

## **Development Control Committee**

### **4 October 2023**

#### **Planning Application DC/23/0664/RM - Hereward House, 2A Hereward Avenue, Mildenhall**

<b>Date registered:</b>	27 April 2023	<b>Expiry date:</b>	22 June 2023
<b>Case officer:</b>	Connor Vince	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Mildenhall	<b>Ward:</b>	Mildenhall Kingsway and Market
<b>Proposal:</b>	Reserved matters application - a. submission of details under DC/21/1950/OUT appearance, landscaping, layout and scale for plot 3 b. including details reserved by conditions 8 (cycle storage), 13 (biodiversity enhancement), 14 (hard and soft landscaping) and 15 (landscape management plan) of DC/21/1950/OUT		
<b>Site:</b>	Hereward House, 2A Hereward Avenue, Mildenhall		
<b>Applicant:</b>	Mr Hewitt		

#### **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 has been referred to the Development Control Committee following consideration by the Delegation Panel. Mildenhall Town Council support the application.**

**Outline planning permission (all matters reserved) was granted on 7 September 2022 for residential development, comprising two detached dwellings on two separate plots. This application considers development on one of these plots.**

**Proposal:**

1. The application seeks approval for the reserved matters (appearance, layout, scale), including details reserved by condition for plot 3 of the outline approval granted under DC/21/1950/OUT.

**Application supporting material:**

2. Application Form  
3D Study  
Landscape Management Plan  
Wildlife Lighting Scheme  
Location and Existing Site Plan  
Proposed Site Plan  
Proposed Site Plan (Landscaping)  
Proposed Floor Plans  
Proposed Elevations  
Existing Roof Plan

**Site details:**

3. The application site is situated within the settlement boundary for Mildenhall. The site currently comprises a detached, two storey dwelling with protected trees bordering the site. The site is accessed via a shared access to the north-east, which exits onto Hereward Avenue. A public right of way runs adjacent to the site to the north and accesses North Terrace to the west.

**Planning history:**

4.

Reference	Proposal	Status	Decision date
F/2005/0830/OUT	Outline Application: Erection of one dwelling	Approve with Conditions	5 December 2005
F/90/090	Erection of dwelling and garage as amended by letter and drawings received 27.03.90.	Refuse	10 May 1990
F/89/799	O/A Erection of dwelling and garage	Refuse	21 March 1990
F/83/745	O/A Dwelling and garage.	Application Withdrawn	5 March 1984

## **Consultations:**

5. Mildenhall High Town Council: Support
6. Natural England: NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes
7. Waste Management: No comments
8. Public Health & Housing: I have reviewed the above application and on behalf of the Private Sector Housing and Environmental Health (PSH & EH) Team can confirm I have NO COMMENTS to make regarding the submission of details for the following reason:
  - None of the matters listed (cycle storage, biodiversity enhancement, hard and soft landscaping and landscape management) are within my remit, I therefore have no comments to make.
9. Environment Team: Thank you for consulting the Environment Team on the above reserved matters application. We have no comments on the reserved matters.
10. Suffolk County Council Highways: No objections subject to conditions.
11. Place Services Ecology: We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority habitats and species and identification of proportionate mitigation.

We note that an outbuilding exists in the centre of the proposed site, this is shown in the Existing Site Plan (TAB Architecture Ltd., April 2023), and that the proposals include the removal of this structure, as shown in the Proposed Site Plan (TAB Architecture Ltd., April 2023). Furthermore, there is some discrepancy between the Design and Access Statement (Kevin Watts) and the Arboricultural Impact Assessment (Hayden's, June 2022) (both Submitted to DC/21/1950/OUT), the documents disagree on the level of impact posed to the trees at the north and west boundaries of the site. The Arboricultural Impact Assessment shows that 5 trees will be removed. Outbuildings and trees have potential to support roosting bats, although the surrounding habitat indicates that a bat roost in these features is relatively low, due to the large number of features being removed, we believe impacts to bats should be considered for this application to manage the risk to protected species. Photographs provided in the Design and Access Statement do not cover this section of the site, therefore, the LPA cannot be certain of the risk to bats using these features.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that further ecological information, in the form of photographic evidence, is required to make this proposal acceptable. Submission of these photographs has the potential to trigger the need for a preliminary roost assessment, if the

consultant ecologist perceives there to be a likely chance that bats are roosting in these features.

To fully assess the impacts of the proposal details, the LPA needs ecological information for the site, particularly for bats, a European Protected Species. These surveys are required prior to determination because Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".

The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.

We have reviewed the Wildlife Lighting Scheme and Biodiversity Enhancements (TAB Architecture) relating to Condition 13 of decision DC/21/1950/OUT. We see that biodiversity enhancement measures will include bat boxes, bird boxes, and hedgehog permeable boundaries. We are generally satisfied with the details provided for these features, however, we see that 9 plots, for bird/bat boxes, are proposed but only 2 are shown on the Proposed Site Plan (TAB Architecture Ltd., April 2023). We recommend that exact locations of enhancement features are provided at the Discharge of Conditions stage, this should also include differentiating between bird box and bat box locations as these features require differing environmental conditions, with bird boxes having the most success while facing north to east.

We have reviewed Landscape Management Plan (TAB Architecture) relating to Condition 14 of decision DC/21/1950/OUT. We are not satisfied that sufficient information has been provided to allow the removal of this condition from the decision notice. From an ecological perspective, we recommend that the exact planting species are provided at the Discharge of Conditions stage, in order to evidence the use of native and non-damaging species.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

12. Place Services Landscaping: The application site is located within the boundary of existing Hereward House and is subject to previous Outline

approval (DC/21/1950/OUT) for 2no. dwellings located in the garden of a retained existing dwelling (1no. plot to west and 1no. plot to east), accessed via Hereward Avenue. The site is surrounded by other residential developments and is inside the settlement boundary of Mildenhall. Notwithstanding this we note this Reserved Matters relates only to Plot 3 to the west.

Our previous consultation dated 25/07/23 states:

The proposed dwellings are subject to Policy DM24: 'Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage' of the West Suffolk Joint Development Plan.

"Within those towns and villages with settlement boundaries planning permission for alterations or extensions to existing dwellings, self contained annexes, and ancillary development within the curtilage of dwellings will be permitted, provided that the proposals:

- a) respect the character, scale and design of existing dwellings, and the character and appearance of the immediate and surrounding area;
- b) will not result in over-development of the dwelling curtilage;
- c) will not adversely affect the residential amenity of occupants of nearby properties."

We would advise that urban design advice is sought in relation to the principle of this development, inclusive of layout, siting and design of the proposed dwellings.

#### *Review of submitted information*

Upon review, we note the increased footprint of the dwelling and relocation further north-west of the plot toward No. 2 North Place. Furthermore, elevations show the increased height of the property by approx. 3m increased ridge height. These amendments from Outline permission increase the impact on the visual amenity of nearby properties, encroachment on existing trees root protection area (RPA) and in our professional judgement would begin to become over-development and not in line with the principle of the approved permissions. This would therefore not be supported by Policy DM24.

We note within the AIA submitted under DC/21/1950/OUT it states: Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, ground protection measures, "no dig" surfacing, access facilitation pruning specification, phasing and an extensive auditable monitoring schedule. While we note on the Proposed Site Plan Specification details states:

Tree Protection: All existing trees that are to be retained are identified in the tree survey and subsequent report.

This appears to be omitted from the current submitted documents and will be required in order to better understand the impact on the 10 Tree Preservation Order's within the site. Due to the significant amendments made following outline approval, we require updated details.

Similarly, we would require a more detailed hard and soft landscape plan specifying details of all boundary treatments, hard landscape materials and soft landscaping. For example, Indicative Paving Detail on the Proposed Site Plan (Dwg. TAB903- 06) states: Sub base thickness dependant on block pavior manufacturer, see specification for details. This appears to be omitted from the plan. Furthermore, details are required for the 'no dig' solution within areas of all RPAs.

We recommend addressing the above comments prior to approval.

### **Representations:**

13.Two letters of representation have been received. 2 Hereward Avenue supports the proposal, whereas 2A Hereward Avenue objects. The material planning considerations noted within their responses are summarised below:

- Residential Amenity Impacts
- Design

14.**Policy:** 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 District Council.

15.The following policies of the Joint Development Management Policies Document and the [Forest Heath Core Strategy 2010] have been taken into account in the consideration of this application:

16.Forest Heath Core Strategy:

- Core Strategy Policy CS5 - Design quality and local distinctiveness

17.Joint Development Management Policies Document (adopted February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM22 Residential Design
- Policy DM46 Parking Standards

## **Other planning policy:**

18.The NPPF was revised in September 2023 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 2023 NPPF that full weight can be attached to them in the decision making process.

## **Officer comment:**

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

- Principle of Development
- Design, Form, Scale and Residential Amenity Impacts
- Ecological Impacts
- Arboricultural Impacts
- Highways Impacts
- Other Matters

## **Principle of Development**

20.The application is a submission of reserved matters and further details secured via condition to the outline permission DC/21/1950/OUT. The principle of the development and a cap on the number of dwellings has already been established by the outline planning permission and cannot be revisited at reserved matters stage.

21.Policy CS5 of the Forest Heath Core Strategy states that proposals for new development must create and contribute to a high quality, safe and sustainable environment.

22.Policy DM1 states “when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

23.Policy DM2 states proposals for all development 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 and produce designs that respect the character, scale density and massing of the locality.

24.As such the proposal is considered acceptable in principle subject to all other material planning considerations.

## **Design, Form, Scale and Residential Amenity Impacts**

- 25.The application site is situated within the settlement boundary for Mildenhall, with various trees protected by Tree Preservation Order on the northern, western and southern boundaries. A public right of way also borders the site to the north, with residential properties surrounding the site on the western, southern and eastern boundaries.
- 26.The existing dwelling, noted on the plans as 'Hereward House' will be retained with boundary treatments identified on the proposed site layout plans. These boundary treatments have been constructed. As per the outline approval, the indicative layout and scale of the dwellings indicates that sufficient separation distance, design principles and form could be incorporated to ensure no adverse residential amenity impacts are likely to arise at reserved matters stage. This notion was further exhibited by the single storey scale of 'Plot 3' and noting the bungalow of 2 North Place to the north-west of the site boundary. For context, the outline permission secured indicative elevations for this plot, which showed a single storey bungalow with an approximate height of 4.5 metres with a simple rectangular form, given the intimate relationship to 2 North Place which is a modest bungalow to the west of the plot, and to the dwellings to the south, as a means to avoid any adverse residential amenity impacts by way of reserved matters or full planning application submission. A garage was also initially proposed as part of the outline permission, but was removed from the western boundary as similar concerns were raised.
- 27.Policy DM2 requires the residential amenities of existing and future residents to be protected, as well as the amenities of those residents surrounding the application site. DM22 further states all residential development proposals should maintain or create a sense of plane and/or character by... basing design on an analysis of existing buildings, landscape or topography, and fully exploiting the opportunities that these present.
- 28.The reserved matters application proposes a 1.5 storey dwelling, measuring 7.0 metres in total height, with a larger floor area in a L-shape, extended along the western boundary shared with 2 North Place which contains an in-built garage area. The western flank therefore now appears overbearing when seen from 2 North Place and extends approximately 15 metres in length, within 2.7 metres of the western boundary. The dwelling also sits further north into the plot. Previously, the indicative layout illustrated a western (side) elevation that extended 7 metres, situated 4.4 metres from the boundary at a considerably lower overall height. Officers are therefore not content that the residential amenity of local residents has been adequately considered and incorporated into the residential design of the dwelling. The proposal is therefore contrary, by reason of its proximity and scale relative to off site dwellings, to the provisions of policies DM2 and DM22. Although no comments have been received from 2 North Place, this does not negate the requirement for officers to consider impacts on their residential amenity, which is perceived to be materially adverse in this case.
- 29.Furthermore, it is necessary for Officers to consider the relationship to the previous host dwelling, Hereward House, and 5 Breck Gardens to the south. Firstly, in relation to Hereward House itself, no adverse residential

amenity impacts are considered to arise. No eastern first floor windows are proposed, other than one dormer which sits further north on the proposed dwelling, therefore primarily looking east along the shared access. The dormer window would also be situated approximately 10 metres from the western boundary of Hereward House and a total of 19 metres to the western boundary wall. Overall, no adverse residential amenity impacts are considered to arise.

- 30.In relation to 5 Breck Gardens to the south, two rooflights are proposed on the rear (southern) elevation, with these approximately 15 metres away from the rear elevation of 5 Breck Gardens. Given their function and placement, no adverse residential amenity impacts are considered to arise in this context.
- 31.Whilst a 3D study has been submitted to illustrate negligible levels of overshadowing, this factor is not the only consideration with regards to amenity impacts. The combined design, form and locational context of the dwelling is considered to have an oppressive and overbearing impact on 2 North Place, therefore proving contrary to policies DM2 and DM22.

## **Ecological Impacts**

- 32.Policy DM11 seeks to prevent development that would have an adverse effect on protected species. The application submission contains a Wildlife Sensitive Lighting Scheme, albeit no formal ecology report has been submitted. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:
- 33.“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”
- 34.The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
- 35.The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).
- 36.The reserved matters application has been assessed by the LPA’s Ecological consultant. The LPA and consultants are not satisfied that there is sufficient ecological information available for determination of this application and it is recommended that further ecological information, in the form of photographic evidence, is required in order to ensure no adverse ecological impacts arise as part of the development.
- 37.The site is surrounded by various trees and hedging which have the potential for bats to roost. The submission of these photographs has the potential to trigger the need for a preliminary roost assessment, if the consultant ecologist perceives there to be a likely chance that bats are roosting in these features. Whilst this was not explicitly noted at outline

stage, this is a more specific matter that is required to be considered at Reserved Matters stage and is, in any event, part of the Authority's statutory duty explained above.

38. Furthermore, in order to fully assess the impacts of the proposal details, the LPA needs ecological information for the site, particularly for bats, a European Protected Species. These surveys are required prior to determination as Government Standing Advice indicates that you should "Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby".
39. The results of these surveys are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."
40. This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 and prevent wildlife crime under s17 Crime and Disorder Act 1998.
41. As per condition 13 of the outline permission (Biodiversity Enhancements) which is being considered at Reserved Matters stage, it is noted that the biodiversity enhancement measures will include bat boxes, bird boxes, and hedgehog permeable boundaries. This is generally considered acceptable. However. Nine plots, for bird/bat boxes, are proposed but only 2 are shown on the Proposed Site Plan. The LPA therefore require the exact locations of enhancement features in order to confirm the acceptability of the information submitted in relation to condition 13.
42. Overall, there is insufficient information before the LPA in relation to the ecological context of the site. The proposal therefore does not confirm with policies DM11, nor DM12 as well as the relevant NPPF paragraphs and NERC act 2006.

## **Arboricultural Impacts**

43. Policy DM2(g) states proposals for all development should, as appropriate, taking mitigation measures into account not adversely affect important landscape characteristics and prominent topographical features as well as sites, habitats, species and features of ecological interest. This is further echoed in the same policy with proposals needing to 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.
44. Policy DM13 of the Joint Development Management Policies document requires 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 DM13 also requires that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Finally, the policy advises that where any harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations. However, the policy also requires that it is essential that commensurate provision must be made for landscape mitigation and compensation measures, so that harm to the locally distinctive character is minimised and there is no net loss of characteristic features.

- 45.The application is accompanied by a Landscape Management Plan. The Arboricultural context formed a critical element in approving the outline permission and conditioned the landscape management of the site via condition. For context, the trees listed as T11 (north-eastern boundary), T5 and T8 (southern boundary) have permission to be felled on the original Arboricultural impact assessment. T3 and T4 of the same document are categorised as being Cat U and C, and whilst they are considered to have a moderate amenity value, the landscape consultant confirmed that the specimens are considered of poor quality and provided they are replaced with new planting, details to be agreed, then their removal is considered acceptable.
- 46.The footprint of the dwelling has evidently increased from that considered at outline stage, also having relocated further north-west of the plot toward No. 2 North Place. These amendments from Outline permission increase the impact on the visual amenity of nearby properties, encroachment on existing trees root protection area (RPA) which have not been updated and/or presented to the LPA for consideration.
- 47.It is noted within the Arboricultural Impact Assessment submitted under DC/21/1950/OUT it states: Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, ground protection measures, "no dig" surfacing, access facilitation pruning specification, phasing and an extensive auditable monitoring schedule. While we note on the Proposed Site Plan Specification details states:
  - Tree Protection: All existing trees that are to be retained are identified in the tree survey and subsequent report.
- 48.This has not been submitted with the Reserved Matters application and will be required in order to better understand the impact on the various remaining Tree Preservation Order's within the site. No hard or soft landscaping plans/details have been submitted specifying details of boundary treatments.
- 49.Both the LPA's landscaping and ecological consultants have reviewed the Landscape Management Plan relating to Condition 14 of decision DC/21/1950/OUT. Neither are satisfied that sufficient information has been provided, with specific reference to the aforementioned policies and conditions attached to the outline permission.

## **Highways Impacts**

- 50.The 2023 NPPF at paragraph 110 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. Policies DM2 and DM46 state that proposals for all development should provide designs that are in accordance with standards, that maintain or enhance the safety of the highway network. Parking should also be provided in line with the minimum parking standards, set out in the Suffolk County Council Highways parking guidance document.
- 51.The application proposes an integral garage, with sufficient space in front to accommodate the two vehicular parking spaces recommended by Suffolk Parking Guidance. No objections are raised by Suffolk County Council Highways.
- 52.Overall, the proposal is considered to comply with the provisions of DM46, as well as the relevant paragraphs within the NPPF.

## **Other Matters**

- 53.DM7 states (inter alia) that 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 regards to water consumption. Therefore, a condition would have been included to ensure that either water consumption is no more than 110 litres per day (including external water use), or that no water fittings exceed the values set out in table 1 of policy DM7.

## **Conclusion:**

- 54.Following extended informal discussions and negotiations with the agent on a revised scheme, Officers have been informed that the applicant wishes for the originally submitted scheme to be assessed and determined. Given the aforementioned, the application is recommended for refusal.
- 55.In conclusion, the proposed development is considered to be unacceptable due to the material adverse impacts upon amenity arising from the scale and position of the development proposed and is not therefore in accordance with the referenced policies in the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy and the provisions of the National Planning Policy Framework.

## **Recommendation:**

- 56.It is recommended that planning permission be **REFUSED** for the following reasons:
1. Policy CS5 of the Core Strategy seeks to ensure that development reinforces local distinctiveness and has regard to local character, whilst Policies DM2 and DM22 require development to recognise and address the key features, characteristics, landscape character, local distinctiveness and

special qualities of the area, including that the residential amenity of nearby properties is not adversely affected.

The application proposes a 1.5 storey dwelling, measuring 7.0 metres in total height, extended along the western boundary shared with 2 North Place which contains an in-built garage area. The western flank therefore appears overbearing and extends approximately 15 metres, within 2.7 metres of the western boundary. The dwelling also sits further north into the plot. Previously, the indicative layout illustrated a western (side) elevation that extended 7 metres, situated 4.4 metres from the boundary at a considerably lower overall height.

The building, together with its increased scale, length and orientation to 2 North Place to the west will result in material harm to the residential amenity of the aforementioned dwelling thus proving to be contrary to Policy CS5 of the Core Strategy and Policy DM2 and DM22 of the Joint Development Management Policies Document.

2. Policy DM11 seeks to prevent development that would have an adverse effect on protected species. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

The National Planning Policy Framework (NPPF, 2023) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 174).

Insufficient information has been submitted in relation to the ecological context of the site, particularly noting the absence of surveys relating to bats. Officers are therefore not content that there will be no adverse ecological impacts to bat habitats as a result of the proposed development and it is therefore not in accordance with policies DM11 and DM12, as well as the NERC Act and relevant paragraphs within the NPPF.

3. Policy DM13 states 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.

The application contains insufficient information in assessing the potential impact of the proposed development on neighbouring trees bordering the site, by virtue of the increased size of the proposed development relative to the indicative details considered at the outline stage and the lack of updated information submitted in relation to arboricultural impacts.

The proposal as such would be contrary to the provisions of Policy DM2, Policy DM13 of the Joint Development Management Policies Document (2015), Policy CS5 of the Forest Heath Core Strategy (2010) and the National Planning Policy Framework which seeks to preserve important landscape characteristics which make a significant contribution to the character and appearance of the area.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online  
[DC/23/0664/RM](#)