

## **Committee Report**

Item 7E

Reference: DC/19/01604

Case Officer: Jamie Edwards

Ward: Rattlesden.

Ward Member/s: Cllr Penny Otton.

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## **RECOMMENDATION – APPROVAL OF PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Outline Planning Application (Access to be considered) - Erection of 1no. dwelling and garage.

### **Location**

Land Adjacent BT Exchange, Rising Sun Hill, Rattlesden, Suffolk IP30 0RL

Parish: Rattlesden

Expiry Date: 12/07/2019

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Applicant: Dover Farm Developments Ltd

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:

Councillor call in- The application is considered to be of a controversial nature. Lack of securing a S106 agreement on the garden area for the primary school on the previous approved application. The cumulative effect of number of vehicle movements as a result of numerous approvals and current applications. Impact on junction of Rising Sun Hill and Lower Road/Felsham Road.

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

None

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

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### **Summary of Policies**

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

SB03 - Retaining visually important open spaces

RT12 - Footpaths and Bridleways

GP01 - Design and layout of development  
CL08 - Protecting wildlife habitats  
SC04 - Protection of groundwater supplies  
HB08 - Safeguarding the character of conservation areas  
NPPF - National Planning Policy Framework

### **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**

##### **Rattlesden Parish Council**

Rattlesden Parish Council objects to this application.

The previous application (2194/16) for this critical site within the heart of the village - a designated Conservation Area - provided for a nature garden for the nearby Primary School at this location. While the Parish Council was less than keen on a housing development which was outside the settlement boundary, it recognised the significant benefits which would accrue to the School and also that a nature garden was not only consistent with its green agenda but also would majorly enhance the attractiveness of the site. Accordingly, it was pleased to support the application.

DC/19/01604 is self-evidently a superseding application which, if granted, offers only disbenefits for the centre of the village. Clearly, for whatever reason, the nature garden was not progressed. That is a genuine loss to Rattlesden but was fundamental and key to the original application being acceptable. This 'replacement' application (albeit through a different applicant) offers nothing on the site to the village and is, simply, a further example of creeping overdevelopment which is totally unacceptable. It would not be unreasonable to suggest to say that the Parish Council, on behalf of the village, feels completely misled by how the present position has come about.

The application claims that the proposed shared access will have "no material impact on highway safety". That is extremely questionable. Since the access was provided for by application 2914/16 the traffic situation has been subject to overwhelming change. There have been major developments in the village on Top Road and on land adjacent to Roman Rise - both immediately beyond the site represented by this application. Not only the applicant but also, and crucially, Suffolk Highways must recognise and take this change into proper account.

The 22 dwellings as per DC/18/00229 (land adjacent to Roman Rise) and eight dwellings as per DC/18/02258 (Top Road) will both impact negatively upon minor, narrow roads which are already overburdened and unable to cope with the current volumes of traffic. Both will feed substantially increased traffic movements through their obvious and main access road - Rising Sun Hill - the very route on to which this latest application would provide for egress/access. So there must be an impact from this proposal. Moreover, all routes lead to a tiny but remarkably busy junction at the bottom of Rising Sun Hill where visibility is a pre-existing problem - and which is the main access road to the local school and where not only parents park at busy school times but also school buses (as there is no alternative site). The health and safety risks cannot be over-emphasised.

### **Additional Comments from Rattlesden Parish Clerk**

Firstly, the design of the original dwellings was considered particularly suitable and was, together with the graveyard extension and nature garden, critical to Parish Council support (i.e. designed to look like a farmhouse and associated buildings - very much in keeping with the location). It is appreciated that no design is offered within the present application but that also precludes Parish Council support in this key site. Secondly, re highways. The earlier Parish Council comments inadvertently did not account for the impact of the site directly opposite on Rising Sun Hill which was also agreed subsequently and which, itself, has access on to Rising Sun Hill - necessarily in conflict with the access to be achieved for the proposed application. The two together will create congestion on a busy/dangerous stretch of road which has significant pedestrian activity.

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

Many thanks for your request for comments in relation to the above application.

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only 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.

### **SCC - Highways**

No objection subject to conditions.

### **Natural England**

Natural England has no comments to make on this application.

### **Ecology - Place Services**

No objection subject to securing biodiversity mitigation and enhancement measures

### **Heritage Team**

Based on the limited amount of information included with this outline application, the Heritage Team considers that the erection of a dwelling and garage on this site would likely cause no harm to the character and appearance of the Rattlesden Conservation Area, subject to matters of layout, scale, massing, design, use of materials and boundary treatment.

### **Stowmarket Ramblers**

It appears that footpath no. 58 runs within part of the western boundary of this site. It is not clear from these plans as to what provision has been made for this path to continue along its route as per the definitive map and statement for the parish of Rattlesden.

### **B: Representations**

One third party representation from Rattlesden Primary Academy

- No material benefit to Rattlesden Primary Academy, we must withdraw our support for this application.

Non planning comments - Disappointed that this planning application removes the provision of a nature area for the school.

## **PLANNING HISTORY**

**REF:** 2194/16

Erection of two detached dwellings with garages. Extension to graveyard and provision of nature garden for primary school

**DECISION:** GTD  
09.01.2017

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

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

- 1.1. The site lies in the south west corner of the village of Rattlesden, in the Conservation Area, but abutting the Settlement Boundary to the north. The land slopes upwards to the south away from the river valley.
- 1.2. Part of the west boundary abuts/is a public footpath.
- 1.3. The site was included in a red line plan under reference 2194/16 (two dwellings) as a nature garden for Rattlesden Primary School.

### **2. The Proposal**

2.1. The application is an outline application for 1no. dwelling and garage with access to be considered. All other material matters are reserved.

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

- 3.1. The site abuts the settlement boundary of Rattlesden and is therefore classed as countryside according to policy CS1 of the Mid Suffolk Local Plan.
- 3.2. Policy CS2 of the Mid Suffolk Local Plan allows exceptions for countryside development. However, this application does not represent an exception under policy CS2.
- 3.3. The Local Planning Authority can currently evidence a 5yr housing supply of land.
- 3.4. Based on these points the Local Planning Authority would restrict countryside.
- 3.5. However, contextually the site does abut the settlement boundary, it would therefore be unreasonable to refuse the application on the mere fact it is classified as countryside. Particularly when Rattlesden is classed a Key Service Area, hosting services such as a school, community shop, post office and public house.
- 3.6. It is considered that the site would make positive gains in the objectives of sustainable development set out in paragraph 8 of the NPPF. During construction there would be a temporary benefit for the economy to local builders. There would be an ongoing social and economic benefit of one additional dwelling to support the services of the village and an additional dwelling. The site would also have a reduced reliance on a motor vehicle to access services which are available in the village.

3.7. Furthermore, the site was previously part of an extant permission for two dwellings to the south (2194/16). This site infills those approved dwellings and the settlement boundary essentially representing the third dwelling for the site overall.

3.8. It is noted that under the 2194/16 permission for a nature garden for the local Primary School was proposed in the location of this current application. Whilst the extant permission may have been seen as favourable due to the 'gift' of a nature garden, this was never formally agreed under a legal agreement or condition. As part of the school there would have also been conflict with the Council's CIL 123 List that includes extensions for education facilities that would have prevented securing of such agreement. The provision was also not determined previously as being necessary in making the application site acceptable.

3.9. The nature garden proposed previously is not considered to be an essential space that the school requires to ensure it remains open or necessary to mitigate the burden of the proposed development. It is a space that would be a positive addition, but not essential. On this basis the current proposal is determined on its individual merits. Accordingly, the principle of development is therefore considered acceptable as the site is deemed sustainable with no current use on the site that should be retained. However, there may be need for a revised scheme, amendments or revised details to conditions such as landscaping to enable access to this site through the scheme of two dwellings now implemented to avoid any conflict, but this is not the concern of this application or forms the considerations for this application.

#### **4. Site Access, Parking And Highway Safety Considerations**

4.1. The application is an outline application and includes access.

4.2. The site will utilise the existing access to the whole site on Rising Sun Hill. This access has been implemented as part of the extant permission. This is the only development on the site that has been implemented. The remain site remains undeveloped.

4.3 The driveway will run between the garage of the extant permission and Rising Sun Hill.

4.4. Highways Team have reviewed the application and have no objections or concerns relating to the access and highways safety. Conditions have been recommended, all of which have been included in this recommendation.

4.5. A second access exists directly on to the junction of Rising Sun Hill, Lower Road and Felsham Road. The red line plan does not include the area in which this access meets the junction and therefore is not included in the application. However, it is a material consideration because if the application was approved and developed an additional access would exist into the site which is currently outside of the local planning authority's control. The advice here is to show this north west corner in any subsequent reserved matters application with soft natural boundary treatment, such as a hedgerow, in essence stopping up the existing access at the boundary edge. If this is missing from a subsequent reserved matters application there is a high risk that it would be refused.

4.6. Concerns have also been raised but the Parish Council regarding the cumulative impacts to the highway and particularly the junction of Rising Sun Hill, Lower Road and Felsham Road and during school drop off and pick up times.

4.7. Nearby permissions for 5 houses (4044/16) on the opposite side of Rising Sun Hill, 22 dwellings approved under DC/18/00229 further south, approximately 600m, along Rising Sun Hill and 8 dwellings approved under DC/18/02258 which is approximately 600m to the south west on Top Road which joins onto Rising Sun Hill.

4.8. It is considered that the addition of one new dwelling would not have significant impacts on highway safety or the capacity in which the highway can withstand. 37 dwellings in total have been approved in the area, one addition will not significantly change the circumstances or tip over any threshold. The addition of a single household is not considered to significantly demonstrate highway concern to warrant refusal.

## **5. Design And Layout [Impact On Street Scene]**

5.1. The application is for an outline permission. Therefore, details of design and layout are reserved.

5.2. That said, the site does offer some constraints that should feed into a design brief.

5.3. The site is elevated from the road and therefore heights should be kept to a minimum to ensure that any dwelling would not be imposing on the junction corner. Recommendation is to focus on single storey or 1.5 storey as a maximum. Unlike the two storey dwellings which are set further back into the site.

5.4. The design and layout should also carefully acknowledge the relation to the extant two dwellings to the south of the site and its presence as a corner plot on the junction. Justification for which way the dwelling should face and interact with its surrounding should be given in a design and access statement.

5.5. Careful consideration should also be given to how the layout and boundary treatments would affect the public footpath in which the site shares its boundary.

## **6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

6.1. The application includes an Ecology survey. Places Services Ecology department are satisfied with this survey and conditions are attached for mitigation and enhancement measures.

## **7. Land Contamination**

7.1. The application includes a land contamination questionnaire and survey. Both satisfy the Environmental Health officer and an informative is added to the decision for the applicant to notify the Council should they discover any issues during development.

## **8. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

8.1. The site is within a conservation area.

8.2. The heritage officer has confirmed that subject to detail, layout and materials, the erection of a dwelling and garage will have no impact on the conservation area.

8.3. These matters are reserved and therefore will be considered under a subsequent application.

## **9. Impact On Residential Amenity**

9.1. Residential amenity impact details rely on the design and layout which are reserved matters. Therefore, a full assessment will be made with a subsequent application.

9.2. That said the site is unlikely to give rise to significant amenity issues due to its location and being at least 30m from another dwelling.

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## **PART FOUR – CONCLUSION**

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### **10. Planning Balance and Conclusion**

10.1. The site is considered to be countryside development according to policies CS1 and CS2 of the Mid Suffolk Local Plan. Therefore, development would normally be restricted.

10.2. However, due to the site abutting the settlement boundary and the services available in Rattlesden it would be considered unreasonable to refuse the application merely on the basis it is classed as being countryside.

10.3. Therefore, the principle of development should not be refused for one dwelling on the site.

10.4. The application would not give rise to any significant impacts to highways that would warrant a refusal, as set out in the above report.

10.5. All other matters are reserved and will be considered under a subsequent application, however there are no issues in principle considered likely to prevent a good quality development in principle.

### **RECOMMENDATION**

Recommendation is to approve the application with the following conditions:

Time limit for reserved matters application.

All Conditions as recommend by the Highways Officer.

All conditions recommended by the Ecology officer regarding mitigation and enhancement.

Restrict the height of the proposal to 1- 1.5 storey dwelling only.