

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 18 March 2015

AGENDA ITEM NO 3
APPLICATION NO 3997/14
PROPOSAL Erection of 2 no.dwellings and 4 No flats and associated parking.Installation of solar panels. Erection of screen wall and fencing. Alteration to vehicular access.
SITE LOCATION Land off Noyes Avenue, Laxfield
SITE AREA (Ha)
APPLICANT Mid Suffolk District Council
RECEIVED December 22, 2014
EXPIRY DATE March 19, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) The land is owned by Mid Suffolk District Council.

PRE-APPLICATION ADVICE

1. Pre application advice has been given, this advice has generally been followed by this application submission.

Laxfield Parish Council held a consultation and information event about the proposed developments in the locality on 24th September 2014.

SITE AND SURROUNDINGS

2. The application site is a piece of Council owned land laid to grass with a handful of trees on the site. The site is relatively flat. To the south of the site is a 1 metre wide footpath and then the highway (Noyes Avenue). To the east are residential properties, No. 30 Noyes Avenue, which is a modest two storey dwelling and Church View which is a bungalow. There is a fence at a minimum height of 1.8 metres along the eastern boundary of the site. To the north is Orchard Cottage which lies close to the northern boundary of the site and overlooks the application site. The northern boundary of the site is open to the garden associated with Orchard Cottage. To the west is Hartismere House, a Council owned residential home. Hartismere House is a single storey brick built building.

The application site is within the settlement boundary of Laxfield, with a small part of the northern part of the site lying within the Conservation Area with the majority of the site lying outside the Conservation Area. The site has no other formal designation.

HISTORY

3. There is no planning history relevant to the application site.

PROPOSAL

4. Full planning permission is sought for a two storey flat block comprising 4 No. one bedroom flats and a pair of semi-detached two bedroom dwellings.

The layout of the development has been amended during the course of the application. The flat development faces on to Noyes Avenue with a communal area provided to the rear. Each flat comprises of a hall, kitchen, living/dining room, bedroom and bathroom. Each flat has one parking space allocated to it. There is a communal bin store for the flat development adjacent to the parking spaces.

The flat development has a hipped roof, with a roof ridge just under 8 metres. It would be constructed in brick and timber under a tiled roof, specific details to be confirmed at a later date.

The dwellings each comprise of a hall, kitchen, living/dining room and WC on the ground floor with two bedrooms and a bathroom on the first floor. The dwellings are set within the site facing east towards Hartismere House. Each dwelling has two car parking spaces provided and an amenity space of 90 and 180 square metres.

The dwellings would have a ridge height of 8.3 metres and would be constructed in brick and timber under a tiled roof, specific details to be confirmed at a later date.

Solar panels are proposed on both the flat development and the dwellings.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. *The following are a summary of the consultation received, please see agenda for full consultation received.*

- **Parish Council:** Support subject to the satisfactory resolution of car parking issues.
- **SCC Highways:** Recommends that permission be refused for the following reason: The visibility splays when entering the public highway (Noyes Avenue, Laxfield) are below standard. Looking west bound at the T junction at a set-back distance of 2.4 metres from the nearside edge of the metalled carriageway visibility only stretches 11.5 metres. This is due to obstructions outside of the red line boundary and therefore out of the applicants control as shown on Drawing 1786.14.1D, the requirement for this location is 2.4 metres by 43 metres in each direction. Allowing such an intensification of

use on a substandard junction would be detrimental to highway safety, therefore SCC recommend refusal.

- **Heritage Officer:** No harm to the wider setting of the adjacent listed buildings or the setting of the adjacent conservation area.
- **Environmental Health:** No objection to the development progressing but request that we are contacted in the event of unexpected ground conditions encountered during construction, also that the developer is made aware that responsibility for the safe development of the site lies with them.
- **MSDC Strategic Housing Team:** These properties will meet the needs of a household wishing to live in a social rent tenure property which is of high quality design, energy efficient within a small village setting close to a Key Service centre with access to many facilities and services. The housing scheme has been worked up in partnership with the Parish Council. The application is supportive of MSDC strategic priorities to provide additional social rent tenure, energy efficient homes.
- **SCC Archaeology:** The proposed large extension lies in an area of archaeological interest, within the historic core of Laxfield as recorded in the county Historic Environment Record. There are no grounds to refuse the application however in accordance with the NPPF should permission be granted a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- **English Heritage:** The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- **Tree Officer:** No objection to this proposal subject to it being undertaken in accordance with the submitted arboricultural report, an appropriate condition should be used for this purpose. Whilst a number of trees are proposed for removal they are generally of low amenity value and should not be considered a constraint. However, Silver maple T5 does contribute moderately to the character of the area and if it cannot be incorporated as part of the design then mitigation, in the form of significant replacement planting should be provided.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- Parking is a problem on Noyes Avenue, particularly at night and weekends.
 - There is already a reasonable number of smaller affordable homes in the village.
 - Do not consider young people should be encouraged into the village as they will require jobs in an area with few opportunities and the absence of daily public transport at the times of the day suitable for a working person.
 - If development must happen on this pleasant open space then would suggest a pair of retirement bungalows, which is more in keeping with the local area.
 - It is misleading to state that these houses will be for Laxfield residents, they

will be for people off the council list.

- This open space contributes to the character and appearance of the area.
- The development is poor in design and position and there are other more appropriate sites for development.
- The development will overlook my rear garden.
- The current plans show that the refuse and recycling bins will be along our boundary and we cause health implications i.e. smell etc..
- The loss of this grass area will result in the loss of a safe play space for our young children particularly given our small rear garden.

ASSESSMENT

8. The core planning considerations raised by this application are:

- The principle of development
- Affordable Housing need
- Character and appearance of the area
- Highway matters
- Impact on residential amenity
- Arboricultural implications
- Biodiversity

The principle of development:

The application site is situated within the settlement boundary for Laxfield as defined by Inset Map No. 49 of the Mid Suffolk Local Plan (1998). Laxfield has been designated as a 'Primary Village' by Policy CS1 "Settlement Hierarchy" of the Mid Suffolk Core Strategy DPD (2008). Primary Villages are regarded as ones which are *"capable of limited growth where local need has been established"*. On this basis the principle of residential development on this site is acceptable as it is considered a sustainable location.

Affordable Housing Need:

Across the Babergh and Mid Suffolk District a combined total of 1,000 local authority homes have been sold under the 'Right to Buy' since 1999. This application is in line with the Council's ambition to replace some of the affordable homes that have been lost.

There is currently no Parish Plan or Village Design Statement for Laxfield. A local housing needs survey was completed by Suffolk Acre (now known as Community Action Suffolk) in 2009 on behalf of the Parish Council. The response to that survey was that 90% of respondents were in favour of additional affordable houses of the village and the survey also highlighted the suggested need for 1 and 2 bedroom properties.

The most recent update of the Strategic Housing Market Assessment was completed in 2012 which confirmed a minimum annual net need of 229 affordable homes per annum. The properties proposed under this application are to address in part that need. Specific to Laxfield is the choice Based Housing

Register in January 2014 which showed 7 active applicants registered for Laxfield, of which 1 applicant was seeking a 1 bedroom property and 6 applicants were seeking 2 bedroom properties. On a wider district level the Choice Based housing register need for Mid Suffolk in December 2014 showed 914 applicants of which 468 wish for a 1 bedroom property and 316 seek a 2 bedroom property. There is evidently need for affordable housing in both Laxfield and across the Mid Suffolk district, this application if granted would assist in delivering housing to address this identified need.

In order to safeguard dwellings for future affordable occupancy it is usually appropriate to secure a Section 106 obligation to that effect. There is a potential risk of future tenants becoming eligible to exercise a "Right to buy" which would remove the dwellings from the affordable stock. The Council is not able to enter a Section 106 planning obligation with itself and your Officers are taking legal advice as to the proper method by which to address this risk. A verbal update will be given at your meeting.

Character and appearance of the area:

Noyes Avenue is characterised by a combination of single storey and modest two storey terrace and semi-detached dwellings constructed in brick and render. Noyes Avenue is a no through road. The application site is currently a vacant piece of land laid to grass.

The layout of the development has been amended at Planning Officers suggestion to provide an improved layout with the repositioning of the bin store to serve the flat development and changes to the parking arrangement and green space.

The flat development fronts the highway providing a frontage to the street. Whilst the development is two storey there is a separation distance of 13 metres between the proposed flat development and the front part of Hartismere House. It is considered that this separation distance is sufficient to ensure that the development would sit comfortably within the street scene even with the change in scale of development. To the east lies No. 30 Noyes Avenue which is a two storey dwelling and there is a separation of 5 metres to the proposed flat development. Along Noyes Avenue is a mixture of single and two storey dwellings and as such the two storey development is reflective of this scale of development. The flat development will be constructed in materials that are also reflective of those used within the immediate locality and the wider Mid Suffolk district.

The existing access drive, which serves a small parking area for Hartismere House, is to be used to serve this development. On site parking for the flats and an enclosed bin enclosure are provided to the west of the flat block. The communal area for the flats lies to the rear of the flat development and provides approximately 180 square metres, providing a good level of amenity space. An existing tree is to be retained in the southwest corner of the site which will assist in providing some soft screening to the bin enclosure.

The pair of semi-detached dwellings are situated within the centre of the site and face west towards Hartismere House. These will be seen from the road but will be partially screened when viewed from the east by the frontage flat

development. The development will face towards Hartismere House and have rear gardens of approximately 90 and 180 square metres respectively. The dwellings have a height which would not be dominating within the locality. The dwelling is of a simple style and materials reflective of the locality.

There has been an objection to the development on the basis that the development of this piece of open land would be detrimental to the character and appearance of the locality. The site is not designated as Visually Important Open Space. It is not considered that the loss of this green space would harm the prevailing character and appearance of this area given it is a residential development within a residential context.

Impact upon the Conservation Area and designated Heritage Assets:

The application site is partially within the Laxfield Conservation Area. The local planning authority has to a duty to ensure that the character and appearance of Conservation Area is either preserved or enhanced by a development. The layout, design and materials of this proposed development is in keeping with that in the locality and as such preserves the character of this Conservation Area.

The Heritage Officer has advised that there is a vista of the Grade I listed church which will be obscured by the development from Noyes Avenue but there are extensive views elsewhere of the church from alternative locations around the village both inside and outside the Conservation Area. The view out of the churchyard and Church will not be compromised or harmed as a result of the proposed development. As such there is no objection to the development as it would not harm the setting of the designated heritage asset.

Highway matters:

It is proposed to utilise an existing access on to Noyes Avenue which currently serves Hartismere House. The Highway Authority were consulted on the application and have recommended refusal on the grounds that the required visibility splays of 2.4 metres by 43 metres in each direction cannot be achieved in the west direction. From the site visit it is evident that there is a hedge and a 1.8 metre high close-boarded fence as part of Hartismere House development. A revised site location plan has been submitted which identifies that this land is in the ownership of the Council and as such can be controlled. This would mean that the required visibility splays can be achieved in both directions overcoming the recommendation of the Highway Authority.

The parking levels for the development are set at 1 space per one bedroom flat and two spaces per two bedroom dwelling plus a further four parking spaces. These levels are above the parking standards adopted by Suffolk County Council in 2014. On this basis the local planning authority are satisfied that the parking standards has been met for the development.

There have been objections raised to the development on the grounds of the impact upon on street parking. Whilst this concern is acknowledged this is an existing situation and as the development provides a level of off street parking above required by the Highway Authority's parking standards a refusal on insufficient parking would not be justified.

Impact on residential amenity:

There are residential properties surrounding the application site. There are windows in the front and rear elevations of the flat development. At the front the windows will look over the highway. At the rear the windows will face towards the proposed dwelling development. There is a separation of 10 metres from the rear elevation of the flat development to the boundary with the semi-detached properties. This will provide sufficient separation to ensure that the occupiers of the proposed pair of semi-detached dwellings would not be adversely affected by overlooking. This separation distance is in line with those on modern developments. There are windows in the side elevations but these will be serving the stairwells, given their size and the fact these spaces are for access purposes only it is not considered it would give rise to overlooking of neighbouring properties.

The pair of semi-detached properties face towards Hartismere House where there is a 15 metre separation between the existing and proposed development. Hartismere House is in the Council's ownership. It is considered that given the separation distance, the scale of the development and the orientation on the plot there would not be a harmful impact upon the residents of Hartismere House by reason of overlooking, dominating or overshadowing.

The rear gardens of the semi-detached properties have a depth of 15 metres. The rear elevation of the pair of semi's will look towards the property known as Church View. Church View is single storey but there is 35 metres between the existing dwelling and the proposed development which provides sufficient separation distance to avoid harm to the occupiers of Church View.

The occupier of No. 30 Noyes Avenue has objected to the proposal on the grounds that the development would overlook their small rear garden. There is 16 metres between the rear elevation of the closest semi-detached property to the rear boundary of 30 Noyes Avenue. The properties are at right angles and this separation distance is in line with that of modern developments. It is therefore not considered that there would be an unacceptable harm by reason of overlooking of this property. However, its a safeguard against two storey extensions constructed under permitted development having an adverse effect on amenity, those rights are removed by condition in addition to those for additional openings on the first floor on the north and south elevation.

The occupiers of No. 30 Noyes Close have also objected to the positioning of the refuse bins adjoining their property boundary due to potential odour and smell nuisance. A revised layout plans has been submitted which has placed the shared bin storage next to the parking space away from No. 30 Noyes Avenue. There are still cycle storage along this shared boundary but this is not considered to result on adverse noise implications fro the occupiers of this property.

It is noted that Orchard Cottage currently looks onto this open piece of land. There is no right to a view in planning terms. The design and orientation of the pair of semi-detached dwellings ensures there would not be overshadowing or overlooking of this property. A 1.8 metre high boundary wall has been proposed around the parking area to provide some noise attenuation from that generated by manoeuvring and parking of vehicles. The remainder of the common

boundary with the application site and Orchard Cottage is a 1.8 metre high hit and miss fence.

It is concluded that whilst there may be some impact to those properties adjoining the application site this is not considered to result in unacceptable harm that would justify the refusal of the application.

Arboricultural Implications:

The application site is predominantly laid to grass but there are a handful of trees on the site. An arboricultural implication report was submitted as part of the application. The Council's Tree Officer has reviewed this report and has raised no objection to the development. It is acknowledged that a number of the trees on site will have to be removed to accommodate the proposed development. The Tree Officer has advised that these trees are generally of low amenity value, the only tree that moderately contributes to the character of the area is a Silver Maple. Unfortunately this cannot be retained as part of the development but additional landscaping is to be provided around the parking area in the northern part of the site. This additional landscaping will soften the development and can be secured by planning condition.

Biodiversity:

The development did not trigger the need for a biodiversity report to form part of the application submission.

Contamination:

The application was accompanied by a desk top contamination report and land questionnaire. This identified that there would not be any harm to the occupiers of the proposed development.

Code for Sustainable Homes:

The Strategic Housing Team has provided the following comments with regard to the position on the construction of the dwellings proposed under this application:

"The Code for Sustainable Homes, code levels, are obsolete with effect from 1 April 2015. Therefore all new Council homes will be constructed to the Council's Housing Design Brief. This standard includes all current best practice design and construction guidance, such as those set by the Homes and Communities Agency and Lifetime Homes Standards. Following consultation with the Council's Development Partner, Havebury Housing Partnership and other Housing Association colleagues, Officers confirm that a 'fabric first' approach to Council house building will provide benefits to both the Council and our Tenants. This concentrates on improving energy efficiency levels by maximising the insulation properties of the actual building. This together with Lifetime Homes Standards will ensure high quality well designed homes with low running costs. Lifetime Homes achieves this through design improvements, ensuring the long term flexibility of homes for the benefit of their occupants, by for example reducing future adaptation requirements and costs."

Other matters:

It has been raised that the loss of this green space removes a play space for children. This is not a designated play space it is land owned by the Council. Furthermore the local recreation ground is located close by.

Conclusion:

The proposed development would provide needed small scale affordable dwellings. The layout and design of the dwelling are suitable for this site and would not cause unacceptable harm to the character and appearance of the Laxfield Conservation Area or that of the locality nor would there be unacceptable harm to other residential properties. A safe vehicular access can be achieved and parking satisfies adopted standards. The development is considered to be in accordance with the relevant development plan policies and the objective of the NPPF.

RECOMMENDATION

That on the satisfactory completion of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 securing the properties for affordable rent, powers to grant Full Planning Permission with conditions covering the following matters be delegated to the Corporate Manager (Development Management):

- Time limit
- As approved plans
- Materials to be agreed
- Visibility splays
- Parking and turning spaces to be functionally available and retained as such
- Parking spaces and turning spaces to be clearly marked on site
- Archaeology.
- Boundary treatments and other means of enclosure to be installed before first occupation
- Development to accord with AIA
- Landscaping to be agreed and implementation
- Noise level specification of air source heat pump units to be agreed.
- Permeable surfacing materials to hard surfaces
- Removal of permitted development rights on dwellings
- Full details of bin store and implementation

Philip Isbell
Corporate Manager - Development Management

Lisa Evans
Planning Officer

APPENDIX A - PLANNING POLICIES

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

Review

Cor1 - CS1 Settlement Hierarchy

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

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

HB13 - PROTECTING ANCIENT MONUMENTS

HB8 - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS

HB9 - CONTROLLING DEMOLITION IN CONSERVATION AREAS

HB1 - PROTECTION OF HISTORIC BUILDINGS

CL8 - PROTECTING WILDLIFE HABITATS

H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

H3 - HOUSING DEVELOPMENT IN VILLAGES

H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

H16 - PROTECTING EXISTING RESIDENTIAL AMENITY

T9 - PARKING STANDARDS

T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

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 2 interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

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