

Committee Report

Item No: 4

Reference: DC/17/05932

Case Officer: Jamie Edwards

Ward: Boxford.

Ward Member/s: Cllr Bryn Hurren.

Description of Development

Planning Application - Erection of 2no. 2 bed dwellings

Location

Land Adjacent Well House, Round Maple, Edwardstone, CO10 5PR

Parish: Edwardstone

Site Area: 1500 m²

Conservation Area: Not applicable

Listed Building: Affects Setting of Grade II listed buildings - 'Hathaway Cottage Little Thatch', a Grade II listed building to the north-east and 'Seasons' to the south-west.

Received: 28/11/2017

Expiry Date: 24/01/2018

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr & Mrs P Milsom

Agent: Mr Peter Le Grys

DOCUMENTS SUBMITTED FOR CONSIDERATION

This report refers to drawing entitled PROMAP as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Plans - Proposed 1163_02 1 - Received 28/11/2017

Plans - Proposed 1163_03 1 - Received 28/11/2017

Elevations - Proposed 1163_04 1 - Received 28/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

This item has been referred at discretion of delegation panel, following request of Cllr Hurren. Reasons include classification of development in the countryside and wider benefits to surrounding villages.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

DC/17/04552 Erection of 2no. 2 bed dwellings. Application withdrawn due to lack of information.

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

CN01	-	Design	Standards
CN06	-		
CS15	-		
CS01	-		
CS02	-		
HS28	-		

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

Edwardstone Parish Council
Supports the application.

SCC - Highways

Originally recommended refusal on the grounds that a new safe access is unachievable. New design utilising the existing access for Well House for both plots along with an upgrade to the entrance has been submitted and highways have confirmed that it is acceptable

Environmental Health - Land Contamination

Refuse on the grounds of insufficient information. The applicant subsequently submitted additional information, which officers consider to have addressed this objection

The Environment Agency

No comment.

Arboricultural Officer

Trees are of an insufficient amenity value to warrant being a constraint.

B: Representations

Four objections - unsustainable development and poor highway safety

Seven in support – sustainable development, design in keeping and lack of accidents in the area.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected.

DETAILS OF AMENDED PLANS AND NEGOTIATIONS

1. The application was subject to receipt of an amended plan: 1163_01A was replaced with 1163_01C. This is a result of the local highway authority recommending refusal based on the provision of an independent access for Plot 2. The new plan shows a shared access for both plots with Well House.

SITE AND SURROUNDINGS

2. The application site is located in the countryside on an unnamed road within Round Maple.
3. Round Maple consists of seven houses and cottages, of which three are listed due to their special architectural and/or historic merit. The site would occupy an undeveloped site between two residential properties, 'Hathaway Cottage Little Thatch', a Grade II listed building to the north-east, and 'Well House' to the south-west. Adjacent to Well House on the opposite side to the proposed plots is another grade II listed dwelling known as 'Seasons'.
4. The site is part of the garden belonging to the Well House. The rest of the site is bordered by open agricultural fields.
5. The core of Edwardstone is approximately 1.5km to the south. Boxford is approximately 4km to the south. Sudbury is approximately 8km to the west and Hadleigh is approximately 10km to the east.

THE PROPOSAL

6. The application seeks full planning permission for the erection of 2no. detached dwellings with cart lodges. The two dwellings will infill the land between Well House and Hathaway Cottage Little Thatch.
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7. Both dwellings will be 2 bedroom 1.5 storey dwellings which will face the highway, with dormer windows in the front and rear.
8. Both dwellings and cart lodges will be identical in design layout. It is proposed that the external facing materials will be render for one and brick for the other. Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.

PRINCIPLE OF DEVELOPMENT

9. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
 10. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
 11. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.
 12. Policy CS15 of the Core Strategy 2014 states that development should seek to ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development and should seek to minimise the need to travel by car.
 13. Policy CS2 of the Core Strategy 2014 states that in the countryside, outside the towns / urban areas, Core and Hinterland Villages (as defined in the policy), development will only be permitted in exceptional circumstances subject to a proven justifiable need.
 14. It is deemed that the location of the site is unsustainable, given that the closest settlement, whereby residents could use the necessary services and facilities for everyday life, would be in Boxford a core village, which is 4.5 km to the south and Sudbury, which is over 8km to the east of the site.
 15. Boxford has a primary school, a shop, a church, a small doctors general practice and a post office. From Boxford, buses run every 90 minutes to both Sudbury and Hadleigh. There is also a pub in Edwardstone 1.5km south of the site.
 16. It is approximately a 45 minute walk or a 15 minute cycle ride to Boxford. There is no bus service to Boxford. The roads are mostly 60mph speed limits and have no pathways for pedestrians or lighting. The roads are mostly surrounded by agricultural fields with managing dykes and ditches which run parallel with the roads but are separated by small grass verges, in some places there is no verge at all. The roads to Boxford also have mature hedgerows which limit visibility, causing blind bends.
 17. The lack of pathway and lightening, along with poor visibility makes this journey particularly treacherous for walking, more so in a national speed limit zone, as well as being a lengthy journey. Inclement weather conditions combined with the lack of infrastructure to access the closest services, makes walking to Boxford to carry out such as walking children to the primary school,
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going to the shop/post office and attending a doctor's appointment dangerous and off putting. The route would only be suitable for experienced cyclists as there are a lack of dismount locations or for passing cars within this speed limit.

18. Therefore, there would be a heavy reliance on a motor vehicle as there would be limited attraction to making use of more sustainable modes of travel.
19. The principle of the development is not acceptable, given that the site is located in the countryside, which is contrary to policy CS2 of the Core Strategy 2014. This location is not justified due to the reliance of future occupiers on the motor vehicle which would be contrary to Policy CS15 of the Core Strategy.
20. The reliance on a car would also have a negative impact on the environment increasing emissions.
21. Planning considerations and other material considerations are detailed where relevant below.

DESIGN AND LAYOUT

22. The proposal consists of two identical detached 1.5 storey dwellings with separate car lodges which will face the highway.
23. The dwellings would infill the plot of land between Well House and Little Thatch. If developed, this would provide a row of five dwellings.
24. It is proposed that the external facing materials will be render for one and brick for the other, Exact specifics of the external materials are to be confirmed along with the tiles for the roof and could be agreed by condition if the development were to be approved.
25. Both dwellings would utilise the existing access associated with Well House.
26. Both dwellings would be of an 'L' shape with a rear gable. It is proposed that the front and rear of both dwellings would have dormer windows.
27. Both designs would be in-keeping of the character of the surrounding area. These are small dwellings that fit in to their proposed plots comfortably providing rear gardens with views across the open fields to the rear.

HIGHWAY SAFETY

28. The Highways Officer had objected to the original plans on the grounds that the necessary visibility splays for the accesses to both dwellings cannot be achieved. In the original plans, plot 1 shares an existing access with Well House and plot 2 was proposed to have its own access. Both the existing and new access do not have the sufficient splays for a 60mph road.
 29. A second design has incorporated both plots to share the existing access with Well House. This proposal includes improvements to the existing access providing a visibility splay of 110m to the south-west and 79m to the north-east and a hard-bound surface as per DM01.
 30. The required splay standard for highway safety in a 60mph zone is 215m. This revised shared existing access is still insufficient according to the SCC Highways standard; however, the highways officer has determined that on balance SCC would be willing to allow the extra vehicle movements expected on the existing access on the basis that the access would be improved to include a hard-bound access as per DM01.
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RESIDENTIAL AMENITY

31. Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties, or the future occupiers of the proposed development. It is considered that this proposal would not impact upon the residential amenity of neighbouring properties, given the significant distances to these sites.
32. This proposal would not have a negative impact on any neighbour amenity, as the proposal would not have an impact on neighbouring private amenity space. The proposal will not have an impact on levels of light or overlooking received by neighbours as the proposal is of a minimal scale with no overlooking windows. As a result, the proposal is considered acceptable.

CONTAMINATION

33. The Environmental Protection Officer stated that the application did not include a land contamination questionnaire, which is required for sites of this size in the countryside. They stated that, without this document, they would recommend refusal on the grounds of insufficient information. This was subsequently submitted by the applicant and the Environmental Protection Officer was re-consulted. No further response was received. However, given that there was no indication of contamination from the provided answers in the questionnaire, and that the environmental report had already stated this. It is the Case Officer's opinion that existing ground conditions are unlikely to pose an unacceptable risk.

HERITAGE

34. The site is located between two listed buildings. The Grade II listed 'Hathaway Cottage Little Thatch' is located immediately to the north of the site and the Grade II listed 'Seasons' is located to the south of the host dwelling. No response has been received from the Heritage team. However, embracing the statutory duties imposed by the Listed Buildings Act, it is the Case Officer's opinion that the two dwellings, given their scale, form, design, proposed materials and the degree of separation between those dwellings and the heritage assets, would have a neutral effect on the historical value of the heritage assets. Consequently, officers are satisfied that the significance of those buildings, including having taken their setting into account, would be preserved and that no 'harm' would be posed.

PART FOUR – CONCLUSION

35. This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding paragraphs of this report.
 36. 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 development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
 37. In light of this application relating to a proposal for new housing, a further important consideration in determining this application is that Babergh does not currently have a five-year supply of deliverable housing sites. Paragraph 47 of the NPPF requires LPAs to identify a 5-year supply of specific deliverable housing sites. Paragraph 49 of the NPPF states that 'relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.
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38. Paragraph 14 of the NPPF states;

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”.

As such, the effect of paragraphs 47, 49 and 14 are that;

- the local authority should be able to identify a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements;
- that where such a supply cannot be demonstrated, policies for the supply of housing should not be considered up-to-date, and;
- where policies are not up-to-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole or where specific policies in this Framework indicate development should be restricted. Policy CS1 sets out a similar approach where relevant Core Strategy policies are out-of-date

39. As set out above, the Supreme Court in May 2017 has clarified the position with regards to ‘policies for the supply of housing’ and how that is to be considered. Officers note that the judgement makes it clear that the meaning of that expression is not the real issue, and that the absence of a five-year housing land supply triggers the application of paragraph 14 of the NPPF, and that in applying the ‘tilted balance’ required by this paragraph, it is necessary to consider the weight to attach to all of the relevant development plan policies.

40. It is considered that policy CS3, is a policy for the supply of housing. It is, therefore, considered that paragraph 14 of the NPPF is engaged with regards to this proposal. So, too, is policy CS1.

41. Whilst there would be economic benefits of the scheme both while the houses were being constructed and resulting from future residents using local facilities contributing to the wider local economy, the economic benefits from construction would be temporary and the residents would be largely reliant on the car to access services outside of the village, it is likely that many economic benefits would be received outside of Edwardstone and therefore these are given limited weight.

42. Whilst the provision of 2 dwellings would contribute to the identified significant undersupply of housing, the site would not be in an accessible location to accommodate the proposed number of houses.

43. Furthermore, the route to the main built up areas beyond Edwardstone do not benefit from a public footpath for the majority of the way and there are no significant services or facilities in the immediate group of buildings that the proposed dwelling would form part of.

44. Therefore for convenience reasons, at night and in poor weather future occupants would be dependent on and would choose to use a private car for the majority of their journeys which is the least sustainable mode of transport. Thus, the proposed development would be in conflict with Policy CS15 of the CS and contrary to the aims of the Framework which seeks to promote sustainable forms of transport and reduce greenhouse gas emissions.

RECOMMENDATION

Refuse planning permission for the following reasons;

Policy CS2 of the Babergh Core Strategy (2014) states that planning permission will be permitted only in the Countryside in exceptional circumstances subject to proven justifiable need. CS15 requires new development to demonstrate how the proposal addresses the key issues and objectives identified in the Core Strategy. The site is not well related to the existing settlement, and no supporting evidence has been provided that justifies the need for the proposal, and that the site is a sustainable location. As a result, the proposal does not accord with policies CS2, and CS15.

Whilst paragraph 14 of the NPPF provides a presumption in favour of sustainable development, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. The assessment of the application has identified that the proposal does not comply with the development plan and, notwithstanding that the Council does not have a five-year housing land supply, it is considered that the unsustainable location significantly and demonstrably outweigh the benefits of the development when considered against the Framework as a whole.
