed in the new cottages in south facing positions at a height not less than three metres from the ground. The boxes will be complemented by bat friendly lighting; avoiding lighting of the boxes and generally directing light downwards through the use of hoods and cowls as appropriate which will also benefit those species using the site for foraging and commuting. Again this is a matter that could be agreed through the imposition of a condition if required.
45. The report indicates that the preferred work period is October to April; this will have minimal impact on bats as the buildings are thought to be unsuitable for hibernating bats. Again, this is a matter which can be controlled through the imposition of a planning condition.
46. Prior to work commencing an inspection of the buildings will be carried out by the licenced bat worker. Any works to the roof must be carried out by hand and supervised by the licenced bat worker; all other works with the potential to impact on roosting bats will be supervised by the licenced bat worker as required. Prior to commencement of works on site workers will be given a 'tool box' talk on the brief ecology of bats, how to remove materials carefully, what to look for and what to do if a bat is found. Should a bat be found, works will immediately cease and if the bat has not already flown away it will be removed by the ecologist wearing a glove. It will be placed in a cloth bag before being placed into one of the onsite bat boxes which will have already been suitably located. The ecologist will be on call for the duration of the works and workers will have been informed to stop works and call should a bat be found. The ecologist will then visit the site immediately, or instructions provided verbally if bat appears injured and needs instant help. These matters can all be secured through a condition which requires compliance with the provisions of the submitted ecological survey report.
47. Accordingly, with appropriate conditions in relation to mitigation and enhancement works, the proposal is considered to comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as with the provisions of the NPPF in relation to biodiversity.

Neighbour Amenity

48. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity.
49. Plot 1 has a first floor window on the north-west elevation which would serve a hallway. Given the separation distance between the proposed dwelling and the neighbouring property it is not considered this would give rise to overlooking or loss of privacy. Plot two has a first floor window on the south-east elevation which would serve a bathroom, a condition could be attached to ensure this is obscure glazed. Windows on the south-west elevation and north-east elevations of the properties would overlook the highway and countryside.
50. Given the relationship to neighbouring dwellings, design and layout, it is not considered the proposal would result in a harmful impact upon the amenity of the occupiers of the neighbouring dwellings and is therefore compliant with policy DM2 in this respect.

Highways

51. Policies DM2 and DM46 both state that proposals for all development should produce designs that are in accordance with standards that maintain or enhance the safety of the highway network and provide appropriately designed and sited car parking.
52. The development would utilise the existing access. Highways have not objected to the proposal but have requested conditions, as stated above. The plans illustrate that two parking places could be achieved for each property and given the level of accommodation this is sufficient and compliant with policy DM46.

Other planning considerations

53. The Parish Council has stated they would like the type of heating of the proposed dwellings taken into account. Details of the sustainability of building techniques to be used on the dwellings is not given, nor is there any comparison or details given as to the sustainability and heating of the existing dwellings, or what could be achieved through renovation of the existing dwellings. However, even if the proposed dwellings could offer benefits in terms of heating methods this would not outweigh the clear conflict with policy identified above.
54. Waste Management has requested bins and refuse storage to be provided on site. Whilst this is not identified on the plans it is clear that the site is of sufficient size to accommodate waste storage bins.

Conclusion:

55. Policy DM5 seeks to resist inappropriate and unsustainable development within the countryside and as such sets out criteria for acceptable forms of development. A replacement dwelling is one such form of development, which in principle could be acceptable, however policy DM5 is clear that any replacement dwelling should respect the floorspace and scale of the existing dwelling. The proposed replacement dwellings have a significant increase in

terms of their floorspace and scale, they are in no way respectful or in-keeping with the character of the existing traditional terrace of dwellings and their modest proportions. As such it is considered the proposal does not accord with the provisions of DM5 and as such represents an unjustified form of development within the countryside.

56. Further to this the re-siting of the replacement dwellings within what is currently an open, grassed garden area would harmfully impact upon the open, rural character of the settlement. The layout, specifically when combined with the increased size of the dwellings and their design would be significantly more intrusive within the streetscene and wider landscape. The proposed dwellings would not be in-keeping with the loosely grained settlement pattern which is an intrinsic characteristic of Ixworth Thorpe, as such, it is not considered the proposal would comply with policies CS3, DM2 and DM13.

57. As the proposal is contrary to policies within the development plan and core strategy, as well as the provisions of the National Planning Policy Framework (2021) as set out above and with no material considerations which would indicate a different decision should be made, the recommendation is one of refusal.

Recommendation:

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

The site is classified as being within countryside and as such policies which seek to protect the countryside from inappropriate and unsustainable forms of development would apply. Whilst policy DM5 allows for replacement dwellings in the countryside, these should be respectful of the scale and floor area of the existing dwelling. The proposed dwellings result in a significant increase in floorspace and the design and scale would not respect or be in-keeping with the modest terrace of properties that exist on the site at present. As such the proposal would be contrary to policy DM5.

Policy DM2 requires that development recognises and addresses key features, characteristics and local distinctiveness and to recognise the character and appearance of the area in which they are proposed. Policy DM13 requires development proposals to protect, and where possible enhance the character of the landscape including the setting of settlements and the significance of gaps between them.

By reason of the location, but in particular, from the expansive layout, the spacing of the buildings and the visually prominent frontage car parking and driveway, the proposal would create a visual intrusion, having an unwelcome and highly urbanising effect on public views of the locality, causing material harm to the surrounding loosely grained rural character.

The proposal therefore fails to accord with policies DM2, DM5 and DM13 of the Joint Development Management Policies Document 2015, policies CS2, CS3, and CS13 of the St Edmundsbury Core Strategy 2010 and the NPPF, which seeks to ensure new development is sympathetic to local character, including the surrounding built environment and landscape setting and should contribute to and enhance the natural and local environment by recognising

the intrinsic character and beauty of the countryside. The proposal is in clear and significant conflict with both local and national policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/1198/FUL](#)

- Working Paper 1 – appeal decision - APP/F3545/W/20/3245658
- Working Paper 2 – WSC refusal decision - DC/18/0544/HYB