

Committee Report

Item 8A

Reference: DC/20/03328

Case Officer: Daniel Cameron

Ward: Needham Market.

Ward Member/s: Cllr Stephen Phillips. Cllr Mike Norris.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Conversion of existing stable block to 1 No residential dwelling.

Location

Land At, Nettlestead Road, Baylham

Expiry Date: 19/11/2020

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Mrs Charlotte Coathupe

Agent: Louise Gregory

Parish: Baylham

Site Area: 0.10 hectares

Density of Development: 10 dwellings per hectare

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:

The application has been called in by Councillor Mike Norris, the call in is appended to this report.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
H09 - Conversion of rural buildings to dwellings
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL02 - Development within special landscape areas
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)

Baylham Parish Meeting

Baylham Parish Meeting hereby objects to this application on the basis of an unsustainable location within a special landscape area (SLA), that it is also contrary to CS1, CS2 and the NPPF as a whole.

The district council should pay particular attention to appeal decisions DC/19/04496 and DC/18/04977. The council's decision should also be consistent with its refusal, within the terms of the current NPPF, to approve housing development within the SLA which is outside the settlement boundary, and more than a few hundred metres from the B1113.

National Consultee (Appendix 4)

Natural England

This development falls within the 13 km 'zone of influence' for the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable. If this does not occur in the interim period, then the per house tariff in the adopted RAMS will need to be increased to ensure the RAMS is adequately funded. We therefore advise that you should not grant permission until such time as the implementation of this measure has been secured.

County Council Responses (Appendix 5)

Highways

The Highway Authority note no objection to the proposed development subject to the imposition of conditions to control the access and on-site parking.

Internal Consultee Responses (Appendix 6)

Ecology - Place Services

No objection subject to securing:

- a) proportionate financial contribution towards visitor management measures at the Stour and Orwell Estuaries SPA/Ramsar.
- b) ecological mitigation and enhancement measures

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.

B: Representations

At the time of writing this report at least two letters/emails/online comments have been received. It is the officer opinion that this represents two comments of support for the application. A verbal update shall be provided as necessary.

Support comments note that the building cannot be seen from the road and would improve the appearance of the current building. Moreover, the conversion of the building would not likely lead to an increase in the traffic and would allow an existing resident of the village to downsize.

(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

REF: 0543/98/	ERECTION OF 3 NO. STABLES AND TACK/STORE ROOM.	DECISION: GTD 09.09.1998
REF: 0852/76	New vehicular access	DECISION: GTD 03.02.1977

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 The application site is located on the southern side of Nettlestead Road, a narrow, single track lane that connects Baylham to Nettlestead. The topography of the land rises away from the track and high hedgerows immediately flank it. Aerial photography shows a pronounced agricultural character to the surrounding land with large field patterns separated by hedgerows or post and rail fencing. Both arable farming and grazing are apparent in wider views.

- 1.2 Baylham itself is identified as falling within the Rolling Valley Farmland Special Landscape Area by the Joint Babergh Mid Suffolk District Council Landscape Guidance (August 2015), which identifies the predominance of arable farming within the wider area and the small number of pasture areas which exist within it, which notably includes Baylham Common. Agricultural field patterns are still apparent within the areas and isolated halls and churches form dominant features and important landmarks within the landscape. The guidance identifies objectives within the Special Landscape Area as being the maintenance of the distinctive landscape and settlement pattern.
- 1.3 The site does not contain any listed buildings and is not located in close proximity to any listed structures. The closest would be the Church of St. Peter, listed at Grade II* and located on the western edge of the main built-up area of the village of Baylham. It is a medieval church of the decorative style and composed of flint with freestone dressings and was modified during C14 and C15 with the latest additions likely to be made in the 1870s. The site does not form part of a conservation area.
- 1.4 The site lies within Flood Zone 1.

2. The Proposal

- 2.1 The proposed development is the conversion of the existing stable to form one new residential dwelling consisting of a single storey, one bed dwelling.
- 2.2 The dwelling would create 75m² of new residential floorspace.
- 2.3 Adopted parking standards for a single bedroomed dwelling only requires the provision of a single vehicle parking space. Plans show parking spaces on site for two vehicles.
- 2.4 The density of development for the proposed site is 10 dwellings per hectare, however, this is due to the relatively small site area.
- 2.5 The scale of the building retains the height and form of the existing stable block. Part of the roof of the existing building will be reduced to match that of the rest of the building.
- 2.6 The dwelling is proposed to be supported by a small amenity area to be grassed.
- 2.7 The closest neighbouring property to the site is Tutton House, located on the northern side of Nettlestead Road and is over 100m from the site.
- 2.8 The existing stable is constructed of timber cladding with the store room constructed in fibrous cement. The proposed building is to be wholly finished in timber cladding with fibrous cement to be removed and disposed of. The roof is proposed to be composed of Zinc sheeting.
- 2.9 The overall site area is 0.10 hectares.

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. As such 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 Baylham is not listed within the policy and is designated as a countryside village. Further, the application site is not located in a position whereby it would be read as part of the settlement placing it firmly within the countryside for the purposes of CS1.
- 3.7 Policy CS2 of the Core Strategy flows from CS1 and is concerned with development in the countryside, which is proposed within the development at hand. It states that development in the countryside will be restricted to defined categories including the re-use of rural buildings including their conversion.
- 3.8 Local Plan policy H09 sets out the requirements for conversion of rural buildings to dwellings. It requires that proposed conversion respect the structure, form and character of the original building, keeping important architectural features. Where proposed extensions are essential, they should not dominate the original building in either scale, use of materials or situation and should not detract from its appearance that makes it worthy of retention. The extent to which a residential conversion detracts from the original character of the building or its rural surroundings will be a material consideration.
- 3.9 Paragraph 79 of the NPPF deals with similar issues as H09. It requires that planning policies and decisions should avoid the creation of isolated homes in the countryside unless one or more of the following criteria apply:

- There is an essential need for a rural worker to live permanently at or near their place of work in the countryside.
 - The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset.
 - The development would re-use redundant or disused buildings and enhance their immediate setting.
 - The development would involve the subdivision of an existing residential dwelling.
 - Or the development would be of outstanding architectural quality.
- 3.10 Paragraph 12 of the NPPF is useful in this instance. It reaffirms the position taken by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and states that the statutory status of the development plan is the starting point for decision making. Decisions may depart from the development plan, but only if material considerations (of which the NPPF is one) indicate otherwise.
- 3.11 With regards to this application, policies CS1, CS2 and H09 of the adopted development plan combine to support the conversion of rural buildings to residential uses. Given their very nature as rural buildings, it would not be reasonable to expect them to be located in such a manner that they could easily access services and facilities more commonly associated with villages and towns utilising sustainable transport methods.
- 3.12 Attention is drawn to the wording of paragraph 79 which requires that the building undergoing conversion be redundant. With regards to the stables at hand, comment from the applicant is clear that while the stable is still in use, this use is being wound down such that it will be redundant in the near future.
- 3.13 In summation, policy CS1 identifies the application site as forming part of the countryside. CS2 identifies that in countryside locations, consideration will be given to the re-use of rural buildings, including their conversion. Policy H09 sets out the specific criteria under which such an application may be considered. As such, it is considered that the principle of development is established.
- 3.14 Attention is also given to the Joint Local Plan which is currently at pre-submission stage (Regulation 19). The site would continue to be read outside of the settlement boundary of Baylham, such that it would continue to be located within the countryside. The Joint Local Plan identifies that the provisions of paragraph 79 and the emergent policy LP03 would replace the provisions of Local Plan H09. LP03 only deals with extensions and conversions within existing residential curtilages, so would not be applicable in this instance.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 Baylham is categorised as a countryside village within the adopted Core Strategy which is reflective of the lack of facilities within Baylham which would serve to sustainably support residential development in the area. In terms of facilities, only St. Peters Church and the village hall are noted.
- 4.2 The closest schools and doctors' surgeries to the site are located within Needham Market some 3 miles northwest, or Ipswich which is located 6 miles southeast. Bus services to Baylham are provided by the number 87, 88, 89, 464, 929 and 987, from stops located on Lower Street, 1.8km northeast of the site and provide connection to Needham Market, Stowmarket and Ipswich. While Baylham is considered to lack facilities such that access to shops, schools and healthcare some connection to those facilities is possible utilising public transport options however, no made footpaths are apparent within Baylham to connect to these named settlements or the identified bus stops.

- 4.3 Member's attention in this regard is drawn towards a recent appeal decision (APP/W3520/W/19/3243146, a copy of which is appended to this report) within Baylham following on from refusal of application DC/19/04496 for the erection of new eco-home to allow for the servicing of horses kept on site. The appeal was dismissed, in particular because the site was not well connected to services and facilities and likely to be reliant upon private car travel to meet their day-to-day needs.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Saved Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport. Its safety focus is also consistent with paragraph 108 of the NPPF which requires development proposals incorporate safe and suitable access that can be achieved for all users. Policy T09 requires that parking for new development meets with the adopted standards set out within the Suffolk Guidance for Parking document (2019).
- 5.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 The proposed access to the site comes from Nettlestead Road and currently serves the stables. Supporting comments note a number of daily trips to and from the site at present time. Consultation with Suffolk County Council as the relevant Highway Authority note no issues with the use of the access for residential purposes subject to a number of improvements to the access.
- 5.4 Parking on the site is proposed in excess of what is required by adopted parking standards and sufficient space to enable vehicles to turn such that they would exit the site in a forward gearing is noted.

6. Design and Layout

- 6.1 Chapter 12 of the NPPF seeks to achieve well-designed places which function well and add to the quality of places by responding to local character but without stifling innovation and change. Policy GP1 states that proposals should maintain or enhance the character and appearance of their surroundings.
- 6.2 The proposed development would convert an existing stable building to a one bedroomed, single storey dwelling. The proposed dwelling would re-use the form of the existing stables and would incorporate a number of features typical of a stable building in order to retain the character of the original building. Additional glazing is proposed, particularly to the southern elevation, but not to a degree that it obstructs the reading of the building as a former rural stable.
- 6.3 The current extension to the stables is large and unsightly and is proposed to be replaced with something of the same footprint and designed to reflect the scale and finish to the existing stable.
- 6.4 It is considered that the design of the converted dwelling meets the requirements of Chapter 12 of the NPPF and policy GP01. Additionally, they are held to conform with the design requirements of policy H09.

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

- 7.1 The site falls within the Rolling Valley Farmland Special Landscape Area (SLA), an area typified by sloping valley sides with good arable soil such that very few common pastures areas historically existed, although from aerial photography, grazing appears to be becoming more popular within the area.
- 7.2 The application site is located within the valley floor and is not considered to be prominent in views across the landscape, especially as the stable is already in place and already impacts on these views. The fact that the design of the building informs the historic agricultural nature of the landscape is particularly helpful in this regard. In this instance the continued expression of the form of the building as a stable is noted.
- 7.3 That being said, the building would be isolated within the landscape and the creation of a residential dwelling is likely to be accompanied with the introduction of a range of domestic paraphernalia including parked vehicles, creation of garden space and lighting.
- 7.4 Existing hedgerow runs along the northern boundary of the site and would offer some screening to views of the site from the road and from the north and is typical of boundary hedgerow seen within the wider landscape around field boundaries. No landscaping appears to be proposed to the other boundaries of the residential area of the site.
- 7.5 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 7.6 A preliminary bat roost and bird nesting survey has been submitted in support of the application and has been subject to scrutiny from Place Services – Ecology. They recommend that the mitigation proposed within the report be secured on any positive determination by condition long with conditions to secure biodiversity enhancement and a scheme of lighting.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 With regards to land contamination, policy H17 seeks to keep residential development away from sources of pollution. Given the scope of the application and home buyer contamination report from Groundsure has been submitted.
- 8.2 The supporting report submitted identifies a low risk of contamination on the site such that no further invasive work is required. Consultation with Environmental Health team shows they are content that no further invasive work is required to test for land contamination at the site. This being said, they note that should unexpected contamination of the site be discovered later, legally, it would be required to be remediated at the expense of the developer.
- 8.3 The same report indicates issues with surface water drainage in the area although mapping prepared by the Environment Agency places the site wholly within flood zone 1. Looking in more detail at the Groundsure report, areas of concern at identified as being Nettlestead Road and is likely marked due to the impermeable surface. The application site is elevated some way above the road such that concerns are not applied to the site itself.

9. Heritage Issues

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a listed building or its setting.
- 9.2 No heritage impacts are identified with regards to this application. St. Peter's Church is located some 500m to the east of the site and there is no direct intervisibility between the two. The stable is already a feature within the wider setting of the building such that its retention would not lead to harm in this regard.

10. Impact on Residential Amenity

- 10.1 Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings while saved policy H16 requires that development not materially reduce the amenity or privacy of adjacent dwellings.
- 10.2 The nearest neighbouring property is located some 100m away from the site and this development is not considered to give rise to issues of overshadowing or overlooking. It is considered that there would be no impact on the residential amenity of

11. Planning Obligations / CIL

- 11.1 The application is liable to CIL which would be managed through the standard independent CIL process allowing for the expansion of facilities to accommodate the additional infrastructure pressure created by the development.
- 11.2 Comments from Natural England also note that the application lies within the 13km zone of influence of the Stour and Orwell estuaries special protection area and Ramsar site. The Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) requires that new residential development within the zone of influence provide a suitable contribution towards the management of the site. This can either be secured via a unilateral undertaking on the part of the applicant or an online payment.

12. Parish Meeting Comments

- 12.1 The Parish Meeting object to the proposed development, noting its location is outside of the settlement boundary of Baylham and that it is located away from services and facilities such that it would be considered to be unsustainable when judged against the NPPF.
- 12.2 In particular they note two planning applications within Baylham which were refused and upheld on appeal. One, DC/19/04496, has already been detailed within this report while the other, DC/18/04977, deals with affordable housing to be delivered on a rural exception site to the edge of the village. The appeal (APP/W3520/W/19/3239991) however, does not address whether the site would be an acceptable one for residential development, dismissing the appeal on the basis of harm to the setting of St. Peters Church.
- 12.3 Both appeal sites are for fundamentally different forms of development than the one proposed here such that it is not possible to bring conclusions from the appeals across wholesale, however, conclusions regarding the sustainability of the site are considered to be pertinent to the application at hand and are noted within Section 3 of this report.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1 Policies CS1, CS2 and H09 are the most important adopted development plan policies for determining the application. These policies are, to an extent, considered to be out of date due to inconsistencies with the NPPF such that they do not carry full material weight. Paragraph 79 of the NPPF deals with similar development to that proposed. With regards to the requirements of the paragraph the application seeks to re-use a redundant or disused building. The building is not redundant at the present time; however, it is understood that this use is being wound down such that it will come redundant in the near future.
- 13.2 The application site does not adjoin residential development and is located outside of an established settlement boundary and is seen within a rural context. This would continue to be the case if the application were to be considered under the provisions of the emergent Joint Local Plan. It is considered that were the application to be considered after adoption of the Joint Local Plan, the determinative policy in that case would be paragraph 79 of the NPPF.
- 13.3 Were such an application to be brought forward at that future time it would be required that the building be redundant or disused. Taking the comments made by the applicants at face value, it is considered that this would be the case.
- 13.4 The location of the scheme relative to services and facilities would do little to promote regular walking, cycling or public transport use. It would therefore fail to support sustainable transport methods and the health benefits associated with them which is an important aim of the NPPF. That being said, it would not be reasonable to expect a rural building associated with a rural use to be in a location whereby it would make easily connection to such services and facilities which are more commonly associated with a village or town.
- 13.5 It is not considered that the appearance of the building would detract from the surrounding valued landscape. It is already a feature of the landscape that speaks to its rural nature. The design of the proposed dwelling is such that it maintains the appearance of a stable and would be sympathetic to the local landscape character of the area. Some concern is raised through the creation of a domestic garden to serve the proposed dwelling and the introduction of domestic paraphernalia within the site; however, it is considered that landscaping could provide additional screening within the landscape.
- 13.6 With regards to the application at hand, planning policies support the application. In terms of design, the application meets with the Council's requirements to appear as a rural building. It already has an impact on the appearance of the special landscape area and would not exacerbate issues in this regard. Consequently, the recommendation is to approve subject to the reasoning set out within this report.

RECOMMENDATION

- 1) That the Chief Planning Officer be authorised to GRANT planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief**

Planning Officer and on the basis that payment of the Natural England RAMS contribution is made or secured via unilateral undertaking:

- Time limit for development to commence (three years from date of grant).
 - Development to be undertaken in line with submitted plans.
 - Materials to be those shown on the approved plans.
 - Ecology mitigation as shown in the supporting report to be carried out during development.
 - Biodiversity enhancement within the site to be agreed and then implemented.
 - Lighting within the site to be agreed such that it does not adversely affect wildlife or the landscape.
 - Boundary landscaping to the site to be agreed and thereafter implemented.
 - The access to the site shall be improved in line with highways standards.
 - A method to prevent the discharge of water from the site to the highway shall be agreed and thereafter implemented.
 - Visibility splays from the access shall be maintained at all times with nothing to be erected over 0.6m high within them.
 - Surfacing for the access shall be in a bound material for a minimum of 5m from the access.
 - The gradient of the access shall not be steeper than 1 in 20 for the first 5m from the access.
 - Parking and turning facilities as shown on the approved drawings shall be implemented prior to occupation of the site.
 - Refuse and recycling bins are to be provided to the site.
 - Permitted development rights for extensions, alterations and improvements to the site are to be restricted.
- 2) That in the event of the unilateral undertaking or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.**