

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE A - 09 November 2016

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<b>AGENDA ITEM NO</b>	<b>1</b>
<b>APPLICATION NO</b>	2776/16
<b>PROPOSAL</b>	Erection of 2 No. dwellings and 4 No. flats and associated parking. Installation of photovoltaic panels. Erection of screen walling and fencing. Alteration to vehicular access and new vehicular access to car parking. (Revised application red line to include vehicular access)
<b>SITE LOCATION</b>	Land off, Noyes Avenue, Laxfield IP13 8EB
<b>SITE AREA (Ha)</b>	
<b>APPLICANT</b>	Mid Suffolk District Council
<b>RECEIVED</b>	June 28, 2016
<b>EXPIRY DATE</b>	December 21, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

- (1) The application site is owned by Mid Suffolk District Council.

**PRE-APPLICATION ADVICE**

1. Pre application advice was sought from the case officer prior to the submission of this application. The plans submitted are in accordance with the pre application discussions.

**SITE AND SURROUNDINGS**

2. The application site is a piece of Council owned land. The site is laid to grass with a handful of trees on the site. The site is relatively flat. To the south of the site is a 1 metre wide footpath and then the highway (Noyes Avenue). To the east are residential properties, No. 30 Noyes Avenue, which is a modest two storey dwelling and Church View which is a bungalow. There is a fence at a minimum height of 1.8 metres along the eastern boundary of the site. To the north is Orchard Cottage which lies close to the boundary and overlooks the application site. The northern boundary of the site is open to the garden associated with Orchard Cottage. To the west is Hartismere House, a Council owned residential home. Hartismere House is a single storey brick built building.

The application site is within the settlement boundary of Laxfield, with a small section of the northern part lying within the Conservation Area. The site has no other formal designation.

There is an extant planning permission as described below. It was intended to implement this permission. Tree protection measures have been put in place and the site is secured by security fencing.

**HISTORY**

3. The planning history relevant to the application site is:

3997/14	Erection of 2 no.dwellings and 4 No flats and associated parking. Installation of solar panels. Erection of screen wall and fencing. Alteration to vehicular access.	Granted 3.07.15
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**PROPOSAL**

4. Planning permission is again sought for the erection of two dwellings and four flats with associated parking and new vehicular access.

The four flats are to be provided by two blocks which are partially linked. Each flat provides a kitchen, living/dining room, bedroom and bathroom. Each of the flat blocks measures 7.914 metres wide, with a depth of 7.875 metres. Each block would have a pitched roof, with an eaves height of 4.8 metres and a ridge height of 8 metres. The flat blocks would be constructed with red brick on the ground floor with cedar shiplap boarding above under a double pantile roof.

One of the flat blocks lies in the southwest corner of the site, sited close to Noyes Avenue. The other flat block adjoins on the northern elevation, set slightly into the site. Three parking spaces are provided to the west of the rear flat block and would be accessed off the existing vehicular access off Noyes Avenue which currently serves Hartismere House. A new vehicular access is to be provided off Noyes Avenue, to the east of the flat blocks. A total of 4 parking spaces would be provided along the eastern boundary of the application site.

In the northern part of the application site are a pair of two bedroom semi-detached dwellings. The dwellings face westwards. Each dwelling provides a kitchen, living/dining room and WC on the ground floor, with two bedrooms and a bathroom on the first floor. Each semi-detached dwelling has a width of 5 metres and a depth of 9.34 metres. It has an eaves height of 4.8 metres and a ridge height of 8.5 metres. Each dwelling would be constructed with red brick on the ground floor with cedar shiplap boarding above under a double pantile roof.

There are photovoltaic cells on the front elevations of the flat blocks and the semi-detached dwellings.

**POLICY**

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

- 6.
- **Parish Council:** Support revised plan.
  - **Highways:** Recommends any permission includes conditions on visibility splays and parking.
  - **Heritage Officer:**

The scheme is a variation of that approved under reference 3997/14, with the roof form changed from hipped to gabled. In terms of impact on heritage assets the revisions make no appreciable difference and I repeat below the comment on the previous scheme:

The development site is located directly adjacent to the boundary of the Laxfield conservation area. It is grouped close to existing new build development further to the east end of Noyes Avenue along and 20th century development that is directly opposite the development site and further to the west. There are some undesignated heritage assets on the northern side of the High Street of which the development will have some limited impact on their wider setting. The designated grade II listed buildings to the south of the high street will be largely unaffected by the development with only partial glimpsed views from the upper level windows.

There is a vista of the grade I listed church that will be completely obscured from Noyes Avenue however there are extensive views elsewhere of the church from alternative locations around the village, outside and inside the conservation area. Views out of the churchyard and from the church itself will not be compromised or harmed as a result of the proposed development.

There is a significant long range view of the church from Mill Lane (to the NW of the development site and N of the village). This will remain largely unaffected however there may be some minor infringement when the surrounding trees are not in leaf.

The buildings themselves should match the materials of the surrounding area. The block of flats will address the highway with a principal elevation. This is encouraged as the majority of buildings in the immediate area follow the same pattern. The two houses will be set back from the highway and are designed to a similar style to the adjacent new build properties. Samples of the bricks, weatherboarding and roof tiles should be conditioned to ensure that they are suitable for the surrounding area and constitute as high quality and sustainable design.

- **Environmental Health (Other issues):** Do not have any adverse comments and no objection to the proposed development.
- **Historic England:** The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- **Environmental Health (land contamination):** From the perspective of land contamination and can confirm that the Geosphere Report submitted with the application concludes that the risk to end users of the site is low and this is a conclusion with which I concur. I therefore have no objections to raise

with respect to land contamination at the development but would request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development lies with them.

- **Tree Officer:** No objection in principle subject to it being undertaken in accordance with the protection measures indicated in the accompanying arboricultural report. Whilst a small number of trees are proposed for removal these are generally of limited amenity value and/or poor condition and their loss will not have a significant impact on the appearance and character of the local area. If minded to recommend approval we will also require an arboricultural monitoring schedule in order to help ensure the protective measures referred to are implemented effectively. This information can be dealt with under condition.
- **Archaeology:** The site lies in the historic core of Laxfield, but archaeological evaluation was carried out under consent 3997/14 and did not reveal significant archaeological features. I would therefore recommend that the current development proposals are unlikely to have an impact on archaeological remains and I would not recommend that there would need to be a planning condition relating to archaeology.
- **Suffolk Fire and Rescue:** Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations Approval. Records show that the nearest fire hydrant in this location is over 100 metres from the site and therefore recommended proper consideration of an automatic fire sprinkler system.

#### LOCAL AND THIRD PARTY REPRESENTATIONS

7. No letters of representation have been received.

#### ASSESSMENT

8. Background:

Planning Committee has previously resolved to grant planning permission for a development of two dwellings and four flats under reference 3997/14 on the 18th March 2015. A copy of this application is enclosed within the agenda bundle. This permission was commenced however it was discovered that a public sewer pipe traversed the application site over the southeast corner. As this public sewer cannot be moved and cannot be built over the development granted under reference 3997/14 cannot be constructed.

This application is a revised development proposal which takes into account the public sewer. Planning officers were involved in the revised development proposal and the application is in accordance with this advice.

The core planning considerations raised by this application are:

- The principle of development
- Affordable Housing need

- Character and appearance of the area
- Highway matters
- Impact on residential amenity
- Arboricultural implications
- Biodiversity

The principle of development:

The application site is situated within the settlement boundary for Laxfield as defined by Inset Map No. 49 of the Mid Suffolk Local Plan (1998). Laxfield has been designated as a 'Primary Village' by Policy CS1 "Settlement Hierarchy" of the Mid Suffolk Core Strategy DPD (2008). Primary Villages are regarded as ones which are "*capable of limited growth where local need has been established*". On this basis the principle of residential development on this site is acceptable as it is considered to be a sustainable location.

Whilst it has emerged that permission 3997/14 cannot be constructed due to site constraints it is an extant permission for residential development on the site which is a material consideration in the determination of this application.

Affordable Housing Need:

Across the Babergh and Mid Suffolk District a combined total of 1,000 local authority homes have been sold under the 'Right to Buy' since 1999. This application is in line with the Council's ambition to replace some of the affordable homes that have been lost.

There is currently no Parish Plan or Village Design Statement for Laxfield. A local housing needs survey was completed by Suffolk Acre (now known as Community Action Suffolk) in 2009 on behalf of the Parish Council. The response to that survey was that 90% of respondents were in favour of additional affordable houses of the village and the survey also highlighted the suggested need for 1 and 2 bedroom properties.

The most recent update of the Strategic Housing Market Assessment was completed in 2012 which confirmed a minimum annual net need of 229 affordable homes per annum. The properties proposed under this application are to address in part that need. Specific to Laxfield is the choice Based Housing Register in January 2014 which showed 7 active applicants registered for Laxfield, of which 1 applicant was seeking a 1 bedroom property and 6 applicants were seeking 2 bedroom properties. On a wider district level the Choice Based housing register need for Mid Suffolk in December 2014 showed 914 applicants of which 468 wish for a 1 bedroom property an 316 seek a 2 bedroom property. There is evidently need for affordable housing in both Laxfield and across the Mid Suffolk district, this application if granted would assist in delivering housing to address this identified need.

In order to safeguard dwellings for future affordable occupancy it is usually appropriate to secure a Section 106 obligation to that effect. There is a potential risk of future tenants becoming eligible to exercise a "Right to buy" which would remove the dwellings from the affordable stock. The Council is not able to enter a Section 106 planning obligation with itself. The planning obligations will be

secured by a Unilateral Undertaking and Suffolk County Council will be accepting responsibility to act as enforcing authority whilst Mid Suffolk Council are owners of the land.

Character and appearance of the area:

Noyes Avenue is characterised by a combination of single storey and modest two storey terrace and semi-detached dwellings constructed in brick and render. Noyes Avenue is a no through road. The application site is currently a vacant piece of land laid to grass.

The layout of the development has been amended to avoid the public sewer which traverses the site. The flat development, in part, fronts the highway providing a frontage to the street. There is a small car parking area proposed to be constructed over the public sewer. A screen wall at a height of 1.8 metres is proposed along Noyes Avenue to screen the parking area and along part of the eastern boundary which is shared with No. 30 Noyes Avenue.

Whilst the development is two storey there is a separation distance of approximately 9 metres between the proposed flat development and the front part of Hartismere House. It is considered that this separation distance is sufficient to ensure that the development would sit comfortably within the street scene even with the change in scale. To the east lies No. 30 Noyes Avenue which is a two storey dwelling and there is a separation of approximately 17 metres to the proposed flat development. Along Noyes Avenue is a mixture of single and two storey dwellings and as such the two storey development is reflective of this scale of development. The flat development will be constructed in materials that are reflective of those used within the immediate locality and the wider Mid Suffolk district.

The existing access drive, which serves a small parking area for Hartismere House, is to be used to serve this part of the development with a further access provided off Noyes Avenue to a small car park. On site parking for the flats are provided in two areas to the east and west and an enclosed bin enclosure is provided to the east of the flat block. The communal area for the flats lies to the east of the flat development and provides approximately 120 square metres, providing a good level of amenity space.

The pair of semi-detached dwellings are situated in the northern part of the site and face west towards Hartismere House. These will be seen from the road but will be partially screened when viewed from the east by the frontage flat development. The development will face towards Hartismere House and have rear gardens of approximately 100 and 130 square metres respectively. The dwellings have a height which would not be dominating within the locality. The dwelling is of a simple style and materials reflective of the locality.

It is not considered that the loss of this green space would harm the prevailing character and appearance of this area given it is a residential development within a residential context.

#### Impact upon the Conservation Area and designated Heritage Assets:

The Council's Heritage Team has advised that the changes to the layout does not materially harm the character of this Conservation Area.

The application site is partially within the Laxfield Conservation Area. The Local Planning Authority has to a duty to ensure that the character and appearance of Conservation Area is either preserved or enhanced by a development. The layout, design and materials of this proposed development is in keeping with that in the locality and as such preserves the character of this Conservation Area.

The Heritage Officer has advised that there is a vista of the Grade I listed church which will be obscured by the development from Noyes Avenue but there are extensive views elsewhere of the church from alternative locations around the village both inside and outside the Conservation Area. The view out of the churchyard and Church will not be compromised or harmed as a result of the proposed development. As such there is no objection to the development as it would not harm the setting of the designated heritage asset.

#### Highway matters:

It is proposed to utilise an existing access on to Noyes Avenue which currently serves Hartismere House and create a new vehicular access also off Noyes Avenue. The Highway Authority were consulted on the application and have recommended the required visibility splays of 2.4 metres by 43 metres in each direction. The block plan has identified the visibility splays required. From the site visit it is evident that there is a hedge and a 1.8 metre high close-boarded fence as part of Hartismere House development but this is on control of the applicant and as such the visibility splays can be achieved.

The new access is unable to achieve the visibility splays in the easterly direction as this is over the front gardens of properties not in the control of the applicant. This part of Noyes Avenue is a no through road and there is also an incline. The Highway Authority have reviewed this and consider that given the low speeds vehicles would be travelling in this direction that a reduced visibility splays would be acceptable. On this basis it is not considered that the 43 metre visibility splay is essential to ensure highway safety.

The parking levels for the development are set at 1 space per one bedroom flat with three visitor spaces. and two spaces per two bedroom dwelling. These levels are consistent with the parking standards adopted by Suffolk County Council in 2014. On this basis the local planning authority are satisfied that the parking standards has been met for the development.

#### Impact on residential amenity:

There are residential properties surrounding the application site. There are windows in the front and rear elevations of the flat development. At the front the windows will look towards Hartismere House. At the rear the windows will face towards properties off Noyes Avenue, the closest of these being No. 30 Noyes Avenue. The closest part of the flat development to this shared boundary with No. 30 Noyes Avenue is 12 metres however, there are only bathroom windows

in this closest part of the development. The part of the flat development that has windows of habitable rooms has a 21 metre separation between elevations to No. 30 Noyes Avenue. These separation distances are considered acceptable to ensure no harm to amenities of existing and proposed dwellings.

There is a separation of 6 metres from the flat development looking onto the side elevation of the semi-detached properties. There are no windows on the side elevation of the proposed semi-detached dwellings. There are no first floor windows facing over the gardens associated with the semi-detached properties.

Where the pair of semi-detached properties face towards Hartismere House there is a 15 metre separation between the existing and proposed development. It is considered that given the separation distance, the scale of the development and the orientation on the plot there would not be a harmful impact upon the residents of Hartismere House by reason of overlooking or overshadowing.

The rear gardens of the semi-detached properties have a depth of 18 metres. The rear elevation of the pair of semi's will look towards the property known as Church View. Church View is single storey but there is 37 metres between the existing dwelling and the proposed development which provides sufficient separation distance to avoid harm to the occupiers of Church View.

It is noted that Orchard Cottage currently looks onto this open piece of land. There is no right to a view in planning terms. The design and orientation of the pair of semi-detached dwellings ensures there would not be overshadowing or overlooking of this property. A 1.8 metre high boundary wall has been proposed around the parking area to provide some noise attenuation from that generated by manoeuvring and parking of vehicles. The remainder of the common boundary with the application site and Orchard Cottage is shown as a 1.8 metre wall.

It is concluded that whilst there may be some impact to those properties adjoining the application site this is not considered to result in unacceptable harm that would justify the refusal of the application.

#### Arboricultural Implications:

The application site is predominantly laid to grass but there are a handful of trees on the site. An arboricultural implication report was submitted as part of the application. The Council's Tree Officer has reviewed this report and has raised no objection to the development. It is acknowledged that a number of the trees on site will have to be removed to accommodate the proposed development. The Tree Officer has advised that these trees are generally of low amenity value, the only tree that moderately contributes to the character of the area is a Silver Maple. Unfortunately this cannot be retained as part of the development but additional landscaping is to be provided around the parking area in the northern part of the site. This additional landscaping will soften the development and can be secured by planning condition.



Biodiversity:

The development did not trigger the need for a biodiversity report to form part of the application submission however a Biodiversity and European Protected Species Survey did accompany the application. It is noted that this is dated August 2014. This survey found no evidence the presence of any European Protected Species however there is suitable bird nesting habitat along the boundary of the site. Conditions to ensure nesting birds are not affected can be secured by condition thus discharging the Council's duty of care with regard to protected wildlife species.

Contamination:

The application was accompanied by a Phase 1 Contamination Survey and Phase 2 Ground Investigation Report. This identified that there would not be any harm to the occupiers of the proposed development. The Council's Environmental Health department has confirmed they have no objections to the application in respect of land contamination.

Code for Sustainable Homes:

The Code for Sustainable Homes, code levels, are obsolete with effect from 1 April 2015. Therefore all new Council homes will be constructed to the Councils Housing Design Brief. This standard includes all current best practice design and construction guidance, such as those set by the Homes and Communities Agency and Lifetime Homes Standards. Following consultation with the Councils Development Partner, Havebury Housing Partnership and other Housing Association colleagues, Officers confirm that a 'fabric first' approach to Council house building will provide benefits to both the Council and our Tenants. This concentrates on improving energy efficiency levels by maximising the insulation properties of the actual building. This together with Lifetime Homes Standards will ensure high quality well designed homes with low running costs. Lifetime Homes achieves this through design improvements, ensuring the long term flexibility of homes for the benefit of their occupants, by for example reducing future adaptation requirements and costs.

Other matters:

In the previous application it was raised that the loss of this green space removes a play space for children. This is not a designated play space it is land owned by the Council. Furthermore the local recreation ground is located close by.

It has been noted that the existing vehicular access off Noyes Avenue to be used to serve the proposed development has been included in the application description and shown on the plans but is identified in blue and not red. A revised site location plan has been received and this is out for reconsultation.

Conclusion:

The proposed development would provide needed small scale affordable dwellings. The layout and design of the dwelling are suitable for this site and would not cause unacceptable harm to the character and appearance of the

Laxfield Conservation Area or that of the locality nor would there be unacceptable harm to other residential properties. A safe vehicular access can be achieved and parking satisfies adopted standards. The development is considered to be in accordance with the relevant development plan policies and the objective of the NPPF.

## **RECOMMENDATION**

**To delegate to the Professional Lead for Growth and Sustainable Planning subject to the expiry of the reconsultation period and provided no new material planning considerations are raised during that consultation period to Grant Full Planning Permission subject to;**

**1) The satisfactory completion of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 securing the properties for affordable rent,**

**2) Planning Permission with conditions covering the following matters:**

- Time limit
- As approved plans
- Materials as specified with application unless agreed in writing by the lpa at a later date
- Visibility splays to be agreed and provided prior to first occupation
- Parking and turning spaces to be functionally available and retained as such
- Parking spaces and turning spaces to be clearly marked on site
- Boundary treatments and other means of enclosure to be installed before first occupation
- Development to accord with AIA
- Landscaping as specified with application and timescale for implementation
- Noise level specification of air source heat pump units as submitted
- Permeable surfacing materials to hard surfaces as specified with application unless otherwise agreed in writing by lpa at a later date
- Removal of permitted development rights on dwellings and flats
- Full details of bin store as specified within application unless agreed in writing by the lpa at a later date

Philip Isbell  
Professional Lead - Growth & Sustainable Planning

Lisa Evans  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT**

**CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

**Cor1 - CS1 Settlement Hierarchy**

**Cor5 - CS5 Mid Suffolks Environment**

**2. Mid Suffolk Local Plan**

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- HB8** - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS
- HB1** - PROTECTION OF HISTORIC BUILDINGS
- HB9** - CONTROLLING DEMOLITION IN CONSERVATION AREAS
- HB13** - PROTECTING ANCIENT MONUMENTS
- CL8** - PROTECTING WILDLIFE HABITATS
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- H3** - HOUSING DEVELOPMENT IN VILLAGES
- H13** - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
- H15** - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- T9** - PARKING STANDARDS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT

**3. Planning Policy Statements, Circulars & Other policy**

- NPPF** - National Planning Policy Framework

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

No Letters of representation have been received.