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MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 12 August 2015

AGENDA ITEM NO 4
APPLICATION NO 1309/14
PROPOSAL Erection of a single storey dwelling
SITE LOCATION Meadow House, Flatts Lane, Tostock
SITE AREA (Ha) 0.16
APPLICANT Mr & Mrs Spreadbury & Martin Hutton
RECEIVED April 25, 2014
EXPIRY DATE April 15, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

(1) 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 Code of Practice or such other protocol / procedure adopted by the Council. The Members reasoning is included in the agenda bundle.

PRE-APPLICATION ADVICE

1. No pre application advice has been provided in this respect of this application. The application was subject to amended plans during the course of the application reducing the development to single storey design and changing and associated plot size.

SITE AND SURROUNDINGS

2. The vacant site was a remaining piece of land that was once part of a large garden within the Conservation Area and Settlement Boundary. More recently the site has been used as a storage area in association with the building of two dwellings recently erected close by. The recent two storey dwellings on other parts of the former garden create a new cul de sac from Flatt's Lane. The site is well enclosed by existing landscaping on all sides and is to the rear of a number of neighbouring gardens with their own landscaping in respect of properties fronting Tostock Village Green.

A range of properties front Tostock Village Green and form part of its Conservation Area. Glimpses of the two recently constructed dwellings can be seen from parts of the green that is also a visually important open space (VIOS). A network of roads cross over the green and as a result there are essentially three routes into join Flatt's Lane.

- One road along the frontage of existing dwellings fronting the green.
- One road that crosses the green.
- The third road (also official part of Flatt's Lane) runs along the eastern side of the green and junction with Church Road adjacent to the Gardener's Arms

Public House.

Pass the green, Flatt's Lane continues as a narrow single lane without footways and limited passing provision. A few dwellings are served from this lane and the first official passing point is the entrance to the proposed site itself and only recently provided as a result of the recent development approved in 2010.

HISTORY

3. The planning history relevant to the application site is:

1857/07	Construction of 2 dwellings and garages following demolition of one dwelling.	Granted 21/04/2010
181/07	Erection of 3 dwellings and garages following demolition of Meadow House	Withdrawn 19/03/2007
1207/06	Erection of 5 dwellings and garages following demolition of Meadow House	Withdrawn 23/11/2006
0354/84	Erection of bungalow	Approved

Planning application 3543/14 The Barn, Flatt's Lane, Tostock refused and recently allowed at appeal for use of building as an annexe and a holiday let is considered material.

In additional there is a history of planning refusals for development of other sites further along Flatt's Lane, these have been refused for being outside the settlement boundary. One exception being Ref 240/98 that was refused for both being outside settlement boundary and Flatt's Lane being unsuitable.

PROPOSAL

4. The application seeks planning permission for a four bedroomed single storey dwelling. It is proposed to be 5.1 metres high, 2.2 metres to eaves. Access would be via the existing drive that in turn accesses Flatt's Lane.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Tostock Parish Council (Amended Plans - Summary)**

While the reduction of the height of the building has been addressed, still a 3/4 bedroomed dwelling. This is significant in regard to traffic flow on Flatt's Lane and dangerous junction of Church Road. Refers to past recommendations of refusal in respect of both planning and highways authorities on road issues. Concern of precedence for future. Feels house should be reduced to 2/3 bedroomed house would go some way to mitigate the issue of traffic on Flatt's Lane.

SCC - Rights of Way (Amended Plans)

Public Footpath No. 7 is adjacent to site. Does not appear to be affected by development. No objection.

SCC - Highways - (Amended Plans)

Recommends refusal. Flatt's lane is narrow with no footways or significant verges.

Additional traffic will present a danger to pedestrians or cyclists using the lane. There are no formal passing bays which may lead to reversing vehicles causing a hazard. No further improvements can be made by the applicant to the access to mitigate against additional traffic.

Junction with Church Road has very poor visibility for vehicles turning east out of Flatt's Lane. Additional vehicle could cause a safety hazard to users of the highway.

MSDC - Heritage Enabling Officer

The Heritage Team considers that the proposal would cause no harm to a designated heritage asset because it would not be unduly intrusive in the Conservation Area, and would not result in significant loss of trees.
No objection.

MSDC Tree Officer

No objections

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- Should be refused on traffic issues given refusal of 3543/14
 - Traffic and safety issues.
 - Support dwelling replacing unsightly tip.

ASSESSMENT

8. There are a number of considerations which will be addressed as follows.
- Principle of Development
 - Highway and Access Issues
 - Design and Layout
 - Conservation Area
 - Residential Amenity
 - Landscaping
 - Biodiversity

• PRINCIPLE OF DEVELOPMENT

Local Plan

Members will be aware that the weight to be attached to the 1998 Local Plan must be considered carefully by reference to the NPPF.

The proposed development lies within the settlement boundary of Tostock. The local plan supports development within the settlement boundary subject to detail and no adverse impact on residential amenity, traffic or other material consideration.

There is no presumption that garden land should be redeveloped, but the site is within settlement limits where development is encouraged. The Mid Suffolk LDF Core Strategy 2008 and Local Plan 1998 under policies CS1 and H2 continue to provide that infill development is acceptable in principle within settlement boundaries subject to being appropriate development which is assessed further below.

Five Year Land Supply

The NPPF states the District Council should have a 5 year land supply plus an appropriate buffer. As Members will be aware the housing land supply was recalculated for January 2015 and was calculated to be 4.2 years. This undersupply amounts to approximately 400 houses. On this basis Mid Suffolk does not have a 5 year housing land supply and the final year position is being calculated and results are awaited.

Given that Mid Suffolk cannot demonstrate a 5 year housing supply it is considered that Policy CS2 and the housing policies previously applied to this site including Local Plan policy H7 should be not considered to be up to date. The NPPF nevertheless requires that the development be considered to be sustainable in order to be acceptable and not have adverse impacts that outweigh the benefit of development. Accordingly these matters are considered further below.

The Core Strategy and Core Strategy Focused Review (CSFR)

Policy CS5 provides that *"All development will maintain and enhance the environment, including the historic environment, and retain the local distinctiveness of the area"*.

The Core Strategy Focused Review (CSFR) was adopted by Full Council on 20 December 2012 and should be read as a supplement to Mid Suffolk's adopted Core Strategy (2008). This document updates some of the policies of the 2008 Core Strategy. The document does introduce new policy considerations, including Policy FC 1 - Presumption in favour of sustainable development that refers to the National Planning Policy Framework (NPPF) objectives and Policy FC 1.1 - Mid Suffolk approach to delivering Sustainable Development that provides *"development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk new style Local Plan. Proposals for development must conserve and enhance the local*

character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents."

NPPF

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 (para 187) that *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

Section 6 of the NPPF for housing provides that (para 49) Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 does provide that *"Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."* However, the NPPF does not specifically resist such development and instead seeks Local Authorities to decide for themselves if they wish to resist such development and what the criteria should be to cause a development to be inappropriate and judge harm. Currently the Mid Suffolk LDF Core Strategy accepts infill development in principle.

Section 7 of the NPPF refers to design. It provides that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is *"proper to seek to promote or reinforce local distinctiveness"* (para 60) and permission should be *"refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"* (para 64).

• HIGHWAY AND ACCESS ISSUES

Many applications for housing development along Flatt's Lane have been refused, but these were because they were outside the settlement boundary with one exception refused for both settlement boundary and highway reasons. A second exception might have existed in respect of planning application 3543/14 The Barn, Flatt's Lane refused on highway grounds, but this has since been

allowed on appeal.

Recently in 2010 two dwellings were approved, but were within the settlement boundary and with the provision of a passing point in Flatt's Lane to both help the development and other users of the Lane. These two dwelling replaced an existing dwelling and so represent a net gain of one unit. This proposal is for a further dwelling to this previous development.

SCC Highways recommend refusal for this additional dwelling essentially on two grounds:-

1) "Flatt's Lane is narrow with no footways or significant verges and any additional traffic will present a danger to pedestrians or cyclists using the lane. There are no formal passing bays within the public highway which may lead to reversing vehicles causing a hazard. The access for this site was amended to provide a small passing facility by widening the entry as part of a previous application. However, no further improvements can be made by the applicant to mitigate against additional traffic."

In respect of the first ground above the restrictions of the lane are true for the 95 metre approximate distance between the site entrance (the passing bay referred to) and the point Flatt's Lane reaches the green and then divides into three roads. However, more recently The Barn, Flatt's Lane, Tostock was granted permission for an annex and later permission was refused for the change of use of the building. The refusal was in part on similar highway grounds being recommended by SCC Highways Authority, but the change of use was allowed on appeal (A copy of this decision is included in the committee bundle).

The Inspector concluded the following:-

"Flatt's Lane is of single vehicle width and serves a limited number of dwellings. It is generally straight and with good forward viability and there is a 30mph speed restriction in place. There are few verges and no formal passing places although there is a junction (this is the entrance to this current application) part way along the road which could be used for passing. Traffic levels are likely to be light and although the width of the road is restricted there is no evidence that it is unacceptably hazardous for road users."

It is noted that the entrance to The Barn subject to the appeal is approximately 219 metres from the beginning of the Green compared to the shorter distance of the entrance for the proposed development. This appeal decision is considered to have significant material weight, but would be in conflict with the current opinion of SCC Highways Authority as well as a number of objections that refer to the current conditions of the Lane.

While the Parish Council have concerns they have also indicated that the addition of an additional dwelling may be less of concern if it were smaller in terms of bedroom numbers. Bedroom numbers do provide a general idea of potential traffic, but are not considered to be a reliable indicator of traffic movements in terms of assessment especially for single dwellings. Other factors are involved including location, occupation and family size.

The lane is very narrow, but equally not likely to allow any vehicle to gain speed given the restrictions. Accepting that there are drivers who might not proceed with the obvious caution this lane needs, on balance and given the Inspectorate view the risk of hazard is considered to be very low and no reports of incident are recorded for Flatt's Lane along its length up to the junction. It is considered that this assessment of risk is credible and persuasive.

2) "The junction with Church Road has very poor visibility for any vehicles turning east out of Flatt's Lane. Additional vehicles making this manoeuvre could cause a safety hazard to users of the highway."

This refers to the junction between Flatt's Lane and Church Road adjacent to the public house and in this case there is one reported traffic incident in 2013 for this specific location. Again the Inspector from the recent appeal deals with this specific location as well and concluded the following:-

"The eastern junction of Flatt's Lane with Church Road has very restricted visibility in an easterly direction because of the proximity of the adjacent building to the road. This is potentially hazardous to any driver turning right out of Flatt's Lane from that junction. However, Flatt's Lane branches into two parts and drivers are able to exit the lane from the western branch where there is adequate visibility in both directions."

While the Inspector did identify the potential hazard, it was set aside on the basis that alternative routes are available. Accepting that there are drivers who might not use the alternative available a on balance view is taken by your officers that the risk of hazard is considered to be very low. It is considered that while the junction is not ideal, it is not likely an appeal could be defended reasonably.

In conclusion the proposed dwelling will give rise to additional vehicular movements associated with one further household, but it is considered that these additional movements would be light and will not cause demonstrable harm to residential amenity and highway safety in the locality.

• DESIGN AND LAYOUT

The proposed dwelling is a very large single storey building in terms of floor area and in footprint would be larger than the two recent dwellings it would share a drive with. However, it is considered proportional to the plot size and not dissimilar in density to the other plots. The majority of the building will not be seen from a public view, only the front of the building will be visible and only then if you travel up the private drive. In design terms the building relates to the modern houses it would be associated with as a modern building, but also maintains traditional features such as brick plinth, chimney and pantile roof. The design and layout are considered acceptable.

• CONSERVATION AREA

The site lies to the north of the village green. Both the site and the village green are within the conservation area. Views within, into and out of the conservation area may contribute to the character and appearance of the conservation area.

Along the north side of the green is a line of cottages in deep plots. Some of these properties have tree coverage. Beyond these plots tree coverage within the site is denser and taller albeit not uniform. Viewed from the green, specimen evergreens identify the area as a mature planted garden. The line of trees rising behind the cottages fringing the green emphasises the historic pattern of development round the green. This is an important feature of the character and appearance of the conservation area and is described in the Conservation Area Appraisal.

The recent dwellings can be glimpsed from the green through the trees. Although the proposal is closer to the green, its position would take advantage of the established tree growth to the south and given its reduced height to a single storey form it would not likely be seen from the green. Therefore, the proposal would not be intrusive in the conservation area and consequently would not harm the designated heritage asset.

● RESIDENTIAL AMENITY

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. It is considered that this proposal does not give rise to any concerns of loss of neighbour amenity by reason of form and design.

● LANDSCAPING

The development is not considered likely to have wider landscape impact given the mature landscaping and built form that enclosed the site.

● BIODIVERSITY

There are no recordings of protected species or their habitats in the immediate area according to both Council records and the survey carried out by the applicant. While the nature of this mature landscaped site will be a home to a range of biodiversity, it is considered that the development would not be harmful in terms of biodiversity issues especially as the majority of the landscaping will remain to continue privacy for the new dwelling.

● SUMMARY OF REASONS FOR APPROVAL

This site is a very good infill opportunity that would be unlikely to result in harm to amenity, is both within settlement boundary and in terms of the settlement's built form and accords to the development plan. It is not considered that further development beyond this proposal would be supported as it would be further along Flatt's Lane extending the traffic issues beyond the passing bay available and beyond the established built form of this village within open countryside.

It is recognised that Flatt's Lane is not an ideal road. With consideration of the material weight of the recent appeal decision, the addition of this single dwelling can not be demonstrated to significantly increase the risk of hazard given the location and alternative routes available and concluded not to warrant refusal on this basis.

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RECOMMENDATION

That Full Planning Permission be granted subject to the following conditions:-

- **Standard Time Condition**
- **Approved Plans**
- **Construction Management Condition**
- **Parking and turning to be secured**
- **Materials to be agreed**

Philip Isbell
Corporate Manager - Development Management

John Pateman-Gee
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

Cor5 - CS5 Mid Suffolks Environment
CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

2. Mid Suffolk Local Plan

HB8 - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS
HB9 - CONTROLLING DEMOLITION IN CONSERVATION AREAS
HB1 - PROTECTION OF HISTORIC BUILDINGS
CL8 - PROTECTING WILDLIFE HABITATS
GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
CL6 - TREE PRESERVATION ORDERS
T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
H16 - PROTECTING EXISTING RESIDENTIAL AMENITY
H3 - HOUSING DEVELOPMENT IN VILLAGES
H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

3. Planning Policy Statements, Circulars & Other policy

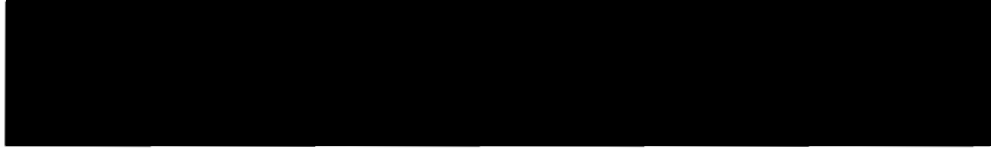
NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **5** interested party(ies).

The following people **objected** to the application

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The following people **supported** the application:

The following people **commented** on the application:

