

Committee Report

Item No: 7B

Reference: DC/23/05045

Case Officer: Alex Scott

Ward: Rattlesden.

Ward Member/s: Cllr Nicky Willshere.

RECOMMENDATION - REFUSE PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 2No detached dwellings and associated parking including landscaping, utilising public house access.

Location

Six Bells Inn, Church Road, Felsham, Bury St Edmunds Suffolk IP30 0PJ

Expiry Date: 12/01/2024

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Cordage 44 Limited

Agent: Mr Jeremy Heppell

Parish: Felsham

Site Area: 0.17 of a hectare

Density of Development:

Gross Density (Total Site): 0.34 dwellings per hectare

Net Density (Developed Site, excluding open space and SuDs): NA.

Details of Previous Committee / Resolutions and any member site visit: Members resolved to refuse planning permission for the erection of 2No detached dwellings, associated parking and landscaping, on the site on 27th October 2021 - A site visit by committee members was carried out on 20th 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: No.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- The application has been referred at the request of the Ward Member; and
- The application is considered to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

CLASSIFICATION: Official

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
SP01 - Housing Needs
SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP09 - Supporting a Prosperous Economy
LP10 - Change from Employment Uses
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP28 - Services and Facilities Within the Community
LP29 - Safe, Sustainable and Active Transport
LP32 - Developer Contributions and Planning Obligations

Planning Guidance

Felsham Conservation Area Appraisal (2012)

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.

[Click here to view consultee comments online](#)

A: Summary of Consultations

Parish Council

Felsham Parish Council - 14/12/2023

Objections:

- Safety, especially with regards Emergency Service Vehicle Access;
- Detrimental effect on Heritage Assets that a new access road onto Church Street would cause;
- Detrimental effect on Heritage Assets, Community Assets and Community Land that the development in itself would have;
- Unconscionable to consider separating the existing pub and stable block, which in their integrity constitute a Listed Building;

- The negative impact on Residential Amenity that would result from the proposed development;
- Proposed Pedestrian Access is flawed;
- The loss of space in the pub car park and consequential increase of on-road parking by patrons would further compromise the safety of all those who use Church Road, whatever their mode of transport.

The Parish Council has been working with Community Housing Enablers to identify sites for the provision of housing that would address genuine local needs. This site is not one of them.

National Consultee

Historic England - 22/11/2023

Historic England provides advice when engagement can add most value. In this case Historic England are not offering advice. This should not be interpreted as comment on the merits of the application.

Historic England suggest that the Local Planning Authority seek the views of the LPA's specialist conservation and archaeological advisers.

County Council Responses

SCC - Highways - Subsequent Response (following receipt of additional information) - 15/12/2023

A Transport Statement including a drawing illustrating minor access area improvements and visibility splays has now been submitted and we are satisfied with the content of the statement.

It should be noted that the planning inspector concluded that they did not consider that the previous proposal at this location would result in an unacceptable impact upon highway safety (quote from appeal decision APP/W3520/W/21/3289197 below):

"26. In my view, consistent with the Inspector's findings in the 2015 adjacent appeal scheme, given the marginal increase in use of an existing access which is already well used, without substantive evidence to the contrary, I conclude the proposal would not have an unacceptable impact on highway safety in the area. In this regard the scheme would therefore accord with Saved Policies T10 and H13 of the Mid Suffolk Local Plan (1998) (LP) and paragraph 111 of the Framework which, taken together, seek to ensure new development does not compromise highway safety. "

Given the above and our previous acceptance of the proposal, we are now in a position to recommend planning conditions for this proposal - List of recommended conditions provided.

SCC - Highways - Initial Response - 24/11/2023

Holding objection until further information has been provided - The submitted Design and Access Statement makes reference to a Transport Statement that does not appear to have been submitted as part of this proposal. Previously, the Highway Authority had only accepted the principle of additional dwellings in this location subject to improvements to the existing access area and these improvements do not appear to have been included in this application - This response supersedes any previous consultation responses for this proposal.

SCC - Archaeological Service - 29/11/2023

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC - Fire & Rescue - 23/11/2023

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 101m from the proposed build site and we therefore recommend that proper consideration 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

BMSDC - Heritage Team - 15/12/2023

Consider the proposal would cause no harm to a designated heritage asset because the proposed dwellings and associated works would not detract from the significance of The Six Bells, the character and appearance of Felsham Conservation Area or any other heritage assets, subject to conditions.

BMSDC - Ecologist - 07/12/2023

Satisfied that there is sufficient ecological information available for determination of this application, subject to securing biodiversity mitigation and enhancement measures.

BMSDC - Environmental Health - Land Contamination - 12/12/2023

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the advised minimum precautions are undertaken until such time as the LPA responds to the notification - Advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

BMSDC - Environmental Health - Noise/Odour/Light/Smoke - 30/11/2023

No objections to the application, subject to suggested conditions.

Fundamentally, the location of the site/development is distant from significant noise sources, i.e. the Six Bells Public House. As such, environmental noise levels at the location of proposed dwellings are envisaged to low. With reference to ProPG: Professional Practice Guidance on Planning and Noise (ProPG) [8] and Table 3.1, the site is classified as being of negligible to low risk in terms of the likelihood for noise affecting the site for residential development.

BMSDC - Arboricultural Officer - 17/11/2023

No objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose.

Although a small number of trees are proposed for removal, they are generally of limited value and/or poor condition, so their loss will have negligible impact within the wider landscape.

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 to, and 2 in support of, the application proposal. A verbal update shall be provided as necessary.

Views are summarised below:-

Objections

- The proposed access is unsafe - SCC Highways have previously stated that the current access is considered sub-standard due to lack of visibility and have insisted that improvements to the access

- were required to improve visibility - Question how SCC Highways can change their opinion so quickly and easily when the proposal does not meet their minimum visibility splay standards?;
- Prior planning application ref: DC/21/02924, for a similar development on the site, was refused by members at planning committee for reasons including the unsuitability of the proposed access, following a member site visit;
 - The data supplied by the applicant in relation to accidents along Church Road in the last 22 years is inaccurate as it is based on personal injuries, not accidents or collisions - Evidence provided of a collision on Church Road in 2013 - Consider this has been ignored, dismissed and considered not relevant by SCC Highways;
 - Evidence of an undisclosed consultation response from a BMSDC Heritage and Design Officer, obtained via freedom of information, dated 24th November 2020, provided in which identifies a medium level of less than substantial harm to designated heritage assets due to the design and scale of Plot 1, and proposed access route;
 - The proposal would not enable access for Emergency Service Vehicle Access or Refuse Collection Vehicles, as is not wide enough;
 - Question where bins will be presented - This could impact highway safety;
 - Proposal would have a detrimental effect on heritage assets: The Grade II Listed Pub and the associated stable block, and the Village Conservation Area;
 - Proposal would have a detrimental effect on a community asset, the pub, and community land that the two houses are proposed to be built on;
 - The proposal would impact neighbouring amenity, being close to neighbouring boundaries: overlooking, loss of privacy and loss of daylight;
 - The proposed pedestrian access from the dwellings to Church Road is dangerous as it stops at the existing wall fronting the highway and pedestrians would need to step into the access junction to get round it;
 - The proposal would result in loss of space in the existing pub car park and increased on-street parking, which would negatively impact highway safety and free flow of traffic;
 - This is not a sustainable location for housing - The PC has been working with Community Housing Enablers to identify better sites for housing within the parish, which would also address genuine local needs;
 - Concerns with regards impact on Ecology.

Support Comments

- The proposal would use land which is currently unused;
- The sale would create revenue that would improve the viability and long term future of the Pub;
- Consider the proposal would deliver a good design and layout;
- The current proposal is an improvement on previous applications submitted;
- Do not consider the proposal would impact the conservation area as the proposed dwellings are hidden behind other properties;
- Do not consider the proposed access is unsafe as it is used by the existing Pub.

(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/23/00640 | Full Application - Erection of two detached dwellings and associated parking and landscaping on land to the rear of the public house, utilising the existing public house access. | DECISION: Refused (REF) - 14.04.2023 Appeal in progress. |
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| REF: DC/21/02924 | Planning Application - Erection of 2No detached dwellings, associated parking and landscaping. | DECISION: Refused (REF) - 27.10.2021 Appeal dismissed by The Planning Inspectorate - 21.11.2022 |
| REF: DC/20/04572 | Planning Application - Erection of 3no. detached dwellings and associated parking and landscaping, utilising the existing public house access | DECISION: REF - 01.04.2021 Appeal dismissed by The Planning Inspectorate - 16.11.2021 |
| 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 Appeal Invalid and Appeal Period Deadline Expired - 22.03.2021 |
| REF: DC/20/02870 | Application for Listed Building Consent - Partial demolition of wall to facilitate new access. | DECISION: REF - 15.09.2020 Appeal Invalid and Appeal Period Deadline Expired - 29.04.2021 |
| 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 Appeal dismissed by The Planning Inspectorate - 21.12.2011 |
| 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: Application Withdrawn (WDN) - 13.04.2010 |
| REF: 0005/01/TCA | POLLARD 3 MULTI-STEMMED TREES TO 4 METRES IN HEIGHT; TWO SYCAMORES, ONE CHESTNUT. | DECISION: Granted (GTD) - 08.03.2001 |
| 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

- 1.1. The Six Bells Public House is a grade II Listed Building with a large amenity area to the rear, enclosed by various boundary treatments as backed onto by private gardens. The site has a number of Grade II Listed Buildings to the front (south) of the site and a Grade II * Church. The entire site is within the Conservation Area and Settlement Boundary.

2. The Proposal

- 2.1. The current application proposes the erection of 2 no. detached, 3 bedroom, dwellings, with surfaced access driveway, siding footway, and hardstanding parking areas, on existing amenity land, and access and parking areas, to the rear of The Six Bells Public House.
- 2.2. The proposed dwellings at Plots 1 and 2 are similar style detached dwellings that have taken design cues from 20th Century dwellings adjacent to the north, east and west. Each dwelling is approximately 7 metres in ridge height, with shallow pitched roofs and eaves height of approximately 4 metres. Each dwelling consists of an external chimney stack to their side elevation and desultory cat slide dormers to both front and rear elevations. Each dwelling would be externally finished in facing painted render, with clay pantile roof coverings.
- 2.3. Whilst the Six Bells Public House and external space immediately to the rear are not part of this application, the existing access, gravel car park to the rear of the building, and the ancillary former stable block (to the west side of the proposed access, considered to be curtilage listed) are, and as such are included within the red line application site on the defined red line site plan for the application.
- 2.4. The proposed means of access would be via the existing Public House Access to Church Road, which would be shared with the Public House. A defined, surfaced, access driveway, siding footway, and surfaced car park with 14 no. marked parking bays for the Public House, are also proposed, to replace the existing, undefined, gravelled surface.
- 2.5. Whilst alterations to existing driveway surfacing and turning and parking areas are proposed as part of the current application, no significant alterations to the access are proposed and the listed wall is not proposed to be significantly altered as part of the current proposal.

3. Site History

- 3.1. The current application is the latest in a line of applications for the erection of new houses on the site (see above planning history for details).
- 3.2. The current application is considered to be similar to 4 no. previous applications, for similar developments on the site, which have all been refused by the LPA and had appeals dismissed by the Planning Inspectorate, within the last 3 years.
- 3.3. Prior decisions made in this regard by the LPA and Planning Inspectorate are considered material planning considerations in determination of the current application.

4. The Principle of Development

- 4.1. The application site is located within the settlement boundary of Felsham, as defined in the current adopted development plan.
- 4.2. Policy SP03 provides that the principle of development is established within settlement boundaries.

4.3. As such no objection is raised with regards the broad principle of housing development on the site.

5. Design and Layout [Impact on Character and Appearance] Including Heritage

- 5.1. The Six Bells is still in use as a public house and occupies a prominent central position in the village close to the Church Road edge with significant amount of land behind it. The public house building is of three ranges, the earliest dating from the 1500s. Its main range is constructed from knapped flint with decorative white brick detailing particularly around its windows, banding and at eaves. It has a hipped slate roof with brick chimney stacks. The other ranges are not as tall as the main range, rendered, and part timber framed with part clay tile and part slate roofs. The grade II listed building also has a variety of intact internal traditional architectural features. Insofar as is relevant to this application the significance of the listed building is founded on its historical use as a 16th century village public house, its noticeable evolution through the variation in its traditional architectural detailing and its associated positioning in relation to surrounding historical buildings.
- 5.2. The Felsham Conservation Area covers the main built-up area of the village and adjoining fields which are all set in a rural agricultural landscape. It has a variety of large traditional buildings which are spaciouly clustered around two greens, one at each end of the village. The buildings are finished in a variety of traditional local materials, notably flint, red and white brick, lime render, thatch and slate. Insofar as is relevant to this application the significance of the Conservation Area derives from the variety of traditional architecture, the spacious layout of built form interspersed with vegetation and the relationship of the village with the surrounding countryside.
- 5.3. The dwellings currently proposed would be in roughly the same place as those previously proposed under prior application refs: DC/23/00640 (2023); DC/21/02924 (2021); DC/20/04572 (2021); and 0555/11 (2011), where, in all cases it was concluded that due to the retained trees and overall separation distance, the principle of development in the location proposed would not harm the setting or significance of the grade II listed building at the Six Bells. Having also considered the response from the Council's heritage officer in terms of the current application, there is nothing substantively different with regards the current application that would alter this view from a planning officer perspective.
- 5.4. Whilst attempts to further reduce the scale of the proposed dwellings and better integrate them to their more modern surrounds to the north, east and west, when compared to prior refused applications, is noted, it is also noted that the Planning Inspector in relation to the prior appeal (ref: APP/W3520/W/21/3289197) resolved that the proposal would involve the erection of two substantial, tall and wide, detached dwellings on the site. The Inspector noted that the proposed buildings would have relatively large built footprints and would be set in relatively small plots positioned close together at the head of a new access road, and that there would be glimpsed views of the proposed dwellings through the access drive and through gaps in the vegetation from Church Road and through gaps between buildings on Bury Road. However, the Inspector noted that the proposed dwellings would be widely visible from the properties which surround the application site including the retained outdoor space associated with the Six Bells.
- 5.5. In the Inspector's view, the appeal proposal would noticeably introduce a significant bulk of compact modern development into this part of the Conservation Area and that, whilst the proposed finishing materials would match those used in the locality, the proposed dwellings would appear as a pair of large executive houses, which would have an overall basic, bulky and cramped appearance which would conflict with the spaciouly arranged variation of traditional buildings with varied architectural detailing in the locality.

- 5.6. The Inspector noted that, even though the site is not directly referenced in the Council's Conservation Area Appraisal it currently forms part of a pleasant green undeveloped space within the Conservation Area. The Inspector concluded that through the proposed development the spacious quality of this part of the Conservation Area would be eroded and a conflicting and incongruous form of development would be introduced. Therefore, the inspector concluded that overall, even though they found no harm to the setting of the grade II listed Six Bells, the inspector found the proposed development would harm and fail to preserve or enhance the Conservation Area, harming its significance as a whole.
- 5.7. In reaching these conclusions, the Inspector considered the comments about whether or not the appeal site is in community use. However, there is no substantive evidence to suggest the site would be available for the local community to use if it was not developed. The Inspector therefore determined the prior appeal based on the site being privately owned, without public access.
- 5.8. Even so, the harm the Inspector previously identified to the significance of the Conservation Area, as a designated heritage asset, would be less than substantial. In which case paragraph 208 of the current NPPF (the Framework) requires it to be weighed against the public benefits of the proposed development. In this respect, the Inspector concluded that there was: social benefit in providing 2 no. new dwellings suitable for family occupation, the support future occupants would give to the community and local services and facilities, and by reason of upgrading of the access; and economic benefit in terms of construction and associated labour employment. However, the Inspector concluded that all the public benefits combined, although significant were insufficient to outweigh the great weight they attached to the harm they identified to the designated heritage asset (Felsham Conservation Area). Thus, the Inspector concluded that the prior scheme was in conflict with paragraphs 205 and 208 of the current Framework and failed to accord with the adopted development plan policies in force at the time (CS5, GP1, HB8 and H3), which taken together sought to ensure good design generally and that proposals do not harm heritage assets. Whilst the development plan has since been replaced, current development plan policies SP09, LP19 and LP24 are considered to continue and re-enforce these planning policy objectives.
- 5.9. Minor alterations to the scale of the proposed dwellings and alterations to their design character have been undertaken since the prior applications and last appeal decision, and the proposed changes have been sufficient to raise no objection from the Heritage Officer, as this would not be harmful to either The Six Bells, the Felsham Conservation Area, or any other heritage assets. However, the proposed changes are not considered significant to overcome the reasons previously given by the Inspector for refusal and the current proposal would result in a significantly harmful impact on the character and quality of the current undeveloped space, eroding the spacious quality of this part of Felsham and introducing a conflicting and incongruous form of development. The proposal would continue to introduce a significant bulk of compact modern development into the locality. Overall, no harm to the setting and significance of heritage assets has been identified, however the proposed development would harm and fail to preserve or enhance the character and quality of the area. As such the proposal is contrary to the requirements of LP24, failing to respond to and safeguard the existing character, and create character and interest. Whilst no harm is found to the heritage assets, this does not equate to a high-quality design and positive contribution required by LP24.

6. Site Access, Parking and Highway Safety Considerations

- 6.1. The proposal would utilise the existing access to the public house car park. This passes between the side elevation of the Six Bells listed building and through an existing flint and brick boundary wall, noted for its historic significance.

- 6.2. Whilst no significant alterations to the existing access are proposed by way of the current application it has previously been assessed by The Planning Inspectorate that Church Road is not heavily trafficked, with vehicles passing by the access at relatively low speed. The Inspector previously concluded that there was no substantive evidence before them to suggest the use of the existing access has ever resulted in any pedestrian or vehicle collisions or any other significant highway safety incidents. Whilst it is noted that this analysis is disputed by third parties, some of whom have provided evidence to the contrary, in any event, the Inspector assessed that the proposal would improve visibility for those accessing the Six Bells.
- 6.3. Whilst a defined pedestrian footway, to the side of the access driveway, is proposed it is noted that this would terminate at the site's front boundary wall and pedestrians would need to step into the proposed vehicular access in order to traverse. It should, however, be noted that pedestrians exiting the pub car park are currently required to do so, in any case.
- 6.4. Following receipt of further information from the applicant, and having considered the Planning Inspector's previous assessment, it should be noted that the Local Highway Authority have not objected to the current proposal, subject to the imposition of planning conditions in relation to: Off-site highway improvements; Access visibility splays; Driveway width; Access surfacing; Turning and parking areas; Bin storage and collection areas; Means to prevent surface water discharge onto the highway; and Construction management plan.
- 6.5. Paragraph 115 of the NPPF provides 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.
- 6.6. In the view of planning officers, consistent with the findings of planning inspectors when assessing prior planning appeals for similar developments, given the marginal increase in use of an existing access which is already well used, without substantive evidence to the contrary, officers conclude the proposal would not have an unacceptable impact on highway safety in the area. In this regard the scheme would therefore accord with current adopted development plan policy LP29 and with paragraphs 114 and 115 of the NPPF which, taken together, seek to ensure new development does not compromise highway safety.

7. Impact on Residential Amenity

- 7.1. The rear elevation of an existing neighbouring dwelling known as Maple Cottage would face the proposed private outdoor space of plot 1. Maple Cottage is two-storey with windows serving a bedroom at first floor level facing plot 1. The side elevation of plot 1 would not have any above ground floor windows which would face Maple Cottage, except for a small window serving a bathroom, that is proposed to be obscurely glazed.
- 7.2. It is considered that views into the rear garden of plot 1 from Maple Cottage would be down, over proposed 1.8 metres high close board boundary fencing and over a reasonable separation distance. Whilst the occupiers of Maple Cottage would be able to look down into part of the garden of plot 1, part of the proposed garden, to the rear of plot 1, would still remain private due to the viewing angle and boundary treatment.
- 7.3. Overall, even taking into account the potential for future extensions, available under 'Permitted Development Rights', there is no substantive evidence to suggest the separation distance between the boundaries of Maple Cottage and proposed dwelling at plot 1 is not what would be reasonably expected to be experienced in many residential areas. Should the development have been

otherwise acceptable, it is considered that planning conditions could have been imposed to ensure landscape planting along the affected boundary, to further soften the impact.

- 7.4. For these reasons, the proposal would not result in significant harm to the living conditions of future occupants of plot 1, with particular regard to privacy. There are also no significant residential amenity issues associated with the proposed dwelling at plot 2. As such there is not considered to be conflict with the provisions of current adopted development plan policy LP24 or with NPPF paragraph 135 (f).

8. Ecology and Biodiversity

- 8.1. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." Following assessment of the application and the ecology report and licence provided by the applicant, it has been considered that no criminal offence under the 2017 Regulations against any European Protected Species is likely to be committed, should the development be carried out, as proposed.
- 8.2. Development Plan Policy LP16 provides, inter alia, that developments must identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity.
- 8.3. The Council's Ecologist has reviewed the Ecological Appraisal Report (Hampshire Ecological Services Ltd., Nov. 2023) supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species and habitats, and identification of proportionate mitigation and is satisfied that there is sufficient ecological information available for determination of this application, subject to securing biodiversity mitigation and enhancement measures.
- 8.4. Your Ecologist advises that the mitigation measures identified in the report should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected species including bats, amphibians, and nesting birds.
- 8.5. With regards to Bats, your Ecologist supports enhancements on the proposed buildings for bats, using at least one integrated bat box per building, or alternatively, hanging tiles fixed to offset battens.
- 8.6. Your Ecologist advises that there are there are 14 no. ponds within 500 metres of the development site, and the site itself is situated within a Great Crested Newt Amber Risk Zone.
- 8.7. Your Ecologist advises that the majority of the site hosts suitable terrestrial habitat for amphibians and notes that there are no ponds on the site, and all ponds nearby are barriered by roads or multiple gardens. Whilst your Ecologist does not consider it likely that impacts from the construction phase of the development would affect the favourable status of Great Crested Newts (GCN), a Precautionary Method Statement for GCN is recommended.
- 8.8. Your Ecologist advises that any new proposed external lighting should be minimised and the instruction on lighting in the Ecological Appraisal Report, Section 5.6.6. Lighting schemes should follow guidance from the Bat Conservation Trust and ILP (GN08/23), is supported. It is advised that the implementation of a Wildlife Sensitive Lighting Design Scheme should be submitted which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area.

- 8.9. Policy LP16 of the development Plan provides (inter alia) that applicants should identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. Your Ecologist notes that reasonable biodiversity enhancements have been recommended in the report, which have been provided to secure net gains for biodiversity, as outlined under Paragraph 174[d] of the NPPF. A condition for a Biodiversity Enhancement Layout, which should contain full details of biodiversity enhancements, is advised, should planning permission be granted.

9. Flood Risk and Surface Water Drainage

- 9.1. The proposal site, and indeed the entire village, lie completely within Environment Agency (EA) Flood Zone 1, wherein there is the lowest risk of fluvial flooding. The site is also not considered to be located within an area of significant pluvial flood risk.
- 9.2. The original planning application also proposes use of soakaway SuDs as a way of surface water disposal.
- 9.3. The application site is not, therefore, considered to be at significant risk of flooding and surface water is proposed to be appropriately disposed of via sustainable means. The proposal is, therefore, considered to be in accordance with the provisions of plan policy LP27.

10. Land Contamination

- 10.1. Paragraph 189 of the NPPF provides that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 191 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 10.2. The application is supported by a phase I, desk study, environmental assessment, carried out by a suitably qualified individual and has been assessed by the Council's Land Contamination specialists, who have advised approval, subject to the developer being advised of their responsibilities when carrying out the proposed development.

11. Parish Council Comments

- 11.1. It is considered that the matters raised by Felsham Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. Your offices recommend refusal of the current application proposal on the basis of the harm to the character, quality, significance and visual amenity of the village built environment, for similar reasons as concluded by the Planning Inspector who assessed the most recent planning appeal on the site, for a similar development, which is not considered to have altered significantly as a result of the current application proposal.
- 12.2. Whilst your officers have significant reservations, and consider the current proposal would result in a negative effect on highway safety, as expressed by the Parish Council and third parties, in the

absence of an objection in this regard from the Local Highway Authority, and having considered the assessment of the Planning Inspector previously, the proposal is not considered to result in a severe impact on highway safety, as provided at paragraph 115 of the NPPF. As such it is not considered that a recommendation of refusal on highway safety grounds could be sustained at a further planning appeal.

- 12.3. Furthermore, no significant officer objection is raised with regards matters relating to: Flood Risk; Impact of Land Contamination; Impact on Biodiversity; Impact on Residential Amenity; or harm to the significance of designated Heritage Assets, on the basis of the information and evidence available, and on the basis of specialist consultee advice received.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to REFUSE planning permission for the following reasons, or for reasons as required by the Chief Planning Officer:-

The current proposal would involve the erection 2 no. substantial, detached dwellings, with relatively large built footprints, set in relatively small plots, positioned close together, at the head of a new proposed access road, on existing undeveloped land and space, noted for its spacious quality, within the Felsham Conservation Area.

Although set back from the street scene, there would be glimpsed views of the proposed dwellings through the access drive and through gaps in the vegetation from Church Road and through gaps between buildings on Bury Road. The proposed dwellings would also be widely visible from the properties which surround the application site, including the retained outdoor space associated with the Six Bells Public House.

The proposal would noticeably introduce a significant bulk of compact modern development into this current undeveloped area of important visual space, being significantly harmful to its existing character and quality and positive contribution to the existing built environment of the village. The proposal would also result in an overall basic, bulky and cramped appearance which would conflict with the spaciouly arranged variation of traditional buildings within the locality.

The site currently forms part of a pleasant green undeveloped space in a prominent location within the village settlement and Conservation Area and, through the proposed development, the spacious quality of the site would be significantly eroded and a conflicting and incongruous form of development would be introduced. It is, therefore, considered that the proposed development would result in demonstrable harm to, and would fail to preserve or enhance the character and quality, and visual amenity, of the village's built environment.

It is, therefore, concluded that the current proposal conflicts with paragraphs 128, 131, 135, 137 and 139 of the NPPF and fails to accord with the provisions of current adopted development plan policy LP24, which taken together seek to ensure well-designed and beautiful, attractive and healthy places and the desirability of maintaining an area's prevailing character and setting.