

## **Committee Report**

**Item 7A**

**Reference:** DC/21/02924

**Case Officer:** John Pateman-Gee

**Ward:** Rattlesden.

**Ward Member/s:** Cllr Penny Otton.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Planning Application - Erection of 2 No detached dwellings, associated parking and landscaping.

### **Location**

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

**Expiry Date:** 29/07/2021

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Cordage 13 Limited

**Agent:** Mr Jake Russell

**Parish:** Felsham

**Site Area:** 0.17ha

**Density of Development:** (Total Site): 11.7 dwelling per ha

**Details of Previous Committee / Resolutions and any member site visit:** Deferred previously for a site visit by members that was held on the 20<sup>th</sup> October 2021

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

**Has the application been subject to Pre-Application Advice:** Not this application, but previously.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee as the local ward members has requested this application to be considered at committee.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

CL08 - Protecting wildlife habitats

CL09 - Recognised wildlife areas

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC01 - Presumption In Favour Of Sustainable Development  
GP01 - Design and layout of development  
E06 - Retention of use within existing industrial/commercial areas  
H03 - Housing development in villages  
H15 - Development to reflect local characteristics  
H13 - Design and layout of housing development  
H16 - Protecting existing residential amenity  
HB01 - Protection of historic buildings  
HB08 - Safeguarding the character of conservation areas  
T10 - Highway Considerations in Development  
NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance

### **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)**

Felsham Parish Council provide pictures of a community event and state “The Parish council wishes to point out that this application would represent a loss in valuable public amenity land (where significant village events are held, photographs attached, and with more events planned including a Village Family Fun Day on 26th June 21. The access/exit to the proposed development remains a concern with lack of appropriate sight lines & an access that is too narrow to be easily accessible. The proposal would also create a further reduction in available car parking within the village. The proposal would put at risk the ‘heritage’ nature of that part of the village with the Church, pub & surrounding cottages all creating an historic view – a new development would not enhance this. The Parish Council also raises concerns over the height of the proposed dwellings which will be visible throughout much of the Conservation area”

##### **National Consultee (Appendix 4)**

Historic England – Do not wish to offer comments

##### **County Council Responses (Appendix 5)**

SCC Fire and Rescue – Advisory guidance

SCC Archaeology – Standard condition for programme of works.

SCC Highways (Full) - Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:  
Note: Whilst the splays to the West fall short of MfS guidance for a 30mph road by 3m (x=2.4m by y=40m)  
SCC's perception is that the intensification of use the current proposal would create is adequately mitigated by the improvements to an existing access which already generates a steady volume of vehicular

movements. Therefore, SCC does not wish to raise an objection to DC/21/02924 under highway safety grounds.

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

Condition: Before the access is first used for the development visibility splays of 2.4m and a Y dimension of 40m and 43m shall be provided 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.

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 10.07 A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety.

Condition: The access driveway hereby permitted shall be a minimum width of 4.5 metres in its entirety from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

### **Internal Consultee Responses (Appendix 6)**

EH – Contamination – No objection

Place Services Ecology – Seeks a Roost Assessment for bats.

Heritage Team (Full) - I consider that the current proposal would not result in any harm to any heritage assets, subject to conditions, as below. Areas of heritage concern raised in previous applications on the site have been addressed in the current application.

#### *Requested conditions*

- *Prior to works above slab level, manufacturer's details of proposed external facing bricks and roof covering materials on dwellings and carports.*
- *Removal of any Permitted Development Rights for boundary treatments and new structures forward of the front elevation of the new properties, given close visual relationship with the listed pub.*

### **B: Representations**

At the time of writing this report at least 40 letters/emails/online comments have been received. It is the officer opinion that this represents 38 objections, 2 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Concern over health and safety
- Concern over highway safety/access
- Harm (not defined) to Listed Building
- Loss of light to garden
- Overlooking

- Removal of any trees
- Loss of land for village events
- Design out of keeping with Conservation Area
- Dwellings too tall
- Should be affordable housing

Other matters include, Need, Concern over potential expansion of pub leading to overlooking, need more development elsewhere

(Officer note: The land is private and not public open space. The owner could withdraw use of land at any time)

(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**

<b>REF:</b> 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.	<b>DECISION:</b> REF 15.09.2020
<b>REF:</b> DC/20/02870	Application for Listed Building Consent - Partial demolition of wall to facilitate new access.	<b>DECISION:</b> REF 15.09.2020
<b>REF:</b> DC/20/04572	Planning Application - Erection of 3no. detached dwellings and associated parking and landscaping, utilising the existing public house access	<b>DECISION:</b> REF 01.04.2021
<b>REF:</b> DC/21/02924	Planning Application - Erection of 2No detached dwellings, associated parking and landscaping.	<b>DECISION:</b> PDE
<b>REF:</b> 0555/11	Erection of 2no. dwellings and garaging with new access for dwellings and public house (following blocking up of existing access).	<b>DECISION:</b> REF 12.04.2011
<b>REF:</b> 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)	<b>DECISION:</b> WDN 13.04.2010
<b>REF:</b> 0047/99/TCA	REMOVE A GROUP OF SYCAMORE TREES	<b>DECISION:</b> GTD 18.11.1999
<b>REF:</b> 0005/01/TCA	POLLARD 3 MULTI-STEMMED TREES TO 4 METRES IN HEIGHT; TWO SYCAMORES, ONE CHESTNUT.	<b>DECISION:</b> GTD 08.03.2001



the site is used for community events as well and this is expressed by the Parish in their response. 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.

2.3. 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. It is demonstrated 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.

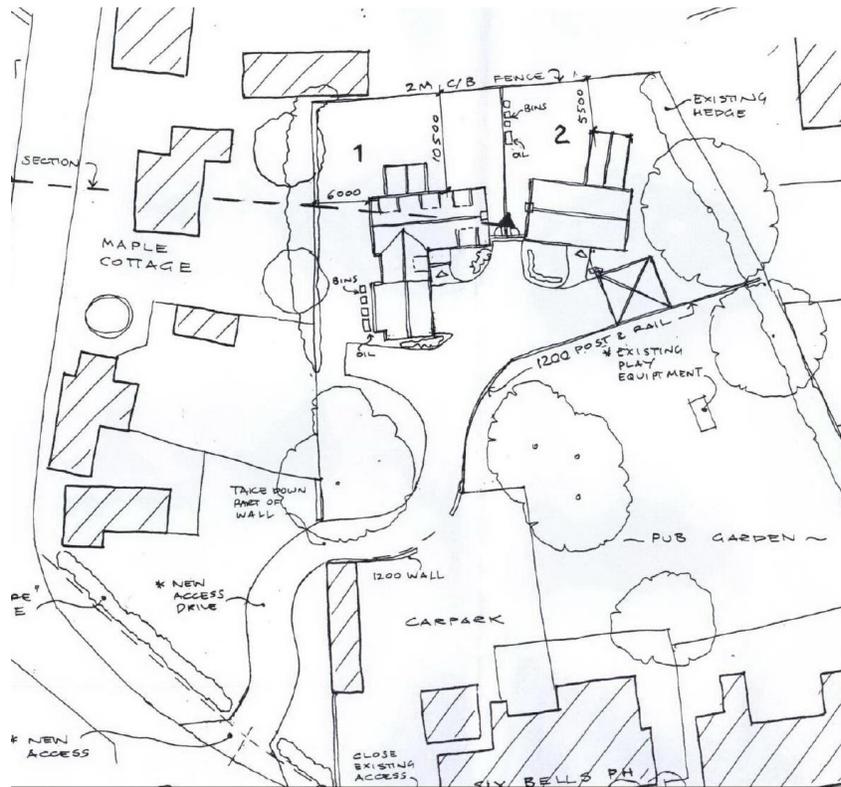
### **3. The Principle Of Development**

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 a new 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 large 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 also for 2 dwellings seeks to address that issue, by sharing the existing access and avoiding the need for any alteration of the important listed wall. Given the clear comparison the appeal decision is considered to be material in establishing the acceptance in principle for development of this site.

**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. At the heart of that application was a number of design matters and it still sought the demolition of a listed wall. Accordingly, it was refused.

3.5. More recently DC/20/04572 - Planning Application - Erection of 3no. detached dwellings and associated parking and landscaping, utilising the existing public house access followed and while this resolved many of the previous schemes and did not seek to remove a listed wall, it was also refused on the following grounds:-

*The proposal would, by reason of poor layout, design and scale, create a cramped and contrived over-development of the site which would be out of keeping with the character of the locality and would be detrimental to the local distinctiveness of this part of Felsham, contrary to Local Plan Policies GP1 and H15.*

*As a whole, this proposal represents a very poor design, dominated by parking and manoeuvring that results in a detrimental impact that would fail to protect the amenity of properties, contrary to Local Plan Policy SB2. The functional arrangement of the layout is considered poor and fails to provide proper manoeuvring provision, contrary to Local Plan Policies H15 and T9.*

The refusal concerned layout, design and scale and this application seeks to address these points by reducing the number of dwellings.

The previous refusal did not seek to refuse access, heritage, views of the conservation area, use of the land or principle of development.



Refused DC/20/04572 Layout on the left. Proposed now to the right (Do not scale from this extract)

3.6. 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 driveway 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 two households and not previously upheld as a concern in any material application before. As mentioned by representations received, 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 all using the access and drive in its current state.



In the opposite direction and as SCC highways authority note, standard visibility is not achieved by a few metres. It is appreciated the number of metres this is not agreed by representations received nor the point you measure from.

4.5. The majority of third party objections received are based on this highway matter. If this were a new access it would be a clear reason for refusal. However, this is an existing one for a commercial interest that could have hundreds of traffic movements if very successful or just a handful if not as successful. Planning has to consider the worst case available and what is possible. There has not been any recorded events (noting objections mention near misses) that can be used in evidence terms. Against this the increase in potential traffic of two households is not significant and it would be different to identify the movement against the coming and going of the busy public house use already in place. In conclusion there may be a risk, but it would be very difficult to demonstrate against the existing use and robustly defend as a refusal.

4.6. Instead, the proposal provides an opportunity to secure the available visibility splay and ensure plant growth does not restrict the vision of drivers leaving the access. Such provision is not currently secured as a restriction that can be controlled and so this is a public benefit for the imposing of such conditions.

4.7. Given the existing use of the access, planning history and support by the highway's authority it is not considered traffic generated by two households would result in a significant or severe highway concern that could warrant a reason or defensible refusal.

## **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. 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.

5.2. The scheme for two dwellings now has generous gardens compared to the three dwellings refused before. Parking is dealt with in a more traditional way and there is space to ensure it is not dominating.

5.3. 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 and contribution to their experience.

## **6. Impact On Residential Amenity**

6.1. The development of this site will affect views of several 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 this area would be used, but is the planning consideration. That said, it is understood that public and private events have taken place on the land and pictures of a recent event has been provided by the Parish. This is also a site in the centre of a village. On this basis the domestic level

of noise and disturbance of two households is not considered to be significantly detrimental to warrant refusal that could be defended at appeal.

## **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 significant concern previously. It is noted that our internal advisers seek a survey for bats, and this is recommended.

## **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. No harm to listed buildings or the Conservation Area has been identified by your Heritage Team in respect of this application. In previous applications harm was identified, but the change in design and reduction of dwellings has addressed this.

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# **PART FOUR – CONCLUSION**

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## **10. Conclusion**

10.1. The proposed development has needed to consider significant planning and appeal history. It also has several 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 two 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)
- Prior to works above slab level, manufacturer's details of proposed external facing bricks and roof covering materials on dwellings and carports.
- Removal of any Permitted Development Rights for boundary treatments and new structures forward of the front elevation of the new properties, given close visual relationship with the listed pub.
- Archaeology Conditions for programme of works
- All highway conditions recommended by SCC
- 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 prior to commencement.
- Rainwater harvesting to be agreed
- Construction Management Plan to be agreed.
- Level access to enable wheelchair access for all dwellings/buildings.
- 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.
- 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.**