

Committee Report

Item No: 3

Reference: DC/19/01248

Case Officer: Alex Scott

Ward: Elmswell and Woolpit

Ward Member/s: Cllr Sarah Mansel and Cllr Helen Geake

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (access to be considered) - Erection of 1no. dwelling and associated annexe and outbuildings (following demolition of existing building/retention of workshop approved under 4996/16) utilising existing vehicular access.

Location

Land To The East Of, Sharpes Row, Woolpit, Suffolk

Parish: Woolpit

Expiry Date: 12/06/2019

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Mr And Mrs Beadman

Agent: Dean Jay Pearce - Architectural Design & Planning Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Acting Chief Planning Officer considers the application to be of a controversial nature.

Details of Previous Committee / Resolutions and any member site visit

Committee resolved to grant temporary Planning Permission, until 23rd June 2020, for use of the site and buildings for the siting, storage, service, maintenance & repair of vehicles (Application ref: 4996/16) on 14th June 2017.

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

Yes – from former Ward Member, former Councillor Jane Storey.

Details of Pre-Application Advice

None given.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
GP01 - Design and layout of development
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
H19 - Accommodation for special family needs
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is / is not within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area
Stage 2: Preparing a draft neighbourhood plan

Stage 3: Pre-submission publicity and consultation

Stage 4: Submission of a neighbourhood plan

Stage 5: Independent Examination

Stage 6: Referendum

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has little weight.

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

Woolpit Parish Council

Object:

- Proposal does not form a logical natural extension to the existing cluster of dwellings and would be intrusive to the existing open, undeveloped landscape;
- The proposal would result in overdevelopment;
- The proposal would not make a positive contribution towards social cohesion or the character of the local area;
- The proposal will result in increased traffic on Sharpes Row and vehicles would not be able to pass each other on Sharpes Row and would need to reverse back out onto Heath Road, to the detriment of highway safety;
- The proposal would detriment residential amenity by means of safety, traffic generation and nuisance;

- The wider benefits of the proposal do not outweigh the harmful impacts (above) and the proposal is contrary to local plan policy;
- The site has had recent temporary permission for the use of the site and buildings for the siting, storage, service, maintenance and repair of vehicles - consider the use of the site in this way is contrary to LPA general policy and it should be ensured that this use does not continue should permission be granted for the new dwelling;
- Raise concern that operation time limit conditions, conditions restricting the number of vehicles on the site, and conditions restricting commercial activity and sales, imposed as part of the previous permission on the site are not being adhered to, resulting in loss of neighbouring amenity.

SCC - Highways

No objection – Subject to compliance with suggested conditions.

Environmental Health - Land Contamination

No objection to the proposed development from the perspective of land - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Environmental Health - Noise/Odour/Light/Smoke

No Objection - Subject to imposition of conditions with regards Noise and Dust nuisance.

Arboricultural Officer

No objection – no significant trees affected.

B: Representations

9 no. third parties have written in support of the proposed development. Comments received are summarised below:

- Support principle on a new dwelling on the site;
- A new dwelling would be a considerable improvement visually on the existing use which currently appears as a scrap yard and derelict barns;
- The proposed development would make the site more attractive, whilst not overlooking present resident's properties;
- The proposed development would enhance the existing landscape;
- The proposal would not add significantly to the volume of traffic using Sharpe's Row and would result in few comings and goings;
- The outline scheme indicates that local wildlife will be provided for as part of the proposal (Owl and Bat Boxes etc), this is positive;
- Sharpes Row Lane has not historically been used solely for access to the existing three cottages and such claims are false. The lane has previously been used to access five properties and was used regularly by farm traffic in the past;
- Sharpes Row is currently a right of way for local farmers and does not solely serve just 3 dwellings, as indicated by objectors;
- Consider the occupants of additional dwelling will contribute to the upkeep of the lane;
- The proposal would enable a local family to continue to live in the village.

5 no. third parties have written raising concern or objection to the proposed development. Comments received are summarised below:

- The principle of a new dwelling has recently been refused on land to the rear of Bonny Cottage, Sharpes Row for being out of character with the area the current proposal must, therefore, be viewed as such;

- The proposal would result in loss of amenity and increased noise and traffic;
- Neighbouring occupants opposed the previous application for temporary change of use for the storage, servicing and maintenance of vehicles, which has resulted in detrimental impact on the amenities previously enjoyed – concern that conditions attached to this permission have not been adhered to;
- Concern that activities associated with the existing land use would continue if the dwelling and associated annex and outbuildings area approved, to the ongoing detriment of neighbouring amenity in terms of noise and disturbance resulting from traffic movements and workshop operations;
- Concern with regards the health and wellbeing impacts that have result for some neighbouring occupants as a result of the existing use of the site and the proposed development;
- Concern that increased vehicle movements on the land, associated with the recent temporary permission, have damaged the surface of the lane;
- Sharpes Row is a private , unadopted highway, only intended to serve 3 no. properties;
- Sharpes Row is a narrow lane with insufficient width for cars to pass and no passing places – concern that increased traffic on the lane would result in vehicles having to reverse back out onto Heath Road and would severely impact highway safety;
- Concern with regards increased use of the junction with Heath Road, which also relates to a footpath crossing, and the impact on highway and pedestrian safety that would result;
- Do not consider visibility splays at the junction of Sharpes Row and Heath Road are adequate in terms of highway safety and increased use of the junction would be detrimental;
- Concern with regards increased flood risk associated with the proposed development, due to increased surface water runoff

PLANNING HISTORY

REF: DC/18/05520

Outline Planning Application (Access to be considered) - Erection of 1no. dwelling.
(Adjacent property at Bonny Cottage, Sharpes Row, Woolpit)

DECISION: REF

REF: 4996/16

Temporary Planning Permission - Change of use of agricultural land & building to siting, storage, service, maintenance & repair of vehicles.

DECISION: GTD

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site extends to approximately 0.28 hectares and is located at the end of Sharpes Row, Woolpit, a private road giving access to 5 no. existing dwellings.
- 1.2. The site comprises several existing single-storey buildings, formerly in agricultural use and in varying states of repair. The remainder of the site is currently laid to grass and is enclosed by boundary tree and hedgerow planting.
- 1.3. The site is bounded to the north-east, north-west and south-east by agricultural fields and to the south-west by garden curtilages of existing dwellings fronting Sharpes Row.
- 1.4. The existing cluster of dwellings, accessed via Sharpes Row, is located outside of the existing settlement boundary of Woolpit and approximately 1.04 kilometres from the village centre. An existing paved footpath network, clear of the vehicular highway does, however, link Sharpes Row with the village.

- 1.5. Woolpit is listed as a Key Service Centre Village in the current development plan and benefits from a range of services and facilities including: a Convenience Food Shop; A Public House; a Primary School, a Doctors Surgery; a Church; a Village Hall; and other local employment.

2. Site History

- 2.1. Prior to 2017 the site was previously in agricultural use, associated with an adjacent farm holding.
- 2.2. In June 2017 temporary planning permission (ref: 4996/16) was granted for use of part of the site and a building for the sitting, storage, service maintenance and repair of vehicles.
- 2.3. Temporary permission ref: 4996/16 expires on the 23rd June 2020, after which time it is expected that existing operations on the site will cease and the site will be returned to its former agricultural land use.
- 2.4. Other conditions applied to temporary permission ref: 4996/16 make the permission personal to the applicant, restrict commercial activity and sales from being carried out from the site, restrict operation hours between the hours of 80:00 and 20:00 daily, and limit the total number of vehicles stored on the site to 10 no. at any one time.

3. Proposal

- 3.1. The application seeks outline planning permission, with all matters reserved save for access, for the erection of 1 no. new dwelling, and the erection of ancillary annex and other ancillary buildings, on the site, following site clearance and removal of existing buildings from the site.
- 3.2. Indicative information provided with the application indicates that a two-storey, 3 bedroom dwellings are proposed along with a single-storey detached, 1 bedroom, annex building. 2 no. single-storey cartlodge buildings (one 5 bay and one 4 bay) are also indicated. The existing workshop building on the site is proposed to be retained, renovated and included within the proposed range of buildings.
- 3.3. The proposed range of buildings is indicated to be provided in the form of a traditional range of farm buildings around a central courtyard.
- 3.4. The proposed dwelling and annex would be provided with a significant private garden curtilage, measuring approximately 560 square metres, to the north-east of the proposed buildings. A significant amount of additional landscape planning is also indicated to all site boundaries.

4. Principle of Development

- 4.1. The starting point for determination of any planning application is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF).
- 4.2. The proposal site is outside of the settlement boundary for Woolpit. Although the proposal site has an existing temporary use and there are existing buildings, the site is formally defined as greenfield land as the default and use as agricultural. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.

- 4.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 4.4. It should be noted however that policy FC2 – Provision and distribution of housing seeks to identify the number of dwellings in Key Service Centres that should come forward on greenfield sites, 100 between 2017 to 2022 and 200 from 2022 to 2027.
- 4.5. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.
- 4.6. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) 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 policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 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.”
- 4.7. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance the Council cannot current evidence a sufficient land supply and so policies most important for determining the application are out-of-date. The Council is currently consulting on a Draft MSDC Housing Land Supply Position Statement 2018/2019. This identifies a housing land supply position of 5.32 years (with a 20% buffer), but given its draft status is given no weight in this recommendation.
- 4.8. The policies most important for determining the application are policy H7 of the local plan, CS1 and CS2 of the Core Strategy and FC2 of the Core Strategy Focused Review. These are not considered to be out-of-date as a result of the five year land supply position, however notwithstanding this are not consistent with the aims of the NPPF and therefore accorded less weight. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 4.9. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 177 of the NPPF.
- 4.10. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.

- 4.11. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 4.12. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 4.13. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.
- 4.14. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to relate to an existing development cluster fronting a private road and not to overly intrude into open countryside. The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 79 of the NPPF.

5. Nearby Services and Connections Assessment of Proposal

- 5.1. As noted in the introduction to this report, the site is located to the south-east of the settlement boundary of Woolpit. The site itself does not directly adjoin the existing settlement boundary, and is 525m from this boundary. The proposal site is, however linked to the village by an existing paved foot and cycle path, clear of the vehicular highway, allowing future occupants access to the range of village services and facilities which are all within reasonable walking and cycling distance.
- 5.2. Furthermore, the Village operates a regular bus service on weekdays and Saturdays to nearby Bury St. Edmunds at times which are viable for employment purposes.
- 5.3. The site is therefore considered to be well connected and a sustainable location for this further development and is considered to promote inclusive communities as required by paragraph 91 of the NPPF.

6. Design and Layout [Impact on Street Scene and Landscape]

- 6.1. Matters of layout, scale, appearance and landscaping are presently reserved, to be assessed in greater detail should outline planning permission be granted, at a reserved matters stage.
- 6.2. Indicative information provided with the application indicates that a two-storey, three bedroom dwelling, and ancillary 1 bedroom annex would be provided on the site, with ancillary curtilage buildings, in the character of a range of rural farm buildings. This general design approach is supported in principle as the design would reflect and respect the existing rural landscape character and quality of the locality.
- 6.3. Indicative information provided with the application indicates that a significant amount of tree planting would be provided to site boundaries in the interest of providing additional landscape screening and encouraging Biodiversity. This approach is supported in principle, subject to agreed detail.

7. Site Access, Parking and Highway Safety Considerations

- 7.1. The site lies at the end of an existing private lane and, as such, no traffic would pass directly in front of the proposed means of access to this lane.

- 7.2. The existing lane (Sharpes Row) is relatively narrow and would not allow sufficient space for vehicles to pass. However, additional vehicle movements associated with the proposed development would be relatively low and on the odd occasion that there is conflict between vehicles entering and exiting the lane, it is expected reasonable to assume that the vehicle exiting the lane would reverse back onto the property they emerged from, rather than the vehicle entering the land having to reverse back out onto Heath Road, as suggested by third parties.
- 7.3. Heath Road is speed limited to 30 miles per hour in the location of the road junction with Sharpes Row and the existing junction is considered to provide adequate visibility splays in both directions for vehicles exiting the lane onto the public highway.
- 7.4. Current adopted parking standards, provided by the local highway authority, provide that for a property of the indicated scale (4 bedrooms) at least 3 no. on-site parking spaces should be provided and with sufficient additional space to enable vehicles to turn and exit the site safely in forward gear. Whilst matters of layout are presently reserved, the indicative layout provided is considered to demonstrate such provision is comfortably achievable.
- 7.5. The proposed development is, therefore, considered to be acceptable in terms of highway safety and convenience considerations.

8. Residential Amenity

- 8.1. The indicative layout shows the nearest proposed building would be a minimum distance of 30 metres from the nearest neighbouring dwelling. At such distances, on the basis of the indicative layout submitted, the proposal is not considered to result in demonstrable harm to the amenities currently enjoyed by occupants of neighbouring dwellings in terms of proposed buildings being overly dominant, resulting in loss of natural daylight, and/or resulting in adverse overlooking and loss of privacy.
- 8.2. Should future activities on the site be considered ancillary and incidental to the enjoyment of the host dwellings as such, as indicated by the applicant, and not be to the extent that could be considered to be an additional commercial, industrial or other business use, then the proposed development would not likely result in a significant impact on the amenities currently enjoyed by occupants of neighbouring properties in terms of noise and general disturbance.
- 8.3. Further assessment with regards the proposal's impact on the amenities of neighbouring properties will be required at reserved matters stage when final details of the layout, scale and appearance of the proposed buildings are provided.

9. Land Contamination

- 9.1. 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 there is no evidence of significant contaminating materials present. The site is not, therefore considered to pose a significant risk to future occupants from sources of land contamination.
- 9.2. Council's contaminated land specialists have assessed the application proposal and can find no reason to suggest that there is a potential risk from land contamination. The developer is advised to contact the Council should any unexpected ground conditions be encountered during construction of the development and is advised that the responsibility for the safe development and secure occupancy of the site rests with them.

10. Flood Risk and Site Drainage

- 10.1. The application site does not lie within Environment Agency Flood Zones 2 or 3 and is not, therefore at significant risk of flooding. The nearest such zone lies approximately 1.1 kilometres north of the proposal site.
- 10.2. Surface water runoff is proposed to be disposed of by appropriate sustainable drainage systems, further details of which are expected to be provided at a reserved matters stage.

11. Ecology

- 11.1. By reason of the current light industrial use of the site, and the fact that existing boundary trees and hedgerows are proposed to be retained, the proposal is not considered to result in harm to protected or priority species or their habitats.
- 11.2. Indicative enhancements in terms of additional landscape planting and bat and bird boxes would result in appropriate biodiversity enhancements and opportunities for ecological gain.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. The proposed development is considered to be located in a sustainable location with access to a full range of services and facilities, which occupants would in turn support. The proposed development would not result in social isolation and would contribute positively to the existing community. Furthermore, the proposal would deliver an additional dwelling in support of the District's housing supply. Positive weight is, therefore, attributed in terms of the social dimension of sustainable development.
- 13.2. The proposed development would result in a certain amount of dis-benefit in terms of visual impact and impact on landscape character due to the presence of additional buildings. There would also be dis-benefits associated with regards the impact on neighbouring properties and additional traffic movements. Counter to this the proposal would result in a significant amount of additional landscape planting and increased ecological opportunities and due to its location within walking distance of a range of services and facilities, reducing the reliance on the private car as a mode of transport, on balance the proposal is considered to result in a slight negative to neutral impact with regards the Environmental Dimension of Sustainable development.
- 13.3. The proposed development would result in short term economic benefit during the construction phase of development, although this is not considered to result in significant positive weight. Neutral weight is otherwise attributed in terms of the economic dimension of sustainable development due to the fact that the proposal would neither result in the loss of or generate employment related benefits.
- 13.4. The proposed development is, therefore, on balance considered to result in sustainable development, when assessed against the provisions of the NPPF when taken as a whole.

RECOMMENDATION

That the Acting Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Acting Chief Planning Officer:

- Standard Time Limit – Reserved Matters
- Submission of Reserved Matters
- Approved Plans and Documents
- Landscaping and Aftercare
- Those required by the Local Highway Authority
- Annex Occupation Restriction
- No Commercial / Business Uses
- No more than 10 vehicles to be stored on site at any time
- Noise assessment and mitigation to be agreed prior to first use
- Hours of working during construction
- Restriction on burning / dust during construction