

Committee Report

Item No: 4

Reference: B/17/01150

Case Officer: Melanie Corbishley

Ward: Holbrook.

Ward Member/s: Cllr David Rose.

Description of Development

Erection of 1 no. dwelling and detached garage (following demolition of existing dwelling)

Location

Copperas Reach, Shore Lane, Harkstead, Ipswich IP9 1BW

Parish: Harkstead

Site Area: 7,300 m²

Conservation Area: N/A

Listed Building: N/A

Received: 10/05/2017

Expiry Date: 01/09/2017

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr & Mrs Jones

Agent: AJM Planning

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number P010P1 received 10/05/2017 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:

Defined Red Line Plan P010 P1 - Received 10/05/2017

Block Plan - Proposed P050 P2 - Received 18/07/2017

Floor Plan - Proposed P100 P3 - Received 18/07/2017

Floor Plan - Proposed P110 P3 - Received 18/07/2017

Roof Plan - Proposed P120 P3 - Received 18/07/2017

Sectional Drawing P200 P2 - Received 18/07/2017

Elevations - Proposed P300 P3 - Received 18/07/2017

Elevations - Proposed P310 P3 - Received 18/07/2017

Design and Access Statement REV 1 - Received 18/07/2017

Landscape and Visual Impact Assessment REV B JULY 2017 - Received 18/07/2017

Bat Survey R1125.001 - Received 18/07/2017

Landscaping Plan 190_01 C - Received 10/05/2017
Plans - Proposed P130 P2 - Received 10/05/2017
Elevations - Proposed P320 P2 - Received 01/05/2017

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:

A Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council.

PART TWO – APPLICATION BACKGROUND

History

There is no relevant planning history for this site. However planning permission has recently been granted for a similar development on the adjacent site known as Gallister Cottage, B/17/01071.

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

NPPF - National Planning Policy Framework

Babergh Core Strategy 2014

CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development

Babergh Local Plan Alteration No.2 (2006)

HS05 - Replacement Dwellings
CR02 - AONB Landscape
CN01 - Design Standards

List of other relevant legislation

- Human Rights Act 1998
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
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- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

N/A

Details of any Pre Application Advice

BIE/16/00542- It was confirmed that the principle of replacing the existing dwelling is likely to be acceptable, consideration of size was reserved until such time as the Landscape and Visual Impact Assessment had been undertaken and the impact on the sensitivities of the local area are known.

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

Harkstead Parish Council

Reject the application for the following reasons:

- *It is in breach of planning policy as it is bigger than the original dwelling.
- *The design, size and visibility of it are totally out of character with the area
- *It is in the middle of an AONB which is a protected landscape.
- *There is no evidence of an ecological survey
- *It will have a detrimental impact on the AONB and SSSI
- *Lastly just to remind BDC they did sign up to the management plan

SCC - Rights of Way Department

No objection.

Suffolk Coasts & Heaths Project

Reservations as to whether the proposal meets the objectives of the following Babergh District Council Local Plan saved policies:

Saved policy CR02, Saved policy CN01, Saved policy HS05

Recommend conditions regarding glazing, lighting, materials, landscaping and removing PD for garden structures.

Suffolk Wildlife Trust

No comments received

SCC - Archaeological Service

No objection.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and therefore has no objection on these grounds. With regards protected landscapes, we defer advice to the AONB unit in this case.

Ecology - Place Services

Habitats Regulations Assessment Screening Report produced and it concluded that this project can be screened out from any requirement for further assessment. Conditions regarding ecological mitigation and enhancements are recommended.

Environmental Health - Land Contamination

Following the submission of additional information, no objection.

SCC – Highways

Suffolk County Council does not wish to raise any objection to the current application. This is due to the fact that the proposal is considered 'like for like' in regard to its impact on the highway network at this location.

However, Shore Lane is very narrow with minimal opportunities for two vehicles to safely pass. It is recommended that should any further development take place which would see an influx in vehicular traffic on Shore Lane; passing places in accordance with Suffolk County Councils standard construction drawing DM06 are implemented.

B: Representations

Five representations making the following comments:

- *No objection regarding the design and size of the proposal.
- *Concerns regarding safe highway access for the site, particularly if the size of the property were to increase in size, and would conflict with point 4 of policy HS05. An alternative access is requested.
- *A condition is suggested to ensure that the works at Gallister Cottage and Copperas Reach are not carried out at the same time.
- *The plot is located within an AONB and the new building is much larger than existing and unsympathetic to the surroundings.
- *The dwelling would be very visible from the shoreline and the public footpath
- *The road is likely to suffer from considerable damage with construction vehicle
- *The final part of the access is over a public footpath
- *The replacement dwelling would be significantly larger than the dwelling it replaces and would therefore conflict with Policies HS05 and CN01
- *The proposal would have a significant impact on the AONB contrary to Policy CR02, and may cause more light pollution and be more prominent.

One representation in support of the proposal.

- *The design and material pallet of the property will be a welcome addition to the local housing stock, and a significant improvement on the existing dwelling. The property would be in proportion with the plot and neighbouring properties.
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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. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is situated on Shore Lane, south of the village of Harkstead on the northern shore of the Stour Estuary. Copperas Reach is one of three dwellings located south of the village, close to the shore, accessed via Shore Lane.
- 1.2. The site is a large sloping site dropping down to the estuary on its south west side. The eastern boundary of the site affords views looking along the estuary towards the sea, the eastern most boundary has a large number of mature trees which shield the plot from the adjacent house which is approximately 50m away. To the north east is another neighbouring dwelling approximately 65m away.
- 1.3. The site is located within an AONB and there is a public footpath running along the eastern boundary of the site. The site is adjacent to RAMSAR site and a SSSI. A very small section of the southern end of the site is located in flood zones 2 and 3.
- 1.4. The application site lies within the countryside outside the Built Up Area Boundary of Harkstead. The site is accessed via a public footpath off Shore Lane.

2. The Proposal

- 2.1. The application relates to the erection of a dwelling house and garage following the demolition of the existing dwelling. The replacement dwelling would be located slightly closer to the southern boundary of the site and is orientated due south, rather than south west.
- 2.2. The proposed garage would be located to the north east of the dwelling, close to the existing vehicular access point, which remains unchanged.

3. National Planning Policy Framework

3.1. 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.

4. Core Strategy

- 4.1. CS02 - Settlement Pattern Policy
CS15 - Implementing Sustainable Development

5. Saved Policies in the Local Plans

- 5.1. HS05 - Replacement Dwellings
CR02 - AONB Landscape
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6. The Principle of Development

6.1. Saved policy HS05 of the development plan permits replacement dwellings outside of Built Up Area Boundaries (BUABs), as specified in the plan, subject to specific material planning considerations including that new dwellings should not be significantly different in size and massing to the original dwelling, and should be sympathetic to the character of the surrounding area. Consistent with these conditions, Policy CN01 of the plan requires new development generally to be of an appropriate scale and design.

6.2 Whilst it is acknowledged that the proposed dwelling would be appreciably larger than the existing bungalow (and for that reason the scheme would conflict with Policy HS05), the supporting text to Policy HS05, indicates that replacement dwellings that are significantly larger than the original dwelling may be considered where the extent of the site would enable a larger dwelling to be in proportion. The overall site is a sizeable plot which can easily accommodate the scale of dwelling proposed without compromising the setting. Two nearby plots contain dwellings in sizeable plots. Accordingly, the proposed dwelling, although larger than the existing, would be in proportion with the site and surrounding area.

6.3 Thus whilst the proposal would be contrary to Policy HS05 of the development plan, as it would be significantly larger than the existing dwelling, it is not considered that the proposal would conflict with the objective of this policy to ensure that replacement dwellings are sympathetic to their surroundings. The proposed dwelling would occupy a similar position to the existing, and generous separation distances to plot boundaries would be maintained. The proposed dwelling would be well proportioned, and elements of its design would help to reduce its apparent bulk, including the projecting wings, broken roofline and varied palette of external materials. Consequently, the proposal would have little impact on the wider landscape setting.

6.4 For these reasons it is considered that the proposed development would not dominate its site and surroundings and would not be visually intrusive. The form and scale of the proposal would not be inappropriate for its streetscene and countryside setting within the village.

7. Site Access, Parking and Highway Safety Considerations

7.1. No objection has been raised to the scheme from the SCC Highways. It is noted in their comments make reference to further development along Shore Lane and that passing places would be required. However this development is for a one for one replacement and therefore no intensity of the residential use of the site is proposed.

7.2 Concerns have been raised by neighbours regarding a number of highway matters. However a number of the queries raised relate to land that is outside the red line application site and therefore beyond the control of the applicant.

7.3 The site is fairly unusual in that it is accessed via a footpath and single track land. Due to these circumstances it is considered necessary to impose a condition regarding the submission of a construction management plan to address a number of these issues.

7.4 In addition an informative will be added to the decision informing the applicant about not damaging a public footpath.

8. Design, Layout and Residential Amenity

8.1. No objection is raised to the modern design of the proposal and the layout and siting of the dwelling would not materially affect any neighbouring properties.

9. Landscape Impact- Area of Outstanding Natural Beauty

9.1. Section 11A(2) of the National Parks and Access to the Countryside Act 1949 and Section 85 of the Countryside and Rights of Way Act 2000 requires that 'in exercising or performing any functions in relation to, or so as to affect, land in.....Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes'. The statutory purpose of an AONB designation is to conserve and enhance the natural beauty of the area.

9.2 The site falls wholly within this nationally designated landscape. As such, the Local Planning Authority must be satisfied that, in determining this application, full regard has been given to the purposes of designation (as required under section 85 of the Countryside and Rights of Way Act 2000); i.e. 'to conserve and enhance natural beauty'.

9.3 The proposal should be compliant with the National Planning Policy Framework, in particular para 115 and the Suffolk Coasts and Heaths AONB and Stour Valley Management Plan 2016-21 which includes management plan policy in section 3.1.5: which seeks to protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including relative tranquillity. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment.

9.4 Policy CS15 of the Core Strategy requires, inter alia, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape and important spaces.

9.5 Delivering quality design is also a core aim of the NPPF which states (at paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning.

9.6 Concerns have been raised regarding the scale and design of the proposal and that it would not be in keeping with the wider area. The development proposal is of a scale, form and design that is not considered to be inappropriate for its setting and would appear suitably sited within the wider landscape setting. Furthermore a modern replacement dwelling has recently been approved at the adjacent property, known as Gallister Cottage.

9.7 Concerns have been raised by the AONB unit regarding glazing and light leakage, suitably landscaping details and materials. Suitably worded conditions are recommended to address all of these issues.

9.8 It is therefore considered that the proposals at hand adequately comply with the guidance from the NPPF, relevant Local Plan policies and the Suffolk Coasts and Heaths AONB and Stour Valley Management Plan 2016-21.

10. Environmental Impacts - Ecology

10.1. Policy CS15 states that proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas.

10.2 In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

10.3 With regard to the SPAs, SACs and Ramsar sites any development that would have an adverse effect on the integrity of a European site including candidate /proposed sites either alone or in combination with other plans or projects will be refused.

10.4 This development proposal has the potential to affect the Stour and Orwell Estuaries SPA and Ramsar site which are European sites (also commonly referred to as Natura 2000 or N2K sites) afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The proposed works also have the potential to affect the Stour Estuary SSSI which is notified at a national level.

10.5 The above regulations require the LPA to produce a Habitats Regulations Assessment Screening Report. The purpose of the screening report is to assess the need for appropriate assessment in relation to the development.

10.6 The Habitats Directive (92/43/EEC) requires that an 'appropriate assessment' is carried out in relation to any plan or project which is likely to have a significant effect, either alone or in combination with other plans or projects, on European sites. European sites are Special Protection Areas and Special Areas of Conservation. Ramsar sites should also be given the same level of protection, as stated within the National Planning Policy Framework.

10.7 Where an appropriate assessment is carried out a development may only be approved after having ascertained that it will not adversely affect the integrity of the site concerned. The screening report concluded that the development can be screened out from any requirement for further assessment. No objection has been raised to the application from Natural England.

10.8 The application was supported by an ecological assessment and subsequent bat survey. The information submitted is considered to be sufficient and suitably worded conditions are recommended regarding the compliance with both reports, submission of a biodiversity method statement and lighting design scheme.

11. Planning Obligations / CIL

11.1. The development would be CIL liable.

12. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

12.1. The development will lead to;

* CIL calculated at £115 per square metre of residential for area.

PART FOUR – CONCLUSION

13. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

13.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

13.2. In this case the planning authority has worked with the applicant to overcome land contamination objections.

14. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

14.1. There are no known legal implications derived from the determination of this application.

14.2. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following has been considered in respect of the proposed development.

- Human Rights Act 1998
- The Equalities Act 2012
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

15. Planning Balance

15.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

15.2 When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development.

15.3 In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposal is therefore acceptable in planning terms and a positive recommendation is given below.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- Standard time limit
 - Accord with approved plans
 - Secure mitigation and ecology enhancement measures
 - Construction Management Plan
 - Details of materials
 - Hard and soft landscaping
 - Implementation of landscaping scheme
 - Lighting details
 - Glazing details
 - Biodiversity method statement
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