

Development Control Committee 6 September 2023

Planning Application DC/23/0454/FUL – Land adjacent 72 The Street, Holywell Row

Date registered:	24 March 2023	Expiry date:	Agreed EOT until 15 August 2023
Case officer:	James Morriss	Recommendation:	Refuse application
Parish:	Beck Row, Holywell Row & Kenny Hill	Ward:	The Rows
Proposal:	Planning application - one dwelling		
Site:	Land adjacent 72 The Street, Holywell Row		
Applicant:	Mr Edward Finnis		

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 was considered at Delegation Panel on 18 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.

In addition, Councillor Don Waldron (Ward Member) requested that the application be brought forward to Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.

Planning permission was originally sought for a larger two-storey dwelling with a pitched roof. The scale of the dwelling has since been reduced and is reflected within the amended proposed site layout, floor plans and elevations.

Proposal:

1. Planning permission is sought for 1 dwelling at land adjacent to No.72 The Street. The proposed dwelling would be a two-storey chalet bungalow.
2. The dwelling would measure 7.1 metres to the ridge, 12.2 metres in width and 11.4 metres in depth. The proposed external material finish will consist of a red brick plinth, ivory coloured render and red plain single lap concrete roof tiles.
3. Vehicular access to the proposed dwelling would be from an existing entrance from The Street which currently serves No.72.

Application supporting material:

- Amended Proposed Site Layout (407_10_D)
- Amended Proposed Floor and Elevations (407_11_G)
- Shadow Habitat Regulation Assessment
- Land Contamination Assessment
- Land Contamination Questionnaire
- Acoustic Design Report

Site details:

4. The application site is located within the defined housing settlement boundary of Holywell Row which is defined as a secondary village within the former Forest Heath Core Strategy. There is a Grade II Listed Building located north of the proposed dwelling on the opposite site of The Street. The site is not located within a Conservation Area.
5. The Street is mixed in character with a variety of two-storey and single storey properties. The application currently comprises of an un-developed section of residential garden adjacent to a paddock. When viewed from The Street the proposed dwelling will appear to in-fill the gap between No.72 and Clovelly. Clovelly is a single storey bungalow located northwest of No.72.

6. The application site is also located within the 63DB MOD Noise Contour buffer for RAF Mildenhall and the 400 metre Woodlark and Nightjar Buffer of the Breckland Special Protection Area (SPA).

Planning history:

7. There is no relevant planning history.

Consultations:

8. Parish Council:

The Parish Council SUPPORT this application.

9. Environment Team:

Based on the submitted information for the above site, this service is satisfied that the risk from contaminated land is low.

10. Public Health and Housing:

No objections to the proposed development subject to conditions ensuring appropriate noise protection and mitigation, appropriate construction times and lighting.

11. Ministry of Defence

The content of the Acoustic Design Statement is noted. Providing that the sound reduction performance values set out in the Acoustic Design Statement are achieved for the proposed enhanced roof insulation, acoustically treated glazing and mechanical ventilation, acceptable noise levels should be achieved inside the dwelling and MOD would therefore have no objection subject to condition.

12. Highways:

No objection subject to a condition to secure and retain the proposed parking and bin storage/ presentation areas.

13. Natural England:

No objection - subject to appropriate mitigation being secured:

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Breckland Special Protection Area (SPA).
- damage or destroy the interest features for which Breckland Forest Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Works should be undertaken outside of the bird breeding season.
- New residents to be provided with information regarding suitable recreation and dog walking sites within the area to avoid nesting birds.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

14. **Ecology Officer:**

Based on the information submitted, Natural England's consultation response and the implementation of the measures (listed above) which should be secured through planning conditions, the Local Planning Authority, in its role as Competent Authority, is able to conclude that the proposals would not have an adverse effect on the integrity of Breckland SPA alone or in combination with other developments.

- To prevent any possible disturbance to Woodlark or Nightjar, no construction work should be carried out during the bird breeding season nesting season (March to August). If it is not possible to avoid work during this period, a survey should be carried out within 400m of the working area by a suitably qualified ecologist in advance of works commencing. If any Woodlark or Nightjar nests or actively breeding pairs are encountered, works should not commence until a further survey confirms that any nesting attempts are concluded, and any chicks have fledged. Construction should only take place in daylight hours.

- No external lighting shall be installed at the site. Should the need arise in the future, prior to installation of any external lighting including for access, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site and in the surrounding landscape that are particularly sensitive for nocturnal protected species and show how and where external lighting will be installed (through the provision of appropriate plans and technical specifications) so that it can be clearly demonstrated that lighting will be minimised and areas to be lit will not cause disturbance or prevent protected species using their territory. Any external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- Prior to first occupation, the new residents are to be provided with information that highlights the sensitive nature of the nearby protected nature conservation sites, how to avoid disturbance to any nesting birds in the area and nearby alternative recreation and dog walking sites.

- Soft landscaping scheme (use standard condition) securing a hedgerow to the western and southern boundaries of the site

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of nocturnal character and amenity.

15. **Conservation Officer (Verbal Discussion)**

The proposed dwelling would be viewed in context with existing modern development and therefore not affect the setting of the Listed Building. In addition, the proposed dwelling is sited more than 40 metres from the listed building. The application will therefore not result in any harm to the Listed Building.

Representations:

16.No comments received.

Policy:

17.On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved Forest Heath Core Strategy.

18.The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and the Site Allocation Local Plan Policy Document 2019 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 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 DM15 Listed Buildings

Policy DM22 Residential Design

Policy DM46 – Parking Standards

Policy CS1 – Spatial Strategy

Policy CS2 – Natural Environment

Policy CS3 – Landscape Character and the Historic Environment

Policy CS5 – Design Quality and Local Distinctiveness

Policy SA1 – Settlement Boundaries

Other planning policy:

19.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:

National Planning Policy and Guidance

20. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.

The issues most relevant to this proposal include:

- The principle of development
- Impact on street scene/character of the area
- Impact on residential amenity
- Impact upon ecology
- Impact on the highway

The principle of development

21. The application site is located within the defined housing settlement boundary of Holywell Row. Policy CS1 states that Holywell Row is a secondary village which will provide nominal housing and employment growth during the plan period where local capacity allows. Where key local services and facilities do exist within these settlements these will be protected. No urban expansion will be considered for Holywell Row and development outside the settlement boundary will be restricted.

22. Policy SA1 states that planning permission for new residential development, residential conversion schemes, and replacement of an existing dwelling with a new dwelling(s) will be permitted within housing settlement boundaries where it is not contrary to other planning policies.

23. Based on the above consideration and consultation responses from Natural England and the Ecology Officer the impact of this development upon Breckland SPA can be ruled out subject to condition (see below section on impact on ecology).

24. The principle of the development for 1 no. dwelling is therefore considered acceptable subject to further material planning consideration.

Impact on street scene/character of the area

25. Policy DM2 and DM22 together seek to ensure that all developments should recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate this.
26. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design and approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
27. Policy CS5 states that all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.
28. The NPPF places a clear emphasis on producing high quality design and raising the standards of build quality. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 then states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
29. Planning permission is sought for a large two-storey chalet bungalow with a hipped roof. The dwelling would be finished in red roof tiles and ivory coloured render. The proposed dwelling will have a height of 7.2 metres to the ridge with a total of 5no. pitched dormer windows. The proposed hipped roof will overhang the front elevation by approximately 1.6 metres. The dwelling would have a width of 12.2 metres and a depth of 11.2 metres. A modest solar array would be installed within the rear roof slope.
30. The application site has a rural, spacious and verdant character. The character of the built development within The Street is mixed with a variety of modern single and two-storey dwellings and a historic large Grade II Listed converted barn on the opposite side of the road to the application site.
31. No.72 has a large, spacious plot which is separated from Clovely by an existing large open gap. The dwelling is proposed within this space between No.72 and Clovely and would be visible from Eldon Lane, Eriswell Road and The Street.
32. The gap contributes to the spacious, verdant character of the area on the edge of the village by disrupting the built development offering views into the open paddock beyond. Whilst there is a mixed form of built development the resultant loss and intrusion of a two-storey dwelling within this gap would erode this spacious characteristic.

33. The harm arises due to the dwellings height and bulky scale which would introduce a significant addition of built form within a sensitive visual location. The hipped roof, overhang and front dormer windows contribute to the dwelling's overall bulk which would appear intrusive in the wider street scene. The proposed triple stacked parking adjacent the side boundary reflects the cramped nature of this proposal.
34. The proposal is therefore contrary to policies DM2, DM22, CS5 and the NPPF which requires that development be of high-quality design and enhance local characteristics.
35. As confirmed during a verbal discussion with the Conservation Officer the proposed dwelling is not considered to result in any harm to the setting of the Listed Building due to the separation and existing presence of modern development. The application is therefore not contrary to policy DM15 in this regard.

Neighbouring amenity impact

36. Policy DM2 is also relevant in considering the impact on the amenity of adjacent dwellings. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated); must be considered.
37. The proposed dwelling will not result in an adverse impact upon the amenity of No.72. The dwelling would be set off the western boundary of No. 72 by 6 metres with the installation of a 1.8-metre-tall fence to separate the rear amenity space.
38. The proposed dwelling is shown with 3 dormer windows within the front elevation. The adjacent bungalow (Clovely) has a small area of amenity space to the side of the bungalow which is enclosed by a low timber fence. The proposed dormer windows will result in a degree of overlooking to this amenity space. However, given the existing height of the timber fence and existing views into this amenity space from a public highway it is not considered to be significantly adverse to justify refusal. The application therefore complies with policy DM2 in this regard.

Ecology Matters

39. When determining applications, the LPA has a statutory duty to consider biodiversity under s40 of the NERC Act 2006. The NPPF (2021) within section 15, para 180 seeks to conserve and enhance biodiversity and suggest that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.
40. Policy CS2 states that new development will be restricted within 400m of components of the Breckland SPA designated for Woodlark and Nightjar. Proposals for development in these areas will require a project level

Habitat Regulations Assessment (HRA). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.

41. The application site is within the 400m buffer around parts of Breckland Special Protection Area designated for Woodlark and Nightjar. In accordance with Regulation 63(2) of the Habitats Regulations 2017 and as required by planning policy CS2 *in-combination* with all other relevant plans and projects within the whole SPA and its 400m constraint zone have been considered within the habitats regulation assessment.
42. A project level Habitats Regulation assessment, in accordance with Regulation 63(2) of the Habitats Regulations 2017 and as required by planning policy CS2 has been provided. The HRA has established no adverse impacts upon the integrity of the SPA subject to a condition ensuring works are either carried outside of the breeding season or supported by a 400-metre survey.
43. Natural England has considered this application and considers that without appropriate mitigation this proposal would have an adverse impact upon the SPA. As the competent authority the LPA are able to conclude that the development would not have an adverse effect on the integrity of the Breckland SPA alone or in-combination subject to conditions. The proposed mitigation requires a condition stating that no development will take place during the bird breeding season (March to August) unless a suitably qualified ecologist has undertaken a 400m survey within the working area in advance of the work. If a Woodlark or Nightjar is discovered, then the works cannot commence until such a time that the nesting attempt has concluded. No construction would take place outside of daylight hours.
44. A second condition which restricts external lighting without the submission of a lighting design scheme for biodiversity would also be necessary. Prior to occupation new residents must be provided with information on how to reduce their impact upon the SPA. A standard soft landscaping condition would also be required to secure a hedgerow adjacent the western and southern boundaries.

In addition, given the location of the proposal within an existing private garden the proposal is not considered to result in any unacceptable harm to any protected species or their habitat. The proposal therefore complies with policy CS2, the Habitat Regulations and NERC Act.

Impact on highway

45. Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy DM22 and DM46 are concerned with parking provision and highway safety.
46. The proposed dwelling is shown with 3no. car parking spaces in tandem. The proposed dwelling would contain 4 bedrooms which Suffolk County Council's parking guidance requires that 3+ spaces be provided. Sufficient parking has therefore been provided in this respect and the proposal is not considered to result in an adverse impact upon highway safety.

Conclusion:

47. The proposed scheme would result in an additional dwelling and contribute to the districts housing supply, and this is a factor which weighs in favour of approval. In addition, the development would provide a modest local economic benefit during construction.
48. Significant weight is attached to the adverse impact of this development upon the character and appearance of the area which is contrary to the requirements of policies DM2, DM22, CS5 and the NPPF. On-balance, the harm arising from this development is considered to outweigh the identified benefits.
49. Given the above, the principle and detail of the development is not considered to be acceptable and does not comply with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

50. It is recommended that planning permission be **REFUSED** for the following reasons:
 1. Policy DM2 requires that proposals for all development recognise and address key features and characteristics. Development should not involve the loss of open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Taking mitigation measures into account, development should not adversely impact open spaces. Policy DM22 states that all new residential development utilises the characteristics of the locality to create buildings that have a strong sense of place and distinctiveness, using innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location. Policy CS5 requires that new development be high quality and reinforce local distinctiveness.

The proposed dwelling would be a large, intrusive addition within the street scene and would compromise the large open space which positively contributes to the rural and verdant character of the area on the edge of the village. The existing gap disrupts the built form of development offering views into the open paddock beyond. Whilst there is a mixed form of built development in the area, the resultant loss and intrusion of a two-storey dwelling within this gap would erode this spacious characteristic. Due to the height, scale and bulk of the proposed dwelling it does not represent a high-quality design which enhances the character of the area. In addition, the proposed triple stacked parking reflects the cramped nature of this proposal within the plot.

The application is therefore contrary to policies DM2 and DM22 of the Joint Development Management Document 2015 and policy CS5 of the Former Forest Heath Core strategy.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0454/FUL](#)