

Committee Report

Item 7C

Reference: DC/20/00263
Case Officer: Sarah Scott

Ward: Eye.

Ward Member/s: Cllr Peter Gould.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Erection of 1no. two storey dwelling with attached garage

Location

Land At Rear Of Cedar Cottage, The Street, Occold, Suffolk

Expiry Date: 08/07/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Hartbuild Ltd

Agent: SJB Designs

Parish: Occold

Site Area: 0.26ha

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/19/05078)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

Called in by the Ward Member who considers: *“The site sits on an elevated position, rising to a height of 2.00m above road level and 3.00m higher than the land on which Cedar Cottage sits. There is no doubt that the development will overlook and overshadow existing dwellings North East and West of the site and especially Cedar Cottage, where this development will block the natural daylight and will actually dominate the street scene significantly. This will conflict with the isolated setting of a heritage asset and character of the cottage.*

The plans are completely incompatible with the design of the existing building – Cedar Cottage – at the front of the site. This means the new design is out of keeping, character, scale compared to Cedar

Cottage and so would result in harm to the setting of that dwelling as well as the street scene and entrance to the village”.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

GP01 - Design and layout of development
HB01 - Protection of historic buildings
H03 - Housing development in villages
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
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

Land higher to the rear of Cedar Cottage
Development too high
Dominating/Overbearing
Drainage
Increase danger of flooding
Increase in Pollution
Increased Traffic/Highways Issues
Landscape Impact
Light Pollution
Loss of light
Loss of Outlook
Loss of Privacy
Out of Character with the Area
Over development of site
Overlooking

Strain on existing community facilities
Harm to heritage
Increase in fossil fuel use
Loss of residential amenity

A: Summary of Consultations

Occold Parish Council (Summary)

Objections to the height, location and design of the proposed dwelling.

SCC - Fire & Rescue (Summary)

Advisory comments

SCC Highways (Summary)

Suffolk County Council Highways have advised that they raise no objections to the development subject to the recommended conditions.

Environmental Health - Land Contamination (Full)

Our Environmental Health Team has considered the application and have no objection to the proposed development from the perspective of land contamination subject to conditions. A request that the Local Planning Authority are contacted in the event of unexpected ground conditions being encountered during construction.

Heritage (Summary)

Our Heritage Team have considered that the proposal would cause a low level of less than substantial harm to a non-designated heritage asset because the proposed dwelling would detract from the setting and thus significance of Cedar Cottage to some extent. Conditions have been requested.

B: Representations

At the time of writing this report at least 12 letters/emails/online comments have been received. It is the officer opinion that this represents 6 objections (some households have commented several times). A verbal update shall be provided as necessary.

Views are summarised below:-

Land higher to the rear of Cedar Cottage
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Out of Character with the Area
Over development of site
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Strain on existing community facilities
Harm to heritage
Increase in fossil fuel use
Loss of residential amenity

(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 (Land adjacent but related to this site)

REF: DC/17/04262	Outline Planning Application (Access to be considered) - Creation of new access and erection of six new dwellings and garages.	DECISION: GTD 26.10.2017
REF: DC/19/02039	Full Planning Application - Erection of 8 No. dwellings and construction of new vehicular access	DECISION: GTD 10.07.2019
REF: DC/19/05055	Application under Section 73A for the removal or variation of a condition relating to DC/19/02039 dated 10/07/2019 (Erection of 8 No. dwellings and construction of new vehicular access) (Condition 2 Approved Plans and Documents) - Amended plans for Plot 6 & 8 and Landscape details.	DECISION: GTD 17.12.2019
REF: DC/19/05072	Discharge of Conditions application for DC/19/02039 - Condition 3 - (Amendment to Plot 1) (First Floor Window Details), Condition 6 (Vehicular Access) and Condition 7 (Highways Surface Water Details).	DECISION: GTD 17.12.2019

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The application site lies to the south-west side of Church Street, at the western edge of the village of Occold. The application site currently comprises a small portion of an existing ploughed agricultural field. The agricultural field bounds the site to the south and west and existing dwellings lie adjacent to the south-east, north-east and north-west. The main B1077 Eye to Debenham highway lies further to the north-west. Site levels are slightly elevated above the fronting Church Street highway and the site is currently fronted by a field drainage ditch. Development to the south-east of the site is already underway for 8 dwellings.

2. The Proposal

2.1. The proposal is for one dwelling at two storeys, with an attached garage.

3. The Principle Of Development

3.1. The principle of development in this location was established by the recent applications DC/17/04262 and DC/19/02039 and approved. This development is a small extension of the recently approved residential use and therefore the principle of development within this location is considered acceptable given this significant material consideration and in accordance with the NPPF as elements of the Local Plan are regarded as 'out of date' as established by appeals in the district. The proposed development has been considered on the basis of its planning merits and the officer's recommendation is given accordingly, having had regard for all material planning considerations; those key issues being discussed under their respective headings below.

3.2. Policy CS1 of the Core Strategy Development Plan, September 2008, has designated Occold as a Secondary Village, villages unsuitable for growth but capable of taking appropriate residential infill and development for local needs only. The National Planning Policy Framework "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan (which is not the case for Mid Suffolk currently) should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

3.3. The Council has recently published and consulted on a Housing Land Supply Position Statement. This identified a housing land supply position of 5.66 years. Since this report was published the consultation period has closed and comments received during this consultation period have been considered. The Council's final position statement on this was published on 10th September 2019, which confirmed the Council has a 5.66 year supply. This is a material planning consideration. The amount of weight to be attributed to this consideration needs to be made on a case by case basis. In being able to demonstrate a sufficient land supply, the council's development plan policies would be considered to be up-to-date. However, the relevant policies to the principle of development in the local plan and core strategy at this site have also been considered against the requirements of the National Planning Policy Framework (NPPF) as to whether they are up-to-date or not. Even in the presence of the 5.66 year land supply these key policies cannot be given full weight as the council's housing policies remains out of date as they do not fully accord to the NPPF and so the tilted balance remains in effect.

3.4. Accordingly, in accordance with paragraph 8 and 11 of the NPPF the proposal should be considered in the context of the presumption in favour of sustainable development as relevant policies for the supply of housing must be considered out of date.

3.5. 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.

3.6. Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”."

3.7. The application site is considered to lie within the existing settlement pattern of Occold, which is a secondary village and benefits from a primary school, pre-school, public house, churches, village hall, and sports pitches and clubs. It is not disputed that the site does not benefit from a footpath link to the centre of the village. However, all existing properties on Church Road and pedestrians are observed to regularly use this as a shared surface with the ability to walk to the village centre, village services and bus stops. The new development being constructed adjacent to this site was also approved on this basis. The application site is within an existing 30mph speed limit and the development would result in only a marginal increase in pedestrian traffic along the highway when compared to the existing situation.

3.8. The village benefits from a number of services and there are regular bus services available providing access to various places, including the town of Eye which lies only 2 miles to the north, and the larger towns of Ipswich and Diss and their railway stations, at such times as to be viable for employment purposes. Villages are, by their very nature, a mixture of people of varying characters and natures, whereby what does or does not work for one may be entirely appropriate for another. In this regard, the distances to facilities and services are not such that would be entirely unreasonable for people to cycle or access via public transport. As such, the proposal is considered to represent sustainable development with regards to access to services despite the lack of footpath.

3.9. The proposal would also support the vitality and viability of the village with respect to the social strand, and offer some, small benefit, to the economic strand. In light of this and without identified harm to these strands the proposal to erect one dwelling is considered sustainable development and is acceptable in principle.

Overall, the location of the site is considered to meet all three strands of sustainable development.

3.10. In conclusion, it is acknowledged that the Parish and third parties have concerns regarding the sustainability of the development relative to the NPPF and these have been taken into account when considering this proposal. However, it is not considered that the proposal conflicts with the NPPF to such an extent that would justify refusal of the application. Occupiers of the development would have access to a range of facilities and services via alternative means of transport, the development would not be isolated despite its position outside the settlement boundary and would therefore provide sustainable development in accordance with the NPPF when taken as a whole.

4. Site Access, Parking And Highway Safety Considerations

4.1. The application site is situated off Church Road where there is a 30mph speed limit in this location. A new access would be created to the east of the site onto Church Road in the centre of the frontage, that forms part of approved application DC/19/02039. Suffolk County Council has been consulted and raises no objection to the application.

4.2 The proposed dwelling is not considered to have a detrimental impact on highway safety or significantly increase the amount of traffic on the road such that the application would warrant refusal.

4.3. In the light of this the proposal is not considered to have an unacceptable impact on highway safety as to consider refusal in this regard. It is therefore considered that the proposal complies with policies T9 and T10 of the saved local plan and the relevant paragraphs in the NPPF in parking, highway and accessibility terms.

5. Design And Layout [Impact On Street Scene]

5.1. The dwelling has been designed and positioned on the site to prevent overlooking to the neighbour at Cedar Cottage, with limited openings within the rear and side elevations at first floor. The master bedroom to the far end of the proposed dwelling has a large window but this is obscured from view by the roof slope and measures approximately 28metres to the edge of Cedar Cottage, and therefore cannot overlook the neighbouring property. There is also a large window to bedroom 4, which faces to the north (highway) and is obscured from view by the garage roof and therefore preventing overlooking to the neighbouring property at Cedar Cottage. The garage has been positioned closest to Cedar Cottage to prevent a first floor in such close proximity to the boundary, limiting any overbearing impacts, with the main two-storey structure further to the south-west, away from Cedar Cottage. The dwelling has been positioned to create a “bookend” to the adjacent development, preventing any further dwellings in this location. The dwelling will be finished in brick and vertical cladding under a natural slate roof giving the property a rural appearance which would be respectful of its location.

5.2. The proposed dwelling is approximately 19m away from Cedar Cottage (15m if measured from the corner of the garage) with no overlooking windows only rooflights. The only rear window is within the north-west elevation is recessed to prevent overlooking.

5.3. The proposal has an attached double garage with dressing room and en-suite within the roof space, to the north east elevation with dormers that face south-east into the driveway. The driveway has space for several vehicles. The parking and turning area for the proposed dwelling will be to the east of the site, adjacent to the existing development and beyond the garage and parking area for Cedar Cottage. It is not considered to result in demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties.

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

6.1. The application site is currently agricultural land with open fields to the south and west. Policy CS5 of the Mid Suffolk Core Strategy 2008 emphasises that all development must reflect local distinctiveness and enhance the character and appearance of the district. Policy FC 1.1 of the Core Strategy Focus Review 2012 states that development must conserve or enhance the local character of different parts of the district. Policy GP1 states that all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of the surrounding area. The application is in full and shows a row of new dwellings to the south-east. It is considered that the application site could accommodate another single dwelling with extensive landscaping proposed that would follow the existing development pattern that reflects and enhances the local area and is therefore considered acceptable.

6.2. Whilst there will be an element of landscape impact from this development, it is considered that due to the site adjacent already forming a row of two storey dwellings, the addition of one, as a book end to

that adjacent development, would not cause a significant impact that could not be mitigated through a landscape condition.

6.3. The application site comprises an agricultural field which is regularly harvested and ploughed. The application would also not result in the loss of any existing trees and hedgerows. Furthermore, the existing ditch to the site frontage is a manmade feature for land drainage purposes which is regularly cleared. The application is not, therefore considered to result in a significant loss of habitat suitable for protected and priority species. There is the opportunity through a landscape scheme to provide increased tree and hedgerow planting providing increased habitat opportunities for species.

6.4. For the above reasons, it is considered that on balance saved local plan policies GP1 and H13, Core Strategy Policy CS5 and the relevant paragraphs of the NPPF are complied with in this respect.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1. The application site lies in an elevated position in the landscape and a significant distance from the nearest flood zone identified by the Environment Agency. The proposal site is not, therefore considered to be at significant risk of flooding.

8. Heritage Issues

8.1. Our Heritage Team have considered that Cedar Cottage is a non-designated heritage asset. It is of traditional form and materials for this part of Suffolk. The edge-of-settlement, semi-rural setting contributes to its significance.

8.2. Whilst the heritage team have not objected to the proposal, they have requested some amendments to the proposed dwelling in respect of size, mass and brick finish. They suggest there is a "potential" for this dwelling to be a designated heritage asset with the setting contributing to its significance. It is considered that the position of this dwelling, close to the existing development, would have limited impact on the setting as Cedar Cottage still remains, stand alone. The design and positioning of the proposed dwelling has been carefully considered to protect Cedar Cottage from overlooking and dominance.

8.3. Cedar Cottage is not a listed building and although Heritage have commented, they have not objected to the principle of development, it is therefore considered that the benefit of a new dwelling in this location would outweigh any harm to Cedar Cottage.

8.3. It is considered that a condition is added with regards to the colour of the bricks so as to better reflect the bricks traditionally used in this part of Suffolk.

9. Impact on Residential Amenity

9.1. The NPPF and 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.

9.2. Cedar Cottage appears to use the area to the south-east as a parking and turning area with the area to the north-west as their private amenity space. There is approximately a distance of 40metres from the only first floor window in the proposed dwelling to the eastern most point of Cedar Cottage (closest to their private garden space). There is approximately a distance of 15metres from the southern corner of the single storey element of Cedar Cottage to northern point of the proposed single storey garage.

9.3. Cedar Cottage is positioned facing Church Road with the rear that appears almost “dug” into the bank of the adjacent agricultural field. There are no first floor windows in the rear of Cedar Cottage only rooflights. The land is higher to the rear of Cedar Cottage, so any dwelling positioned on this land will be elevated. Comments have been submitted with regards to the impact overlooking and landscaping will have on Cedar Cottage with regards to light and privacy. It is considered that the overlooking has been addressed through design and with regards to the landscaping, this will be conditioned to take into account these comments, although as an agricultural field, landscaping/planting would have been unrestricted.

9.4. The proposal by reason of layout, positioning of windows along with the distances from the adjacent neighbours, is not considered to result in demonstrable harm to the amenities currently enjoyed by occupants of neighbouring properties.

PART FOUR – CONCLUSION

10. Planning Balance and Conclusion

10.1. This development is adjacent to a recently approved scheme for 8 dwellings and would form a “book-end” to the development in this location preventing further development outwards and directly behind Cedar Cottage. Access and layout were approved as part of the 8 dwelling scheme and this dwelling will be an addition to this in terms of access. The addition of this one dwelling had it been part of the 8 approved under one application would not have resulted in any additional policy trigger for infrastructure requirements and the proposal does not seek to avoid obligations. The dwelling will be the subject of further CIL contributions.

10.2. The design and layout of the dwelling has been considered to avoid any significant overlooking and amenity issues by way of the types of windows and their positions within the dwelling. The position of the dwelling towards the south-east of the site also takes into account neighbouring amenity. Some residents raised concerns regarding the proximity of this dwelling and consequential loss of privacy that will result. Taking land levels into account, the distances between proposed first floor habitable room windows, existing rear garden of this dwelling and habitable windows at Cedar Cottage it is considered there is sufficient space to mitigate concerns and they would not be a case to defend at appeal.

10.3. Landscaping has been taken into account due to concerns raised with regards to hedging and trees along the boundary with Cedar Cottage and the potential for blocking out light and appearing overbearing, although as an agricultural field, landscaping/planting would have been unrestricted. It is considered that a landscaping condition is added to help mitigate these concerns.

10.4. Cedar Cottage is a non-designated heritage asset, meaning it is recognised as a historic building, but not as Listed. Our Heritage Team have suggested that whilst there is a low level of less than substantial harm this could be mitigated by amending the scale and number of rooflights. Amendments have been made to the design and this is the application before us. Notwithstanding this advice they have suggested conditions to be applied if minded to approve the application.

10.4. In this case the proposed dwelling is located just outside the settlement boundary of Occold within 2miles of the Town of Eye. The proposed dwelling would be read in conjunction with the adjacent cluster of dwellings and form a “book-end” that maintains the form of the parish as a whole. The proposed

dwelling would have access to the same facilities and amenities as residential properties within the parish of Occold.

10.5. No other material considerations are considered to result in harm which would outweigh the presumption in favour of sustainable development. The application is therefore recommended for approval.

RECOMMENDATION

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

1. Time Limit
2. Approved Plan
3. Provision of Parking and Turning on approved plans to be carried out and remain
4. Landscaping Scheme and Timescale to be agreed
5. Materials to be agreed
6. Removal of PD Rights for garden structures and additions within the roof.
7. Level of accesses for all users
8. Construction management to be agreed.

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

- Proactive working statement
- SCC Highways notes
- Land Contamination
- Building Control