

Committee Report

Item 7A

Reference: DC/19/01558
Case Officer: Mahsa Kavyani

Ward: Gislingham

Ward Members: Cllr Rowland Warboys

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder Planning Application - Construction of a bridge to provide vehicular access.

Location

Address: The Bungalow, The Street, Thornham Magna, Eye, Suffolk, IP23 8HB

Parish: Thornham Magna

Site Area: Gislingham

Conservation Area: No

Listed Building: No

Received: 29.03.2019

Application Type: Householder Planning Application

Environmental Impact Assessment: N/A

Applicant: Mr Jon Ainsley

Agent: Patrick Allen Ltd

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- The application was subject of a public petition due to high number of objections received

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

- Policy H16: Protecting existing residential amenity

- Policy HB3: Conversions and alterations to historic buildings
- Policy HB4: Extensions to listed buildings
- Policy HB8: Safeguarding the character of conservation areas
- National Planning Policy Framework (NPPF)

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Pre-application advice was sought in relation to a different proposal, albiet for the same site.

The pre-app was with regards to creation of 4 dwellings on the same site, the response of the Officer was negative.

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

Thornham Magna Parish

The Parish have raised concerns with regards to the named application in summery objecting to adverse impact of the proposal upon the visual impact, Highways Safety, Flood Risk, Environment and Habitat.

All the raised concerns are noted and have been addressed within Officer's report.

The Environment Agency

No comments were provided that addressed the proposal

Heritage Team

Heritage team were consulted; however, no comments were provided.

SCC Highways

No objections were raised subject to conditions

B: Representations

During the consultation period, letters of objection were received. These objections are in summery outlined below:

- Health & Safety
- Inadequate Access
- Increase danger of flooding
- Increased Traffic/Highways Issues
- Dominating/Overbearing
- Drainage
- Inappropriate in a Conservation Area
- Landscape Impact

Further concerns were raised in respect of need, loss of view and future development potential.

Relevant History

- Reference 0800/78 - Erection of Timber Sectional Garage and Creation of Access from Existing Track—Granted
- Reference 0936/06 - Formation of vehicular access and associated work including construction of bridge---Granted
(please note that this permission was never implemented and now expired, also note that the permission is with regards to the adjacent property, Brook House. However, this has some material weigh in determination of the current application, as the current proposed domestic bridge would serve both The Bungalow and Brook House in close proximity to the previously approved bridge & Access)

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

The application site comprises part of existing gardens for The Bungalow including areas of former lawn, hedgerows and scrub. An access drive used by pedestrians and adjacent properties runs adjacent to the application site, whilst a minor watercourse runs parallel with The Street. To the opposite, is a Grade II listed building. The site is partially situated within Flood Zones 2 & 3. The subject site is also located within the Special Landscape Area.

2. The Proposal

- 2.1. The proposal consists of; *“Construction of a bridge to provide vehicular access.”*
- 2.2. The proposed bridge would serve the host dwelling (The Bungalow) and the immediate neighbour to the north (Brook House). Currently there is a small footbridge, which provides pedestrian and disabled access. There is a vehicle access/bridge further up to the north of the site, which serves several properties, including The Bungalow.

- 2.3. The Street is characterised by mature trees and hedgerows growing alongside the watercourse.
- 2.4. The provided drawings adequately demonstrate the extent of the proposed works.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.2. The following paragraphs of the NPPF are considered applicable:
 - Para 7: Achieving sustainable development
 - Para 8: Three dimensions to sustainable development
 - Para 11 – 14: The presumption in favour of sustainable development
 - Para 15 – 19: Plan making
 - Para 47 – 50: Determination of planning applications
 - Para 184 – 188: Conserving and enhancing the historic environment
 - Para 189 – 192: Proposals affecting heritage assets

4. Core Strategy

- 4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to this scheme:
 - FC1.1 - Mid Suffolk's approach to delivering sustainable development

5. Saved Policies in the Local Plans

- 5.1. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998 relevant to the proposal:
 - Policy H16: Protecting existing residential amenity
 - Policy HB1: Protection of historic buildings
 - Policy CL8: Protecting wildlife habitats
 - Policy GP1: Design and layout of development
 - Policy SB2: Development appropriate to its setting
 - Policy CL2: Development within Special Landscape Areas
 - Policy CS5: Mid Suffolk's Environment
 - Policy T10: Considerations in Development

6. Principle of Development

- 6.1. The proposed domestic bridge to provide access to dwellings is acceptable in principle subject to all other material considerations. The determination of the planning application shall also have regard to the material harm caused as a result of the proposed development. The 'tests' here are whether the material harm caused by such development are significant enough to cause adverse impact on the character and setting of the area, residential amenity enjoyed by occupants of neighbouring

properties as well as non-domestic uses of land and buildings nearby, highways access and parking, and finally environmental risk / harm arising (ecology, flood risk, trees, archaeology etc).

The extent of any harm is assessed in the paragraphs below:

7. Formation of Access and Impact on the Character/Appearance of the Area

- 7.1 The application site is partially situated within the Special Landscape Area, where the Council places an importance upon protection and conservation of landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole. Currently, The Street is characterised by mature trees and hedgerows growing alongside the watercourse. The submitted Arboricultural report identifies that “to the south and fronting the site, is a bolted hedge of predominantly with occasional Elm, suggesting that it was originally planted as a semi-formal domestic enclosure, rather than being naturally generated, or forming a remnant of a former agricultural enclosure.” And provides that “The section bordering the neighbouring property to the north, is predominantly Elm, with occasional sycamore.” Similarly, none of the trees have been identified as being worthy of Tree Preservation Order, albeit they contribute positively to the overall character of the locality. The submitted Arboricultural report further provides that “The two groups were surveyed in accordance with 8S5837:2012 and are recorded as '82' category (moderate landscape value) i.e. for their contribution to the mature leafy character of The Street and for the enclosure and screening they provide.”
- 7.2 The proposal would require the removal of a small section of the vegetation along the boundary (bolted hedge, Hornbeam and Elm). It would also be necessary for the verge on the west side of the watercourse to be cleared of scrub and naturally generated sycamore, to accommodate visibility splays. It is considered these works would not have a significant adverse impact on the contribution of the group to the character of the surroundings, given the small scale of the removal. Also, it is acknowledged that the construction of the bridge would indeed affect a small section of the watercourse bank, however based on the information provided, this would not extend significantly into the Root Protection Areas of adjacent retained vegetation. Furthermore, the design/style and scale of the bridge is considered suitable in this instance, typical of its kind.
- 7.3 For the reasons stated above and having considered impacts of the proposal against the local and national policies, the proposal is not considered to have a significant adverse impact upon the special character of the area.

8. Impact on Ecology and Flood

- 8.1. The applicant has submitted an extensive ‘Ecological Report’, in which details of all species and trees that could be potentially impacted by the proposal have been addressed. Policy CL8 of the local plan, puts emphasis on “Protecting wildlife habitats”. Mitigation measures can be imposed as conditions, to limit impacts on retained habitats and species of interest through the site clearance, construction and operational phases of the scheme. These include protection of retained habitats and good practice measures to prevent amphibians, hedgehogs and other wildlife being inadvertently injured or killed during the scheme. Where mitigation is insufficient to prevent impacts compensation measures such as tree and hedgerow planting can be imposed, again through suitable conditions. Overall, the submitted Ecological report

has scored the impact of the proposal as 'minor negative' upon the Habitat and vascular plants, Amphibians and reptiles, Bats, Nesting birds.

- 8.2. The proposed site is situated within the Flood Zones 2 & 3, where there is risk of flooding, however here the assessment is whether the proposal would heighten/worsen the risk of flooding in that locality. It should be noted that there are other bridges along the subject stream, one (which serves the cul-de-sac to the south) in particular only 10m away, down to the south of the subject site. Also, submitted Engineer's specifications/drawings provides that the proposed design structure is in accordance with good practice, one which would not act as a barrier to flood, allowing for free flow of water in case if flooding occurs.
- 8.3. At the request of the LPA, the applicant has submitted a Flood Risk Assessment (FRA), where the possible adverse effects of the proposal upon flooding have been explored. Findings of the report sufficiently justifies that there would be no heighten impact upon the flood issues in the locality as a result of the proposal. Please note the proposed development is not classed as a vulnerable use and does not fail the sequential test of flood risk.

9. Impact on Conservation Area & Heritage Assets

- 9.1. The subject site is situated to the opposite of a Grade II listed building, Policy HB1 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 9.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 9.3. In this case Heritage team were consulted and provided no comments in this regard. It is not considered that the proposal would not result in harm upon the setting of the Grade II listed building.

10. Residential Amenity (Including Non-Domestic Uses)

- 10.1. Policy H16 seeks to protect the existing amenity of residential areas, including neighbouring residents.
- 10.2. Paragraph 127 of the NPPF sets out a number of core planning principles to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.3. The proposed bridge, by virtue of its nature, scale and style is not considered to unduly erode the amenity enjoyed by the neighbouring properties.
- 10.4. The proposed would not significantly impact upon the amenity of neighbouring residential properties. The proposal accords with the aspirations of local Policies H16 and paragraph 127 of the NPPF.

11. Site Access, Parking and Highway Safety Considerations (Travel, Parking and Visitors)

- 11.1. Policy T10 of the local plan requires development to be delivered with safe and sufficient highways access and function.
- 11.2. 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)).
- 11.3. Considerations have been given to access, parking and layout. SCC Highways were consulted, and they have raised no objections to the proposal, it has been demonstrated that the proposal can achieve adequate visibility and meets Highways Standards. It is not considered that addition of a bridge/access would detrimentally impact the highways safety, or would result in traffic increase, here the proposal is to create access to 2 Nos dwellings, no new dwellings have been proposed to generate additional traffic.

PART FOUR – CONCLUSION

12. Planning Balance

- 12.1. The LPA is obliged to consider whether the proposal is in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 12.2. No significant planning harm has been identified in your officer's opinion and the development is in accordance with local development policies and the guidance contained within the NPPF. The proposal constitutes sustainable development for which the NPPF carries a presumption in favour. In terms of balance it is concluded to recommend the application for approval.

RECOMMENDATION

(1) That the application is GRANTED planning permission and includes the following conditions: -

- Standard time limit
- Approved Plans (Plans submitted that form this application)
- Landscape mitigation measures
- Ecological mitigation measures
- Recommended Highways conditions