

Committee Report

Item 7C

Reference: DC/21/00584
Case Officer: Sian Bunbury

Ward: Rickingham.

Ward Member/s: Cllr Jessica Fleming.

RECOMMENDATION - REFUSE PLANNING PERMISSION

Description of Development

Planning Application. Erection of 1 no detached dwelling.

Location

Land Between Red House And Honeysuckle Cottage, The Street, Rickingham Inferior, Suffolk
IP22 1EG

Expiry Date: 09/07/2021

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr and Mrs Irvine

Agent: Mr David Barker

Parish: Rickingham Inferior

Site Area: 0.04 ha

Density of Development:

Gross Density (Total Site): 25 dwellings per hectare

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: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

A Committee Call In request been received.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
GP01 - Design and layout of development
H03 - Housing development in villages
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
HB01 - Protection of historic buildings
HB08 - Safeguarding the character of conservation areas
SB02 - Development appropriate to its setting
T09 - Parking Standards
T10 - Highway Considerations in Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Botesdale and Rickinghall Neighbourhood Plan

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-
Stage 7: Adoption by LPA (January 2020)

Accordingly, the Neighbourhood Plan has Significant weight.

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)

Rickinghall Parish Clerk

The Parish Council has no objection to the amended application.

National Consultee (Appendix 4)

None

County Council Responses (Appendix 5)

SCC - Highways

The County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below :

- No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM03 and with an entrance width of 3 metres.
- Before the access is first used visibility splays shall be provided as shown on Drawing No. 011 Rev. A with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- Prior to the new dwelling hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- The use shall not commence until the area(s) within the site shown on Drawing No. 011 Rev. A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- Before the development hereby permitted is commenced a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of development shall not be carried out other than in accordance with the approved construction management plan.

SCC – Fire & Rescue

Access and Fire Fighting Facilities - Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B.

Water Supplies - No additional water supply for fire fighting purposes is required in respect of this planning application.

Consideration should be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

Internal Consultee Responses (Appendix 6)

Heritage Team

The proposal is an amended version of DC/20/03788 which was withdrawn. My colleague found harm in that proposal from the further erosion of the linear pattern of development, and erosion of views from the built-up core of the Conservation Area to surrounding countryside, and from erosion of the connections between Red House (deemed an undesignated heritage asset) and its former plot and the countryside.

The design and position of the dwelling are revised in this application – the single-storey element is now removed allowing the main block to be moved to the north east. It is stated that this improves the visual permeability of the site, but the move seems slight and the building now appears in the middle of the straight view along the access.

The Planning Statement is revised. In general, the Statement is a confusing read because it seeks to revisit the principle of development when in fact the application simply revives and varies the lapsed permission of 2003 (0789/03) with changes of position, orientation and design. Accordingly the principal point at issue is the position of the dwelling within the site, and I would suggest that arguments as to re-use of a redundant site, provision of a sustainable dwelling and so forth, which are presented as public benefits in counterweight to harm, carry little weight because these points are already accepted, albeit under previous policies. In particular I have difficulty understanding how subdivision of a garden and failure to implement a permission qualify the site as redundant – its use as a garden has been given up, not lost; new use has been granted, but not commenced. This seems to be an instance where the Forge Field principle applies – where a less harmful scheme is available, the effect of the statutory duty is that this in itself gives support for refusal.

The Heritage Statement is also revised. The Statements seek to establish that the prevailing pattern of development locally is not linear, but I find their assessment fails to distinguish between ancillary outbuildings and separate dwelling houses (whether ancient or modern), and as a result includes a converted barn (Pond). I would also point out that my colleague's comments on the previous scheme refer to further erosion, undoubtedly a reference to Stone Cottages and Bradgate, which both rely on planning permissions of 1989. But in order to accept those as supportive precedents you would have to ignore not only the considerable changes to legislation and policy at national and local level since 1989, but also the planning decisions and informal advice (based on relevant policy) on this site going as far back as 2002, which were detailed in our informal advice to this applicant in 2019. In this sequence of decisions and advice, which all post-date the developments at Stone Cottages and Bradgate, officers offered no support to development breaching the prevailing pattern of development. In assessing the current situation, I concur with my colleague that there has been erosion in places; in my view further erosion would represent undue cumulative impact.

The summary of the PS makes some remarks on public benefits of the scheme, but makes the mistake of seeking a simple balance of harms and benefits, whereas the statutory duty requires benefits to be balanced against the desirability of avoiding harm, which is reflected in the NPPF in requiring great weight to be given to preservation, ie. avoiding harm. In any event the benefits associated with a single dwelling must be limited, and several of the benefits listed would be secured by the scheme previously granted and do not contribute to outweighing the harm.

In my view it is not clear at this stage that the revision of the design and position affect the proposal's impact, and the proposal is likely to result in a low level of less-than-substantial harm to the significance of the Conservation Area. In the context of the planning history it seems to me that the public benefits put forward are not uniquely available in this scheme, but can be achieved without harm, and accordingly do not offer 'clear and convincing justification' for the harm identified.

Arboricultural Officer

I have no objection to this application. The tree proposed for removal is of insufficient value to warrant being a constraint.

Environmental Health – Land Contamination

No objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA

responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

B: Representations

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 2 objections and 2 support. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections

- Loss of amenity and privacy for Red House as well as nearby heritage properties
- Previous applications for a building plot have been refused
- Red House enjoys being surrounded by verdant environs and the development would be dominant and unpleasant for occupants of The Red House
- Would remove an important gap which is characteristic of the village
- Recent traffic incident nearby
- Increased density in the Conservation Area, effect on the street scene, conflict with Neighbourhood Plan, increased problems with parking and traffic.
- Too large a development for the size of the garden
- Encroaches on land not owned by applicant

Support

- This build and young family will be a positive addition to the street
- The land would benefit from having a dwelling on it as it is currently waste ground.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/19/05069	Notification of Works to Trees in a Conservation Area - T1 (Cherry) - Pollard, T2 (Sycamore) - Remedial pruning, T3 -T6 (Poplar) - Fell and replace.	DECISION: RNO 28.11.2019
REF: DC/20/03788	Planning Application. Erection of 1no detached dwelling.	DECISION: WDN 29.10.2020
REF: 1314/88	SEVERANCE OF REAR GARDEN FOR ERECTION OF TWO SEMI-DETACHED DWELLINGS, WITH ALTERATION OF EXISTING VEHICULAR ACCESS TO FORM PRIVATE DRIVE TO SERVE 3 DWELLINGS.	DECISION: REF 03.03.1989
REF: 0789/03	ONE, TWO STOREY DWELLING.	DECISION: GTD 05.09.2003
REF: 0083/02/OL	ERECT COTTAGE STYLE DWELLING	DECISION: REF 16.08.2002

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The site is located on the west side of The Street, Rickinghall and lies within the Settlement Boundary for the village which is designated as a Key Service Centre in the Core Strategy. The site lies within the Conservation Area. The Special Landscape Area lies further north west of the Settlement Boundary. The Old Four Horseshoes, a grade 11 listed building lies to the south west of the site. The site frontage forms a gap in the street scene between terraced properties The Red House and Honeysuckle Cottage.

1.2. The site has an existing vehicular access to the north side of The Red House which is not listed but could be considered a non-designated heritage asset. The site is of fairly square proportions and is an unused grassed parcel of land, previously the garden to The Red House.

1.3. Adjacent gardens lie to the south west and north east of the site, including a garage and annexe to Bradgate House, to the north east. The site is at a slightly higher level (approximately 1m) than the land to the north west and north east.

1.4. Some trees on the site and adjacent land have been felled or pruned in recent years, leaving a cherry tree and a sycamore on the south western boundary. Both have been assessed as of low landscape value and the cherry tree is shown for removal.

2. The Proposal

2.1. The application is a re-submission following the withdrawal of DC/20/03788. The agent advises that the changes are:

- The door and patio on the north-east elevation have been removed so that they do not overlook the garden to the east.
- The south facing 1st floor window in the southern gable end has been removed and replaced with a high level window above head height.
 - The home is now smaller with the removal of the single storey section. This changes the house from a 3-bed to a 2-bed house. This allows more views to the trees to the north because the single storey section extended up to the height of the eaves.
- The house has been moved east to allow more views around the house and to reduce the impact on Red House.
 - The Heritage Assessment has been updated to respond to the comments from the Conservation Officer.
- Further information has been provided to show that the position of the new home behind the frontage homes is common in the local area and that the new home will not block views of trees beyond

2.2. A single dwelling is proposed of a one and a half storey form, with two bedrooms and a wc within the roof space. An open plan kitchen/living/dining room is proposed on the ground floor, together with a utility room and bathroom. The first floor is served by high level roof lights, a single window in the rear elevation and a partially clad high level window in the south east (front) elevation.

2.3. The ground floor plan has dimensions of 12.6m x 6.2m. The first floor area is less due to two voids over the kitchen /living area.

2.4. 2 parking spaces and associated manoeuvring area are shown.

2.5. The eaves height is 4.2m and the ridge is given as 6.1m.

2.6. The plot width is approximately 15.4m, with a maximum depth of approximately 20.4m (excluding the access).

2.7. There are no back to back distances to consider although it is noted that the proposed dwelling is approximately 3.4m from the north east boundary, 1.8m from the north west, 5.8m from the south west and 6m to the south.

2.8. Proposed materials are a red brick plinth, vertical timber boarding and pantiles to the roof. Solar thermal panels are indicated on the south roof slope.

2.9. Site Area: 0.04ha.

3. The Principle Of Development

3.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. For the purposes of this application the adopted development plan includes the Mid Suffolk Core Strategy Focussed Review (2012), Mid Suffolk Core Strategy (2008) and Mid Suffolk Local Plan (1998).

3.2. Policy CS1 of the Core Strategy includes Botesdale/Rickinghall as a Key Service Centre where the majority of new development would be directed. Policy CS5 requires that all development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area. The Core Strategy Focused Review policies FC1 and FC1.1 identify the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area and conserves and enhance the local character. Principles of sustainable development should be demonstrated.

3.3. The relevant Mid Suffolk Local Plan policies which guide development are identified above and include SB2 Development Appropriate to its Setting, GP1 Design and Layout of Development , HB1 Protection of Historic Buildings, HB8 Safeguarding the character of Conservation Areas, H15 Development to reflect Local Characteristics and H16 Protecting existing Residential Amenity.

3.4. The Draft Joint Local Plan is at Examination Stage and is given limited weight. It identifies Botesdale and Rickinghall as a Core Village in Policy SP03 whereby Core Villages will act as a focus for development. Policy LP21 identifies that, in order to safeguard and enhance the historic environment, harm to heritage assets should be avoided in the first instance.

3.5. The Botesdale and Rickinghall Neighbourhood Plan was formally made on 23 January 2020 and forms part of the development plan framework to be used in determining planning applications.

Policy B&R 1 identifies new development being focused within the Settlement Boundary. Policy B&R 13 Local Assets requires a balanced judgement to be made of any impact on these assets. Appendix 3 identifies the Beam Cottage, Red House and Honeysuckle Cottage as buildings of local significance which, although not listed buildings are identified so that development should have regard to their importance and character, and they are adjacent to the application site.

Policy B&R 14 seeks the Protection of Heritage Assets through proposals which are of an appropriate scale, form, height, massing, alignment and detailed design which contribute to local distinctiveness. Proposals will not be supported where the harm caused as a result of the impact of a proposed scheme is not justified by the public benefits that would be provided. Policy B&R 15 set out Design Considerations which again seek respectful design solutions which do not adversely affect residential amenity.

3.6. Significant weight is given to the above policies. The identification of the site as being in a sustainable location, central to the village is acknowledged. However, the proposal is not considered to be in accordance with policies which seek to protect the setting of historic buildings, the character of Conservation Areas and the prevailing pattern of development as well as protecting residential amenity.

3.7. The proposal provides limited public benefits to be weighed against harm, as is discussed elsewhere.

4. Nearby Services and Connections Assessment Of Proposal

4.1. Rickinghall/Botesdale is classified as a Key Service Centre in Policy CS1 of the Core Strategy and as a Core Village in the Draft Joint Local Plan.

4.2. The village has a range of services, many within easy walking or cycling distance. These include the local Co-Op Store, Parish Church, Village Hall and recreation area. Pubs, take-aways, Churches, services, sports and recreation facilities as well as a Health Centre, Dental Practice, Primary School and Pre-School are provided within the settlement.

5. Site Access, Parking And Highway Safety Considerations

5.1. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.

5.2. Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.3. The development is served by an existing single access point to The Street. No objection to the access is made by the Highway Authority, subject to conditions of access layout and visibility and 2 parking spaces are shown which conforms to the adopted parking standards.

6. Design And Layout

6.1. Chapter 12 of the NPPF seeks to achieve well-designed places which function well and add to the quality of places by responding to local character but without stifling innovation and change. Policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.

Policy H15 requires new housing to be consistent with the character of its setting. Policy CS5 of the Core Strategy seeks to maintain and enhance the environment, including the historic environment.

6.2. The site lies behind the traditionally scaled frontage development on The Street which includes a listed building and non-designated heritage assets (see above). The site was formerly the garden to The Red House although it is understood that ownership has now changed. Nonetheless, development on the site would be contrary to the main pattern of development fronting The Street and would result in a new dwelling behind existing properties failing to preserve and enhance the Conservation Area and with car parking and manoeuvring and use of the restricted site being likely to have an adverse impact on neighbour amenity.

6.3. It is worth noting that the permission for a two storey dwelling approved by 0789/03 sited the dwelling on the road frontage with an 'archway' giving vehicular access into the rear of the plot for parking and turning. This permission has now lapsed but did represent a pattern of development more in keeping with the frontage development in The Street.

6.4. The design of the dwelling is of a contemporary style which would present a gable towards The Street which is an uncharacteristic feature. The design of the dwelling has taken potential overlooking into account and utilises high level windows or roof lights to alleviate any problems. Proposed materials are acceptable.

6.5. The layout of the site is however indicative of its constrained size, with the building as well as parking and manoeuvring being close to boundaries with the associated impact on neighbour amenity arising from the increased levels of activity.

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

7.1. The site is set against a backdrop of established trees but they are off the site. The application is supported by an Arboricultural Report. The Council's Arboricultural Officer advises that the tree proposed for removal is of insufficient value to warrant being a constraint.

7.2. The site is generally covered by short, rough grass and there are no recorded protected species likely to be affected by the proposal.

8. Land Contamination, Flood Risk, Drainage and Waste

8.1. Land contamination issues have been considered and no issues were highlighted by the submitted report or by the Council's Environmental Health Officers. Discovery of unexpected sources of contamination during development would require remedy and is dealt with under separate legislation.

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. The site lies within the Conservation Area and the setting of an adjacent listed building as well as non-designated heritage assets.

9.2. The impact of the application on the designated heritage assets should be taken into consideration when weighing up with the public benefits of the proposal, as per the requirements of para.196 of the NPPF and the policies in the Local Plan.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, as per para.197 of the NPPF, as well as the policies in the Local Plan.

Decision-takers should be mindful of the specific legal duties of the local planning authority with respect to the special attention which shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.3. The Heritage Team advise that there have considerable changes to legislation and policy at national and local level since 1989 when nearby dwellings in some depth were approved. Planning decisions and informal advice (based on relevant policy) on this site going as far back as 2002 have offered no support to development breaching the prevailing pattern of development. In assessing the current situation, it is considered that there has been erosion in places but that further erosion would represent undue cumulative impact. The proposal would be contrary to the prevailing pattern of development and would not preserve or enhance the character of the Conservation Area. The low level of less-than-substantial harm to the significance of the Conservation Area would not be outweighed by the limited public benefits. There would be some economic benefits arising from the construction phase of the development, but limited economic and social public benefits arising from a single additional dwelling.

10. Impact On Residential Amenity

10.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.

10.2. The dwelling has been designed to minimise overlooking to adjacent properties. However, the dwelling is positioned close to two of the site boundaries and car parking and manoeuvring is likely to take place close to the boundaries. The increased level of activity on this restricted site close to the back of Red House and Honeysuckle Cottage could potentially lead to an adverse impact on the amenity, privacy and enjoyment of those properties.

11. Parish Council Comments

11.1. The Parish Council have raised no objection. The Officer assessment has taken the policies of the Neighbourhood Plan into account as well as other national planning guidance and Local Plan policies.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

13.1. The planning history of advice and applications reveals that a dwelling set back in the site has been consistently resisted. The prevailing pattern of development and the local distinctiveness is of frontage development. Breaching this pattern would not preserve or enhance the appearance of the Conservation Area. The proposal is considered to be contrary to national guidance and local planning policies which seek to conserve and enhance the historic environment .

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons: -

1. The proposed dwelling would be set back from The Street on land behind Red House and within the setting of that property as well as Beame Cottage, Honeysuckle Cottage and Inglenook Cottage all of which are considered to be non-designated heritage assets, and within the setting of the Grade 11 listed cottage The Four Horseshoes.
The site lies within the Botesdale and Rickinghall Conservation Area where development is mostly one plot deep, particularly in the vicinity of this site on the northern side of The Street. The proposed development would be in depth and would visually close the gap between Red House and Honeysuckle Cottage with a gabled front elevation presented towards The Street, uncharacteristic of the pattern and form of development in this immediate locality.
The proposed dwelling would have a low level of harm on the character of the Conservation Area and to the setting of Red House. In accordance with the NPPF paragraphs 196 and 197 the effect of the proposal on the designated and non-designated heritage assets should be taken into account and the impact on the Conservation Area should be weighed against the public benefits. Mid Suffolk District is currently able to demonstrate in excess of a five year housing land supply and any public benefits are considered to be minor and would fail to outweigh the harm which has been assessed in accordance with the provisions of the NPPF, Policies GP1, SB2, H13, H15, HB1 and HB8 of the Local Plan and CS5 of the Mid Suffolk LDF Core Strategy, as well as the policies in the Botesdale and Rickinghall Neighbourhood Plan .
2. The proposal would result in a cramped form of development with the dwelling positioned in the north corner of the site and with restricted space for the parking and manoeuvring of vehicles which would be likely to take place immediately adjacent to the site boundaries. This would all have an adverse impact on the privacy and enjoyment of the occupiers of the adjacent properties, Red House and Honeysuckle Cottage, contrary to policies SB2, H13 and H16 of the Mid Suffolk Local Plan.

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

- Pro active working statement