

Committee Report

Item 8E

Reference: DC/19/04961

Case Officer: Mahsa Kavyani

Ward: Bacton.

Ward Member/s: Cllr Andrew Mellen.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 2no. dwellings and creation of vehicular access.

Location

Land North Of, College Road, Wyverstone, Suffolk

Expiry Date: 14/02/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: David Black & Son

Agent: Evolution Town Planning Ltd

Parish: Wyverstone

Site Area: Approx.900sqm

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: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

A council member called in the application to be presented at committee

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

CS01 - Settlement Hierarchy

CS05 - Mid Suffolk's Environment

GP01 - Design and layout of development

H13 - Design and layout of housing development

H15 - Development to reflect local characteristics

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T09 - Parking Standards
T10 - Highway Considerations in Development
HB01 - Protection of historic buildings
CS09 - Density and Mix
CS02 - Development in the Countryside & Countryside Villages

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)

Wyverstone Parish Council

I can confirm that the applicant, via his agent, has consulted with Wyverstone Parish Council about this application and has taken our comments and suggestions on board and as a result the parish council actively supports this application.

National Consultee (Appendix 4)

None

County Council Responses (Appendix 5)

Suffolk County Council Highways

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the recommended conditions. No objections have been raised.

To view full comments, please note the relevant section in the bundle.

Internal Consultee Responses (Appendix 6)

Environmental Health - Land Contamination

No objections to the proposed development.

Heritage Team

A very low level of less than substantial harm to a designated heritage asset because the proposed dwellings would slightly erode the rural setting of Town Farmhouse. To view full comments, please note the relevant section in the bundle.

MSDC - Planning Policy - Contrary To Dev Plan/Departures

No comments

B: Representations

None received

PLANNING HISTORY

None

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site is situated within rural Suffolk, in the countryside. The plot is rectangular in shape and is adjacent to College Farm Cottages which are 60s dwellings, semi-detached to the west. To the east is Town Farmhouse, which is Grade II listed. To the north of the site is agricultural land and to the south is residential development. The site itself is a flat grass paddock.

1.2. The prevailing character of the locality is rural/countryside.

2. The Proposal

2.1. Two new two-storey three bedroomed dwellings have been proposed, semi-detached. The pair are of identical style and the external materials proposed are typical of their kind, brick face, and they feature pitched roof.

2.2. The scheme would be subject to CIL contribution

2.6. Both dwellings feature approx. 20m depth rear garden

2.9. Site Area is approximately 900sqm(0.09ha)

2.10. Facing materials are proposed as brickwork.

3. The Principle Of Development

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposal is first and foremost assessed against the development plan. This assessment is sequentially applied in conjunction with the National Planning Policy Framework. 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 integral in the determination process.

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. The Council can presently demonstrate a deliverable five year supply of land for residential development, and as such due weight can be attributed to saved policies of the development plan. Notwithstanding this, the relevant policies for this proposal have been reviewed for compliance with Paragraph 213 of the NPPF and the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.

3.4. The site is evidently situated in rural Suffolk and categorised as countryside within Policy CS1 of the Mid Suffolk Core Strategy (2008). The application site lies approximately 2miles from the services provided by Bacton, defined as a Key Service Centre with no clear footpath links or a public transport. College road is an unclassified, unlit and potentially an unsafe country lane, which lacks suitable link to nearest schools and facilities in Bacton essential for day-to-day needs.

3.5. Under the MSCS Policy CS1 of that document states that the majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres. The countryside is protected for its own sake; infill development is not encouraged and will only be permitted in exceptional circumstances.

3.6. Policy CS2 of the plan further sets out that developments in such locations are restricted to particular types of developments to support the rural economy, meet affordable housing and community need or provide renewable energy. Policy H7 of the plan also sets out that housing development should be restricted in the countryside. However, it should be noted that Policy CS1 & CS2 both seek to only permit development within the settlement boundaries and in all other cases outside of settlement boundaries they should be granted only in exceptional circumstances. In the absence of an up to date allocations document and given the delay in the settlement boundaries review since the last local plan was adopted in 1998, age of the policies, coupled with the fact that its exceptional circumstances test is not wholly consistent with the NPPF, weight attributed to these policies have been reduced. However, its overall strategy is appropriate in taking a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are considered to be consistent with the NPPF and therefore the policy should be given substantial weight.

3.7. As set out above, the Mid Suffolk District Council can currently demonstrate an adequate 5-year housing land supply the development plan is considered up-to-date and 'tilted balance' outlined at Paragraph 11(d) of the NPPF is not engaged in the regard. It is recognised that the Local Plan does not fully comply with the provisions of the NPPF and key housing policies are out of date and need careful assessment in respect of the individual circumstances.

3.8. The National Planning Policy Framework states that "the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

3.9. In this case the subject site is remote from services and facilities that are essential for day-to-day needs, as such the future occupiers would be heavily reliant on use of private vehicles. The site would not be deemed isolated. There are no public transport links nearby, environmentally this is a departure from sustainable transport as set out within the NPPF, which promotes "c) opportunities to promote walking, cycling and public transport use", walkability of the route to services and facilities is unsafe, given the fact

it lacks public footpath and it is unlit. The proposal is in direct conflict with the NPPF environmental objective. Additionally, public benefits of two market dwelling (units are not affordable) would be minimal, with reference to economic objective of the NPPF, erection of two modest dwellings in this location would have a very short-lived economic benefits in this locality. It is appreciated that the application is subject to CIL payment, although this is not a material consideration, it is nevertheless acknowledged. With reference to Social objective of the NPPF, it is noted that with the exception of 4 semi-detached dwellings(College Farm Cottages), College Farm and Fresh Winds, the entire site is in the same ownership, it is unlikely that this would help 'thriving communities' as outlined within the NPPF which promotes "safe built environments, with accessible services that reflect current and future needs and support communities' health, social and cultural well-being".

3.10. In conclusion, having regards to above assessment, the proposal is considered to score very low on sustainability when assessed against the Development Plan and the 3 strands of the NPPF. On balance and with view of minimal public benefits to offset the harm, the principle of the development is not considered acceptable. Other material considerations are outlined below.

3.11. Further to the above it is noted that the Joint Local Plan is an emerging document, albeit with little weight, but in the interest of forward looking planning and with the view that the document is gaining momentum with time, acceptability of the proposal was also explored against this document. What is most relevant in this case is the newly defined settlement boundaries across the district, which have been reviewed and for most parts have been expanded. However, it is established that the subject site is not defined within any settlement boundary within that document nor would it qualify as an infill development within the proposed new cluster policy. It should also be note that the development has failed to demonstrate various environmental mitigation and improvement requirements of the emerging document.

3.12. It is noted that similar sites closer to define settlement boundaries have been refused and dismissed at appeal by the inspector, these form significant material consideration to the balance of this assessment. For example Appeal Dismissed -DC/18/05436 New Dwelling - The Croft, Coppings Corner Earls Green Road Bacton details are enclosed that had both sustainable development and Listed Building concerns. In conclusion the development is not supported by current policy nor would be support by the forthcoming joint local plan, be it of little weight at this time.

4. Site Access, Parking And Highway Safety Considerations

4.1. By way of the proposed access and parking provision, the proposal engages highways considerations. In respect of Policies T09 and T10, development should provide adequate parking provision and safe access without comprising highways safety. The LPA consulted SCC Highways, who raised no objection subject to conditions on access, visibility and parking. In accordance with Suffolk Parking Guidance (2015) new development should provide allocated spaces where possible.

4.2. Drawing 1057_100_P1 demonstrate suitable access and visibility access can be achieved for this site. No significant impacts upon highways safety have been identified. Suitable parking and turning can be achieved for this site.

5. Design And Layout [Impact On Street Scene]

5.1. A pair of identical semi-detached two storey dwellings have been proposed, the design and style are standard/typical of their kind, with face brick exterior and pitched roof.

5.2. To the east of the site, sits Town Farmhouse, a Grade II listed property. Town Farmhouse is a timber framed and thatched 1.5-storey farmhouse, located among a small grouping of dwellings on College Road.

College Farm, another historic farmhouse, stands to the south-west of the listed building, and two pairs of mid-C20 semi-detached dwellings (College Farm Cottages) are separated from the listed building by the application site. It is considered that this gap is significantly important visually, as it separates and unduly erodes the narrative of Town Farmhouse and the mid-C20 semi-detached dwellings. The wider setting of Town Farmhouse is generally open countryside. The residential development of the field immediately adjacent to the grounds of Town Farmhouse would erode the rural character of its setting. The proposal is not considered to meet the requirement of the local development policies and the guidance contained within the NPPF.

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

6.1. No TPOs have been identified within the site or its surroundings. The impact of the landscape is intertwined with the setting of the adjacent GII listed Town Farmhouse and as such this impact will be further explored below.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1. No significant impacts have been identified.

8. Heritage Issues

8.1. The Heritage Team were consulted and they provided that the proposal would result in "A very low level of less than substantial harm to a designated heritage asset because the proposed dwellings would slightly erode the rural setting of Town Farmhouse."

8.2. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight".

8.3. NPPF Paragraph 170 goes on further to assert that "decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes,"

8.4. NPPF Paragraphs 193-196 state that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Where works will lead to harm to significance, Local Planning Authorities should refuse permission unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

8.5. (Para 194) "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or form of development within its setting), should require clear and convincing justification"

8.6. With regards to the public benefits offered by the application, no affordable units have been proposed, no housing need will be answered, and when assessed against the three objectives of the NPPF, the benefits are marginal. In weighing these benefits, it is considered that they offer minimal justification for the identified level of harm and as such this principle of harm does not engage the tilted balance. The proposal is contrary to Mid-Suffolk Local Plan 1998 saved Policy HB1 (which places emphasis on attention given to protecting the setting of listed buildings) and NPPF.

10. Impact On Residential Amenity

10.1. In regard to the Local Plan Policies H16 and H17 and Paragraph 127 of the NPPF, it is crucial that development does not detrimentally affect residential amenity in order to achieve and maintain well-designed places.

10.2. The proposal by reasons of style, scale and orientation, combined with overall distance to the neighbours on either side, is not considered to significantly and unduly impact the amenity of any neighbours in terms of loss of privacy, overshadowing and overdominance. The proposal is also considered to offer adequate amenity for the new dwellings.

11. Planning Obligations / CIL

11.1. The proposed development is CIL liable. The proposal is for free market dwellings only.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

12.1. The proposed development would not accord with the expectations of the P(LBCA)A1990 which requires that LPAs have special regard to the desirability of preserving the setting of listed buildings. In terms of the NPPF, the level of harm is formally assessed as less than substantial harm. Local Plan Policy HB01 states that 'particular attention will be given to protecting the settings of listed buildings'.

12.2. In regard to Paragraph 196 of the NPPF there would be no meaningful public benefit (no affordable units have been proposed) from the erection of two dwellings in an unsustainable location (with reference to three objectives of sustainability), especially as the LPA can currently demonstrate that it has an adequate 5-year housing land supply, and given that new houses can be directed to far more suitable locations across the district.

12.3. The National Planning Policy Framework reinforces this rhetoric and aims to focus new housing where it will enhance or maintain the vitality of rural communities (paragraph 78) as well as identifying and pursuing opportunities to promote walking, cycling and public transport use (paragraph 102).

12.4. On balance and having due regards to all material considerations, the proposal does not meet the requirements of section 66 of the P(LBCA)A 1990, nor the policies within the NPPF or the Local Plan. The identified harm in terms of visual and historic impact significantly outweigh any marginal merits.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons: -

1) Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal. The benefits (environmental, social and economic) of the scheme in this case are marginal and would not outweigh the resultant harm to the setting and character to Grade II listed heritage asset, Town Farmhouse. This is contrary to the NPPF and Development Plan Local Plan 1998 Policy HB1.

2) The proposal is not considered to represent a sustainable development as defined within the NPPF and current Development Plan. The site and the surrounding area are situated within countryside outside any settlement boundary and as defined by Mid Suffolk's Local Plan 1998 and as amended by the Mid Suffolk

LDF Core Strategy 2008. Policy H7 (Restricting housing development unrelated to the needs of the countryside) within the Local Plan 1998 and Policies CS1 and CS2 of the Mid Suffolk LDF Core Strategy 2008 as reviewed under the Core Strategy Focus Review 2012 aim to protect the landscape quality and character of the countryside for its own sake by restricting development in the countryside to that which is essential to the efficient operation of agriculture, forestry and appropriate recreation. New residential development is directed to take the form of infilling within settlement limit area boundaries. In this case it is considered that there is no proven agricultural, horticultural, forestry or essential need secured for any new dwelling and so any residential development of any kind would be contrary to adopted policy.

Services to ensure sustainable development is supported are within 2km of the site, however the route to access these services is not suitable by reason of lack of lit footways leading to potential conflict with traffic and likely reliance of private motor vehicle use, increase in traffic and less integrated communities. The rural character of the area is considered and, in some instances, walking along unlit area or areas without footways is accept, the route to services in this case would lead to travel along roads not suitable for such travel given road speeds and nature of the road network. There is insufficient access to public transport alternatives available within short walking distance from the site to otherwise outweigh other considerations of the location and poor access to services outlined.

Furthermore the proposed location would impact the character of the open countryside and as a result the development would be intrusive to the rural character that underpins the quality of the landscape. The proposed development and location fails to enhance or maintain the vitality of the community and the surrounding rural communities through supporting these services and facilities.

In conclusion with consideration of the above, the NPPF states for decision-taking authorities should approve development proposals that accord with the development plan without delay, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable; and Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. As such it is considered that the proposal represents unsustainable development, contrary to the NPPF.