

Committee Report

Item No: 3

Reference: DC/19/01712
Case Officer: Mark Brands

Ward: Copdock and Washbrook

Ward Member/s: Cllr David Busby

RECOMMENDATION – BLANK PLANNING PERMISSION/LISTED BUILDING CONSENT WITH CONDITIONS

Description of Development

Planning Application. Erection of 2no. dwellings, associated outbuildings, improved vehicular access and landscaping. PV array to serve the two dwellings.

Location

Rosslyn House, Duke Street, Hintlesham, Ipswich Suffolk IP8 3QP

Parish: Hintlesham

Expiry Date: 04/06/2019

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr & Mrs Whyman

Agent: Roger Balmer Design

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

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

The item has been brought to committee as this has been deemed controversial locally, with a petition received.

Councillor Busby called in a request for a committee site visit that was agreed by other members with the visit taking place on the 12th June 2019.

Details of Pre-Application Advice

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CN01: Design

CR07: Landscaping

TP15: Parking standards

CS01: Applying the Presumption in favour of Sustainable Development in Babergh

CS02: Settlement Pattern Policy

CS03: Strategy for Growth and Development

CS11: Strategy for Development for Core and Hinterland Village

CS13: Renewable / Low Carbon Energy

CS15: Implementing Sustainable Development in Babergh

CS18: Mix and Types of Dwellings

NPPF (2019)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Environmental Health - Land Contamination

No objections subject to informative for the LPA to be contacted should there be unexpected ground conditions being encountered during construction.

SCC - Highways

No objections subject to conditions

Hintlesham Parish Council

It fails to comply with the existing Settlement Pattern

It fails the 'presumption in favour of sustainable development' because it is not sustainable.

It fails to meet a housing need

It fails to respond to local character/surroundings

It fails to mitigate the cumulative impact

BDC - Planning Policy

No response received, consultation period has expired

SCC - Archaeological Service

No objections or archaeological mitigation required

Suffolk Wildlife Trust

No response received, consultation period has expired

Natural England

Requires RAMS mitigation contribution – A draft unilateral undertaking has been sent to the agent

Environmental Health - Sustainability Issues

No objections - This department is very pleased to see that sustainability is a core part of the developments proposals accordingly we support this application.

We would urge the applicant to include provision for electric vehicles and also be sure that the distance from the solar panels to each dwelling and the associated loss via long cable runs does not affect the performance of the panels and hence the reductions in emissions promised.

We request a condition is included that commits the applicant to the proposals and reductions offered in the sustainability statement. We can assist with this wording if required.

Arboricultural Officer

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this purpose.

Although a small number of trees are proposed for removal they are of limited amenity value and/or poor condition and are not of sufficient importance to warrant being a constraint.

B: Representations

Petition and 10 neighbour representations received objecting to the proposal, concerns raised;

- Layout out of character of the locality, which is predominantly linear
- Backland developments should be resisted, beyond built up area boundary
- Loss of amenity through noise, outlook, privacy, disturbance
- Design and scale not in keeping with locality, overbearing, overdevelopment of the site

PLANNING HISTORY

REF: B/0895/76/FUL	Demolition of garage and erection of new double garage.	DECISION: GRA
REF: B/0663/75/OUT	Demolition of existing dwelling and the erection of three bungalows and eight chalet bungalows	DECISION: REF
REF: B/0451/76/FUL	Alteration and extension	DECISION: GRA
REF: B/0377/81/OUT	Use of land for the erection of 3 boarding kennels (approximately 30 dogs) and 3 boarding cat houses (approximately 30 cats).	DECISION: REF

REF: B/09/00522	Erection of single-storey rear extension and first-floor rear extension.	DECISION: GRA
REF: B/08/01838	Erection of single-storey rear extension and two-storey side extension.	DECISION: GRA
REF: B/03/00566	Outline - Residential Development (existing dwelling to be demolished). Construction of new vehicular access.	DECISION: REF
REF: B//87/01323	CONSTRUCTION OF ADDITIONAL VEHICULAR ACCESS	DECISION: GRA
REF: B//87/01100	CONSTRUCTION OF VEHICULAR ACCESS	DECISION: REF
REF: B//92/00978	ERECTION OF TWO-STOREY REAR EXTENSION	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings and relevant site history

- 1.1 The site consists of a plot of grassland to the rear of Rosslyn House, outside of the Hintlesham built up area boundary, garden/paddock, with established trees and hedgerows along the boundaries. The streetscene follows a strong linear form of development, with the properties fronting the highway. Existing frontage dwellings are predominantly detached bungalows with the host dwelling being two storeys. Development in the vicinity has mostly adhered to the linear form of development, the adjacent properties are of a modest form and curtilage areas, more recent larger dwellings to the South of the site.
- 1.2 There is dwelling to the North, set back from Duke Street which was approved in 2015. This dwelling is within the settlement boundary and replaced a previous small business unit.
- 1.3 The replacement dwelling was considered more practical and beneficial to neighbouring residential amenity, with a bungalow of a similar scale with neighbouring properties and less disturbance arising from the change of use of land and subsequent dwelling.
- 1.4 There was a previous refusal under B/03/00566 for residential development at the site, with reason 2 stating in part because of the 'the undeveloped character of the majority of the application site, is an important feature of the village, where predominantly, the existing pattern of development has a highway frontage'. Albeit the application precedes the current development plan, the character and prevailing form of development on Duke

Street were identified as reasons for refusal that has connections with the current consideration.

2. The Proposal

- 2.1 The proposal is for the Erection of 2no. 3 bedroom dwellings, associated outbuildings, improved vehicular access and landscaping. PV array to serve the two dwellings. The dwellings will be single storey (the dwelling to the South will include a subterranean basement level), of a modern contemporary geometric form, featuring green flat roofs. The host dwelling has two accesses, the access to the South would be improved and serve as access for the dwellings to the rear, with dwelling 1 located towards the North of the site, and dwelling 2 located towards the South. The central part of the site will be used as curtilage for Rosslyn House, with the solar panels to the rear of the garden area. Associated with dwelling 2 will be a natural swimming pond.
- 2.2 If known typical floorspace created (which may feed into CIL estimation)
Dwelling 1 will be 321 sqm (with an additional 95m² basement).
Dwelling 2 will be 166m²
- 2.3 Parking / garaging arrangements and numbers
6 no. parking spaces
- 2.4 Scale of buildings / heights
Dwelling 1: 3.195m to the eave, 3.692m overall height
Dwelling 2: 3.2m to the eave, 3.7m overall height
- 2.5 Summary of materials
Green roofs
Powder coated aluminium windows
Powder coated aluminium and timber doors
Horizontal and vertical sweet chestnut slats and boards
- 2.6 Site Area
Site area is 0.64 ha

3. The Principle of Development, design And Layout

- 3.1 The starting point for any planning decision 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) 2019.
- 3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision

taker. There will be many cases where restrictive policies are given sufficient weight to justify refusal despite their not being up to date.

- 3.4 Babergh cannot currently demonstrate a five year land supply position as required by paragraph 73 of the NPPF, with a very modest shortfall of 35 houses leading to a 4.92 year supply. Also, as required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.5 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS11 is considered to be consistent with the aims of the NPPF, in particular with regard to the need for development to respond positively to local circumstances which is consistent with paragraph 77 of the NPPF, and therefore has full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight.
- 3.6 P Policy CS2 'Settlement Pattern Policy' designates Hintlesham as a Hinterland village. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need. This blanket approach is not entirely consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. Given the application site is adjacent to the built up area boundary the development is not considered isolated and paragraph 79 of the NPPF is not engaged.
- 3.7 In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 2006, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, the policy cannot be given full weight. However its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy is given substantial weight. In the absence of a five-year housing land supply this weighting is reduced to some degree.

4. Sustainability of the Proposal

- 4.1 Policy CS2 designates Hintlesham as a Hinterland Village. Sites outside of a defined settlement form part of the countryside and Policy CS2 limits development in the countryside so that it will only be permitted in exceptional circumstances subject to a proven justifiable need. However, in the absence of a five year housing supply, Policy CS2 is afforded limited weight.
- 4.2 The general purpose of Policy CS11 is to provide greater flexibility in the location of new housing development in the Core and Hinterland Villages. Subject to specified criteria, Policy CS11 intentionally provides greater flexibility for appropriate development beyond

the BUAB for each Core and Hinterland Village, as identified in the 2006 Local Plan Saved Policies.

- 4.3 Policy CS11 sets out the Local Plan 'Strategy for Development in Core and Hinterland Villages' and states:

'Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*
- iv) supports local services and/or creates or expands employment opportunities; and*
- v) does not compromise the delivery of permitted or identified schemes in adopted community/village local plans within the same functional cluster.*

The Core and Hinterland Villages identified in the Spatial Strategy provide for the day to-day needs of local communities, and facilities and services such as shops, post offices, pubs, petrol stations, community halls, etc that provide for the needs of local communities will be safeguarded.

New retail, leisure and community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.

- 4.4 The 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' ("the SPD") was adopted by the Council on 8 August 2014. The SPD provides guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although not part of the statutory development plan, the SPD has been subject to community consultation, has been adopted by Council and is therefore a material planning consideration that is afforded significant weight.

- 4.5 The SPD outlines the matters that should be given regard when assessing proposals in Core and Hinterland Villages. Not surprisingly, these matters closely reflect the six matters detailed in Policy CS11. The matters are as follows:

- Site location and relationship to settlement
- Sequential approach to site selection
- Scale of proposal in relation to existing settlement
- Cumulative impact taken with existing commitments or other proposals
- Local needs
- Availability of services and facilities, their ability to expand and the contribution which development would make to their long-term viability
- Social and economic benefits of development
- Constraints and impacts

- 4.6 Each of the above Policy CS11 criteria are assessed in turn below, with regard given to the further detailed guidance contained in the SPD.

Policy CS15 Sustainable Development

- 4.7 Policy CS15 sets out how the Council will seek to implement sustainable development. A number of criterion set out at CS15 have already been considered in this report, those that have not are considered further below.
- 4.8 Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The site is well connected in highway and pedestrian connectivity terms. A good range of facilities are on offer a short walk from the site, all accessible via an existing footpath network. Amenities include school, church, public house, bus stops. For these reasons the site represents a sustainable location.
- 4.9 Policy CS15 sets out criteria relating to flooding, economic benefits, supporting local services, sustainable design, and creation of green spaces, minimising waste and surface water run-off and promotion of healthy living. The proposal responds favourably to all of these matters.

The locational context of the village and the proposed development

- 4.10 Paragraph 10 of the SPD states proposals should be well related to the existing settlement and that the starting point for assessing this is whether or not the site adjoins the village BUAB. The SPD states a judgement will need to be made and issues to be taken account include:
- Whether the proposal would constitute ribbon development on the edge of the village
 - How the site is connected to the existing settlement, jobs, facilities and services including location of site access and availability of sustainable transport links
 - The scale, character and density of the proposal in relation to the existing adjoining development.
 - Whether the proposal constitutes a logical extension of the built-up area of the village. Whether the proposal is self-contained and has logical, natural boundaries.
- 4.11 The site adjoins the Hintlesham BAUB. The site is very well connected to the village, within easy walking distance of all local amenities including school, public house, and shops. The proposal is not in conflict with the first three issues listed at paragraph 10 of the SPD.
- 4.12 The proposal adopts natural boundaries. The site is visually self-contained to a degree, however the character change through the introduction 2 no. dwellings and associated outbuildings will not be insignificant. The proposal does not represent a characteristic extension of the village as this would result in backland development to the North West of Duke Street.
- 4.13 Duke Street is characterised by a strong linear form of development, for which the proposed development would be out of character with this prevailing form of development, (not in accordance with policy CS11 parts i and ii, and CN01.

- 4.14 Paragraphs 127 and 130 of the NPPF advocates maintaining a strong sense of place using the arrangement of the streetscene and sympathetic to local character, the proposed dwellings would represent backland development that would be contrary to reinforcing this character and against the prevailing form of development.

Impact on Environment

- 4.15 Environmental Health raise no objection to the proposed development from the perspective of land contamination. The proposal complies with criterion vii of policy CS15 insofar as it relates to land contamination.

Locally identified need - housing and employment, and specific local needs such as affordable housing

- 4.16 'Locally identified need' should be construed as the development to meet the needs of the village and its wider functional cluster.
- 4.17 Policy CS11 allows flexibility for developments of appropriate scale and form to come forward for Core Villages. The Growth and Development Strategy contemplates rural growth, which has been identified locally as important to sustain the existing rural settlement pattern and existing rural communities in the catchment area. The sequential approach of the Strategy for Growth and Development requires new development for "rural growth", first, to be directed to Core Villages, which are expected to accommodate new development in locations beyond existing BUAB, where appropriate.
- 4.18 In respect of affordable housing need, paragraph 2.8.5 of the Core Strategy advises that Policy CS11 will lead to greater flexibility in the provision of affordable housing, related to need which has to be considered more widely than just within the context of an individual settlement but also the other villages within that cluster and in some cases adjoining clusters. This is consistent with the requirements of the NPPF that aim to ensure that the local plan meets the needs for affordable housing in the housing market area. Policy CS18 states that the mix, type and size of housing development will be expected to reflect established needs in the Babergh District.
- 4.19 Paragraph 14 of the SPD states that proposals should be accompanied by a statement that analyses the local housing needs of the village and how they have been taken into account in the proposal.
- 4.20 The application is not supported by a housing needs assessment. While the site is more than 0.5 ha to expect such a contribution, the proposed development is for two dwellings which negates the requirement to provide affordable housing on the site as part of the mix.
- 4.21 The proposal is for 2 no. 3 bed properties for which there is a district wide need for 2-3 bed properties, albeit the dwelling to the South is of a disproportionate size compared to the more modest dwelling to the North.

5. Design and Layout

- 5.1 The proposed dwellings are of a contemporary design, while out of keeping with the design of neighbouring properties, local policy CN01 does envisage and promote such

innovative designs. As part of the design there are a number of sustainable attributes incorporated into the scheme such as green roofs and solar panels in accordance with the CS15 and the sustainability criteria outlined in the NPPF.

6. Neighbouring amenity

- 6.1 There will be an impact on the amenity of neighbouring properties arising from the proposed development of the land to the rear, with particular regard to noise and vehicle disturbance. The access for the large dwellings will have a disproportionate impact on 'Milandi', which is a small bungalow adjacent to the access, with a bedroom being on the affected side. The siting of the access in such a manner is considered unneighbourly as the amenity standard of this property would be compromised through disturbances associated with vehicular movements to the site from occupants (envisaging 6 parking spaces) and deliveries. This is considered contrary to paragraph 127 (e) of the NPPF that seeks to ensure a high standard of amenity for existing and future users.

7. Site Access, Parking and Highway Safety Considerations

- 7.1 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.
- 7.2 Policy TP15 requires development to be delivered with safe and sufficient highways access and function. The site has been assessed by Suffolk County Highway Authority, who are content that safe and sufficient egress can be delivered, subject to conditions. Additionally, they are satisfied with the general parking layout shown and consider sufficient manoeuvring space is provided such that vehicles may enter and leave the site in a forward gear, without severe detrimental impact.

8. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 8.1. The impact on the wider landscape will be limited due to the residential curtilages on three sides to the north, east and south. Agricultural field to the west of the site, with the site reasonably contained with existing hedgerows and boundary treatment. The mitigation measures outlined in the arboricultural report and loss of trees for the proposed development is considered acceptable as the trees being removed have little amenity value.

9. Land Contamination

- 9.1 No objections raised by the land contamination officer, subject to informative being attached to the decision notice.
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PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

- 10.1 The site is outside of the settlement boundary and will not reinforce the prevailing form of linear development prevalent in Hintlesham, nor utilises the arrangement of the street. The proposed development is considered detrimental to the character of the locality, with Duke Street characterised by its prevailing linear built form (albeit the exception to the North of the site), contrary to local policies and the NPPF. While there are positive attributes arising from the proposed development, in the form of efficient use of resources and energy, biodiversity enhancement and innovative design and use of materials these do not override the harm that approving the scheme would result in the detriment to the locality and neighbouring amenity.

RECOMMENDATION

That authority be delegated to Acting Chief Planning Officer - Growth & Sustainable Planning to refuse planning full planning permission.

- 1 The proposed development will have an adverse impact on the character of the prevailing linear form of development. This is not in accordance with paragraph 127 part C of the NPPF which seeks to ensure that new developments 'are sympathetic to local character and history, including the surrounding built environment and landscape setting' and part D which states new developments should 'maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'. In addition to this the proposed development is not in line with expectations for new developments as set out under local policy considerations, namely CN01 whereby proposals must pay particular attention to 'the scale, form and nature of adjacent development and the environment surrounding the site. The proposed backland development would introduce alien built-form into this part of Hintlesham, to the detriment of the local character.
- 2 The proposed development would have an adverse impact on the amenity enjoyed by Milandi. This unacceptable outcome will arise in the form of noise and disturbance from vehicles using driveway and parking spaces. In turn this will undermined the peaceful enjoyment of the garden to Milandi where you would expect to enjoy relative tranquillity and distance from vehicle noise, contrary to paragraph 127 part f of the NPPF which states that decisions should ensure a 'high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.