

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 03 June 2015

AGENDA ITEM NO 1
APPLICATION NO 0547/15
PROPOSAL Outline planning permission for a three bedroom detached bungalow
SITE LOCATION Market House, Low Street, Hoxne
SITE AREA (Ha) 0.16
APPLICANT Mr Smith
RECEIVED February 11, 2015
EXPIRY DATE April 9, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) The Head of Economy considers the application to be of a controversial nature having regard to the location and nature of the application

PRE-APPLICATION ADVICE

1. No formal pre application advice was given prior to the submission of this application.

SITE AND SURROUNDINGS

2. The application site relates to part of the extensive gardens and land associated with the listed Market House. The site extends to 0.16 hectares and is currently an established garden. The land slopes upwards west to east. There are a number of trees on the site. The site is accessed by an existing access off Low Street which serves Market House, No. 77 Low Street and Uptops.

The application site is situated to the rear (east) of Market House and other listed and non-listed buildings which front Low Street and Church Hill. It is located just outside the Conservation Area. Hoxne Low Street has not retained its settlement boundary and the site is located outside the boundary that was formerly defined within the Local Plan. As such the site is countryside for the purposes of planning.

HISTORY

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

PROPOSAL

4. Outline planning permission is sought for the erection of a detached three

bedroom bungalow. Matters to be considered at this time are the means of access and the scale. The appearance, layout and landscaping are reserved for subsequent approval. A block plan was submitted as part of the application which is indicative only with the exception of the means of access.

This indicative plan identifies that a bungalow could be located centrally within the plot with parking and turning provided to the front of the dwelling. It identifies the eaves and ridge height of the proposed dwelling relative to the two existing dwellings that are sited to the north and south of the application site.

The application was accompanied by a supporting planning statement, Heritage Statement, Arboricultural Impact Assessment and desk top contamination report.

POLICY

5. Planning Policy Guidance

See Appendix below.

CONSULTATIONS

6. *This is a summary of the representation received. See agenda bundle for full responses.*

- **Parish Council:** It was noted that the plot was outside of the current settlement boundary for the village but the proposed bungalow would be positioned almost exactly opposite two existing bungalows. It was agreed to recommend support for the application.
- **SCC Highways:** Recommends that any permission should include conditions relating to parking and manoeuvring.
- **Environmental Health (Land contamination):** Have reviewed the application and can confirm that I have no objections with respect to the application. I would request that the Environmental Protection team is contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.
- **Heritage Officer:** No harm to adjacent listed buildings or the adjacent conservation area, however as this is just an outline application the full extent of the impact of the development cannot be assessed. The principle of a bungalow type dwelling in this location is acceptable built to a suitable design needs to be agreed prior to a full application being submitted.
- **Archaeological Service:** There would be no significant impact on known archaeological sites or areas with archaeological potential. No objection to the development and do not believe any archaeological mitigation is required.
- **Suffolk Fire and Rescue:** Advisory comments regarding building control

regulation.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received:

1 letter of objection has been received, which can be summarised as follows:

- The development of a dwelling in the rear garden is contrary to planning controls in this village.
- Other applications for similar developments in the past have been refused.
- If this permission were granted it would set a precedent for other gardens to be developed, which would not be welcomed in the village.

1 letter of support which believes that any development by Mr and Mrs Smith would be very well planned and in good taste.

ASSESSMENT

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

- The principle of development
- Impact upon Heritage Assets
- Impact upon highway safety
- Impact upon residential amenity
- Impact upon landscape and trees
- Contamination

- The principle of development:

The site is located outside of the settlement boundary of Hoxne Cross Street. As such the site is located within the Countryside where Policy CS2 of the Mid Suffolk Core Strategy applies. This states that development in the Countryside will be limited to various categories of development. Market residential dwellings are not one of the categories of development acceptable in the Countryside and therefore the proposal would not comply with Policy CS2.

However, pertinent to this application the NPPF states that if a development plan is not up to date or in compliance with the NPPF it can be set aside to allow sustainable development. In particular paragraph 49 of the NPPF states that

Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

The NPPF states that districts should have a 5 year land supply plus an appropriate buffer. Mid Suffolk's land supply was a key issue at an appeal for the site of G.R Warehousing in Mendlesham. The conclusion of that appeal was that it was acceptable for Mid Suffolk to calculate housing supply yearly in April and for the year starting 1st April 2014 the land supply was 5.5 years. However

this needed to be recalculated as of the 31st March. For the purposes of this report the housing land supply was recalculated in January 2015 and was calculated to be 4.2 years. This undersupply amounts to approximately 400 houses to be considered acceptable.

Given that Mid Suffolk cannot demonstrate a 5 year housing supply it is considered that Policy CS2 and the housing policies on land supply should be not considered to be up to date. The NPPF nevertheless requires that the development must be considered to be sustainable in order to be acceptable. The National Planning Policy Framework (2012) has a core principle to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable*". The thrust of these policies is to reduce the need to be reliant on the private car.

Therefore fundamental to this application is whether it can be regarded as representing sustainable development.

Sustainability:

The application has been accompanied by a planning statement which has included a section on whether the proposed development, by reason of its location, represents sustainable development. This statement has set out that the application site is within close proximity to the following:

- * Village shop and post office (120 metres)
- * Public House (160 metres)
- * Church (360 metres)
- * Bus stop (120 metres). This bus stop has a regular bus service to Diss, Eye and Framlingham

The above can be accessed by a pedestrian footpath with street lighting.

- * Primary School and playing fields (1 mile)
- * Bus service to the high school, bus stop (120 metres)
- * Community groups and activities including pre-school, football club, cinema nights and theatre groups.

The supporting statement has also made reference to Hoxne Parish Plan (2010) which seeks "*to lobby planning authorities to achieve new house building at the rate of two per year*" and "*lobby planning authorities to approved new building primarily on remaining infill sites*". The applicant has also highlighted that whilst Low Street has been excluded from the Mid Suffolk Core Strategy DPD (2008) in retaining its settlement boundary, Hoxne Village has been designated as a Primary Village in the settlement hierarchy (Policy CS1).

Your Officers have to be mindful that at this time the Mid Suffolk District is without a five year Housing Land Supply. Under this current context those sites, which would be defined for planning purposes as countryside and would normally be refused have to be considered to determine if they would represent sustainable development and would add to the required housing land supply for the district.

Your Officers have carefully considered the context of this site, in particular the

facilities that would be available to the occupiers of the proposed dwelling. The details above identify that there are facilities available that are within a reasonable walking distance and can be accessed by a lit footway. These facilities would allow for the occupiers to access a number of facilities or services required in a typical day without the need for the reliance on the private car. Taking all of these factors on board, the Mid Suffolk District Council's current 5 year Housing Land Supply and the NPPF position on this matter it is considered that this development would represent sustainable development and under these particular circumstances the principle of residential development can be supported.

- Impact upon Heritage Assets:

This application is for outline planning permission, with the means of access and scale to be considered at this stage. The Local Planning Authority does have the ability to direct for more information when it is considered necessary for the application to be determined. Careful consideration was given to whether it was necessary and reasonable in this instance to direct the applicant to provide more information within the application. Your Officers concluded that at the time of the application submission the issue of the principle of development was a fundamental consideration and one which would have to be carefully considered in the current circumstances. In combination with the extent of separation distance to the listed buildings that it was considered, in this particular instance, it was not necessary nor reasonable to direct for further information and that the impact upon heritage assets could be adequately considered on the basis of the information submitted.

The application seeks outline planning permission to erect a dwelling on the former garden land associated with Market House, which is a Grade II listed building, dating from the seventeenth century. The development would not be within the immediate curtilage of this listed building and would not involve any subdivision of the existing plot. As such it is not considered that there would be any direct harm to the setting of Market House.

There are other listed buildings in this part of Hoxne whose wider setting would be affected by this proposal. The Council's Heritage Officer has advised that there will be obscure views of the development site from these designated Heritage Assets but provided the dwelling is of a high quality design and recessive it could be sympathetically designed to ensure the setting of these listed buildings are not harmed.

Given the proposal is for a single storey dwelling your Officers are satisfied that a well designed dwelling could be achieved without harm to the designated and undesignated heritage assets in the locality. This permission would only agree the principle of a dwelling, thus still allowing the ability to refuse an unacceptable development at the reserved matters stage.

The site lies adjacent to the setting of the Conservation Area. There is already backland development either side of the application site. It is considered that a well designed dwelling would sit comfortably on the site and would not cause harm to the prevailing character and appearance of the Conservation Area.

- Impact upon highway safety:

This application for outline planning permission seeks to have agreement of the means of access at this time. It is proposed to use the existing access which currently serves three properties (Market House, No. 77 Low Street and Uptop).

It is noted that there are dwellings either side of this access which does, in part restrict the visibility when exiting the access. The access first crosses a pedestrian footpath, and its existence is clearly evident by those using it. It is considered that one additional dwelling off this access would not be prejudicial to pedestrian safety. Once the vehicle meets the vehicular highway the visibility is good and sufficient to ensure safe egress.

The Highway Authority, having considered the application, do not wish to restrict the grant of outline planning permission but would seek a condition to secure parking and manoeuvring space. This can be secured by a condition on the outline planning permission.

It is considered that the use of the access by an additional dwelling would not be prejudicial to either pedestrian or vehicular highway safety and that adequate parking and manoeuvring spaces can be achieved within the application site and secured by a planning condition.

- Impact upon residential amenity:

Careful consideration will need to be given to the detailed design of the dwelling at the reserved matters stage with regard to the impact upon residential amenity. However the application is seeking a single storey dwelling on a large plot, where there is plenty of opportunity to design out any potential amenity issues. It is noted there are properties (Bramley and Uptop) to the north and south of the site but there are no properties to the east and a 55 metres separation distance from the rear elevation of Market House to the application site. Given this context your Officers are satisfied a dwelling can be designed to ensure the amenities of the occupants of the surrounding residential properties are not adversely affected by the proposal.

Consideration has been given to the additional vehicular movements and the impact that this would have upon the occupiers of 77 Low Street as there is a first floor window in the side elevation, facing this access. It is considered that one further dwelling would not create a significant material increase in the number of vehicular movements to cause an unacceptable level of noise or disturbance to the occupiers of this property.

- Impact upon landscape and trees:

The application site is an established informal garden with a number of mature trees. An Arboricultural Impact Assessment formed part of the application submitted. This has identified, categorised and plotted the trees on a plan. An indicative layout plan has been submitted as part of the application site. Using this as a guide the AIA has concluded that three trees would need to be removed but replacement trees could be planted. As layout and landscaping are reserved for subsequent approval these conclusions may alter. However the

Council's Tree Officer has read the AIA and confirmed that the trees proposed for removal are of limited amenity value and as such has not raised an objection to the proposal. Conditions will need to be appended to the outline planning permission to ensure a revised AIA assessing the proposed development as sought under the reserved matters stage.

- Contamination:

The application was accompanied by a desktop contamination report and site walkover questionnaire. This identified that the site was unlikely to be designated as "contaminated land". The Council's Environmental Health department has confirmed that they do not wish to object to the application. It is concluded, on the evidence to hand, that there would be no harm to the occupiers of the proposed dwelling by reason of contaminated land.

- Conclusion:

Under the particular circumstances surrounding the 5 year Housing Land Supply and the accessibility to local services the proposed development is considered to represent a sustainable form of residential development. The proposed development is concluded to not cause any unacceptable harm to designated heritage assets, the Hoxne Conservation Area, residential amenities, highway safety or landscaping. The layout, design and appearance of the dwelling will be a matter for later consideration at the reserved matters stage.

RECOMMENDATION

That Full Planning Permission be Granted subject to conditions covering the following matters:

- Time limit for submission of reserved matters
- Reserved matters 'layout, appearance, landscaping'
- Concurrent with the reserved matters submission revised AIA
- Hard and soft landscaping and implementation to be agreed
- Parking and manoeuvring space to be agreed
- Finished floor levels as specified
- Single storey only
- Materials to be agreed
- Boundary treatments to be agreed
- Foul water to main sewer
- Details of surface water drainage to be agreed

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
Cor2 - CS2 Development in the Countryside & Countryside Villages

2. **Mid Suffolk Local Plan**

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT
HB1 - PROTECTION OF HISTORIC BUILDINGS
HB8 - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS
T9 - PARKING STANDARDS
T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
H3 - HOUSING DEVELOPMENT IN VILLAGES
H7 - RESTRICTING HOUSING DEVELOPMENT
H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
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 **1** interested party(ies).

The following people **objected** to the application

The following people **supported** the application:

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