

Committee Report

Item No: 7C

Reference: DC/22/00494

Case Officer: Averil Goudy

Ward: Stradbroke & Laxfield.

Ward Member/s: Cllr Julie Flatman.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Demolition of existing barn and replace with 1no new dwelling as alternative scheme to DC/20/05665

Location

Little Meadows Farm, Banyards Green, Laxfield, IP13 8EU

Expiry Date: 29/03/2022

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Mr and Mrs Martin-Edwards

Parish: Laxfield

Site Area: 0.15 hectares

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

Previous Class Q Committee Decision under reference DC/19/01072

Previous Full Planning Application (Erection of 1no. dwelling) under reference DC/19/05712

Previous Full Planning Application (Erection of 1no. dwelling) under reference DC/20/05665

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

Has the application been subject to Pre-Application Advice: Pre-application discussions have taken place for this site (DC/19/03524 and DC/21/02504), but neither relate specifically to the proposed development.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The applicant is an employee of Babergh and Mid Suffolk District Councils.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Mid Suffolk District Council comprises the Mid Suffolk Core Strategy Focused Review (2012), the Mid Suffolk Core Strategy (2008) and the Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2007). The following are considered the most relevant to the determination of this proposal.

NPPF - National Planning Policy Framework

Adopted Mid Suffolk Core Strategy (2008)

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

Adopted Mid Suffolk Core Strategy Focused Review (2012)

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Adopted Mid Suffolk Local Plan (1998)

GP01 - Design and layout of development
H07 - Restricting housing development unrelated to needs of countryside
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

Laxfield Neighbourhood Plan

Policy LAX 1 - Spatial Strategy for Laxfield Neighbourhood Plan Area
Policy LAX 2 - Housing Development
Policy LAX 9 - Design Considerations
Policy LAX 11 - Protection of Landscape Setting of Laxfield
Policy LAX 12 - Biodiversity
Policy LAX 18 - Public Rights of Way

Neighbourhood Plan Status

This application site is within Laxfield Neighbourhood Plan Area. The Neighbourhood Plan is currently due at Referendum on 24th March 2022. Accordingly, the Neighbourhood Plan has significant, but not full, weight.

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

Parish Council (Appendix 3)

Laxfield Parish Council

“Laxfield Parish Council has no objections to this application.”

National Consultee (Appendix 4)

British Horse Society

No response received to date.

Waveney Group - Patch 6

No response received to date.

County Council Responses (Appendix 5)

SCC – Highways

Recommends conditions

“Visibility on drawing condition.

Condition: Before the access is first used visibility splays shall be provided as shown on Drawing No. LDA-182-32A with an X dimension of 2.4 metres and a Y dimension of 43 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

Parking as per drawing condition.

Condition: The use shall not commence until the area(s) within the site shown on drawing no. LDA-182-32A for the purposes of manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and manoeuvring would be detrimental to the safe use of the highway.

Refuse bins conditioned as per drawing.

Condition: The areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No. LDA-182-32A shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

Cycle parking to be submitted condition.

Condition: Before the development is occupied details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019."

SCC - Rights Of Way Department

No objection, informative given.

Internal Consultee Responses (Appendix 6)

Environmental Health - Land Contamination

"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.

Please could the applicant be made aware that we have updated our Land Contamination Questionnaire and advise them that the updated template is available to download from our website at <https://www.babergh.gov.uk/environment/contaminated-land/land-contamination-and-the-planning-system/>."

Ecology - Place Services

"We have reviewed the Update to Ecological surveys (JP ecology Ltd, December 2022), submitted by the applicant, relating to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Update to Ecological surveys (JP ecology Ltd, December 2022) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS “All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in Ecology Survey (JP ecology, October 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.”

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.

PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY “A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species), as updated by the Environmental Act 2021.”

B: Representations

At the time of writing this report no letters/emails/online comments have been received. 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: 2603/14	Change of use of domestic storage building to a micro dairy to produce goats cheese (Use Class B2)	DECISION: GTD 24.11.2014
REF: DC/18/01597	Application for Lawful Development Certificate for Existing Use – Continued occupation of Little Meadows Farm (C3) in breach of the original agricultural occupancy condition W/7537 condition 4.	DECISION: LU 08.06.2018
REF: DC/18/02777	Application under Section 73 of the Town and Country Planning Act. Removal of	DECISION: GTD 20.08.2018

Condition 4 (Agricultural Occupancy) relating to planning application W/7537. Erect bungalow and garage for occupation by farmer).

REF: DC/19/01072	Notification for Prior Approval for a Proposed Change of Use of Existing Barn to a Single Dwellinghouse (Class C3), and for Associated Operation Development. Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.	DECISION: AFDR 25.04.2019
REF: DC/19/05712	Full Planning Application – Erection of 1no Dwelling (following demolition of existing barns),	DECISION: GTD 07.02.2020
REF: DC/20/05665	Planning Application – Erection of 1no dwelling (following demolition of barn, alternative scheme approved DC/19/05712).	DECISION: GTD 17.03.2021

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site is situated to the north-east of Laxfield and relates to an existing barn at Little Meadows Farm. The barn is 'L' shaped in appearance and lies adjacent to the farmhouse.
- 1.2 The surrounding area is predominantly rural in character with agricultural fields surrounding the site.
- 1.3 There are no specific constraints on the site.

2.0 The Proposal

- 2.1 The proposal seeks planning permission for the demolition of the existing barn and replacement with 1no. dwelling (as alternative scheme to DC/20/05665).
- 2.2 The amendments sought include relocating the dwelling with the plot, changing the design of the dwelling and altering the residential curtilage.
- 2.3 The dwelling would be one and a half storey (rooms in the roof) with a ridge height of 6.25m and an eaves height of 2.55m.
- 2.4 The footprint of the proposed dwelling would be 157.61m², which is less than the previously approved Class Q application (232.94m²) and previously approved new dwelling (216.76m²).
- 2.5 The proposed materials would include timber cladding stained grey and white brick, metal sheeting roofing, aluminium windows and bi-folding doors.

- 2.6 The parking provision on site would include three parking spaces and a moderate driveway/turning area.

3.0 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) 2021.
- 3.2 Mid Suffolk currently benefits from a housing land supply in excess of five-years, as set out in the Council's Housing Land Supply Position Statement (February 2022) and Joint Annual Monitoring Report (December 2021). There is, therefore, 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.
- 3.3 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 219 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.
- 3.4 Due regard is had to the planning history attached to the site insofar as the "fallback" permitted development position. Under application reference DC/19/01072 prior approval was granted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the creation of one dwelling within the current agricultural building on site. This application is still extant and may be implemented to create a new dwelling in this countryside location.
- 3.5 Case Law has accepted the principle of new dwellings as a replacement of Class Q applicable sites providing the criteria is met. The existing building on site has proven the criteria has been met by the approved application DC/19/01072. Class Q criteria does not include the need to consider sustainable development or a range of other considerations and so officers to date have considered it reasonable that while Class Q may allow in law some development in unsustainable locations, development above and beyond the criteria of Class Q, including any exceeded permitted floorspace and level of development, should be carefully considered if appropriate and against the full weight of all planning considerations.
- 3.6 As a further material planning consideration, there are extant consents for new-build dwellings on the site under references DC/19/05712 and DC/20/05665, such that the principle of development is already established. The footprints of these consented dwellings overlap the proposed dwelling such that only one permission could be built out.
- 3.7 Given that this application seeks revisions to the siting, design of the dwelling and the residential curtilage, the principle of development is considered acceptable in light of the extant permissions.

4.0 Nearby Services and Connections Assessment Of Proposal

- 4.1 Laxfield is listed as a primary village within the Core Strategy Settlement Hierarchy. This means that the village is capable of limited growth where local need has been established.
- 4.2 The village of Laxfield has limited services, including a village hall, church and co-operative village shop.
- 4.3 The connections between the site and the services available within Laxfield are limited, with off road foot paths leading from the settlement boundary to the corner of Bickers Hill Road and Cratfield Lane, beyond this point wide grass verges bound the road, making pedestrian access possible. Due to the limited services available in Laxfield, it is considered that some reliance on the private vehicle is to be expected to access wider services.
- 4.4. While this location on this basis might weigh against the development, the material weight of the fallback position under Class Q together with the previously approved applications is applicable. As such it is recognised that whatever the considerations may be in respect of the sustainability of the site significant material consideration also has to be given to the potential fall-back position for residential development on this site, available under Class Q, and extant planning permission with regards to consents DC/19/01072, DC/19/05712 and DC/20/05665.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1 Access to the site would be off an unnamed road off Bickers Hill Road. The proposed access is the same as previously approved under application reference DC/20/05665.
- 5.2 Suffolk County Council Highways have been consulted and raise no objection to the proposed access as it is considered that the visibility has been improved with this proposed access and as such recommend conditions be attached to any approval.
- 5.3 The proposal 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. The proposal is therefore considered to be in accordance with the NPPF and the development plan.

6.0 Design and Layout

- 6.1 The proposed dwelling would be located slight further northeast on the plot than the previous approved dwelling but will still overlap the footprint of the original barn.
- 6.2 The revised design is for a chalet-style bungalow. The use of timber cladding stained grey, white brick and metal sheeting roofing would offer a contemporary flare to the dwelling.
- 6.3 The dwelling is modest in scale and due to the reduced footprint, would have no greater visual impact than the approved dwelling. The design is not offensive and would not harm the rural character of the area.

7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather

than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

- 7.2 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3 The application site does not form part of a designated landscape.
- 7.4 The predominant character of the surrounding area is strongly rural and in particular, agricultural. This character aspect is formed by the large field patterns visible through aerial photography.
- 7.5 The proposal would be viewed together with the farmhouse known as Little Meadows Farm. Some limited harm to the quality of the rural landscape would occur given that the development would remove an area with an agricultural character from the wider landscape, although noting the extant consent for Class Q conversion and dwelling this is not considered to be significant to consider refusal.
- 7.6 An approx. 25m stretch of hedgerow to the rear of the site is to be removed to facilitate the residential curtilage. A new length of hedgerow (approx. 28m) is to be planted to the north western boundary using saplings taken from the existing. The hedgerows to the southern and eastern boundaries are to be retained, along with the trees within the site. The landscape impact is therefore considered negligible.
- 7.7 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 7.8 Paragraph 180 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.9 Consultation with the Council's Ecology consultation shows no objections to the proposed works provided that mitigation and enhancement of the site can be secured via planning conditions.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Local Plan policy H17 requires that residential development be kept away from sources of pollution. Analysis of the site has found no contamination in the soil that would adversely affect the health of future residents of the site which has been confirmed by the Council's Environmental Health Team.
- 8.2 The site is located within Flood Zone 1, such that specific consideration as to the impacts of river and surface water flooding are not required. It is considered that due to large areas of soft land surrounding the site, any issues relating to surface water drainage are unlikely to result in significant levels of flooding within the locality.

9.0 Impact on Residential Amenity

- 9.1 Local Plan policy H16 seeks to protect the existing amenity of adjacent dwellings and to avoid development which erodes the character of the surrounding area.
- 9.2 The closest neighbouring residential property to the application site is that of Little Meadows Farm, a single storey bungalow, located to the North-West. Both the proposal site and the neighbouring property face out onto Bickers Hill Road.
- 9.3 Due to the revised design and siting, the dwelling has been moved further from Little Meadows Farm. The fenestration proposed to the north-west elevation is limited to a single access door, glazing panels and a window at ground floor and three rooflight serving a landing/hallway. A new hedgerow is to be planted to the shared boundary.
- 9.3 The proposal is not considered to give rise to any detrimental impact on residential amenity due to the limited fenestration proposed to the north-west elevation, its one and a half storey design and the separation distances involved between the proposed dwelling and the existing neighbouring property.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1 Given the extant planning permissions which already exist under the previous Class Q and planning applications (DC/19/05712 and DC/20/05665), the principle of development in this location is considered acceptable.
- 13.2 As such the question at hand is whether the revised siting, design and residential curtilage would cause any detrimental impacts by way of design, highway safety or residential amenity.
- 13.3 The contemporary chalet-bungalow design and amended residential curtilage is not detrimental to the locality. The revised siting on the plot overlaps the footprint of the previous consents but is further from trees to avoid foundation conflict and need for deeper foundations. The proposal would cause no harm to residential amenity due to its form, scale and design and is an improvement overall. SCC Highways raised no objection to the proposed access and parking provision.
- 13.4 The proposal is therefore not considered to result in any material harm. The proposal accords with the NPPF and policies within the development plan and is therefore considered acceptable.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT planning permission.

(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:

- Standard time limit (3yrs for implementation of scheme from date of issue)
- Approved Plans (Plans submitted that form this application)
- Cycle Storage to be located within existing secured shed on site
- Refuse and recycling bins as approved
- Wildlife Lighting Strategy
- Work in accordance with Ecological Appraisal Recommendations
- Biodiversity Enhancements Strategy to be agreed
- Removal of PD Rights (Class A-D)
- Provision for parking provided prior to occupation
- Visibility splays and no obstruction over 0.6 metres

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Right of Way Consent