

## **Committee Report**

**Item No: 3**

**Reference:** DC/18/04264

**Case Officer:** Alex Scott

**Ward:** Elmswell & Norton.

**Ward Member/s:** Cllr John Levantis. Cllr Sarah Mansel.

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## **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Outline Planning Application (Access to be considered) - Erection of up to 6no. dwellings with garages and construction of new vehicular access

### **Location**

Land South Of Field View, Ashfield Road, Elmswell, Bury St Edmunds Suffolk IP30 9HJ

**Parish:** Elmswell

**Expiry Date:** 15/03/2019

**Application Type:** OUT - Outline Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Mr And Mrs R And F Gooding

**Agent:** Phil Cobbold Planning Ltd

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

- Member Call In

### **Details of Previous Committee / Resolutions and any member site visit**

None

### **Has a Committee Call In request been received from a Council Member?**

Yes - (Councillor Mansel)

### **Details of Pre-Application Advice**

None

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CL08 - Protecting wildlife habitats

### **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**

##### **Elmswell Parish Clerk**

Urge Refusal - Consider this to be a most unwelcome and unnecessary intrusion into the countryside with no redeeming features which might make it sustainable in Planning terms.

##### **Environmental Health - Land Contamination**

Consider further land contamination assessment required.

##### **SCC - Highways**

No objection - Subject to compliance with suggested conditions.

##### **Heritage Team**

Recommend alterations to the indicative scale, massing and detailed design of the proposals, by reducing their scale and the overly varied aesthetic. There should be a more coherent approach to the detailed design, with some variation in form and articulation for visual interest but a reduced material palette which reflects traditional examples in the vicinity and ties the development together.

## **MSDC - Planning Policy - Contrary To Dev Plan/Departures**

No comments received.

## **Suffolk Wildlife Trust**

No comments received.

## **Arboricultural Officer**

No comments received.

## **SCC - Archaeological Service**

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the NPPF any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

## **B: Representations**

Two objections received based on the following grounds (summary):

\*Highway safety concerns.

\*Strain on infrastructure

\*Site is not car dependent as contended in Planning Statement

## **PLANNING HISTORY**

**REF:** 0611/96/                      ERECTION OF HOUSE AND GARAGE ON                      **DECISION:** GTD  
AMENDED SITE FOLLOWING GRANT OF  
PLANNING PERMISSION 285/96.

**REF:** 0285/96/                      SEVERANCE OF GARDEN FOR ERECTION                      **DECISION:** GTD  
OF NEW HOUSE AND GARAGE WITH  
NEW VEHICULAR ACCESS

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site extends to approximately 0.4 ha and is located on the eastern side of Ashfield Road, beyond the northern fringe of Elmswell. Elmswell is designated as a 'Key Service Centre'. The village settlement boundary is approximately 360m south of the site.
- 1.2. The site comprises agricultural land, forming part of a larger arable field. A hedgerow extends the length of the site's frontage to Ashfield Road. To the north and south is residential development. To the west, on the opposite side of Ashfield Road, is a mix of dwellings and agricultural land.

- 1.3. The site is not in, adjoining or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. Dagwood Farmhouse, Grade II listed, sits southwest of the site. There are no other designated heritage assets near the site.
- 1.4. The site lies within Environment Agency Flood Zone 1, outside of any area at significant risk of flooding.

## **2. The Proposal**

- 2.1. The application seeks outline planning permission, with all matters reserved save for access, for the erection of up to 6 no. new dwellings on the site, with garages, and for the construction of a shared vehicular access to Ashfield Road.
- 2.2. Indicative information provided with the application indicates that the dwellings would be served by a single access located central to the site frontage, with an internal private driveway extending the length of the site. The indicative plan shows a linear layout of development, with detached dwellings addressing the internal private driveway. Whilst scale is not a matter for consideration, an indicative street scene shows five two storey dwellings and a bungalow at the northern end of the site. Frontage vegetation, including the hedgerow and small cluster of trees, is retained, except where the single access is proposed.

## **3. The Principle Of Development**

- 3.1. Paragraph 73 of the National Planning Policy Framework (2018) states that: “Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old”. Furthermore, paragraph 11 d) of the NPPF states that “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of the policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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”. NPPF footnote 7 states that “This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites “.
- 3.2. It is not considered that Mid Suffolk District Council currently has a five year supply of deliverable Housing, and as such the relevant planning policies contained within the existing development plan are considered to be out of date, as per the consideration of the NPPF (2018).
- 3.3. Furthermore, the proposal site is considered to lie within the settlement pattern of an existing village and is not considered to be isolated as per the meaning in paragraph 79 of the National Planning Policy Framework (July 2018).

- 3.4. In terms of an assessment of sustainability, future occupants would have access to a good range of services and facilities afforded by Haughley Village, designated a key service centre in the existing development plan, which the proposed development would in turn serve to support. In addition the proposal site lies less than 4 kilometres from the centre of the nearby Town of Stowmarket, itself served by regular train services to higher order settlements, including Ipswich and Bury St Edmunds, which would be viable for employment purposes.
- 3.5. On the basis of the above considerations, the principle of new dwellings on the site is considered acceptable, subject to acceptability when assessed against all other material planning considerations. Those considered most relevant to the development proposal are set out below:

#### **4. Design, Layout and Impact on Landscape**

- 4.1. The proposed development would infill an existing break in the linear pattern of development, to the east side of Ashfield Road extending to the north of the village from Blacksmiths Way to Grove Lane.
- 4.2. The proposed location of the development and indicative layout are considered to reflect and respect the existing linear pattern of development along Ashfield Road. In this respect the proposal is, therefore, considered to be acceptable in terms of the existing village and street scene character.
- 4.3. Further assessment with regards the final layout, scale and appearance of the proposed development would be required as part of a future reserved matters submission.
- 4.4. The proposal would effectively square off an existing field and, with existing housing development adjacent to both the north and south, is not considered to represent an excessive intrusion into open countryside. It is expected that a suitable scheme of soft landscape planting will be proposed as part of reserved matters, particularly to the eastern/rear site boundary, as indicated.

#### **5. Heritage Assets**

- 5.1. The nearest designated heritage asset is the Grade II listed Dagwood Farmhouse that is located southwest of the site, on the opposite side of Ashfield Road. Your Heritage Officers consider the impact on the setting of this asset to be negligible. Your Heritage Officers advise changes to the indicative plans received in respect to scale, massing and detailed design at a reserved matters stage. It is expected that these comments are considered by the applicant and suitably inform the relevant detail at a reserved matters stage, should outline permission be granted.
- 5.2. The proposed development site also lies in an area of archaeological potential recorded on the County Historic Environment Record. The plot fronts onto an ancient route as indicated by a number of extant Medieval and early Post-Medieval buildings along it.
- 5.3. The County Archaeological Unit report that Cropmarks of premodern field systems are visible on aerial photography and activity of Prehistoric, Roman, Anglo-Saxon and Medieval date is suggested by finds recorded in the wider vicinity. It is considered that there is potential for the discovery of below-ground heritage assets of archaeological importance within this area, and

groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

- 5.4. The County Archaeological Unit advise that there are no grounds to consider refusal of planning permission to achieve preservation in situ of any important heritage assets. However, in accordance with the provisions of the NPPF, any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

## **6. Highway Safety**

- 6.1. Access is a matter sought for full approval as part of this application. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.
- 6.2. Paragraph 108 of the NPPF (2018) states, inter alia, that in assessing specific applications for development it should be ensured that: safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.3. Furthermore, paragraph 109 of the NPPF (2018) provides that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.4. The Local Highway Authority has been consulted on the application and raises no objection to the proposed access arrangement. The LHA make no mention of any concerns regarding the capacity of the road network, but is aware of the various local concerns and road limits having explored the capacity of the network in respect of housing applications across the Parish. The road geometry is such that visibility at the proposed access is standard compliant. It is considered that the conditions recommended by SCC Highways are achievable and meet the requirements as set out in the NPPF.
- 6.5. The indicative site layout provided with the application suggests that sufficient space would be available within the site to enable on-site parking to be provided, in accordance with current parking standards provided by the Local Highway Authority, and also sufficient space to enable vehicles to turn on-site and to re-enter the public highway safely in forward gear. Final consideration of detail in this respect would be required as part of a reserved matters submission.
- 6.6. On the basis of the information currently provided the proposed development is not considered to result in an unacceptable impact or severe impact on existing highway safety, subject to agreed details.

## **7. Neighbouring Amenity**

- 7.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. These saved policies are consistent with paragraph 127 of the NPPF which seeks to secure a high standard of amenity for all existing and future occupants of land and buildings, and therefore they are attached significant weight.
- 7.2. Indicative site layout and street scene elevation information provided with the application indicates that the residential amenity of existing neighbouring residents and future occupants can be respected and safeguarded. This element of the scheme is more appropriately assessed in greater detail at a reserved matters stage when details regarding siting, scale and design detail are finalised. Suffice to say at this stage that the scale of the site is enough to ensure suitable distances between dwellings can be achieved so that no unacceptable loss of daylight, sunlight, or overlooking to existing and future residents would occur.

## **8. Land Contamination**

- 8.1. The applicant has provided a desk based contaminated land assessment with the application proposal, carried out by a suitably qualified individual, which concludes that it is not considered that the site would be designated "Contaminated Land" within the meaning of Part 2A of the Environmental Protection Act 1990. A site walkover assessment reveals that the site is currently undeveloped farmland/grazing land with no evidence of contaminating materials present. The site is not, therefore considered to pose a significant risk to future occupants from sources of land contamination.

## **9. Flood Risk**

- 9.1. The application site does not lie within Environment Agency Flood Zones 2 or 3 and is not surrounded by such. Future occupants are, therefore, not considered to be at significant risk of flooding.
- 9.2. Surface water would be disposed of via sustainable drainage systems on the site which should ensure surface water does not discharge off the site, creating flooding issues elsewhere.

## **10. Biodiversity**

- 10.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

- 10.2. The application site is currently a managed agricultural grazing field and is not, therefore, considered to provide suitable habitat for protected and priority species. The application also shows the majority of existing boundary hedgerow planting would be retained and additional planting is indicated which would ultimately benefit ecological species by providing additional habitat opportunities. The proposal is not, therefore, considered to result in a significant negative impact on protected and priority species and their habitats to warrant refusal.

### **11. Planning Obligations / CIL**

- 11.1. The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The Council does not currently benefit from a five year housing supply. The tilted balance at paragraph 11(d) of the NPPF is engaged. The statutory weight attached to local land supply related policies is significantly reduced. The identified conflict with housing supply related policies is not fatal to the application.
- 13.2. Social and economic benefits are not significant, noting the absence of an affordable housing element. Economic benefits are likely to be generated in the short term. The scheme will offer some support to local services in the long term owing to the six households that the development will serve. The scheme will contribute to the local housing stock and this is afforded moderate weight, a positive planning outcome given the housing shortfall.
- 13.3. There would be no appreciable harm to the heritage significance of the nearest designated heritage asset. The proposed access arrangement is acceptable, the development would not be in conflict with Policy T10. Residential amenity is respected. The lack of harm in these respects is a neutral factor in the planning balance.
- 13.4. Although pedestrian journeys to and from the development may be less likely, car journeys are likely to be relatively short given the train and bus services nearby. Cycling is a realistic option. For these reasons, and noting that sustainable transport solutions will vary from rural to urban areas, the weight attached to this harm is limited.
- 13.5. The development scheme is not visually isolated. The development will read as an extension of the existing linear development pattern. The site is of sufficient size to accommodate up to six houses in a manner which can respond respectfully to the rural setting. The loss of rural character is unfortunate however the effects of landscape change will be localised. The street scene impact is mitigated by retention of the frontage hedgerow and by siting the dwellings well back from the road, beyond the internalised driveway. Landscaping is a reserved matter and therefore does not require conditioning on any outline permission that may issue.
- 13.6. Conflict with housing supply related policies is attached less than minor weight as the policies are not up-to-date. The benefits of the scheme are moderate. The identified harm is at a scale that

would not significantly and demonstrably outweigh the moderate benefits, when assessed against the policies in the NPPF taken as a whole. In accordance with the NPPF, planning permission should be granted. The application is therefore recommended for approval.

## **RECOMMENDATION**

That authority be delegated to the Acting Chief Planning Officer - Growth & Sustainable Planning to Grant Outline Planning Permission subject to conditions including:

- Approved Plans and Documents
- Standard Time Limit – Approval of Reserved Matters and Commencement
- Reserved Matters Application
- Phasing of Development
- Highways – Access
- Highways – Visibility Splays
- Highways – Access Surfacing
- Highways – Surface water Drainage
- Highways – Refuse/Recycling Bins Locations
- Highways – Turning and Parking
- Archaeological Investigation and recording prior to commencement
- Withdrawal PD rights