

## **Committee Report**

**Item 7C**

**Reference:** DC/19/03659

**Case Officer:** Daniel Cameron

**Ward:** Stradbroke & Laxfield.

**Ward Member/s:** Cllr Julie Flatman.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Erection of 5 No dwellings (following demolition of agricultural buildings).

### **Location**

Newtons Farm, Stradbroke Road, Brundish, Woodbridge Suffolk IP13 8BG

**Expiry Date:** 27/09/2019

**Application Type:** FUL - Full Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Greenfield Durrant Ltd

**Agent:** Hollins Architects and Surveyors

**Parish:** Brundish

**Site Area:** 0.42ha

**Density of Development:** 12 d/ha

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** Yes

**Has the application been subject to Pre-Application Advice:** Yes (DC/18/04271 and DC/19/02971)

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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:

The ward member has called the application before planning committee due to the conflict with policies CS01, CS02 and H07 of the adopted Development Plan.

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

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## **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG-National Planning Policy Guidance  
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  
CS07 - Brown Field Target  
CS09 - Density and Mix  
SB02 - Development appropriate to its setting  
GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H09 - Conversion of rural buildings to dwellings  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL08 - Protecting wildlife habitats  
T09 - Parking Standards  
T10 - Highway Considerations in Development

## **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**

#### **Town/Parish Council (Appendix 3)**

##### **Brundish Parish Council**

Brundish Parish Council fully endorse the report by Portland Planning, that challenges the justification for the new application and the validity of the original Class Q applications. Their report was submitted as a Public Comment (objection) on the 14th August and is listed under submitted documents.

Brundish Parish Council objects to the proposed development for the following reasons:

1. The proposal would result in 5 new houses in the countryside, remote from any services or facilities. It does not represent sustainable development and is contrary to a number of national and local planning policies.
2. The proposed site exceeds the original agricultural building plot size and encroaches into open countryside.

3. The density, height, layout and visual appearance of the proposal would be harmful to the rural character and appearance of the area and would be a dominant and discordant development in the wider landscape setting.
4. There is no provision for affordable housing in the proposal and all the plans are for three, or more, bedroom houses albeit in some cases with a bedroom being described as a study.
5. The proposed development would have a far greater and more harmful impact on the character and appearance of the area than the fallback position of converting the buildings as permitted to one or two dwellings.
6. Evidence demonstrates that the fallback position is not economically viable and there is therefore no realistic prospect of the planning permission granted in 2018 or the permitted scheme under Class Q, Part 3 of the GPDO, being implemented.
7. The fallback position does not therefore justify the proposal.

### **Wilby Parish Council**

The council recommend refusal to this application based on the large and inappropriate scale of the proposal. The development would amount to new dwellings in open countryside that are not sustainable.

Road safety is also a concern at the junction of Foals Green Road and the B1118.

The agents claim the proposal should be considered in line with a Court of Appeal decision on 8th September 2017. For this to be applicable the alternative proposal should be preferable to the existing, and the existing proposal should be viable and likely to be implemented, but we note the agent claims that it is NOT viable.

### **National Consultee (Appendix 4)**

#### **Natural England**

Natural England has no comments to make on this application.

### **County Council Responses (Appendix 5)**

#### **SCC - Fire & Rescue**

##### Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

##### Water Supplies

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 252m from the proposed build site and we therefore recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

### **SCC - Highways**

To promote, encourage and support the principles of sustainable transport as outlined in the National Planning Policy Framework, safe and suitable access is required for bus services, pedestrians and cyclists to and from the site. The closest bus stops are over 2.5 miles from the site with minimal bus services.

The catchment primary school is Wilby Primary and is 1 mile from the site with no safe walking route to school. The catchment secondary school is Stradbroke High. Pupils and students will be reliant on the private car and school transport to get to schools. Therefore, this site is not considered a sustainable location from a transport policy perspective.

The development would not have a severe impact on the highway network (NPPF para 109) therefore we do not object to the proposal.

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

- Visibility splays to 90m;
- Details of access roads to be agreed;
- Parking to be provided as shown;
- Electric vehicle charging points to be provided;
- Refuse and recycling bins to be provided; and
- Construction Method Statement to be provided to show how HGV traffic movements would reach the site.

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority. Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage: [www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/)

### **SCC - Highways**

Further to comments received on this application regarding highways, we have the following comments to assist you in making your decision on this application:

- level of impact from traffic generated by the development on the local and wider highway network during the peak hours - 5 dwellings would generate approximately 4 vehicles in the peak hour period; this level of impact from traffic generated by the development is very low and would not affect capacity.
- Sufficient visibility splays with safe access onto the highway - The previous application 0817/16 was granted which included the access. The site has the required visibility. A concern has been raised regarding the Foals Green Lane junction with the B1118. The visibility is not to standard, however, there have been no injury accidents at this location.
- Mitigation measures to improve access - Foals Green road is a narrow rural lane and the site would benefit with carriageway widening or construction of passing places. However, there is not sufficient highway to construct this level of mitigation. The previous use of this plot was agricultural so 5 dwellings with cars will not be considered as a major intensification.
- Sufficient parking area for the number of bedrooms - the plans indicate the required levels of parking to Suffolk Guidance for Parking 2015.
- Sufficient turning area within the boundary/curtilage to ensure vehicles enter and exit the highway in forward gear - adequate areas have been provided

- Number of injury accidents in the area - there have been no injury accidents in the area over the past 5 years.

## **Internal Consultee Responses (Appendix 6)**

### **Ecology - Place Services**

No objection subject to additional precautionary mitigation, compensation and enhancement measures.

We have reviewed the revised proposed plans and elevations and have reassessed the Ecological Survey and Assessment (Essex Mammal Surveys, July 2019) relating to the likely impacts of development on designated sites, protected species and priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

However, it is highlighted that there is still a low risk that Protected and Priority Species could be present during the construction phase. The Ecological Survey and Assessment has recommended some precautionary measures for Hedgehogs and Toads, but this is not considered sufficient for this application. Therefore, to ensure certainty of impacts for Protected and Priority species, further precautionary mitigation measures should be delivered for amphibians, reptiles, nesting birds and Hedgehogs via the provision of a Biodiversity Method Statement. This document should be delivered for this application as a condition of any consent, prior to commencement.

In addition, a Wildlife Sensitive Lighting Strategy should be delivered for this scheme to avoid impacts to foraging and commuting bats. This must follow the Guidance Note 8 Bats and artificial lighting (The Institute of Lighting Professionals & Bat Conservation Trust, 2018). In summary, it is highlighted that the following measures should be implemented for the lighting design, which could be informed by a professional ecologist:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at 2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- If Light columns are required, they should be as short as possible as light at a low level reduces the likelihood of any ecological impact. However, the use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill.
- Movement sensors and timers could be used to minimise the 'lit time'.

Furthermore, we support the proposed reasonable biodiversity enhancements, which have been outlined within the Ecological Survey and Assessment (Essex Mammal Surveys, July 2019). This includes the addition of two bat box, two bird boxes, hedgehog friendly fencing, hedgehog nest box and two solitary beehives. We also note the provision of the hedgerow and pond compensation within the revised proposed plans and elevations. Therefore, we are satisfied that these features will be appropriate offset within the scheme. These proposals will ensure measurable net gains for biodiversity, which will meet the requirements of Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures and compensation measures should be outlined within a Biodiversity Compensation and Enhancement Strategy and should be secured as a condition of any consent. This must include details of native species planting and management and maintenance of all ecological features.

### **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.

### **MSDC Planning Policy**

No response.

### **B: Representations**

At the time of writing this report at least 21 letters, emails and online comments have been received. It is the officer opinion that this represents 14 objections, 0 support and 7 general comments. A verbal update shall be provided as necessary.

Objections are summarised below:

- Application site is outside a defined settlement boundary;
- Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside;
- The fallback position available on the site is not a realistic proposition;
- The site is located far from existing services and is considered to be unsustainable;
- Density, height and visual appearance of the proposed dwellings would be dominant within the streetscene and would harm the rural character of the surrounding area;
- The access road to the site is narrow and unlit and the proposed development would increase traffic along it;
- The junction between Foals Green Road and the B1118 is dangerous and unsuitable for additional traffic volumes;
- Adverse on residential amenity from both overlooking, overshadowing and domestic and vehicular noise;
- Loss of vegetation within the site; and
- Potential flood risk.

Supportive comments are summarised below:

- Development would remove the unsightly existing building which is in a poor state of repair;
- Development would re-use a brownfield site; and
- Additional occupiers would bring benefits to the area.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **PLANNING HISTORY**

<b>REF:</b> DC/18/02008	Full Planning Application- Conversion of barn to 1 No. dwelling	<b>DECISION:</b> GTD 16.07.2018
<b>REF:</b> DC/19/00310	Application under Section 73 of the Town and Country Planning Act - Removal of	<b>DECISION:</b> GTD 28.02.2019

condition 4 (agricultural occupancy) relating to application 0096/98.

<b>REF:</b> 3481/16	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development (2 units)	<b>DECISION:</b> GTD 12.10.2016
<b>REF:</b> 0817/16	Repositioning of existing rear vehicular access	<b>DECISION:</b> GTD 21.04.2016
<b>REF:</b> 4010/14	Prior Approval (Class MB(a)) of Proposed Change of Use of Agricultural Building to Dwellinghouse (Use Class C3)	<b>DECISION:</b> REF 16.02.2015
<b>REF:</b> 3168/13	Barn Conversion to Holiday lets	<b>DECISION:</b> REF
<b>REF:</b> 3674/13	Conversion and change of use of existing rural buildings to form four self-catering holiday lets.	<b>DECISION:</b> REF 28.03.2014
<b>REF:</b> 3048/07/EQ	Varying agricultural occupancy restriction to include equestrian business.	<b>DECISION:</b> REC
<b>REF:</b> 0622/07	purchase of agriculturally tied dwelling	<b>DECISION:</b> REC
<b>REF:</b> 0096/98/OL	ERECTION OF AGRICULTURAL WORKER'S DWELLING.	<b>DECISION:</b> GTD 10.02.1999

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

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

- 1.1 The site is located within the Parish of Brundish, close to the junction of Foals Green Road with the B1118. It is a roughly rectangular site, 0.42 ha in area. It contains an agricultural outbuilding and an area of hardstanding around it with the remainder of the site laid to grass.
- 1.2 Established boundary hedgerow is located along the northern boundary of the site and a run of established trees runs roughly north to south through the site. It is understood that a pond had been located in the eastern corner of the site, however, this has been filled.
- 1.3 The site benefits from an access to Foal's Green Road which was approved under application 0817/16 and is now implemented. It is understood from third party representations that this access was installed after that permission had lapsed.

## **2. The Proposal**

- 2.1 This application seeks full planning permission for the demolition of the existing agricultural building on site and for the erection of five new detached residential dwellings. These break down to two, two bedroomed dwellings, two, three bedroomed dwellings and one four bedroomed dwelling.
- 2.2 In total 585m<sup>2</sup> of new residential floorspace is proposed, although it is noted that this figure excludes the floorspace within the garages. The individual floorspaces created for each dwelling exceed those shown within the Nationally Described Space Standard (March 2015).
- 2.3 Fourteen parking spaces in total are proposed. Two of which are reserved for visitors to the site. The remaining twelve are allocated to each dwelling in accordance with the provisions of the adopted Suffolk Guidance for Parking.
- 2.4 The density of the proposed site equates to 12 dwellings per hectare. Given the rural setting of the application site, this is considered to be appropriate, as a higher density would likely given the site the appearance typical of a suburban housing estate, which would be out of character for the area.
- 2.5 All of the proposed dwellings are two storeys in height, with proposed ridge heights of 8.2m.
- 2.6 Good sized private gardens are provided to all five properties.
- 2.7 The closest of the proposed properties to any neighbour is the one shown on plot 5. The closest site boundary to the rear of the neighbouring property is 25m removed from them. A 1.8m close boarded fence is proposed on the boundary, which existing mature hedging is also retained.
- 2.8 The submitted design and access statement as well as the application form shows materials to incorporate red brick, horizontal timber boarding and pantiles to the roof of the buildings. Further, a number of features including chimneys, quoins, exposed rafter feet and brick arches over the fenestration are proposed in order to give the properties a farmhouse aesthetic.
- 2.9 The site area is 0.42 ha.

## **3. The Principle of Development**

- 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 For the purposes of the application at hand, the following documents are considered to form the adopted Development Plan:
  - National Planning Policy Framework (NPPF, 2018)
  - National Planning Practice Guidance (NPPG, 2014)
  - Mid Suffolk Core Strategy Focussed Review (2012)
  - Mid Suffolk Core Strategy (2008)
  - Mid Suffolk Local Plan (1998)

- 3.3 Mid Suffolk benefits from a five-year housing supply. There is no requirement for the Council to determine what weight to attach to all the relevant development plan policies in the context of the tilted balance test, whether they are policies for the supply of housing or restrictive 'counterpart' policies, such as countryside protection policies. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight.
- 3.4 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. 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, and weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.5 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. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 3.6 Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. This list of allowable development explicitly excludes the creation of market housing such that the proposed development does not fall within any of the listed categories.
- 3.7 Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 3.8 The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.
- 3.9 However, the exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not 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. The definition of isolation with regards to this policy has been shown within court judgements to relate to physical isolation, only. Given the proximity of residential development to the application site, it cannot be considered to be isolated for the purposes of paragraph 79.
- 3.10 Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight attached to the above policies is reduced as required by paragraph 213. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 3.11 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01\_1 of the Core Strategy and are also

the most recent elements of the Mid Suffolk development plan, adopted in 2012. Policy FC01\_1 however is not considered up to date as it does not allow for the weighing of public benefits against heritage harm, a key tenet of the NPPF.

- 3.12 Therefore, it cannot be shown that the policies of the Council carry sufficient weight to be determinative to this application. Paragraph 11d) of the NPPF is relevant, it requires that 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.
- 3.13 The aim of the NPPF, the delivery of sustainable development, remains unchanged. The three dimensions of sustainable development, in the context of the proposed scheme, are assessed in detail below.
- 3.14 *Economic Dimension* – The provision of dwellings on the site would give rise to economic benefits during the construction of the proposed dwellings. 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. The proposal will result in significant job creation and will have positive regional economy benefits. However, it is not considered that the proposed dwellings would have continued economic benefits for the immediate area, in large part due to the lack of facilities within the area.
- 3.15 *Social Dimension* – The provision of housing is noted as a positive benefit of the application. While the Council can currently demonstrate a five-year housing land supply, this cannot be read as a cap on development and the delivery of small sites is essential to maintain the Council’s housing land supply position.
- 3.16 *Environmental Dimension* – Criticism of the application notes the lack of facilities to support the proposed dwellings. That being said, it is well-established industry practice that CIL contributions are used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. However, weight should be given to the lack of facilities within the immediate area and with the difficulty future residents of the site are likely to have accessing them using sustainable transport options.
- 3.17 Attention should also be given to the planning history attached to the site and the fallback position this creates for the applicant. Application 3481/16 granted prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the creation of two, dwellings within the current agricultural building on site. In light of this, application DC/18/02008 was granted full planning permission for the creation of one dwelling on site within the frame of the existing agricultural building. While the time frame to implement the barn conversion granted under Class Q has now lapsed, DC/18/02008 is still extant and may be implemented.
- 3.18 Third party representations indicate that the current fallback position available on the site would not be implemented as it is financially unviable. This is not disputed, and is a valid point, however, the fact remains that assessment of the site under the provisions set out under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended) was previously successful and it is considered that further applications made in this manner would likely also be acceptable, which would lead to the creation of residential development on the site.

- 3.19 An application made under the provisions of Class Q would allow for the creation of either 3 large dwellings (defined as being over 100m<sup>2</sup> in area) or 5 smaller dwellings (defined as being under 100m<sup>2</sup> in area). The previous application confirmed the internal area of the barn to be 380m<sup>2</sup>. Accordingly, it is considered that a future Class Q application would be able to demonstrate that either three large dwellings or five smaller dwellings could be accommodated within the structure of the barn and moreover could be done meeting the requirements of the Nationally Described Space Standards (2015). The sustainability of a site is not considered within an application for Class Q under the GPDO regulations, as barns are not likely to be well located with regards to nearby services and facilities.

#### **4. Nearby Services and Connections Assessment of Proposal**

- 4.1 Brundish itself is not listed within the settlement hierarchy set out within Core Strategy CS01, which is considered to be reflective of the lack of facilities available to support residential dwellings within the village.
- 4.2 Wilby, a Secondary Village containing a primary school, is located 1.2 miles to the north-west of the application site and Stradbroke, a Key Service Centre containing an array of shops and facilities is 2.8 miles north-west of the application site (1.6 miles further on from Wilby).
- 4.3 Connections from the site to both Wilby and Stradbroke would be unlikely to be made via sustainable methods of transport, especially when it is considered that the roads that would need to be utilised to make these journeys would likely be intimidating to those on foot or bicycle in that they are unlit, narrow, and contain no refuges. It is considered that access to local services from this site would be made by private motor car.
- 4.4 Neither the application site or the direct routes to Wilby or Stradbroke are served by public transport. The 118 route does run from Stradbroke to Dennington, however, this would require either the 2.8 mile journey to Stradbroke to the stop near the White Hart public house or a 3.6 mile journey to Dennington to the stop near The Dennington Queen public house to first be made by the future residents of the site.
- 4.5 While the NPPF makes allowances for a greater degree of car dependency within rural areas, the future residents of the application site would be reliant upon the private motor car. This is directly at odds with the need to transition towards a low carbon economy set out within the NPPF.
- 4.6 With regards to the fall back position under Class Q, the assessment of the site made under the provisions of Class Q does not require consideration as to whether the site was sustainably located. Barns and other agricultural buildings are, given their intended use, expected to be located in rural settings where connections to facilities may be more difficult to achieve. As such it is recognised that whatever the considerations may be in respect of the sustainability of the site consideration also has to be given to the potential fall-back position for residential development on this site, available under Class Q, and extant planning permission with regards to consent DC/18/02008.

#### **5. Site Access, Parking and Highway Safety Considerations**

- 5.1 Access to the site is taken from Foal's Green Road. Concerns around the sustainability of the site are noted from the Highway Authority given that the nearest primary school is over 1 mile from the site, and the nearest bus stop is over 2.5 miles from the site. However, that aside, they do not note any severe impact upon the highways network that would mean the proposed development would be at odds with paragraph 109 of the NPPF.
- 5.2 Further comments note that the proposed development would lead to approximately four vehicle movements in the peak hour period. This is considered to be a low level of impact and would not affect the overall capacity of the road network in the area. Concerns over the visibility at the junction from Foals Green Road turning onto the B1118 are noted and it is accepted that visibility here is not to standard, however, there are no recorded accidents at this location. Indeed, within the area there have been no recorded injury accidents within the last five years.
- 5.3 The Highway Authority confirms that parking is provided in accordance with the provisions of the adopted Parking Standards and that sufficient space is given within the site for the turning of vehicles such that they could enter and leave in a forward gearing.
- 5.4 The Highway Authority is content that there would be no major intensification in the proposed vehicular use of the site given its former agricultural use and that while improvement to the Foals Green Road may be desirable, there is not sufficient highway to allow the required widening or construction of a passing place.
- 5.5 Third party representations note that application 3674/13 for the conversion of the barn to four holiday lets was refused, in part due to the intensification of traffic that would utilise the junction of Foals Green Road and the B1118. Further, they also note that the installation of the access (approved under application 0817/13) was undertaken following the expiry of that planning permission.
- 5.6 With regards to the previous decision, the Highway Authority in 2013 determined that the Foals Green Road and B1118 junction has poor visibility and would be unsuitable for the additional traffic resulting from that proposal. On this application, with regards to the updated requirements of the NPPF and difference in the proposals, the Highway Authority considers that the level of traffic generated from the proposal would be low and not affect capacity.
- 5.7 With regards to the implementation of the access approved under application 0817/13 being after the expiry of that permission it is noted that the access details as proposed are acceptable to the Highway Authority such that if approved, there would be no breach of planning permission.

## **6. Design and Layout**

- 6.1 The proposed development utilises one access onto Foals Green Road, with the proposed dwellings arranged to the north of the access road leading from it, while the design of the proposed dwellings is intended to be reflective of farmhouses or cottages and do contain a number of characterful features.
- 6.2 The dwellings are uniformly two storeys in height and are intended to be finished in a mix of red brick and horizontal timber boarding.

- 6.3 1.8m high close boarded fencing is proposed to the boundaries of the site with additional planting proposed to strengthen the edges. Part of the run of trees within the site is to be moved within the site to the boundary to ensure that felling within the site is kept to a minimum. It is also intended to replace and improve the pond within the site's eastern corner.

## **7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 The application site does not form part of a designated landscape. Core Strategy policy CS05 gives protection to the landscape of Mid Suffolk, protecting its most important components.
- 7.2 The predominant character of the surrounding area is strongly rural and in particular, agricultural. This character aspect is formed by the large field patterns visible through aerial photography.
- 7.3 It is considered that the proposed housing would be viewed together with the linear run of development located along the B1118. However, some limited harm to the quality of the rural landscape would be had given that the development would remove an area with an agricultural character from the wider landscape, although noting the extant consent for residential use this is not significant.
- 7.4 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30<sup>th</sup> November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The report concludes the development would not adversely impact any statutory or non-statutory designated sites of nature conservation in the vicinity of the site, moreover it confirms a lack of Great Crested Newt eDNA from the former pond.
- 7.5 Consultation with the Council's Ecology consultation shows no objections to the proposed works provided that mitigation and enhancement of the site can be secured via planning conditions. This would involve precautionary measures to avoid impacts on Hedgehogs, Toads, as well as other amphibians, reptiles, nesting birds along with on site enhancement including the provision of bat boxes, bird boxes, hedgehog friendly fencing and nest box and solitary beehives. Provision of any lighting on site would be required to be designed in such a way so as to minimise the level of light required so as to avoid impacts on light sensitive species and would also serve to protect the amenity of surrounding properties as well rural dark skies from unnecessary light pollution.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 Local Plan policy H17 requires that residential development be kept away from sources of pollution. Analysis of the site has found no contamination in the soil that would adversely affect the health of future residents of the site which has been confirmed by the Council's Environmental Health Team
- 8.2 The site is located within Flood Zone 1, such that specific consideration as to the impacts of river and surface water flooding are not required. That being said, Building Regulations does require the installation of surface water drainage measures in all development such that measures would be installed on site in order to control this. Details supplied with the application show a soakaway is intended to be used in order to deal with surface water drainage.

- 8.3 A package sewage treatment plant is proposed to deal with waste. Given the likely difficulties with connecting the properties to the public sewer system, this is an acceptable solution and is subject to the system according with the general binding rules for septic tanks and package sewage treatments from the Environment Agency or a permit issued by the Environment Agency.

## **9. Impact on Residential Amenity**

- 9.1 Local Plan policy H16 seeks to protect the existing amenity of adjacent dwellings and to avoid development which erodes the character of the surrounding area.
- 9.2 The closest neighbouring residential properties to the application site are composed of a linear run of single, one and one half, and two storey dwellings, all of which face onto the B1118 and are located to the immediate south-west of the application site.
- 9.3 The rear boundaries of these properties appear to back onto the application site, however, their arrangement close to the B1118 means that they are arranged between 65 and 25 metres away from the boundary of the site.
- 9.4 The southern boundary treatment to the edge of the proposed development involves the erection of a 1.8m high close bordered fence and benefits from existing landscaping of mature planting to the southern boundary of the site.
- 9.5 Given the intervening distances and relative orientation, it is not considered that the proposed dwellings would reduce the levels of light available to the neighbouring dwellings. Further, it is not considered that the proposed dwellings, owing to the intervening distance, as well as the landscaping would lead to unacceptable impacts on the existing residential amenity of the neighbouring properties.

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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Conclusion**

- 12.1 The application site is located within the countryside. Policies CS01, CS02 and H07 all combine to restrict the development of new housing within the countryside. Issues affecting the weight attributable to the adopted Development Plan are noted within Section 3 of this report such that the conflict with those policies are not considered to be sufficient to refuse the application.
- 12.2 Assessment of the application against the three dimensions of sustainable development find that while the development carries positives with regards to the social dimension and some limited positives with regards to the economic dimension, the distances to the nearby facilities from the site, and the likely reliance on private motor vehicle transport for future occupiers of the site is such that the balance of the sustainability consideration is finely weighted.
- 12.3 However, looking at the planning history of the site, it is clear that the barn is considered to be one that is convertible under the provisions of Class Q, having been approved for conversion to two dwellings with floorspace of 380m<sup>2</sup>. Class Q also allows for conversion of barns to up to five smaller dwellings, with a total of 380m<sup>2</sup> of floorspace. Having regards to this fall-back position compared to the 585m<sup>2</sup> proposed for residential development contained within this application it is considered comparable to the fall back position. Whilst it is noted that the Class Q approval has

expired, and no application made for additional units under Class Q, it is considered that this represents a realistic fallback position and as such is a material consideration.

- 12.4 Therefore, with regards to this application, the question at hand is whether this application would cause sufficient harm to warrant refusal having regards to the available fall back position.
- 12.5 With regards to the access, the Highway Authority has not raised any objection and notes that the surrounding network is capable of coping with the amount of proposed vehicle movements. Although accepting that the junction of Foals Green Road to the B1118 is substandard, capacity does not exist to improve it and the accident record at the site shows no accidents there within the last five years. Under the fall-back position up to five dwellings could be developed utilising the same access and junction and therefore the impact would be the same as the proposed development.
- 12.6 The design of the site is considered to be acceptable. It has been sensitively considered, appears to take design cues from the nearby residential properties and would not result in adverse impacts on the neighbouring residential properties. The opportunity to agree the details of the wider development and landscaping of the site is a positive opportunity of this application compared to what can be considered under Class Q whereby these details would not be considered.
- 12.7 The loss of the agricultural character of the site is noted but would be resultant from any development due to the resultant domestic paraphernalia that would come with any residential curtilage, including from any application made under the provisions of Class Q.
- 12.8 On balance, it is considered that the proposed development represents a way forward for the site that would result in something more in keeping with the surrounding built environment. Moreover, it would remove an unsightly barn from the area. As such on balance the proposal is considered to have benefits, and not result in adverse impacts which significantly or demonstrably outweigh the benefits, such that regard should be had to paragraph 11(d) of the NPPF, so as to grant planning permission
- 12.9 It is only through the presence of the fallback position created by the planning history on site that this conclusion is reached. Given the lack of similar sites within the immediate area, it is not considered that this decision would create a general precedent for residential development within the area.

## **RECOMMENDATION**

That the application is GRANTED planning permission subject to conditions.

**That authority be delegated to the Chief Planning Officer to GRANT Planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme from date of issue);
- Approved Plans (Plans submitted that form this application);
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL);

- Energy and renewables scheme to be agreed;
- Rainwater harvesting to be agreed;
- Construction Plan, to include HGV routing to site to be agreed;
- Access to be provided with required visibility splays;
- Details of internal roads to be agreed;
- Provision of parking and turning areas;
- Details of electric vehicle charging points and secure cycle storage to be agreed;
- Provision of refuse and recycling bin storage and presentation areas;
- Ecological mitigation to be enacted as presented within the submitted report;
- Ecological enhancement measures to be agreed; and
- Wildlife sensitive external lighting scheme to be agreed.

And the following informative notes as summarised and those as may be deemed necessary:

- Proactive working statement;
- SCC Highways notes; and
- Land contamination note.