

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 22 June 2016

AGENDA ITEM NO 2
APPLICATION NO 1751/16
PROPOSAL Erection of 2 no. new two-storey dwellings and construction of new vehicular access.
SITE LOCATION Land adj Halfboys, Ixworth Road, Norton IP31 3LE
SITE AREA (Ha)
APPLICANT Ms K Simmons
RECEIVED April 11, 2016
EXPIRY DATE June 7, 2016

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) a Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Code of Practice or such other protocol / procedure adopted by the Council. The Members reasoning is included in the agenda bundle.

PRE-APPLICATION ADVICE

1. None

SITE AND SURROUNDINGS

2. The site extends to approximately 0.06 hectares of existing residential garden land located to the western side of the A1088 Ixworth Road. The site lies within the settlement boundary of Norton, to the north of the village centre, and within the village's 30mph speed limit.

To the north of the proposal site lies the existing host dwelling and residential garden of Halfboys. To the south of the site lies an undeveloped and overgrown area of green space. To the west of the site, across a drainage ditch lie arable fields. To the east of the site, across the fronting Ixworth Road Highway lies the village hall, playing fields and pre-school.

HISTORY

3. The planning history relevant to the application site is:

3782/14	Application for Outline Planning Permission for severance of side garden for erection of one dwelling with garage	Granted 04/03/2015
0044/03/OL	SEVERANCE OF SIDE GARDEN FOR CONSTRUCTION OF DWELLING WITH	Granted 23/04/2003

	GARAGE AND CONSTRUCTION OF NEW VEHICULAR ACCESS	
0015/95/OL	SEVERANCE OF SIDE GARDEN FOR CONSTRUCTION OF DETACHED COTTAGE STYLE DWELLING AND GARAGE, WITH CONSTRUCTION OF NEW VEHICULAR ACCESS.	Granted 18/04/1995
0251/87/OL	Severance of side garden for construction of detached cottage style dwelling and garage, with construction of new access,	Granted 10/02/1989

PROPOSAL

4. The application seeks full planning permission for the erection of 2 no. two-storey dwellings, linked together by single-storey attached side garage elements. The proposal also seeks permission for the construction of a new shared vehicular access onto the A1088 Ixworth Road Highway.

The proposed dwelling would mirror each other and would consist of side gabled pitched roofs with chimney stacks. The front elevations would have a 3 window range with central entrance doors sided by balancing bay windows at ground floor level. The dwelling would also consist of two-storey rear projecting elements and the aforementioned single-storey attached side garages.

The proposed dwellings would have maximum ridge heights of approximately 7.5 metres, eaves heights of approximately 5 metres, maximum widths of approximately 12.83 metres, and maximum depths of approximately 11.7 metres.

The proposed dwellings would be externally finished in facing soft red brickwork with dark red peg tile roofs and white UPVC windows and doors.

The proposed dwellings would be set back approximately 5.5 metres from the edge of the fronting highway and would be served by a shared central vehicular access leading to hardstanding driveways to the dwelling frontages, set behind low level native mixed hedgerow planting.

The proposed dwellings would have rear private patio areas measuring approximately 4.7 by 6.6 metres and private lawns beyond this at minimum depth of 5.1 metres from the rear edge of the patios.

The density of the proposed development would be approximately 29 dwellings per hectare.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. Parish Council

The Council has the following observations to make:

T10: It would appear there are insufficient car parking spaces allocated. With two properties there will be twice as many vehicles egressing the site. There is also concern about increased traffic generated by the properties on to the main A1088 and being sited opposite the Village Hall entrance this could be a problem for vehicles using this facility.

H15: The proposed dwellings do not reflect the local character of the area.

GP1: The design and layout of the proposed new dwellings does not respect the appearance of the surrounding area by means of size and scale.

H13 & SB2: It is considered that the large size of two properties would result in overdevelopment of the site.

SCC Highways

Recommends conditions as detailed below.

1) AL 3 Condition: The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01; and with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

SCC Archaeological Service

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

MSDC Environment Health (Land Contamination)

Have reviewed the application and can confirm that the applicant has submitted all the information required to demonstrate that the site is suitable for the proposed end use - Therefore have no objections to raise with respect to this application. Would only request that EH are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

MSDC Environment Health (Other Issues)

Have no objection to the proposed development.

MSDC Tree Officer

The trees affected by this proposal are of insufficient amenity value to warrant being a constraint.

Suffolk Wildlife Trust

No response received.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the one representation received.
- Looks like the application is on to the property next door
 - Trees have been cut down that are not the landowner's to cut down
 - The landowner believes the site is bigger than it is
 - The landowner has also put crushed concrete on site that looks over the boundary of the site – cannot see why you would lay concrete slab up to or passing the site boundary – landowner has to go on to neighbouring land either way as it is not possible to put a fence up by either party
 - The landowner has pulled out a hedge that was an old hawthorn hedge that was clearly the boundary

ASSESSMENT

8. There are a number of considerations which will be addressed as follows.
- o Principle of Development
 - o Planning Obligations
 - o Design and Layout
 - o Residential Amenity
 - o Highway and Access Issues
 - o Impact on Heritage Assets and Archaeology
 - o Land Contamination
 - o Landscaping and Biodiversity
 - o Other Issues

PRINCIPLE OF DEVELOPMENT

The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the National Planning Policy Framework (NPPF).

Accordingly, in accordance with paragraph 49 of the NPPF, the proposal should be considered in the context of the presumption in favour of sustainable development. For the purposes of decision taking, that means granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole.

Paragraph 49 of the NPPF states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Mid Suffolk District Council does not have this housing land supply at this time and, as such, the Council's housing supply policies are not considered to be up to date. Paragraph 14 of the NPPF states in this respect:

"For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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; or specific policies in this Framework indicate development should be restricted"

In light of this, as the development plan is considered out of date in terms of the Council's housing supply policies, it is necessary to consider that, nevertheless, the NPPF requires that development be sustainable and assess whether the adverse impacts outweigh the benefits when considered in the whole.

Further to the above, the proposed development site lies within a Primary Village, as designated in policy Cor1 of the development plan. As such the proposed development is considered to be sustainably located within an existing settlement where it will help support existing local services and facilities.

Extant permission Ref. 3782/14, which granted outline planning permission for the erection of one dwelling and a garage on the site is considered material in the consideration of the current application in that new housing development has recently been approved on the site in March 2015.

For the above reasons the principle of housing development is considered acceptable subject to consideration of all other material planning considerations.

PLANNING OBLIGATIONS

The Community Infrastructure Levy (CIL), a new, fixed rate payment that the council can charge on new buildings in their area to off-set the impacts of additional homes and businesses on facilities such as roads, schools, open space and health centres (infrastructure) and to enable sustainable growth, is now implemented.

Section 106 legal agreements will also be used alongside CIL to secure on-site infrastructure and items that do not fall within the definition of infrastructure, such as affordable housing.

The Council adopted a CIL Charging Schedule on 21st January 2016. CIL will therefore be charged on all relevant planning permissions granted from 11th

April 2016 in accordance with the current charging schedule.

It is not considered that the proposed development would require a contribution towards affordable housing delivery by reason of the site location, the number of proposed dwellings (being less than 5 no.) and the site area being less than 0.17 of a hectare. The proposed development is therefore considered to be in accordance with altered policy H4 of the development plan.

DESIGN AND LAYOUT

Section 7 of the NPPF refers to design. It provides that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 64).

At a local level policy Cor5 of the development plan states (inter alia) that development will be of a high quality of design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. It should create visual interest within the street scene.

Policy Cor9 of the development plan states (inter alia) that new housing development should provide a mix of housing types, sizes and affordability to cater for different accommodation needs. The policy states that densities of at least 30 dwellings per hectare will be sought unless special local circumstances require a different treatment at lower densities, such as in villages, taking into account the character and appearance of the existing built environment.

Policy SB2 of the development plan states (inter alia) that all such developments will normally be permitted unless, to a material extent, they are considered to adversely affect: the character and appearance of the settlement; and existing open spaces providing important facilities or amenities for the local community. The policy also states that the local planning authority will refuse development which does not have form, scale or character in keeping with the surrounding area and that excessive infilling or inappropriate forms of development will be refused.

Policy GP1 of the development plan states (inter alia) that poor design and layout will normally be refused and that the local planning authority will normally grant permission for proposals that: maintain or enhance the character and appearance of their surroundings and respect the scale and density of surrounding development; have materials and finishes that respect the local vernacular where appropriate; provide siting of buildings and creation of spaces

that maintain and enhance the character of the site; incorporate and protect important natural landscape features, including existing trees, shrubs and hedgerows; and make proper provision for the garaging, parking and turning of motor vehicles and for access in a manner that does not dominate the appearance and design of the layout.

Policy H13 of the development plan states (inter alia) that new housing development will be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings and should: provide design and layout that respects the character of the proposal site and the relationship of the proposed development to its surroundings; be of a design that compliments the scale, form and materials of the local vernacular; have adequate privacy, sufficient daylight and sunlight and be provided with private amenity spaces or gardens; retain landscape features, including hedges and trees, unless impracticable or unnecessary; and propose satisfactory landscaping.

Policy H15 of the development plan states (inter alia) that proposed new housing should be consistent with the pattern and form of new development in the neighbouring area, the character of its setting, and the configuration of the site, including its natural features.

It is considered that the existing street scene to the north and south of the proposal site portrays an existing, varied and diverse character of dwelling types, sizes and designs spaced at medium to high densities.

The proposed development would provide a pair of modest 3 bedroom dwellings on a site, at density of less than 30 dwellings per hectare (as prescribed by policy Cor9 of the development plan) that is comparable to existing dwellings on the same road. The proposed dwellings are also considered to provide adequately sized private garden and patio spaces to the rear, facing fields and that would enjoy afternoon sunshine. The proposed layout would also enable adequate driveway and parking spaces to the dwelling frontages and still allow space for fronting low level hedgerow planting. The proposed development is therefore considered to make efficient use of land at a density that is comparable to the prevailing character of the existing street scene.

The proposed scale, form, design and external finishing materials of the new dwellings is considered to be consistent with the existing varied character of the street scene and one that respects the character of the proposal site and the relationship of the proposed development to its surroundings.

RESIDENTIAL AMENITY

Paragraph 17 of the NPPF (2012) states (inter alia) that a core planning principle is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policies within the adopted development plan require (inter alia) that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

The proposed dwellings would be sited approximately 16 metres from the

nearest existing neighbouring dwelling, that being Halfboys to the north, and would consist of no side facing windows above ground floor level. It is therefore not considered that the proposed dwellings would adversely impact the amenities currently enjoyed by occupants of any existing neighbouring properties.

The two-storey elements of the proposed dwellings would be located approximately 3.3 metres from the mutual boundary to the centre of the site with the proposed attached single-storey garages in between. Again there would be no proposed first floor windows that would directly face either of the proposed properties. It is not therefore considered that either of the proposed dwellings would adversely impact the amenities reasonably expected by future occupants of the land and buildings.

HIGHWAY AND ACCESS ISSUES

Paragraph 32 of the NPPF (2012) states (inter alia) that decisions on all such development proposals should take account of whether safe and suitable access to the site can be achieved and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

At a local level policy T9 of the development plan states (inter alia) that development proposals will normally be required to provide for the parking and manoeuvring of vehicles on the application site, in accordance with the parking standards adopted by the local planning authority.

Policy T10 of the development plan states (inter alia) that when considering planning applications for development, the local planning authority will have regard to: the provision of safe access to and egress from the site; the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety; whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site; and the provision of adequate space for the parking and turning of vehicles within the curtilage of the site.

In accordance with current adopted advisory parking standards provided by the local highway authority each of the proposed three bedroom dwellings should provide at least 2 no. on-site parking spaces, clear of the public highway. Furthermore, these standards advise that each parking space should measure at least 2.4 metres wide (with 0.9 metres of additional borrowed space available to enable doors to be opened over an access path or flower bed etc.) by 4.8 metres in length.

It is considered that 2 no. parking spaces, of the above specifications, would be provided to the frontage of each proposed new dwelling, with an additional third parking space available per dwelling in the proposed side garages. In addition to the proposed on-site parking spaces, it is considered that sufficient space would remain on site to enable vehicles to turn and re-enter the highway safely in forward gear.

It is considered that the proposed development proposes a sufficiently sized shared vehicular access, that would meet the current specifications as advised by the local highway authority. It is also considered that the proposed access will

allow safe and unobscured highway visibility when entering the public highway.

The proposed development is considered to provide safe highway access and visibility and adequate on-site turning and parking spaces.

IMPACT ON HERITAGE ASSETS AND ARCHAEOLOGY

Under the NPPF paragraph 17 states that, as one of the core planning principles, planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 131 of the NPPF goes on to provide that (inter alia) in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to- the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Furthermore, paragraph 141 of the NPPF states that local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly available. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

At a local level policy HB14 of the development plan states (inter alia) that where there is an overriding case for preservation, planning permission for development that would affect an archaeological site or its setting will be refused.

Furthermore, policy HB14 states that having taken archaeological advice, the local planning authority may decide that development can take place subject to either satisfactory measures to preserve the archaeological remains in situ or for the site to be excavated and the findings recorded. In appropriate cases the local planning authority will impose a planning condition requiring the developer to make appropriate and satisfactory provision for the excavation and recording of the archaeological remains.

The County Archaeological Unit have advised that the application site lies in an area of archaeological importance, recorded in the County Historic Environment Record, on the edge of a medieval green. The proposed development site is

also situated adjacent to the line of a Roman road (NRN 008). As a result, there is high potential for encountering early occupation deposits at this location. Any groundworks associated with the proposed development has the potential to cause significant damage or destruction to any underlying heritage assets.

County Archaeology have advised that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), it is advised that any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

LAND CONTAMINATION

The applicant has submitted a land contamination assessment with the application. Following assessment by Council contaminated specialists, it is not considered that the future occupants of the property would be at significant risk from sources of land contamination.

LANDSCAPING AND BIODIVERSITY

The proposal site comprises an area of existing maintained garden land with the southern portion of the site presently covered with hard-core groundings. The proposal site is currently devoid of tree and hedgerow planting.

It is not therefore considered that the proposed development would have a demonstrable adverse impact on biodiversity or protected species habitats, and would not result in the loss of any significant trees or hedgerows.

It is considered that there is an opportunity to secure appropriate landscape planting by way of condition that would serve to enhance the landscaping and biodiversity of the site.

OTHER ISSUES

With respect of the comments received by the owner of the adjacent land:

The proposed development would be constructed within the red line as indicated on the site location plan, within which the applicant has indicated they are the sole owner by the signing of ownership certificate A, provided with the application.

Any boundary ownership disputes are considered to be a private matter between the relevant parties and not a material planning consideration in the determination of this application.

The objectors comments also relate to the cutting down of trees and a hedgerow that once grew on the site. It is not considered that the former trees and hedgerow were protected by way of either a TPO or conservation area designation, therefore it is not considered that an offence has been committed in their removal. As above mentioned the existing site is currently devoid of trees and hedgerows and the proposed development would therefore not result in further removal.

CONCLUSION

It is considered that the proposed development would provide much needed housing development within a sustainable settlement and, having considered all other material planning considerations, is not considered to result in significant harm. It is therefore considered that the proposed development should be approved.

RECOMMENDATION

That the Planning Lead - Growth and Sustainable Planning be authorised to grant Full Planning Permission subject to conditions including:

- Standard Time Limit
- Approved Plans
- Material Samples
- Landscaping Scheme and Aftercare
- Programme of Archaeological Works
- Removal of permitted development for extensions and outbuildings
- Those as recommended by the Local Highway Authority

Philip Isbell
Professional Lead - Growth & Sustainable Planning

Alex Scott
Development Management
Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

CSFR-FC2 - PROVISION AND DISTRIBUTION OF HOUSING

Cor1 - CS1 Settlement Hierarchy

Cor5 - CS5 Mid Suffolks Environment

Cor9 - CS9 Density and Mix

2. Mid Suffolk Local Plan

GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

HB13 - PROTECTING ANCIENT MONUMENTS

H3 - HOUSING DEVELOPMENT IN VILLAGES

H13 - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT

H15 - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS

H16 - PROTECTING EXISTING RESIDENTIAL AMENITY

T9 - PARKING STANDARDS

T10 - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

SB2 - DEVELOPMENT APPROPRIATE TO ITS SETTING

H4 - PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT

H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

3. **Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letter(s) of representation(s) have been received from a total of **1** interested party(ies).

The following people **objected** to the application

[REDACTED]

The following people **supported** the application:

The following people **commented** on the application: