

Committee Report

Item No: 4

Reference: DC/18/04706

Case Officer: Jack Wilkinson

Ward: Stradbroke and Laxfield

Ward Member: Cllr Julie Flatman

RECOMMENDATION – REFUSE FULL PLANNING PERMISSION

Description of Development

Full Planning Application - Erection of 1 No. dwelling and detached cart lodge with associated residential curtilage and new site access.

Location

Site: Land opposite Magnolia House, Wilby Road, Stradbroke

Parish: Stradbroke

Site Area: 0.45ha

Conservation Area: Not in Conservation Area

Listed Building: Not listed

Expiry Date: 05/04/2019

Application Type: Full Plans Planning Application

Development Type: Small Scale Major Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr and Mrs K Flatman

Agent: Hollins Architects and Surveyors

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The applicant (Mrs Julie Flatman) is an elected member for Stradbroke and Laxfield, as such determination by Planning Committee is required.

Details of Previous Committee/Resolutions and Member Site Visit

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
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
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
Stradbroke Neighbourhood Plan (Stradbroke NP)
National Planning Policy Framework (NPPF)

Supplementary Planning Documents

Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide (2000)

Pre-Application Advice

Pre-application discussions with Council Officers, resolved with advice to submit a full planning application.

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

Stradbroke Parish Council

Noted the proposal is outside the settlement boundary but resolved to conditionally support the application seeking clarification on connection to the main sewer.

Environmental Health (Land Contamination)

No objection.

Suffolk Wildlife Trust

No objection based on satisfactory information submitted within the ecological survey report, subject to survey recommendations.

Natural England

No comment.

BMSDC- Heritage

No comment.

SCC Highways

No objection subject to conditions on; improved access, bin presentation areas, submission of details on manoeuvring and parking and details of visibility splays.

SCC Fire & Rescue

No objection

B: Representations

No representations were received.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application concerns an area of land measuring 0.45ha, east of the B1118, south of Stradbroke. A two-storey dwelling (Magnolia House) lies opposite, to the west of the site, agricultural land encompasses the site to the east and north. To the south is a parcel of land which is in equestrian use, with an industrial use located south-west.
- 1.2 The site is located to the south of Stradbroke, outside of the defined Stradbroke settlement boundary, isolated from the settlement boundary by agricultural land. Through the eyes of planning policy, the site is located in the countryside. The site is unconstrained.

2. The Proposal and Site History

- 2.1 The proposal seeks full plans planning permission for the provision of 1 no. two-storey dwelling benefitting from associated detached cartlodge with parking provision for 3 no. cars, garden area and access directly from the B1118 located to the south of the site. Drawing reference 1818 103 shows the quantum of development, illustrating the site layout proposed.
- 2.2 The site has been subject to a previously withdrawn application:
 - DC/18/02821 - Planning Application. Erection of 1 No. dwelling and detached cart lodge – WITHDRAWN 29/08/2018

3. The Principle of Development

- 3.1 The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites to provide for 5 years housing provision against identified requirements (Paragraph 73). The District is currently unable to demonstrate a 5-year housing land supply. As such, the 'tilted balance' as set out under Paragraph 11(d) is engaged.
- 3.2 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages.
- 3.3 The proposal site is located outside of a defined Settlement Boundary, in the countryside, and is therefore in conflict with Policy CS1 of the Core Strategy. The proposal represents housing

development in the countryside, and in applying the principle of policy, the proposal is inconsistent with the aims and objectives of CS1.

- 3.4 However, LPA Officers acknowledge Planning Appeal decision APP/W3520/W/18/3194926 for Woolpit, which does reduce the weight of CS1. CS1 is therefore 'weighted' accordingly, and the LPA must form conclusion with a presumption in favour of sustainable development engaged, as required by the 'tilted balance' of Paragraph 11(d).
- 3.5 Further to the consideration of CS1, Policy CS2 states that in the countryside development will be restricted to defined categories in accordance with other plan policies which include (inter alia) rural exception housing. This housing may comprise; agricultural workers dwellings; possible conversion of rural buildings; replacement dwellings; affordable housing on exception sites; sites for Gypsies and Travellers and travelling showpeople; the extension of dwellings; and the reuse and adaptation of buildings for appropriate purposes. The proposal does not constitute any of the category of housing types listed in Policy CS2. The site is not a rural exception site. There is no policy support for the proposal to be found at Policy CS2.
- 3.6 Saved Policy H7 of the Local Plan states that in the interests of protecting the existing character and appearance of the countryside, outside settlement boundaries there will be strict control over proposals for new housing. The provision of new housing will normally form part of existing settlements. The proposal is contrary to Policy H7.
- 3.7 Paragraph 79 of the NPPF seeks to avoid isolated dwellings in the countryside unless certain circumstances apply: a rural worker need; the optimal viable use of a heritage asset; involves re-use of redundant buildings; involves subdivision of an existing dwelling; or is a design of exceptional quality. The proposal does not meet any of these criteria. The proposal finds no support at Paragraph 79 of the NPPF.
- 3.8 However, the Local Plan was published in 1998 prior to the first publication of the NPPF and some 20 years prior to the most recently issued NPPF. The Core Strategy was also published prior to the current NPPF. Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan do not fully accord with the approach set out in the NPPF, which acknowledges that sustainable development may still occur outside rural settlements. They are contrary to paragraphs 77 and 78 of the NPPF. Thus, although the development would conflict with these policies, the weight attached to this conflict is significantly reduced.
- 3.9 In the light of this it is not considered that the proposal should be refused simply by reason of its location in Local Plan/Core Strategy terms regardless of the 5 year housing land supply position without appropriate consideration of the proposal with regards to the requirements of the NPPF and sustainable development.

4. Sustainable Development

- 4.1 Policy FC1 of the Mid Suffolk District Core Strategy Focussed Review states that it takes a positive approach to sustainable development and, as with the NPPF requirements, the Council will work proactively with developers to resolve issues that improve the economic, social, and environmental conditions in the area. Related policy FC1.1 makes it clear that for development to be considered sustainable it must be demonstrated against the principles of sustainable development. Furthermore, as set out above the proposal shall be considered with regards to sustainability and the requirements of the 'titled balance' of Paragraph 11(d).
- 4.2 The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

- 4.3 In light of all of the above, this report will consider the proposal against the weight of the policies within the development plan, but in the light of the conflict of the development plan with the NPPF also the three strands of sustainable development set out in the NPPF taken as a whole.

5. Economic Dimension

- 5.1 The provision of 1 no. dwelling will give rise to employment during the construction phase of the development. Furthermore, future occupants of the development would be likely to use local services and facilities. The New Anglia ‘Strategic Economic Plan’ (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.
- 5.2 Furthermore, there will be a positive benefit through support of local amenities, facilities and services available in Stradbroke and surrounding villages from future owner / occupants. However, such contribution is considered limited. Financially, Section 143 of the Localism Act 2011 on local financial considerations requires consideration to be given to the financial benefits a development would bring to the council through grant income, such as New Homes Bonus, Community Infrastructure Levy, Council Tax and Business Rates. However the financial benefits this scheme would deliver need to be weighed against the different issues raised in the above report, and put into the planning balance when considering the merits of the application

6. Social Dimension

- 6.1 Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas advising ‘housing should be located where it will enhance or maintain the vitality of rural communities’, and recognises that where there are groups of smaller settlements, development in one area may support services in another.
- 6.2 In respect to the provision of new housing, the development would provide a benefit in helping to meet housing need within the District through the delivery of additional dwellings, which would further be in an accessible location, making a contribution to securing a vibrant and sustainable community.
- 6.3 The proposal yields positive benefits through the potential for interaction by owner / occupants within Stradbroke and surrounding villages. Positive contribution to the local community can in some instances generate stronger communities. The proposal provides a contribution to much needed housing, especially rural housing.

7. Environmental Dimension

The relationship to existing built development –

- 7.1 The site is located outside of the defined Stradbroke settlement boundary under Policy CS2. The nearby village of Stradbroke is defined as a Key Service Centre under Policy CS1, however as discussed previously in the Principle of Development, the ‘tilted balance’ is engaged per Paragraph 11(d) of the NPPF, reducing the weight afforded to Policies CS1 and CS2 in relation to development within the countryside. This however does not negate the need for development to be sustainably located and suitably related to the existing built environment.
- 7.2 The settlement pattern of Stradbroke extends from the core at the northern area of Wilby Road, and gradually becomes more sporadic further south along Wilby Road. The site is located outside of the settlement boundary, and its relationship to the existing built development is uncharacteristic resulting in an unnatural intrusion into the countryside, in an uncharacteristic spatial form. As such, and in consideration of the extent of the defined site outline, the proposal is spatially unacceptable.

The relationship to facilities and services, and their accessibility

- 7.3 Via Wilby Road, the application site is approximately 0.7 mile (approximately 13 minute walk) from the centre of Stradbroke. There is no pedestrian footpath serving the site. The nearest pedestrian footpath is approximately 0.2 mile away (approximately 4 minute walk on vehicular highway and verge). Whilst Officers acknowledge the footpath is of good quality from this point as it leads continuously into the centre of the village and its core amenities, pedestrian safety before this presents concern. As such, occupants / owners of the proposed dwellings would be largely reliant on the private motor car to access facilities for day to day living. Furthermore the impact of this access to services limits the benefits of the social dimension with regards to the support the proposed dwelling might offer to local services, given that once future occupants need to use a car to access services the likelihood is that occupants will choose to access services in larger settlements, and are less likely to support local services. Overall the impact is such that the proposal does not comply with the requirements of the NPPF in this respect with regards to “*using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*”.
- 7.4 The site’s connectivity is considered to be poorly related to existing built development and to facilities and services and is not, therefore, considered to be in a sustainable location in the terms which have been established by Planning Inspectors. Recent Planning Appeals in Thorndon (reference: APP/W3520/W/18/3198086 and APP/W3520/W/18/319708) provide sensible benchmarks for this test.
- 7.5 Finally, the scheme fails to improve the biodiversity value as required by Paragraph 8, with no demonstrable biodiversity offering. This factor must be considered in the overall ‘balancing’ of the application.

8. Design and Layout

- 8.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 8.2 Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its

surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.

- 8.3 Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 8.4 The site layout demonstrates how the site would develop if planning permission is granted. The purpose of the site layout plan is to illustrate the quantum of development, that being 1 no. two-storey 4-bedroom dwelling, which can be accommodated at the site in an acceptable spatial form. Key elements of the site layout are as follows:
- Creation of new single access point southwest of the site from B1118.
 - Associated shingle and internal block paved driveway leading to associated detached cartlodge.
 - Retention of existing boundary trees and hedgerow encompassing the site boundary.
 - Paving slabs encompassing the dwelling.
- 8.5 The proposed construction materials comprise of facing brickwork and weather boarded elevations, pan tile and plain tile roof with casement style windows. The design incorporates 3 rooflights, a timber gable feature and timber balcony. The design cues incorporated are welcomed, and Officers can find no reason to refuse on design grounds.

9. Site Access, Parking and Highway Safety Considerations

- 9.1 Policy T9 requires development to be delivered with safe and sufficient highways access and function. The site has been assessed by the LLHA, who are content that safe and sufficient egress can be delivered, subject to conditions.
- 9.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 9.3 Parking on site is offered in accordance with the Suffolk Adopted Parking Standards SPD (2015), offering 3 spaces in accordance with guidance for a 4-bedroom home, ensuring occupants are provided with on-site parking provision, thus avoiding parked vehicles on the public highway. The proposed access and parking provision within the scheme is highways compliant. There is nothing before Officers to suggest a highways compliant scheme could not be delivered, subject to appropriate conditions.

10. Archaeology

- 10.1 This site does not lie within an area of archaeological potential

11. Impact on Residential Amenity

- 11.1 Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.
- 11.2 The proposed development is not considered to give rise to any adverse impact to residential amenity due to the isolated nature of the site in the countryside, with the only other property located directly opposite (Magnolia House). It is noted that no objections have been received from residents in respect to potential loss of sunlight / daylight, visual bulk, overshadowing or loss of privacy.

12. Impact on the Character and Appearance of the Area

- 12.1 Policy CS5 requires development to be of a high-quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.
- 12.2 Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 12.3 Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 12.4 Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 12.5 The proposed layout, vernacular and construction materials harmonise with the character of the surrounding countryside landscape. The design is of a high quality in accordance with CS5 and GP1.

13. Landscape Impact and Trees

- 13.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 13.2 The site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or Special Landscape Area. Nor is the site adjoining, or in proximity to, any designated landscape areas of special significance. Whilst built form will naturally be visible, the retention of existing soft landscape features (trees and hedgerow) around the boundary of the site reduces such landscape impact but built form visible from a private and public vantage point is nonetheless considered.
- 13.3 The proposal does not involve the wholesale removal of trees, bushes or hedgerows. Notably, the site is relatively well screened both from the north, east and west, offering a natural buffer between truly open expansive agricultural land and the site subject to determination. The inevitable urbanising effects of built form will impact the locality, however not to a level to consider refusal, given the unconstrained character of the area. The landscaping elements of the proposal are welcomed by Officers.

14. Ecology

- 14.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 14.2 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.
- 14.3 Suffolk Wildlife Trust state; *"We have read the ecological survey report (JP Ecology, June 2018) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted"*. An ecology condition would therefore be imposed if the LPA were minded to approve.

15. Flooding and Drainage

- 15.1 The site is not located in a vulnerable flood zone area, therefore the risks of flooding are considered to be low. Given that the application is considered 'minor', on site attenuation and surface water management / disposal is not considered by the Local Lead Flood Authority (LLFA) during the determination process. These matters are brought to the attention of the applicant, who is required to comply with Part H (Drainage and Disposal) of the Building Regulations 2010, if the LPA were minded to approve.

PART FOUR – CONCLUSION

16. Planning Balance and Conclusion

- 16.1 The proposal Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 16.2 The Council cannot currently demonstrate a five-year housing supply. The tilted balance at paragraph 11(d) of the NPPF is engaged. Notwithstanding the 5 year housing land supply, Policy CS1, CS2 and H7 are inconsistent with the NPPF and are out of date. Only moderate weight is attached to the proposal's conflict with these policies which lessens the significance of that conflict.
- 16.3 Having due consideration to the requirement of the NPPF with regards to sustainable development the proposal remains inadequately connected to services, facilities and amenities and without benefits in economic, social or environmental terms to outweigh such harm.
- 16.4 The proposal does not comply with the requirements of local and national policy:
- The site is in the countryside where there exists at a local policy level a clear presumption against residential development.
 - The subject land does not comprise a rural exception site nor can be justified as one of the housing exceptions listed at Policy CS2.
 - The proposal does not meet any of the criteria at Paragraph 79 of the NPPF2.

- The site is isolated in a physical sense, set some considerable distance from local services, facilities and amenities.
- The site is isolated in a visual sense, set in the open countryside and detached from the body of the nearest village.
- The development will not form part of an existing settlement.
- The application site is approximately 0.7 mile (approximately 13 minute walk) from the centre of Stradbroke.
- There is no pedestrian footpath serving the site.
- The nearest pedestrian footpath is approximately 0.2 mile away (approximately 4 minute walk on vehicular highway and verge).
- The lack of biodiversity enhancement and inclusion of natural resources balances against the proposal.

The scheme offers good design and layout without undue landscape, residential amenity, highways or character harm to warrant refusal. However, the scheme is not suitably related to existing settlement, services, facilities or amenities and 'on balance', the scheme is not therefore supported by virtue of its unsustainable location.

In conclusion, the proposal does not constitute sustainable development and is contrary to national and local planning policies, all of which seek to resist open market dwellings in isolated locations in the open countryside.

RECOMMENDATION

That the Acting Chief Planning Officer be authorised to refuse Full Plans Planning Permission for the following reasons:

- 1) The proposal is not considered to form sustainable development by reasons of its relationship to the existing built settlement, offering an uncharacteristic intrusion into the countryside, with poor connectivity to services, facilities and amenities which is not conducive for day to day living and working, resulting in reliance on the private motorcar, contrary to the requirements of paragraph 8 to minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. Furthermore, the proposal lacks demonstrable social, economic and environmental benefits such that the adverse impacts would outweigh the benefits of the proposal and undermines the essence of the NPPF further through no justifiable need or mitigating measures. No exceptional circumstances or other material considerations have been demonstrated to outweigh the harm identified. The proposed development is isolated and none of the exceptional circumstances listed at Paragraph 79 apply. The proposal is therefore considered to be contrary to the NPPF, Policy CS2 and CS5 of the Mid Suffolk Core Strategy (2008), Policies GP1 and H7 of the Mid Suffolk Local Plan (1998) and policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).