

Committee Report

Item No: 5

Reference: DC/18/01442

Case Officer: Simon Smith

Ward: The Stonhams.

Ward Member/s: Cllr Suzie Morley.

Description of Development

Outline Planning Application - Erection of 1 No detached dwelling (all matters reserved).

Location

1 Stone Cottages, Creeting Hills, Creeting St Mary, Ipswich Suffolk IP6 8PZ

Parish: Creeting St. Mary

Site Area: 1000 m²

Conservation Area: No

Listed Building: No

Received: 04/04/2018

Expiry Date: 31/05/2018

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment:

Applicant: Mrs G M Johnson

Agent: Mr Ben Elvin

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number SITE PLAN1 received 04/04/2018 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 SITE PLAN 1 - Received 04/04/2018

Application Form 1 - Received 04/04/2018

Site Location Plan 1 - Received 04/04/2018

General Details FLOOD PLAN 1 - Received 04/04/2018

Supporting Statement 1 - Received 04/04/2018

Land Contamination Questionnaire 1 - Received 04/04/2018
General Details GROUND SURE 1 - Received 04/04/2018

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

The applicant is related to a member of staff.

PART TWO – APPLICATION BACKGROUND

History

There is no relevant planning history.

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

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS5 - Mid Suffolk's Environment
GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution.
CL8 - Protecting wildlife habitats
T9 – Parking Standards
T10 – Highways Considerations in Development Control
RT12- Footpaths and Bridleways
SB02 - Development appropriate to its setting
CSFR-FC1 Presumption in Favour of Sustainable Development
CSFR-FC1.1 Mid Suffolk Approach to Delivering Sustainable Development
NPPF

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

Creething St Mary PC: No objection

SCC PROW – No Objections

Env Health: No objection subject to condition.

Heritage team: No comments to make.

SCC Highways: No objections subject to conditions.

B: Representations

None received.

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.

Details of Amended Plans and Negotiations

The application was not subject to receipt of amended plans or other additional documents during the course of determination.

Site and Surroundings

The site is currently garden land utilised by 1 Stone Cottages with the site located adjacent to a pair of semi-detached units with a scattering of residential units located off “Creething Hills”. The proposed development is outside of any defined settlement. The site is occupied by ancillary domestic structures.

The Proposal

The applicants are applying for outline consent with all matters reserved for a detached residential unit.

Principle of Development – Previously Developed Land

The National Planning Policy Framework states –

“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

The Court of Appeal in the case between Dartford Borough Council and Sharpe Pritchard LLP (case No. C1/2016/1664) confirmed that land “*within the curtilage of permanent structure*” is classed as previously development land.

The site forms part of the private garden of curtilage of 1 Stone Cottages and as such is previously developed land, with development here acceptable in principle.

Principle of Development – Sustainable Development

The Council cannot presently demonstrate that it has a 5-year land supply of deliverable residential sites; in accordance with the National Planning Policy Framework (NPPF), policies in the development plan pertaining to the supply of housing should therefore be considered as being “*out of date*”.

At the heart of national planning policy is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking (see para. 14, NPPF). Paragraph 14 further states that for decision-taking purposes this means that “*where the development plan is absent, silent or relevant policies 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*”.

Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental, and that these roles are mutually dependent and should be jointly sought to achieve sustainable development. The proposal therefore must be determined with regard to sustainable development as defined by the NPPF.

In terms of the schemes impact the social benefits of the proposal will help in a small way to provide housing for the District which has not got a five-year housing land supply, and in turn support local services and facilities.

With regard to the economic benefits of the scheme the construction of a new dwelling and the occupancy of it will bring a benefit to the local economy both at construction and occupation stage, albeit limited to one dwelling.

With regard to the environmental issues pertaining to the site, the site is currently “brownfield” having been developed for ancillary garaging and as it forms part of an established residential

curtilage. There is a presumption in favour of development on brownfield land as stated in the NPPF.

With regards to access to local services the site has access to local services in Creting St Mary there is a school, farm shop, church, social club, public house, village hall and playing fields. The site is also within close proximity to Needham Market with access to those services by other sustainable options (cycling and bus services) as well as the train services from Needham Market, which offer alternative options and help to reduce the reliance on the car. As such the proposal would not generate significant car usage in the locality over and above the existing situation. When one balances this with the development site being brownfield there is a small gain in that the development will reduce the need for a new green field site.

To conclude and in weighing up the above I find the proposed development to be sustainable development without adverse impacts to outweigh the benefits such that the proposal should be considered acceptable in principle.

Design and Layout

The proposal is for outline planning permission for a detached unit with all matters reserved. The detailed design of the scheme will be considered at the reserved matters stage.

Highway Safety (Parking, Access, Layout)

The Suffolk County Council Highway Officer has no objection to the proposal subject to conditions and this assessment is agreed with by the case officer. There are no impacts on highway safety significant to warrant refusal.

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. The detailed assessment again remains one for the reserved matters stage, however sufficient space is available on site for the proposed detached dwelling without unacceptable impacts on neighbour amenity, subject to the agreement of detailed design at reserved matters stage.

Biodiversity.

At present there are no ecological assets in the locality that would indicate that the proposal would cause harm to protected species or biodiversity. Landscaping forms part of the reserved matters and biodiversity enhancements could be sought at that stage to ensure that the site does not have a detrimental impact in this regard.

Contaminated Land Issues.

Although the site is within 250m of a former landfill site the Environmental Health officer has no objection subject to the imposition of a condition requiring the submission of a strategy for investigation of contamination (including ground gases) and subsequent reporting, remedial works, and confirmation of these works being carried out. This scheme will be sent to the Council and approved in writing prior to the commencement of work. This condition has been duly attached.

PART FOUR – CONCLUSION

The proposed development is not considered to result in any significant adverse impact on highway safety, residential amenity, heritage assets, or biodiversity, and as such approval is recommended.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and well being of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Outline planning permission subject to conditions including:

- Time Limit
- Reserved matters
- Approved plans
- Foul and surface water drainage
- Parking provision
- Bin Storage and Presentation
- Contamination Report