

## **Development Control Committee 3 August 2022**

### **Planning Application DC/22/0746/FUL – Land adjacent Roseway, Bury Road, Stanton**

**Date registered:** 27 April 2022                      **Expiry date:** 6 August 2022

**Case officer:** Dave Beighton                      **Recommendation:** Refuse application

**Parish:** Stanton                                      **Ward:** Stanton

**Proposal:** Planning application - one dwelling above garages with integral staircase

**Site:** Land adjacent Roseway, Bury Road, Stanton

**Applicant:** Mr Mark Belcher

**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:

**The application is referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel as Stanton Parish Council did not object to the proposal.**

## Proposal:

1. Planning permission is sought for a detached building providing three car parking spaces on the ground floor with an internal staircase providing access to a first floor single bedroom flat. Four surface car parking spaces are proposed to the front and a further two within the rear curtilage of Roseway, the existing adjacent dwelling. The proposal also includes external amenity space for the flat.
2. Planning permission was previously granted for two dwellings adjacent to Roseway, under the provisions of policy DM27. As part of that approval, which has not yet been implemented but which remains extant, permission was granted for a detached single storey garage block at the rear of the site, with spaces serving those two additional dwellings. As proposed, two of the garage spaces and the two surface spaces in front are now indicated as being for these two extant dwellings.
3. Amended plans have been received during the consideration of this proposal which re-site the garage block away from the shared rear boundary of the adjacent, but yet to be built, dwellings, as well as providing an additional visitor parking space. The roof form has also been amended, unilaterally by the applicant, to increase the eaves line and reduce the pitch of the roof.

## Site details:

4. The application site formed part of the large side garden of Roseway cottage, a 1 ½ storey thatched roof cottage. The site has recently been cleared of vegetation. The site fronts Bury Road, a busy A-road and lies outside of the Stanton settlement boundary with the former Rose and Crown pub to the south and new development to the rear (west). North of the site adjoins Oaklands, with a petrol filling station beyond. On the opposite site of Bury Road is a footpath into the village.

## Planning history:

Reference	Proposal	Status	Decision date
DC/20/0675/FUL	Planning Application - (i) 2no. dwellings (ii) detached triple garage (iii) alterations to existing access	Application Granted	4 December 2020
NMA(A)/20/0675	Non material amendment to DC/20/0675/FUL for change of approved drawing 2186/SK12B	Application Granted	20 July 2021
DCON(A)/20/0675	Application to discharge of conditions 3 (materials), 5 (existing access), 6	Pending Consideration	

(refuse), 7 (surface water discharge), 9 (biodiversity), 12 (boundary treatment) of DC/20/0675/FUL

**Consultations:**

5. Stanton Parish Council – Council would wish to see an additional parking space provide for residents use. Otherwise there are no objections.
6. Public Health and Housing – No objections subject to conditions on hours of work and prevention of the burning of any waste (Officer Note – the prevention of the burning of waste is not considered a reasonable condition).
7. Environment Team – No objections and no concerns from a contaminated land perspective. Recommend a condition requiring the provision of EV charging points.
8. Suffolk County Council as Local Highway Authority – No objection subject to conditions.

**Representations:**

9. No representations have been received.

**Policy:**

10. 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.
11. 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 DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

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 DM20 Archaeology

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Vision Policy RV14 - Stanton

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS13 - Rural Areas

**Other planning policy:**

12.National Planning Policy Framework (NPPF)

13.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:**

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

- Principle of Development
- Design and Impact upon Character and Appearance
- Impact upon Amenity
- Other Matters

Principle of Development

15. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Rural Vision allocations document. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance.
16. The starting position for decision taking is that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.
17. Policy CS4 identifies Stanton as a key service centre with a wide range of services as well as local employment provision. The site is outside of the settlement boundary and as such in the countryside in planning policy terms.
18. Policy DM5 (Development in the countryside) sets out forms of development that will be permitted in the countryside (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings).
19. Policy DM27 states: '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 dwelling or a pair of semi detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage. Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.'
20. There is a ribbon of development along the western side of the Bury Road consisting of a number of relatively large dwellings within substantial plots, the former Rose and Crown pub, a garage and one large dwelling to the south of the site and a small number of dwellings and a petrol filling station to the north of the site. To the east of the site, and adjacent to and facing Bury Road, is a plot that has recently obtained planning permission as otherwise being within a cluster and also meeting all of the wider provisions of policy DM27. This permission has yet to be built but remains extant.
21. However, in accordance with policy DM27 for development to be supported it is required to be within a closely knit cluster, it must comprise no more than two semi-detached or a single detached dwellings, and it must be within an otherwise continuous built up frontage and adjacent to or facing a road. This latter interpretation of DM27 (that it is the proposed dwelling that must be adjacent to or fronting the highway, as opposed to the existing dwellings in the cluster that must be adjacent to or fronting a

highway) is one which has been confirmed through appeal decisions as being correct.

22. So, in this regard, some conflict with DM27 is identified. The dwelling is proposed above a garage block, in the general location where a single storey garage structure was previously proposed. However, the position of the proposed dwelling is set back behind those dwellings at the front, away from the road frontage in a way that does not, taking a literal interpretation of policy DM27, comply with the requirement for it to be within a 'frontage' and 'adjacent to or fronting a road'.
23. In this case the dwelling is proposed back from the road, behind the extant permitted dwellings on the frontage and it does not therefore comply with the wording of DM27. This is a factor that weighs against the proposal in the balance of considerations.
24. As will be discussed later, in order to be in accordance with the provisions of DM27, any such proposal must also be commensurate with the scale and character of existing dwellings and it should also not have an unacceptable impact on the environment.
25. Balanced against these matters is the acknowledged fact that this is not an unsustainable location, relative to access by means other than the private car to every day goods and services, and is certainly not 'isolated' when assessed against the provisions of Para. 80 of the NPPF. Pedestrian access exists from the site into Stanton, with a range of services otherwise available on foot or by bicycle. So, it can be considered that the proposal would not be isolated and would be sustainably located in terms of access to services and facilities and this is a factor that weighs in favour of the proposal. However, the countryside designation around Stanton in the development plan does provide reasonable certainty to the local community and others that as a matter of principle, development here would be carefully managed irrespective of whether they are isolated or not. These are nonetheless important material considerations which weigh moderately in favour of the proposal.
26. However, the over-arching and up-to-date development plan strategy is to carefully manage development in the countryside including an allowance for modest infill development at policy DM27. For the reasons set out above, the proposal, by reason of its location outside of any defined settlement boundary for planning purposes, and, crucially, it being proposed in a location that does not fulfil the DM27 requirements for a cluster, would not be consistent with the over-arching policy framework as set out at Policies DM5 and DM27. Importantly, this policy framework is not inhibiting housing needs from being met, and is consistent with the NPPF, and so the conflict with these policies carries substantial weight.
27. Therefore, and on balance, the principle of the development is not considered to be acceptable.

#### Design and Impact upon Character and Appearance

28. The NPPF states development should be "visually attractive as a result of good architecture, layout and appropriate and effective landscaping", should be "sympathetic to local character history, including the

surrounding built environment and landscape setting” and maintain a strong sense of place... building types and materials to create attractive, welcoming and distinctive places to live”. It further states “Development that is not well designed should be refused.

29. Local policies in DM2 and DM22 further support these principles, as of course does DM27 as discussed above. It is considered that the proposal with its lack of fenestration, high eaves line and blank rear elevation, along with its scale, would have a hostile and intrusive impact within this location to the rear of the consented properties, and as a result being discordant and out of context and on the basis of its design should not be supported. By any measure the proposal fails the requirements of DM27 that it must be ‘commensurate with the scale and character of existing dwellings’, proposing as it does an otherwise unusual built form, of an overtly suburban character, materially at odds with the prevailing character. The proposal would also be visible within the streetscene, assisted by the clearance of the site and the removal of the trees and landscaped boundary along the north boundary with the neighbouring property, Oaklands. Limited landscaping is proposed albeit, of course, if the dwellings on the front of the site which have planning permission are also built this will, to a modest degree, lessen this impact, albeit this will not otherwise prevent views of the structure, from the north east along Bury Road, and along the access track. .
30. As a consequence the proposal is considered harmful to the character and appearance of the area, and contrary to the provisions of policies DM2 and DM22. It is not considered to be ‘well designed’ and this is a further factor, when considered with the issue of principle, which strongly indicates that permission should be refused.

#### Impact upon Amenity

31. The dwelling has elevated accommodation, with garaging on the ground floor. The only windows to serve this accommodation are on the front elevation, facing across the access and car parking and towards the rear amenity space of Roseway. The separation distances are such that this relationship is considered reasonable.
32. The building has a narrow span and is positioned close to the rear boundaries of the two extant dwellings at the front of the site. Amended plans provided by the applicant has set the building modestly in from this boundary. The gable end facing these properties does not contain any fenestration. While the building is taller than the garage formerly proposed here, the scale and proximity to the dwellings at the front is not considered so oppressive so as to justify a refusal of planning permission.
33. The property, and those at the site frontage, are provided with a sufficient amount of external amenity space, commensurate with their size. Whilst on the modest size the plot sizes are not so otherwise out of character noting the recently completed development adjacent at the former Rose and Crown public house.
34. Overall therefore the impacts upon amenity are considered satisfactory.

#### Other Matters

35. The impact upon highway safety is considered satisfactory, with garaging proposed below for the host dwelling as well as for the two additional plots. The provision of such could be controlled by condition if needed.
36. There are no concerns held regarding the impacts upon existing soft landscaping. Were the application otherwise recommended for approval then conditions relating to soft landscaping, the provision of car parking, cycle storage and bin storage areas could be secured.
37. The site currently comprises of cleared residential garden. The application site is not in a particularly sensitive area and given the current use of the site the proposal is unlikely to impact on protected species, provided nesting birds are not disturbed. However, biodiversity enhancements are a requirement for all new development in accordance with Policy DM12. These could however be secured by condition. Subject to such a condition the proposal would not be considered to conflict with policies DM11 and DM12.
38. Given section 3.4.2 of the Suffolk Guidance for Parking states 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 (d) states '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.' On this basis a condition could be attached to any permission to secure a vehicle charging point for the new dwellings if the recommendation were otherwise for approval.
39. The importance the Government places on addressing climate change is reflected in policy DM7 of the Joint Development Management Policies Document which requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
40. The provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day). It would be considered reasonable to ensure by way of condition that these more stringent water efficiency measures set out in the Building Regulations be applied to this development if the recommendation was otherwise for approval.

### **Conclusion:**

41. In conclusion, the principle and detail of the development is not considered to be acceptable and not in compliance with relevant development plan policies and the National Planning Policy Framework. The site is located outside any defined settlement boundary, and a dwelling in this location is not considered to meet the specific criteria set out within policy DM27.

Additionally, the proposal is not considered to be well designed, with a monolithic structure sited awkwardly behind the frontage dwellings and with the lack of fenestration creating a hostile appearance on a building of otherwise suburban appearance. The site will be visible from Bury Road in a way that it is considered will make this development materially harmful to the character and appearance of the area.

### **Recommendation:**

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

1. Policy DM5 (Development in the countryside) sets out forms of development that will be permitted in the countryside (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings).

Policy DM27 permits dwellings in the rural area subject to certain criteria, amongst which are a requirement for dwellings to be proposed adjacent to or fronting an existing highway. In this regard, therefore, conflict with DM27 is identified. The dwelling is proposed above a garage, in a location where a single storey garage structure was previously proposed. However, the position of the proposed dwelling is set back behind those dwellings at the front, away from the road frontage in a way that does not comply with the requirement for it to be within a 'frontage' and 'adjacent to or fronting a road'.

In this case the dwelling is proposed back from the road, behind the extant dwellings on the frontage and it does not therefore comply with the provisions of DM27. As a consequence of this, conflict is also identified with the requirements of Policies DM5 and CS1.

2. The NPPF states development should be "visually attractive as a result of good architecture, layout and appropriate and effective landscaping", should be "sympathetic to local character history, including the surrounding built environment and landscape setting" and maintain a strong sense of place... building types and materials to create attractive, welcoming and distinctive places to live". It further states "Development that is not well designed should be refused.

Local policies in DM2 and DM22 further support these principles, as does DM27. It is considered that the proposal with its lack of fenestration, high eaves line and blank rear elevation, along with its scale, would have a hostile and intrusive impact within this location to the rear of the consented properties, and as a result is considered to be discordant and out of context. On the basis of its design therefore it should not be supported. The proposal also fails the requirements of DM27 in that it must be 'commensurate with the scale and character of existing dwellings', proposing as it does an otherwise unusual built form, of an overtly suburban character, materially at odds with the prevailing character. The proposal would be visible within the streetscene, assisted by the clearance of the site and the removal of the trees and landscaped boundary along the north boundary with the neighbouring property, Oaklands. Taken together these factors lead to a conclusion that the proposal is not considered to be 'well designed'.

As a consequence the proposal is considered harmful to the character and appearance of the area, and contrary to the provisions of policies DM2, DM22 and DM27.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0746/FUL](#)