

Committee Report

Item 7B

Reference: DC/20/04572

Case Officer: John Pateman-Gee

Ward: Rattlesden.

Ward Member/s: Cllr Penny Otton.

RECOMMENDATION – GRANT PLANNING PERMISSION.

Description of Development

Planning Application - Erection of 3no. detached dwellings and associated parking and landscaping, utilising the existing public house access.

Location

Land Rear Of The Six Bells, Church Road, Felsham, Suffolk

Expiry Date: 22/01/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Cordage 13 Limited

Agent: CPC Limited

Parish: Felsham

Site Area: 0.17ha

Density of Development:

Gross Density (Total Site): 18 Dwellings per Ha

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee as it was called in by the Local Ward Member.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

CS09 - Density and Mix

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
E06 - Retention of use within existing industrial/commercial areas
H03 - Housing development in villages
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
HB01 - Protection of historic buildings
HB08 - Safeguarding the character of conservation areas
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Parish Council (Appendix 3) Summary

Felsham Parish Council object

- Proposal is contrary to HB1, HB8 and H13 of the current Mid Suffolk Local Plan and the corresponding policies in the emerging Joint Local Plan.
- Unclear how the revisions to the car park maintain public safety
- Proposal represents extra traffic
- Unclear as to the highway status and if provision of suitable visibility can be met.

Notes the pub, but not the land is a registered community asset.

(Officer Note: A meeting between the Parish, Local Member and Highways Authority on highway matters to understand these elements has been organised and your officers will attend to listen. As may be necessary a further verbal report on this will be given)

National Consultee (Appendix 4) (Summary)

Natural England – No objections to the proposal.

Historic England – No comments and content to leave to council's own heritage advice.

County Council Responses (Appendix 5) (Summary)

SCC Highways - Notes the improvement of the access that currently serves the public house and recommends conditions

SCC Fire and Rescue – No objection and advisory comments.

SCC Archaeology – Recommends standard programme of archaeology works condition.

Internal Consultee Responses (Appendix 6) (Summary)

MSDC Heritage - Less than substantial harm in response to Plot 1 only as does not agree with "barn style" design and would prefer standard domestic dwelling. Recommends planning conditions.

MSDC Ecological (Place Services) - Holding objection. *(Officer note: Places services would like a survey of the central trees for bats only, if bats were to be discovered it is likely that a condition for mitigation would be imposed. This information has not been required for any of the planning/appeal history of this site and so it is consideration reasonable to condition the survey/mitigation or delegate approval subject to the survey.)*

MSDC Environmental Health - No objection

B: Representations

There are a number of letters to support and object to the proposal and many are from the same household, same person or different persons from the same address. Part of this is due to amended plans and consultation that has taken place. To attempt to describe numbers of letters on this occasion is considered to risk accusations of misrepresentation, however these have all been made available to members and the planning comments only are summarised below:-

- Harm to Listed Building via construction of dwellings and setting
- Inadequate Access and unsafe
- Increase traffic.
- Inappropriate in a Conservation Area
- Loss of open space and trees
- Viability of public house
- Smells and noise
- Strain on existing community facilities
- Concern with height of properties and if seen
- Loss of privacy
- Loss of public house parking (Officer note: No parking will be lost)
- Add to pollution
- Contrary to local plan and NPPF
- Village should be allowed to grow and developer has considered the issues carefully.
- Good use of vacant land

The predominate issue were access concerns. Non planning issues, include contract arrangement between owners and ownership of land.

On review of the responses, there appears to be a misunderstanding in respect of the status of the Public House as a registered community asset. The status means that if the pub was to be sold then time and opportunity is required to be available for the community to consider buying it. This is a separate legislative matter from planning regulations and any status does not stop a planning consideration or a decision being made nor does any such decision affect the community asset status and any requirements of that legalisation.

There also appears to be a misunderstanding in respect of highway land verses private land. The proposal includes potential road markings that the highways authority find acceptable and see as a sensible improvement, especially given the existing and unlimited use of the current access for the public house, associated activities and events. If this land is private or highways land is not a material consideration given significant weight as both parties find the markings acceptable and these can be secured on that basis.

(Note: All individual representations are counted and considered.)

PLANNING HISTORY

REF: DC/20/02869	Full Planning Application - Erection of 3No detached dwellings and associated parking and landscaping on land to the rear of the public house (A4), including the part demolition of a boundary wall to facilitate the creation of a new vehicular access from Church Road.	DECISION: REF 15.09.2020
REF: DC/20/02870	Application for Listed Building Consent - Partial demolition of wall to facilitate new access.	DECISION: REF 15.09.2020
REF: 3803/14	Erection of detached dwelling and attached garage. Creation of new vehicular access. Erection of boundary wall.	DECISION: REF 06.02.2015
REF: 1583/09	Removal of 5no. Norway Spruce trees from the site as they have Honey Fungus	DECISION: RNO 24.06.2009
REF: DC/20/02869	Full Planning Application - Erection of 3No detached dwellings and associated parking and landscaping on land to the rear of the public house (A4), including the part demolition of a boundary wall to facilitate the creation of a new vehicular access from Church Road.	DECISION: REF 15.09.2020
REF: 0555/11	Erection of 2no. dwellings and garaging with new access for dwellings and public house (following blocking up of existing access).	DECISION: REF 12.04.2011
REF: 0179/10	Erection of 2 no dwellings and garages and new access for dwellings and public house (following blocking up of existing access to public house)	DECISION: WDN 13.04.2010
REF: 0047/99/TCA	REMOVE A GROUP OF SYCAMORE TREES	DECISION: GTD 18.11.1999

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

on the design of local flint use, including the pub itself. The front gable feature slightly mirrors plot 1 and this plot sits in the centre.

2.4. **Plot 3** is 7.4 metres to the ridge and around 5 metres for the eaves. The plot is set to the eastern side and seeks to maintain existing landscaping. The functional layout seeks to promote the main garden use to the more open north side. Mindful of the potential to overlooking, a historic idea of recess infill windows is used to break up the mass of the building, but avoid overlooking windows at first floor. The landing/hall and more contemporary long window will be obscurely glazed.

2.5. Together the dwellings enclose a shared space forming a cul de sac or more courtyard arrangement that allows social interactions between residents rather than being fenced in definable private plots.

2.6. The Six Bells Public House and main beer garden are not part of this application. They continue to be the public house and garden and there is no need to include these elements in the red line. The red line does include the public house car park, access and drive. The proposal is for the housing to share the current access and drive that serves the public house. The drive currently serves a car park for the public when visiting the pub to the rear without any planning restrictions. At the moment, the amount of parking for the pub is not overly defined being a gravel area, but roughly there are around 12 spaces.

2.7. To access the proposed dwellings the proposal is to extend the drive a little to allow access to the land at the rear. This in turn removes roughly 2 spaces in a corner of the current car park. Initially the application did not show any replacement of these spaces and it is noted that representations received picked up on this point. Accordingly, a revised red line plan to include the parking area was discussed and received to show that 14 spaces can be achieved with a small extension of the car park, replacing the 2 lost and adding a further 2 as well. Given the amount of land the pub would still have available, the number of parking spaces could be increased significantly more if those running the pub so wished and without the need for planning permission. In planning terms, the proposal demonstrates that the two lost spaces can be easily replaced and has in fact shown more parking than is needed. There is no formal requirement for these spaces to be marked up on the ground (and it is not intended to condition this) as it is up to the pub owner to work out the best arrangement to suit their business. However, a condition to secure the expansion of the parking area to account for the replacement 2 spaces is recommended.

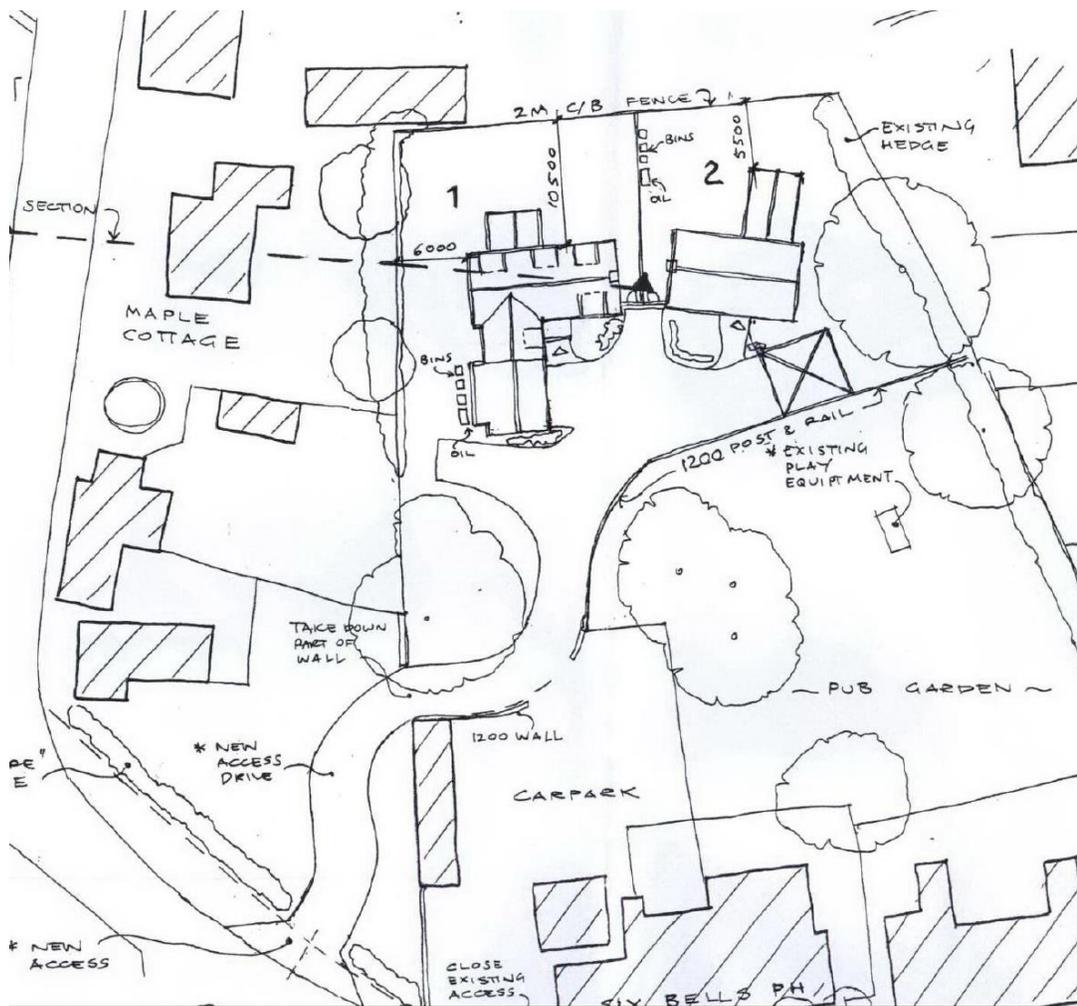
3. The Principle Of Development

3.1. In terms of the current policy considerations this site is within the Settlement Boundary, there are no planning designations or policies that would resist the consideration of this site in principle for housing development. There are a number of material planning considerations, for example the use of the land being previously use land in service as public house and the conservation area and these will be addressed below. Also, it is material that this site has a history of planning applications for development of housing and been the subject of appeals. In terms of the appeals, there has been nothing to suggest the principle of development should be resisted and can be taken to support the principle of development.

It is considered appropriate to review these first.

APP/VV3520/A/11/2155965 (Our ref 0555/11)

1) Ref:APP/VV3520/A/11/2155965



Appeal Layout for 2 Dwellings.

"In considering the visibility splays I have had regard to the standards in Manual for Streets and Manual for Streets 2 which indicate that a 43m splay may be appropriate here rather than the 60m required by the highway authority. The proposed access would be close to the junction between Church Road and Bury Road to the west. However, traffic approaching the junction from Bury Road would have to give way and would be slowing. With the removal of some existing frontage hedge on land in the appellants' control, I am satisfied that the proposed visibility to the west would be achievable and acceptable. The planting of some mature hedging as proposed would ensure that the Conservation Area would not be harmed by this change

To the east of the proposed access the appellants control sufficient land such that in principle an appropriate visibility splay could be achieved. I conclude that the appeal proposals would have no material adverse effect on highway safety on Church Road. As such, they would accord with the aims of Policy no of the Mid Suffolk Local Plan (LP)."

3.2. The appeal establishes that an access for two dwellings in addition to the existing public house access was acceptable, but the removal of a listed wall was not acceptable. Development of 2 dwellings as shown on the plan above was also acceptable, including impact on the Conservation Area, character, trees, ecology, loss of the open space that serves the public house within the site and the only reason for the dismissal was due to the proposed removal of part of a listed wall due to the driveway route. This proposal seeks to address that issue, by sharing the existing access. Given the clear comparison the appeal decision is considered to be material in establishing the acceptance in principle for development of this

site. However, this proposal is for 3 dwellings and not 2 dwellings subject of the appeal and there are differences in design and current policy to consider.

APP/VV3520/A/II/2155965 (Our ref 3803/14)

3.3. This appeal was concerning a single dwelling and avoids the concern with the listed wall by building in front of it. However, a dwelling in the front that removed a prominent corner gap in the Conservation Area had its own issues on its own considered merits and given the location is not considered as directly comparable. However, this is a second example of an access on this corner being considered acceptable.



3.4. In terms of more recent planning history, Full Planning Application - Erection of 3No detached dwellings and associated parking and landscaping on land to the rear of the public house (A4), including the part demolition of a boundary wall to facilitate the creation of a new vehicular access from Church Road was refused in 2020. In many ways this is a revised version of that application. The previous application was refused for the following reasons:-

1. The applications fail to provide sufficient information to demonstrate that the site is suitable for the proposed end use in terms of understanding the potential risk of contamination.

For the current application this has been provided and your Environmental Health officers have no objections.

2. The proposal includes the loss of a large part of an historic wall that forms part of the setting and curtilage of the Six Bells Public House.

For the current application the wall is proposed to remain as the access and the drive are to be shared with the current public house access.

3. The proposed development includes a new access and visibility was a concern.

For the current application the access is located in a different location, an existing access and the visibility is considered acceptable by the highway's authority.

4. The proposal would, by reason of proposed poor layout, design and scale, create a cramped and contrived form of development which would be out of keeping with the prevailing spatial rural character in the locality and would be detrimental to the local distinctiveness of this part of Felsham. And this reason included highlighting the following

- An overly-dominant new brick wall that divides an important gap and transition zone within the village, which would be intrusive to the street-scene and adversely impact the Conservation Area.

For the current application the access and drive are located away from the corner green gap and so by default resolve this matter.

- By reason of first floor windows and siting, Plot 1 and 2 both directly overlook neighbouring gardens and dwellings to the east that will result in significant harm to the amenity enjoyed by the occupiers.

For the current application the design including appearance and siting have been adjusted to seek to resolve this issue and is picked up further in this report under residential amenity.

- The appearance of urban style car ports and three dwellings of the same size and form, with only a limited difference in materials, is not considered to be in keeping with local character or its scale and likely to dominate the setting of the Listed Building (public house).

For the current application, the appearance of the dwellings has been amended as well as the car ports. This point is picked up further in this report under design and layout.

- The functional arrangement of the layout is considered poor and confusing with potential conflicts in respect of existing trees, open space, poor amenity enjoyed by the future residents, ability to travel within the new place and creation of unsupervised spaces.

For the current application, the layout and siting of the dwellings has been adjusted to allow for improved functional space and to resolve the matters of concern.

3.5. Taking the appeal and planning history there has not been any resistance to the principle of development and change of use of this site for housing. Infill development within a settlement boundary is also supported by policy. Instead, there are material considerations to consider in terms of the proposal itself that are addressed below.

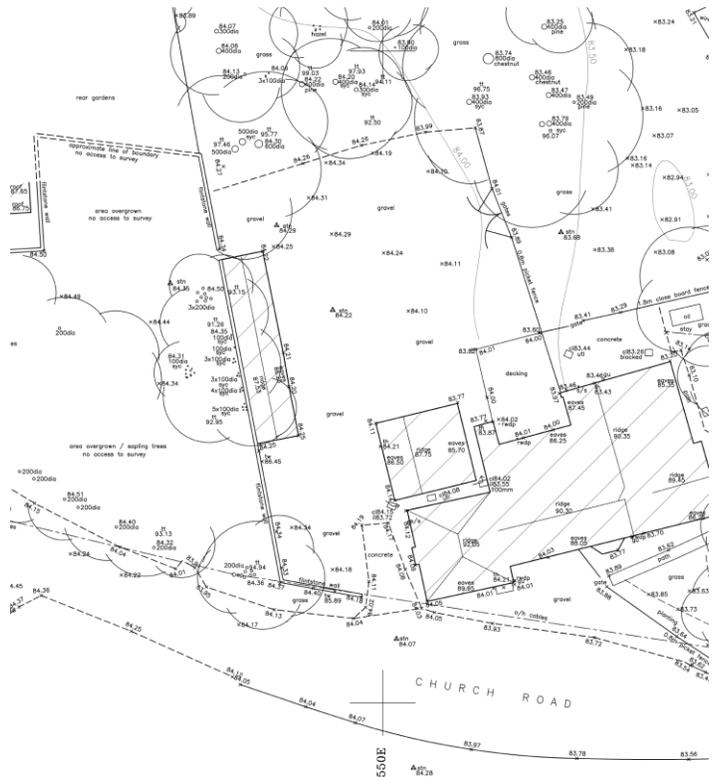
4. Site Access, Parking And Highway Safety Considerations

4.1. The proposal has demonstrated that the new houses meet the current parking standards for the number of bedrooms proposed. The proposal also demonstrates that parking will not be reduced for the public house.

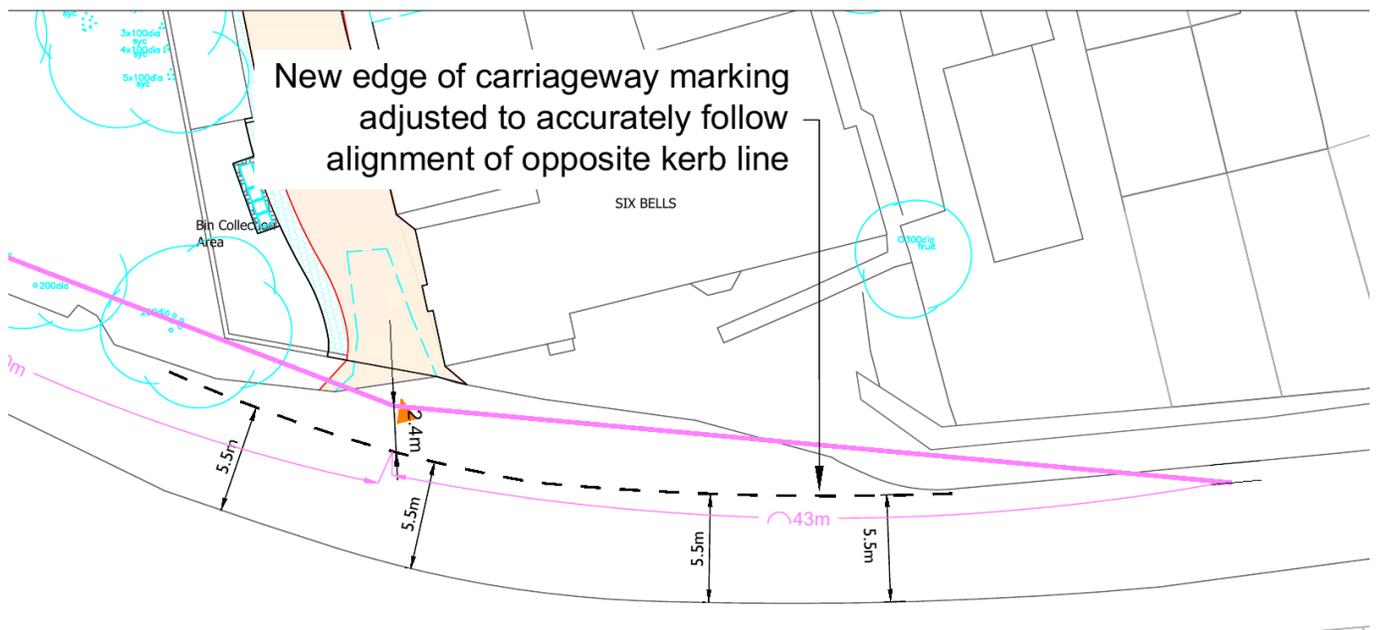
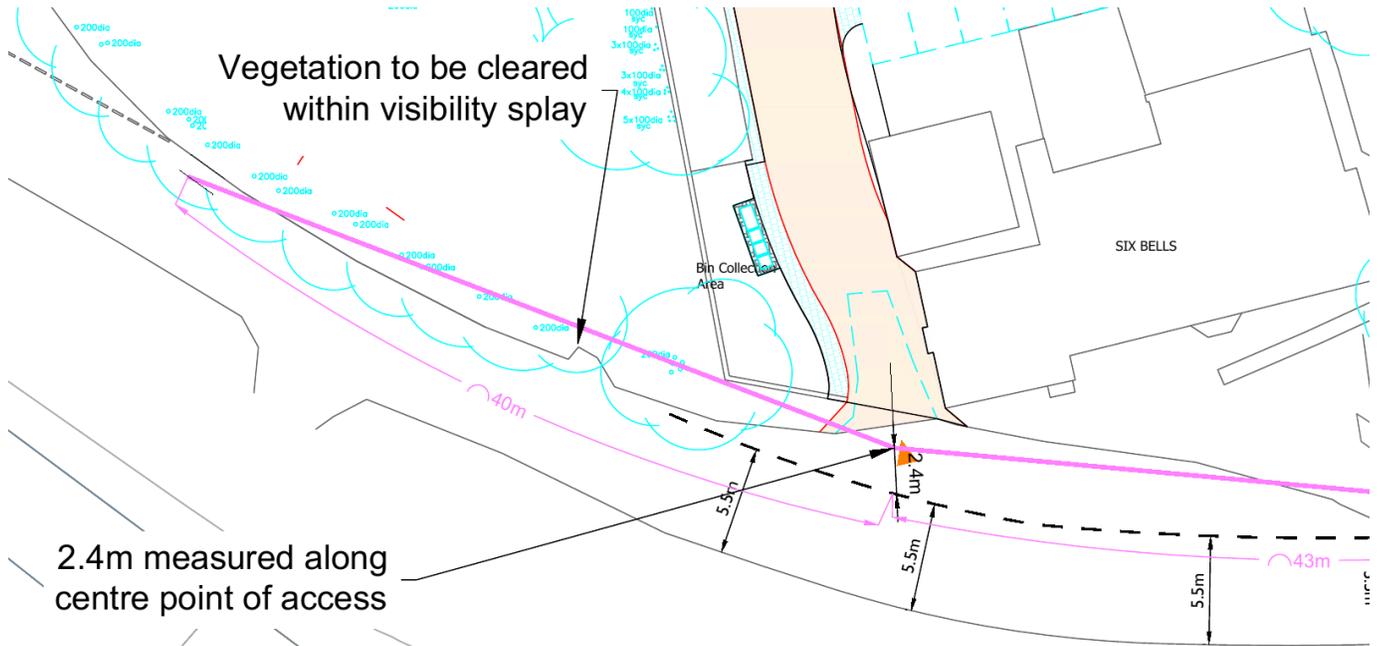
4.2. Representations are concerned with potential conflict between the use of the public house and new housing development within the current pub car park/drive. Currently the public have access to the public house via the car park and so there is already a mix of pedestrians and vehicles using the drive and pub car park. This would not be significantly altered by three households also walking or driving along the existing drive or within the car park. As mentioned by representation the land to the rear of the public house has been used for local events in the past that would have likely included vehicles and pedestrians in reasonable numbers.

4.3. The current access for the pub is shown in the plan and photo. It is noted that the pub puts a refuse bin as shown in the photo in roughly the same location the proposed development would put its bins for collection.

Rather than have a second access that previous appeals have agreed as acceptable and so have to potential points of conflict along Church road, this proposal simply seeks to use the current access that is not restricted in volume given the current commercial use. Furthermore, this application presents an opportunity to improve this unrestricted access.



4.4. There is a misunderstanding that the proposal may narrow Church Road. The applicant has no authority to do this and this is not what is proposed. The pub has very little boundary treatment immediately in front of the building and it is not overly formalised. This is understandable as a pub wants to appear open and available to visitors. There is a flint wall to the side of the public house with grass to the front. Over time the highway edge has been eroded and changed (this is clear in old maps) and the markings proposed are an attempt to show the true logical line of the highway.



4.5. Perhaps another way to examine this would be to look at the photo again, but this time officers have added (approximately) the line for the markings suggested in the plans.



4.6. The pub and the associated traffic have operated for many years without the need for this road definition and so marking the carriageway line could be argued as potentially unnecessary and it is not considered that the three dwellings proposed rely upon this point given the potential level of use the pub itself could generate. Officers considered that there is a second benefit to the lines that it will guide cars around the pub better and potentially pull them away from gatherings and pedestrians at the front of the public house.



4.7. Given the existing use of the access and support by the highway's authority it is not considered traffic generated by three households would result in a significant or severe highway concern that could warrant a refusal. The markings are a highway improvement promoted by the SCC Highway's Authority, but there are arguments of changing character and need against the existing use that could be balanced against the need of the markings and still allow the proposed development.

5. Design And Layout

5.1. Meadow Close to the east is a housing estate of modern detached dwellings on large plots outside the Conservation Area. To the north and west we have much older historic and more traditional dwellings that focus round a village green further west and not shown on the plan below. These range in plot size from small to large. While the design has taken the detached dwelling approach and similar heights of the housing to the east, it has sought to take a more significant design quality position in terms of materials, traditional features and appearance for the individual dwellings. Despite being detached, the layout promotes a collective of housing sharing the drive and "yard" space at the front. It is considered to be a new place to be rather than an estate of individual fortified plots.



5.2. The layout pulls the housing as a group away from the pub to a reasonable distance to allow the pub to operate without disturbance and other existing houses remain closer to the pub than the proposal. The retained trees provide a useful buffer zone between the pub and housing. The use of a shared drive and

access with the pub reduces the hardstanding previous schemes would have needed and avoids any need to affect the green gap along Church Road central to the setting of various listed buildings.

6. Impact On Residential Amenity

6.1. The development of this site will affect views of a number of existing dwellings that are located around the site. However, given both the existing gardens, orientation of properties and proposed space the physical form of the proposed dwellings are not considered to represent intrusive development on balance to warrant refusal.

6.2. The current use of the land is in association with the public house and could be used as part of the more active function of that use and potentially at later hours. Given the amount of land available to the pub it is considered less likely compared to other similar uses, but is the planning consideration. It is understood that public and private events have taken place on the land. This is also a site in the centre of a village. On this basis the domestic level of noise and disturbance of three households is not considered to be significantly detrimental to warrant refusal that could be defended at appeal.

6.3. Plots 1 and 3 have sought to ensure no direct overlooking for windows looking out of the site unless obscurely glazed or at a high level in the form of rooflight. The majority of windows for the entire scheme look inward (the advantage of a close courtyard arrangement) or to the south and towards the pub adding to the supervision of that space. Plot 2 does have three bedroom windows on the rear (north) elevation that will look out of the site, but essentially overlook the commercial garage to the north of the site.

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

7.1. Given the surrounding development it is considered that the wider landscape impact would be limited, but views of the site and buildings are available between existing buildings and in turn this will affect the views within different points of the Conservation Area. Some smaller trees will be removed to allow for access. While the removal of trees is not encouraged, your officers' position is constrained as the trees to be removed are the same as the earlier appeal for the site and not considered an issue to resist development and has not featured as a reason for refusal.

7.2. Similarly, no ecology, biodiversity or protected species issues have been raised as a concern until this application. However, awareness and increased protection for protected species has improved and a holding objection is recommended by Place Serviced employed by MSDC to provide ecology advice. The applicant is willing to do the survey and mitigation, but the best time for survey is May to September and given all the other considerations of this application it is recommended to seek the survey should all other aspects of the application are considered acceptable. On this basis the recommendation is for delegation.

8. Land Contamination, Flood Risk, Drainage and Waste

8.1. Details provided have been considered satisfactory and there are no significant material concerns in respect of contamination of land, flood risk, drainage or waste. Main sewer would be used in this site for waste.

9. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

9.1. In previous applications and appeal, your Heritage team have considered that the previous developments for both 2 and 3 dwellings represented a low level of less than substantial harm to a designated heritage asset because the loss of a section of boundary wall that contributed to the significance of the Six Bells. This application does not seek a change to the wall in question nor seek the removal of any part of the listed building.

9.2. Instead MSDC Heritage consider that there is now less than substantial harm in response to the appearance of Plot 1 only as they do not agree with “barn style” design and would prefer standard domestic dwelling. The position of not seeking to dilute the historic understanding of the site is understood, but again the officers find themselves in an odd position against the planning and appeal history of the site. The use of boarding in the 0555/11 designs was not objected by heritage or the inspector. Far grander dwellings in the last refusal that could arguably also dilute the understanding of the site were not considered to result in harm. To resolve this point your officers accept that plot 1 does cause harm as heritage explain in their response and their analysis on the listed and conservation area is agreed.

9.3. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset (South Lakeland DC v Secretary of State for the Environment [1992] 2 AC 141). A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give “considerable importance and weight” (Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303). Here, the heritage officer is of the view that the development does cause harm to the heritage asset (albeit less than substantial harm within the meaning of the NPPF). The case officer has given considerable importance and weight to the Listed Building and agrees the level of harm, but do not agree to refuse the development given the wider public benefits of the scheme that are considered to outweigh the harm.

9.4. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

It is considered that none of these three benefits are relevant in this case. From Woolpit Public Enquiry Appeal public benefits were defined as follows:-

- An increase in the provision of housing numbers at a time of pressing need.
This is not applicable given the current housing supply available to the council.
- An increase in choice and type of homes
While this might apply, these are for three four bed units and there is no evidence that this represents any local need or demand.
- Affordable housing provision
There is none in this case as the site area lies under 0.5ha and under 10 dwellings and so this is not taken to be a public benefit. It is noted that the development is 0.17ha and above this is the point the Council’s trigger on affordable housing would normally apply, however this is not given weigh given the NPPF 0.5ha requirement.
- Employment opportunities during the construction phase
This applies in this case, but limited in terms of three dwellings. .
- Residents would be likely to use the local shops and services within the settlement making a positive contribution to their vitality and viability
This applies and the public benefit of three more households to local services is considered.
- Provision of community open space with green infrastructure features – delivering high quality green spaces available to all
This is not proposed.
- Footpath improvements to the village centre and the wider countryside

None
- Highway works
Limited.

Overall and on balance it is considered the limited public benefit does outweigh the harm identified in terms of plot 1. However, if the public benefits are not agreed by members to outweigh the harm, it is considered that the harm has the potential to be resolved by changing the materials to render or brick instead and that could be conditioned for agreement by officers.

PART FOUR – CONCLUSION

10. Conclusion

10.1. The proposed development has needed to consider significant planning and appeal history. It also has a number of considerations in terms of the location in terms of residential amenity and an attractive historic location. Overall, it is considered that the development does take into account the many material considerations and represents a very high quality scheme for three bespoke dwellings.

RECOMMENDATION

1) That the Chief Planning Officer be authorised to Grant Planning Permission subject to first receiving an ecological survey to his satisfaction and conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- Swift boxes installation scheme to be agreed
- Hedgehog fencing scheme to be agreed
- Energy and renewable integration scheme to be agreed
- Rainwater harvesting to be agreed
- Construction Management Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- Archaeology Conditions as recommended by SCC
- Plot 3 Obscurely glazed window at rear
- Removal of all permitted development rights.
- Final arrangement for two parking spaces to serve the public house (replacement of the two lost to the drive) to be agreed and secured for use thereafter.
- All highway conditions recommended by SCC
- Materials to be agreed.
- Any conditions for mitigation for ecology as may be appropriate as a result of the ecological survey.

2) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes

- Support for sustainable development principles

3) Should an ecological survey not be received within 6 months that the Chief Planning officer be authorised to refuse the application on appropriate grounds.