

Committee Report

Item 8B

Reference: DC/21/01800

Case Officer: Alex Scott

Ward: Needham Market.

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

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Application under Section 73 - Variation of Conditions relating to 4188/15 and DC/18/05612 - 52 dwellings, including access and associated works.

Location

J Breheny Contractors Ltd, Flordon Road, Creeting St Mary, Suffolk IP6 8NH

Expiry Date: 22/06/2021

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - Dwellings

Applicant: J Breheny Contractors Ltd

Agent: P Branton

Parish: Creeting St Mary

Site Area: 3.02 hectares

Density of Development:

Gross Density (Total Site): 17.21 dph

Net Density (Developed Site, excluding open space and SuDs): 17.44 dph

Details of Previous Committee / Resolutions and any member site visit:

Permission 4188/15 was granted in April 2016. This was a hybrid application for:

a)) Outline planning permission for 52 dwellings, including access and associated works (matters to be reserved: layout, scale, appearance and landscaping). (Land adjacent to this current application).

b)) Full planning permission for a new training facility, workshop and parking area. (Land relating to this current application).

Reserved matters, relating to adjacent land, and the proposal referred to at a)), were then approved in August 2019 (Ref: DC/18/05612).

Has a Committee Call In request been received from a Council Member (Appendix 1): No.

Has the application been subject to Pre-Application Advice: Yes - Ref: DC/19/04555 - Advice given in November 2019.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential development for 15 or more dwellings.

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
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
GP01 - Design and layout of development
H04- Proportion of Affordable Housing
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats

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)

Creeting St Mary Parish Council - 09/04/2021:

The Parish Council has no objections to the application.

National Consultee (Appendix 4)

Natural England - 15/04/2021:

Standing advice on protected species should be applied.

Anglian Water - 14/04/2021:

No comments to make.

East Suffolk Internal Drainage Board - 19/04/2021:

Initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development - If for any reason a strategy wholly reliant on infiltration does not prove viable, and a surface water discharge is proposed to a watercourse within the watershed catchment of the Board's IDD, then this should be in line with current standards (links provided) - Recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

County Council Responses (Appendix 5)

SCC - Highways - 15/04/2021:

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission.

SCC - Lead Local Flood Authority - 06/04/2021 & 30/04/2021:

Holding objection at this time - A holding objection is necessary because the applicant will need to updated the approved surface water drainage strategy and drawings with the proposed changes.

SCC - Travel Plan Officer - 09/04/2021:

On reviewing the documents submitted: No comment to make.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage - 06/04.2021:

The heritage team does not intend to provide comments on this application. However, if further advice is required, please come back to us.

MSDC - Ecology Consultants - 15/04/2021:

No objection subject to securing ecological mitigation and enhancement measures.

MSDC - Environmental Protection - Land Contamination Issues 24/05/2021:

No comments to make with respect to this application.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - 05/05/2021:

I can confirm with respect to noise and other environmental health issues that I do not have any comments to make.

MSDC - Public Realm - 16/04/2021:

The Public Realm Team do not wish to add any additional comments on this application.

MSDC - Strategic Housing - 10/05/2021:

Across 70 dwellings (both phases of development: DC/21/01747 & DC/21/01800) the required affordable housing contribution would be 24.5 dwellings. The proposal is for the policy requirement to be met across the development as a whole (across both phases). If this new application is to be permitted, policy compliance should be sought with an acceptable tenure mix and joined up approach across the site as a whole (across both phases of development, for 70 dwellings in total).

The applicant is proposing that an extended site of 70 dwellings would provide 24 affordable units, which is 35% rounded down from 24.5. Furthermore, the affordable units would be moved from 'Phase 1'(DC/21/01800) to 'Phase 2'(DC/21/01747). If these applications are approved, it needs to be ensured that a coordinated approach is taken in order to treat Phase 1 and Phase 2 as one site.

The changes proposed would result a significant increase in the number and proportion of 1-bed flats, with ten in total, in two blocks of 6 and 4 respectively, circa 50m apart. Given the overall size of the site, this is not the most appropriate distribution.

The proposed distribution is not supported, with all 24 (affordable housing) units in one corner of the site. The increase in site size and number of units provides an increased opportunity to pepper-pot affordable housing throughout the development, whereas the distribution shown places all the affordable homes between the existing employment use and the A14.

The changes proposed would also result in a significant decrease in the proportion of affordable units coming forward as 2-bed houses. It is also notable that none of the units (market or affordable) are proposed as bungalows. An alternative affordable housing mix is proposed.

Given that 35% of 70 does not equate to a whole number, the residual 50% of an affordable unit need should be provided via a commuted sum.

The applicant needs to specify the gross internal floor areas for the units, along with the number of persons they are intended to accommodate, in order that they can be assessed for consistency with the Nationally Described Space Standards.

The open market element could do more to address the growing demand for smaller homes for sale, both for younger people who may be newly forming households, but also for older people who are already in the property-owning market and require appropriate housing enabling them to downsize.

B: Representations

At the time of writing this report 0 letters/emails/online comments have been received with regards this particular application. A verbal update shall be provided as necessary.

(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: DC/21/01747	Planning Application - Erection of 18 No dwellings and creation of new vehicular access and parking (following demolition of existing buildings).	DECISION: Pending (Associated application to this proposal)
REF: DC/18/05612	Submission of details under Application 4188/15 relating to Appearance, Landscaping, Layout and Scale for hybrid application of 52 dwellings and new training facility, workshop and parking area (housing only).	DECISION: GTD 08.08.2019
REF: 4188/15	Hybrid application comprising of: a) Outline Application for 52 dwellings including access and associated works (matters to be reserved layout, scale, appearance and landscaping); b) Full planning application for a proposed new training facility, workshop and parking area.	DECISION: GTD 06.04.2016
REF: 2576/06	Extension to the existing building to form new offices (To replace temporary portacabin type structures currently used on site).	DECISION: GTD 03.01.2007
REF: 0347/98/	Retention of 3 no. Lamp Standards.	DECISION: GTD 12.03.1999
REF: 0202/96/	Erection of one and two storey extensions to existing offices.	DECISION: GTD 28.05.1996

REF: 0032/88	Erection of office block to serve engineering contractors depot - revision to scheme permitted under 827/87	DECISION: GTD 22.02.1988
REF: 0827/87	Erection of a two storey office building with recladding of existing buildings on site	DECISION: GTD 07.10.1987
REF: 0655/87	Temporary office accommodation for a period of 2 years (pending approval and construction of purpose built offices),	DECISION: GTD 10.09.1987
REF: 1123/86	Use of former sand and gravel workings as civil engineering contractors depot, with use of building for storage and vehicle and plant maintenance with earth mounding along site frontage.	DECISION: GTD 20.03.1987
REF: 0097/85/OL	Erection of 12 dwellings and garages, with layout of access road and drive, with alteration to existing vehicular access	DECISION: REF 08.08.1985
REF: 1004/84	Use of former sand store and associated building as printing works with ancillary offices and storage	DECISION: GTD 18.02.1985
REF: 0060/84/OL	Residential development (erection of 12 dwellings and garages, with layout of access road and drive, and alteration to existing vehicular access)	DECISION: REF 18.06.1984
REF: 0076/83/OL	Erection of a grain storage building with weighbridge, storage bins, grain drier and associated mechanical handling equipment. Use of existing quarry buildings as grain store	DECISION: REF 18.07.1983
REF: 0017/83/OL	Erection of a garden storage building with weighbridge storage bins, grain drier and associated mechanical handling equipment. Use of existing quarry building as drain store	DECISION: REF 14.04.1983
REF: 0294/82	Site and restoration to agricultural use.	DECISION: REF 04.08.1982

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site relates to a site occupied by J Breheny Contractors Ltd. The site is in the Parish of Creeting St Mary, situated approximately 800 metres to the northeast of Needham Market.
- 1.2. The current application site relates to a wider site, covering an area of 3.5 hectares, sited to the north-east of Flordon Road. Flordon Road leads southwards on to the B1078, with access to the A14 approximately 2.4 kilometres (1.5 miles) to the south-east.
- 1.3. The current application relates to approximately 85 per cent of the wider site and measures 3.02 hectares in area.
- 1.4. There is an existing vehicular access off Flordon Road serving the premises. To the south of the site lies a car parking area in front of an office block which is the headquarters for the business. To the rear (east) of this office building are a number of portacabins and hard standing. The area to the north of the access is a large area of hardstanding with buildings used as a depot for the machinery and equipment used in the operation of J Breheny.
- 1.5. To the north and south of the site are several residential properties. Further to the east is the A14, with an intervening earth bund. To the west is land associated with Alder Carr Farm. This part of Flordon Road has a 30 mph speed limit.
- 1.6. To the northern site boundary is Sandy Lane Bridle Path that links Creeting Hills to Needham Market. Beyond this footpath is a two storey house with a goods yard located to the rear of the property.
- 1.7. A Grade II Listed Building, at Oak Hill Cottage, lies approximately 60 metres to the north-west of the site, on the opposite side of Flordon Road.
- 1.8. For planning purposes the site lies outside of any settlement boundary as defined by the current Mid Suffolk Development Plan, and as such is regarded as countryside.

2. The Proposal

- 2.1. The application is submitted under section 73 of the Town and Country Planning Act and seeks amendments to a scheme for 52 dwellings, previously granted permission under references: 4188/15 and DC/18/05612 on the site. The current application seeks to vary many of the conditions previously imposed by way of these existing decision notices.
- 2.2. The current application seeks amendments to the layout, scale and appearance of 8 no. of the 52 no. dwellings previously approved.
- 2.3. The current application also proposes a reduction in the number of affordable dwellings, previously secured by way of planning permission ref: 4188/15. The current application proposes

a reduction in the number of affordable dwellings on the site from 18 no. to 10 no. (a reduction in 8 no. affordable units on the site). 8 no. new open-market dwellings are proposed to replace the 8 no. affordable dwellings to be lost. The total number of dwellings proposed would remain at 52 no., with a reduced percentage of affordable houses.

- 2.4. The intention is to provide the additional 8 no. affordable units on an adjacent site, as part of a second phase of development, which would see the total number of dwellings (across both phases) increased from 52 no. to 70 no. 35% affordable housing is proposed to be delivered across both phases of the development, with a greater percentage of affordable dwellings being delivered as part of phase 2.
- 2.5. The additional 18 no. dwellings at phase 2 are proposed by way of a separate planning application (Ref: DC/21/01747) and would be on land previously granted outline planning permission for a training facility, workshop and parking area, as part of planning permission ref: 4188/15.
- 2.5. The current proposal would continue to deliver an area of public open space as part of the development, measuring 375 square metres, located toward the north-west edge of the development, fronting Flordon Road.
- 2.6. The proposed dwelling types are broken down as follows:

Market Dwellings

Two Bedroom, Bungalow, Detached	= 6 no.
Two Bedroom, Two-storey, Terrace	= 3 no.
Two Bedroom, Two-storey, Detached	= 7 no.
Three Bedroom, 2.5 Storey, End Terrace	= 1 no.
Three Bedroom, Two-storey, Semi-detached	= 6 no.
Three Bedroom, Two-Storey, Detached	= 10 no.
Four Bedroom, Two-Storey, Detached	= 9 no.
TOTAL	= 42 no.

Affordable Dwellings

One Bedroom, Ground Floor Flats	= 2 no.
One Bedroom, First Floor, Flats	= 2 no.
Two Bedroom, Two-storey, Terrace	= 6 no.
TOTAL	= 10 no.

- 2.7. Proposed external facing material would be a mix of facing red brick, buff brick, and grey shiplap cladding details. Roofing materials would be a mix of red and black pantiles. All windows would be light grey in colour.
- 2.8. The site area, for this phase 1 part of the overall development, is 3.02 hectares and the proposed development density is 17.44 dwellings per hectare.

3. The Principle of Development

- 3.1. The current application is to vary the existing planning permission granted under refs: 4188/15 and DC/18/05612 and the application does not alter the original description of development, relevant to this Phase 1 area of the overall site.

- 3.2. The principle of the proposed development, for the erection of 52 dwellings, on this Phase 1 area of the site, has therefore already been established by way of extant planning permission refs: 4188/15 and DC/18/05612.

4. Site Access, Parking and Highway Safety Considerations

- 4.1. The point of access and off-site highways works have previously been considered and agreed as part of the existing planning permission, and are not proposed to be altered as part of this variation. No objection is, therefore, raised with regards the suitability of the proposed access.
- 4.2. The application proposes 71 allocated parking spaces within the development, 40 garage parking spaces, and 13 visitor parking spaces, equating to 2.4 spaces per proposed dwelling. Parking provision is considered to meet the minimum requirement for parking places as shown in the Suffolk Parking for Guidance 2015.
- 4.3. The current proposal alone would not result in a significant increase in vehicle movements, and as such the current proposal would not result in a significant increased impact on the local highway network when compared to what has already been agreed.
- 4.4. The current proposal continues to propose a paved footpath along the frontage of the site, adjacent to Flordon Road, with the intention of given pedestrian access to an existing Public Right of way, which connects to existing footpath networks, ultimately to nearby Needham Market.
- 4.5. SCC Highways have been consulted on the application proposal and do not wish to restrict the grant of permission.
- 4.6. As before, the current proposal is considered to be acceptable in terms of highway safety.

5. Design and Layout [Impact on Street Scene]

- 5.1. The majority of layout, scale and appearance of dwellings across this Phase 1 part of the development is not proposed to be altered from what has already been granted. The density of development would also remain the same as previously approved.
- 5.2. The proposed new varied dwellings are considered to adequately blend with and relate to the character of development already granted. As such, no objection is raised with regards the proposed variation to the layout and design of dwellings proposed.

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

- 6.1. The proposed scheme of hard and soft landscaping is broadly the same as what has been previously agreed. The proposed area of public open space, to the north-west edge of the site is also as was previously agreed. No objection is, therefore, made with regards the proposed scheme of landscaping.
- 6.2. The applicant has provided a detailed Ecology Report with the application proposal, which has been assessed by the Council's Consultant Ecologists, who have raised no objection, subject to conditions, securing Ecology Enhancement Measures, should the application be approved. No objection is, therefore, raised with regards the proposal's impact on protected and priority species and their habitats.

7. Land Contamination

- 7.1. The applicant has provided a detailed land contaminated land assessment with the application proposal, carried out by a suitably qualified individual, which concludes that it is not considered that the site would be designated "Contaminated Land" within the meaning of Part 2A of the Environmental Protection Act 1990. The site was similarly assessed as part of the prior planning application on the site, and permission which this application now seeks to vary.
- 7.2. Council's contaminated land specialists have assessed the proposal have not raised objection with regards any significant impact on future occupants from sources of land contamination. The developer is, however, advised to contact the Council should any unexpected ground conditions be encountered during construction. The developer is also advised that responsibility for safe development of the site ultimately lies with them.

8. Flood Risk and Drainage

- 8.1. The site lies completely within Environment Agency Flood Zone 1, therefore, no objection to the broad principle of housing development on the site is raised.
- 8.2. The applicant has submitted a detailed scheme of surface water attenuation and discharge with the application, which follows a very similar scheme, previously considered and agreed as part of the existing planning permission, for a very similar development.
- 8.3. Whilst the concerns and holding objection of the Lead Local Flood Authority (at SCC) are noted, having considered what was previously agreed by way of the extant permission, in terms of surface water attenuation and discharge, as a material consideration, this phase 1 part of the development alone is not considered to result in significant increased surface water runoff and flood risk over what has previously been considered and agreed. No objection is, therefore, raised by your planning officers in terms of increased flood risk.

9. Heritage Issues

- 9.1. The current proposal would lie approximately 30 metres to the south-east of the nearest listed building, at Oakhill Cottage. The proposed amended parts of the development would be furthest away from this asset. At such separation distance, and having considered the presence of the intervening parts of the development already approved, the current proposal is not considered to result in demonstrable harm to the setting and significance of this or any other heritage asset in the vicinity of the site.
- 9.2. SCC-Archaeology have been previously consulted on the proposal and have advised that, in their opinion, there would be no significant impact on known archaeological sites or areas with archaeological potential and have not advised any archaeological conditions be imposed. The proposal is not, therefore, considered to result in significant harm in relation to any below ground heritage assets.

10. Impact on Residential Amenity

- 10.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. 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.

- 10.2. Whilst the majority of the proposed development at this phase 1 part of the development is considered to be acceptable in terms of residential amenity, the rear elevations of the proposed two-storey dwellings at plots 4 to 7 would contain first floor windows which would directly overlook the rear garden of revised plot 11, at very close proximity (within 5 metres). This would, therefore, result in significant detriment of the private amenity of this property. This aspect is not considered to secure the high standard of amenity for the future occupants of these properties, as required by the NPPF.
- 10.4. This aspect of the proposal is not, therefore, considered to result in a development that would provide a high standard of amenity for all future occupants of land and buildings, contrary to NPPF paragraph 127 and local plan policies H13 and H16.

11. Affordable Housing

- 11.1. Your Strategic Housing Officers have assessed the application proposal and have advised the policy position for a the development, across all 70 dwellings proposed by the two phases of development (this current proposal and that proposed by associated application ref: DC/21/01747, for 18 dwellings). Your officers advise that the proposal is for the policy requirement to be met across the development as a whole (across both phases). Your officers advise that if this revised application is to be permitted, policy compliance should be sought with an acceptable tenure mix and joined up approach across the site as a whole (across both phases of development, for 70 dwellings in total).
- 11.2. The applicant is proposing that an extended site of 70 dwellings would provide 24 affordable units, which is 35% rounded down from 24.5. Furthermore, 8 no. affordable units would be moved from this phase of development (phase 1) to the adjacent phase 2 site (DC/21/01747), leaving only 10 affordable dwellings as part of this current proposal, and bunching all of the affordable units up into the far south-eastern corner of the site. Your Strategic Housing Officers advise that If these applications are approved, it needs to be ensured that a coordinated approach is taken in order to treat phase 1 and phase 2 as one site.
- 11.3. The changes proposed would result a significant increase in the number and proportion of affordable 1-bed flats, with ten in total, in two blocks of 6 and 4 respectively, circa 50m apart. Given the overall size of the site, your strategic housing officers do not consider this to be the most appropriate distribution.
- 11.4. Your strategic housing and planning officers do not support the proposed distribution of affordable housing, with all 24 (affordable housing) units in one corner of the overall site, adjacent to the A14 Trunk Road. Your strategic housing officers advise that the increase in site size and number of units provides an increased opportunity to pepper-pot affordable housing throughout the development, whereas the distribution shown places all the affordable homes between the existing employment use and the A14.
- 11.5. The changes proposed would also result in a significant decrease in the proportion of affordable units coming forward as 2-bed houses. An alternative affordable housing mix is, therefore, proposed by your strategic housing officers.
- 11.6. The proposed development would not, therefore, deliver affordable housing of an appropriate type, mix and location within the wider development proposed (across both phases). The

proposed affordable housing would not ,therefore, meet the current local need and would not result in achieving a mixed and balanced community, as required by NPPF paragraph 62.

- 11.7. Should members resolve to refuse the adjacent phase 2 development (DC/21/01747), as recommended, then the current proposal would be left with a resultant undersupply of affordable housing, with only 10 no. (19.23%) proposed as part of the current application. The resultant undersupply of affordable housing in relation to this current application alone would then be contrary to development plan policy H4, which requires up to 35% affordable housing on such developments, and as has been previously agreed (under permission refs: 4188/15 and DC/18/05612).

12. Parish Council Comments

- 12.1. It is noted that the Parish Council has no objections to this particular application.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1. The site and phase of development in question benefits from existing planning permission for the same amount of dwellings. The current application is to vary the existing permission only, and as such the principle of development is considered to remain acceptable.
- 13.2. Whilst the overall design, layout and landscaping of the majority of the site is considered acceptable, the scheme is considered to give rise to significant harm in relation to the amenities of the revised development at plot 11, in relation to significant overlooking potential from adjacent dwellings and significant lack of private amenity.
- 13.3. Whilst it is accepted that the proposed number of affordable dwellings is now proposed to be provided across two-phases of development, with the application associated with the second phase of development (ref: DC/21/01747) being considered unfavourable, this would result in an undersupply of affordable dwellings as part of this particular application.
- 13.4. The proposed development is considered acceptable in relation to issues of: Highway Safety; Ecology; Land Contamination; Flood Risk; and Heritage Issues.

RECOMMENDATION

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

1. Altered Policy H4 of the development plan requires all such developments to provide up to 35% of the total provision of housing as affordable housing. Having considered identified local needs and the economic and viability of the development, 35% affordable housing is considered to be the appropriate requirement in terms of this particular application proposal. Whilst it is acknowledged that a proportion of affordable housing is proposed as part of an associated, separate phase of development, the associated planning application is not supported. The proposed amount of affordable housing in relation to this current application is 19.23%, therefore less than the required 35%. The application proposal would, therefore, be contrary to the development plan policy H4 and would not deliver the sustainability aims of the NPPF in creating mixed and balanced communities.
2. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. 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.

The proposed dwellings at plots 4 to 7 would contain first floor windows which would directly overlook the rear garden of the dwelling proposed at plot 11, at very close proximity. This would, therefore, result in significant detriment of the private amenity of this property and in doing so would not secure a high standard of amenity for the future occupants of this property, as required by the aforementioned policies.