

Committee Report

Item No: 5

Reference: DC/17/03399

Case Officer: Katherine Hale

Ward: Hoxne.

Ward Member/s: Cllr Elizabeth Gibson-Harries.

Description of Development

Outline Planning Application - (Access to be considered) - Erection of 1 no. dwelling

Location

Land East Of Mulberry Cottage, Green Street, Hoxne, Suffolk

Parish: Hoxne

Site Area: 1551 m²

Conservation Area:

Listed Building: Affects the setting of a listed building

Received: 05/07/2017

Expiry Date: 04/09/2017

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment: None

Applicant: Free-range Chicken Ltd

Agent: Durrants

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 30-102 received 05/07/2017 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 30-102 - Received 05/07/2017

Planning Statement - Received 05/07/2017

Land Contamination Assessment ENVIROSCREEN REPORT - Received 05/07/2017

Land Contamination Questionnaire - Received 05/07/2017

Plans - Proposed Location Plan 30-102 - Received 05/07/2017

Ecological Survey/Report JP ECOLOGY REPORT - Received 19/07/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application has been called in for the following reasons:

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council.

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site.

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
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
T10 - Highway Considerations in Development
SB02 - Development appropriate to its setting
CL02 - Development within special landscape areas
T09 - Parking Standards
H03 - Housing development in villages
CL08 - Protecting wildlife habitats

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

None

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

Hoxne Parish Council – Recommend refusal; the application is outside the settlement boundary (CS1 and CS2) on a green field site, it impacts the historic setting of the neighbouring Grade II listed cottage and could set an undesirable precedent for development on agricultural land.

Suffolk County Council Highways Team – No objection, recommend conditions.

BMSDC Heritage Team – Recommend refusal; the proposal would cause less than substantial harm to a designated heritage asset because the proposed dwelling would erode the isolated character of the Grade II listed Mulberry Cottage through the introduction of inappropriate modern residential development within the historic asset's setting.

Suffolk Wildlife Trust – No objection, recommend that the recommendations in the ecological survey report (JP Ecology, July 2017) are implemented in full.

Environmental Health Land Contamination Team – No objection.

B: Representations

A total of 3 objections were received, although it is noted that 1 objector has stated that their views are supported by 16 other residents

A summary of the third party representations are set out below:

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- Small contribution to the land supply shortfall
 - Other properties have been put up for sale in this area but have failed to sell demonstrating little to no need for such a property
 - Agricultural land outside the settlement boundary
 - Adjacent to a listed building and in a Special Landscape Area
 - Out of character
 - Highly visible from the east and possibly the west if the existing trees/hedgerow is removed
 - Loss of privacy
 - Noise concerns with the driveway being so close to the boundary of neighbouring property
 - It would set an unwelcomed precedent particularly adjacent to the proposal
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- Acquired land as agricultural and has two permitted developments on the land further back, namely a barn under Class Q and a hut.
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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 located to the east of Hoxne off Green Street. The application site is adjacent Mulberry Cottage which is a Grade II listed building. The nearest neighbour is Mulberry Cottage. To the north east of the application site is Elm House which is also a Grade II listed building. There are agricultural fields to the south and east. The application site is situated within a Special Landscape Area.

2. The Proposal

2.1. The proposal is outline for the erection of 1 dwelling with access to be considered, however, all other matters are reserved.

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

CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01 - Presumption In Favour Of Sustainable Development
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. None to be considered in respect of this application.

6. Saved Policies in the Local Plans

SB1 – Directing new development to existing settlements
SB2 - Development appropriate to its setting
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H3 – House development in villages

H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
T9 – Parking standards
T10 - Highway Considerations in Development
CL1 – Guiding principle to development in the countryside
CL2 – Development within special landscape areas

7. The Principle Of Development

7.1. 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"*.

The NPPF also provides (paragraph 14) that there is *"a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. This paragraph continues *"for decision-taking this means approving 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"*.

The application site sits a short distance outside of the settlement boundary for Hoxne which is considered a Primary Village, and is therefore considered as countryside, as such the proposal would be contrary to Core Strategy Policies CS1 and CS2 and Local Plan H7.

However 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."

Mid Suffolk District Council does not have this housing land supply at this time and as such the relevant policies set out above are not considered to be up to date and on this occasion are not considered to justify refusal in this respect. Indeed paragraph 14 of the NPPF states in this respect:

"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"

In the light of this the development plan is considered out of date such that the in principle objection on the basis of housing policies does not justify refusal at this time. However, the NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle.

Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

The application site is situated approximately 160 metres outside the established settlement boundary for Hoxne and less than 500 metres from the services and facilities available in Low Street, Hoxne. Although Low Street in Hoxne, which does not form part of the Primary Village designation, benefits from a pub, post office, and Church. Hoxne Low Street also has access to a bus service no 319 which has a stop further along Green Street, to the east of the application site and bus service 482 which runs from Low Street in Hoxne to Diss and Framlingham. Whilst there is no footpath directly adjacent to the site, the footpath begins less than 30 metres down the road which leads into Hoxne and Low Street. Green Street serves the existing residential properties adequately and has a 30mph speed limit restriction and the new dwelling would be in a similar situation to the neighbouring properties. The application site therefore has suitable access to nearby facilities and services.

With regards to the other strands of the environmental role of sustainable development the proposal offers no benefits to protecting or enhancing the natural environment contrary to Policy CS5.

It is recognised as set out in paragraph 8 of the NPPF that the roles of sustainable development should not be undertaken in isolation, therefore whilst the proposal is not considered to represent sustainable environmental development the economic and social roles should also be considered.

With regards to the economic role of sustainable development the proposal for the erection of 1 dwelling would provide minor economic benefits to the construction industry and would support the services offered along Low Street and adjoining settlements, regardless of how they are accessed. In respect of the social role of sustainable development the proposal would produce one new dwelling and would provide some benefit however this would be limited with one dwelling.

Whilst the economic and social benefits are limited and the application site is outside the a settlement boundary, recent Planning Inspectorate decisions have found that proposed dwellings within 1 mile of services and facilities should not be considered unsustainable. In light of this and the fact that Mid Suffolk does not currently have a 5 year land supply the principle of development is acceptable in accordance with the NPPF as elements of the Local Plan must be regarded as 'out of date'. The proposed development has

been considered on the basis of its planning merits and the officer's recommendation is given accordingly, having had regard for all material planning considerations; those key issues being discussed under their respective headings below.

8. Site Access, Parking And Highway Safety Considerations

8.1. The application site is situated off Green Street and there is a 30mph speed limit in this location. A new access would be created to the west of the site onto Green Street. Suffolk County Council have been consulted and raise no objection to the application

8.2 The propose dwelling is not considered to have a detrimental impact on highway safety or significantly increase the amount of traffic on the road such that the application would warrant refusal.

8.3 The proposed access is required to be laid out in accordance with Suffolk County Council Highway's Drawing DM01 with an entrance width of 3m. The proposal is therefore considered to be in accordance with paragraph 32 of the NPPF and the development plan.

9. Design And Layout [Impact On Street Scene]

9.1. The application seeks outline planning permission for the erection of a detached two storey dwelling with the access to be considered, however, all other matters are reserved due to the outline only status of this application. The application site is considered large enough to accommodate one dwelling with the details to be agreed under reserved matters and not sufficient to warrant refusal in this respect in itself.

10. Landscape Impact

10.1. The application site is currently agricultural land with open fields and woodland to the south. Policy CS5 of the Mid Suffolk Core Strategy 2008 emphasises that all development must reflect local distinctiveness and enhance the character and appearance of the district. Policy FC 1.1 of the Core Strategy Focus Review 2012 states that development must conserve or enhance the local character of different parts of the district. Policy GP1 states that all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of the surrounding area. The application is outline with all matters reserved, however from the indicative plan received it is considered that the application site could accommodate a dwelling and this is not considered to warrant refusal of the proposal. The details would be agreed under reserved matters applications in compliance with relevant policies.

10.2 The site is located within a Special Landscape Area, the proposed development would diminish the contribution the Special Landscape Area makes to the character and appearance of the area. Furthermore the approach into Hoxne from the east along Green Street has an open feel with agricultural fields and woodlands to the south of Green Street. Mulberry Cottage is the first dwelling encountered with residential dwellings increasing in density as you approach Hoxne for the east. The proposal is therefore contrary to policies GP01 and CS5 which seek to protect the landscape, quality and character of the environment.

11. Environmental Impacts - Trees, Ecology And Land Contamination

11.1. The application site is agricultural land; as such an ecological survey was submitted as part of the application. The survey identified two young oak trees which would need to be removed for the proposed access. In terms of protected species, there is a pond 100m from the site but the possibility of crested newts was considered to be unlikely on the site due to the distance and road separating the site and the pond. There are not any significantly detrimental environmental impacts and consultees in this regard have no objection.

12. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

12.1. This application seeks outline planning permission for the erection of 1 no. dwellinghouse with all matters except access reserved. The application site is located to the east of Mulberry Cottage, a Grade II listed timber framed dwelling with decorative fish scale roof. To the north east of the site is Elm House which is also Grade II listed.

12.2 Mulberry Cottage is positioned to the east of its plot, towards the boundary with the application site. The site currently enjoys considerable breathing space, with rural fields to the east and woodland to the west. The isolated location of Mulberry Cottage contributes to the character and significance of the dwelling. Mulberry Cottage is the first dwelling encountered on the south side of Green Street when approaching Hoxne from the east, and forms part of a cluster of historic dwellings along Green Street.

12.3 As this application is only an outline, there are no design proposals to consider as part of this scheme. However, even without drawings of the proposed dwelling, it is clear that the proposed development would have a detrimental impact on the character of Mulberry Cottage through the introduction of modern residential development within the cottage's immediate setting.

12.4 It is not considered that the impacts of the proposed development on Mulberry Cottage have been comprehensively assessed by the applicant. The Planning Statement states, 'the separation distance and intervening screening will ensure the development does not adversely affect the setting of the nearby Grade II listed building (Mulberry Cottage) to the west. The same applies in respect to the Grade II listed building diagonally opposite at Elm House'. This assessment is poor and falls far below the requirements of paragraph 128 of the NPPF.

12.5 The indicative site plan shows that the proposed dwelling would be some 13-14 metres from Mulberry Cottage, however the applicant's Heritage Statement appears to suggest that as there is screening from existing vegetation, the proposal will not affect the setting of the listed building. This is an inadequate assessment. Mitigation is only required where harm is identified. In this case, the mitigation is proposed by way of retaining existing screening.

12.6 Whilst the retention of or any additional vegetation/landscaping may soften the visual impact of development, the setting of a heritage asset is more than whether an asset can be viewed from a particular vantage point. The presence of a dwelling to the east of Mulberry Cottage would significantly reduce the breathing space currently enjoyed by the GII listed building, and would erode the isolated character of Mulberry Cottage to its detriment. Vegetation cannot overcome the harm to the significance of the listed building through the introduction of inappropriate modern residential development within the immediate setting of the historic building. The Heritage team recommends this application is refused as the proposal would cause less than substantial harm to a designated heritage asset.

12.7The harm is considered to be less than substantial harm, which the NPPF states should be weighed against the public benefit of the proposal. The proposal is for the provision of one dwelling, however whilst Mid Suffolk does not have a five year housing land supply this is an extremely limited benefit, which could easily be obtained and accommodated elsewhere in the district without such harm.

12.8 In the light of this the proposal is considered to result in harm to the significance of heritage assets, not outweighed by any public benefit, such that the proposal is considered contrary to the NPPF, Local Plan Policy HB1 and Core Strategy Policy CS5.

13. Impact On Residential Amenity

13.1. Subject to design, form and siting within the plot, it is likely in principle that a design could be achieved that would not impact on the existing residential amenity. On this basis the proposal is acceptable in terms of residential amenity.

14. Biodiversity And Protected Species

14.1. No issues have been raised to warrant refusal

15. Planning Obligations / CIL

15.1. CIL is applicable as new floor space would be created.

16. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

16.1. The development if approved would result in a new dwelling subject to council tax requirements that is not material and CIL that may be considered material.

PART FOUR – CONCLUSION

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

17.1. 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.

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

18.1. None are known by your officers.

19. Planning Balance

19.1. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).

19.2 Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

19.3 The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.

19.4 In this case the less than substantial harm to the designated heritage asset together with the harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of

agricultural land is not significantly outweighed by the public benefit of one dwelling which could be accommodated elsewhere in the district without such harm.

19.5 The harm is considered to be less than substantial harm, which the NPPF states should be weighed against the public benefit of the proposal. The proposal is for the provision of one dwelling, however whilst Mid Suffolk does not have a five year housing land supply this is an extremely limited benefit, which could easily be obtained and accommodated elsewhere in the district without such harm.

19.6 The application is therefore recommended for refusal.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to REFUSE PLANNING PERMISSION for the following reasons:

1. The application proposal affects the character, setting and significance of Heritage Assets, the Grade II listed Mulberry cottage to the east. The proposed development would result in the erosion of the isolated character and setting of the listed building and its significance. The application proposal would, therefore, result in harm the character, setting and significance and the public benefit of providing 1 additional dwelling in support of the districts housing supply is not considered to outweigh the harm identified to the heritage asset.

The application is therefore considered contrary to the provisions of the NPPF and development plan policies CS5 and HB1 which seek to conserve, and where possible enhance the historic environment and protect the character, setting and significance of heritage assets.

2. The locality of the site is characterised by open countryside to the east of Mulberry Cottage and by a semi-rural appearance having a relatively open, undeveloped form with little in the way of residential development in the immediate vicinity. It is considered that the proposal would erode the open nature of the locality by developing an area that positively contributes to its distinctive semi-rural nature by its existing undeveloped form. The proposal would therefore conflict with Policy CS5 of the Core Strategy (2008), Policy FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012) and Policy GP1 of the Mid Suffolk Local Plan 1998 requiring that development protects and enhances the natural environment, and to 'conserve and enhance the local character of the different parts of the district'.