

## **Committee Report**

**Committee Date:** 22 February 2017

**Item No:** 4

**Reference:** 3931/16

**Case Officer:** RB

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**Description of Development:** Outline permission sought for the erection of 1 No. detached dwelling (with landscaping, appearance, layout and scale forming the Reserved Matters).

**Location:** Melbury, Green Road, Woolpit IP30 9RG

**Parish:** Woolpit

**Ward:** Woolpit

**Ward Member/s:** Cllr Storey

**Site Area:** 0.1

**Conservation Area:** N/A

**Listed Building:** N/A

**Received:** 20/09/2016 09:00:43

**Expiry Date:** 24/02/2017

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**Application Type:** Outline Planning Permission

**Development Type:** Minor Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Mr & Mrs J Revett

**Agent:** Philip Cobbold Planning Consultancy

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

List of applications supporting documents and reports

#### **Defined Red Line Plan:**

The defined Red Line Plan for this application is Drawing entitled Site Plan received 21 November 2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

#### **Plans and Documents:**

Application Form - Received 19/09/2016

Design and Access Statement – Received 19/09/2016

Enviroscreen Report by Argyll Environmental dated 12/08/2016 - Received 19/09/2016

Land Contamination Questionnaire - Received 19/09/2016  
Location Plan- Received 19/09/2016  
Visibility Splay Drawing - Received 21/11/2016  
Site Plan – Received 21/11/2016  
Revised Ownership Certificate- Received 07/12/2016

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) via the following link:

[http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSUFF\\_DCAPR\\_109833](http://planningpages.midsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MSUFF_DCAPR_109833)

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

## **SUMMARY**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development that would not harm the surrounding landscape, highway network, neighbour amenity or biodiversity.

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

1. This application is reported to committee as the agent is employed by the Council.

The Monitoring Officer has reviewed the application file and is satisfied that the application has been processed properly and correctly in accordance with all established procedures and requirements.

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## **PART TWO – APPLICATION BACKGROUND**

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This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

### **History**

2. There is no relevant planning history.

### **Details of Previous Committee / Resolutions**

3. None

### **Details of Member site visit**

4. None

### **Details of any Pre Application Advice**

5. The applicants sought pre-application advice from the Local Planning Authority in 2016. Officers advised that whilst the dwelling is located in the countryside the applicants may be able to demonstrate the proposal would form sustainable development.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **Consultations**

6. **This is a summary of the consultation responses received. The full representations are included within the Committee Bundle.**

**Woolpit Parish Clerk-** The Parish Council object to this proposal considering it contrary to policies GP1, SB1, SB3 and CL8 of Mid Suffolk Local Plan. Any dwelling on the indicated site would necessitate the removal of trees, shrubs and hedgerows to the detriment of this wooded area which is an open aspect coming from the main area of the village. Without further details of where the dwelling would be sited within the defined marked area, Cllrs continue to object to the proposal. The site is outside the current settlement boundary.

**Suffolk County Council - Highways -** No objection subject to a condition.

**MSDC - Environmental Health - Land Contamination-** No objection

**MSDC - Tree Officer -** The tree officer provides comments on the application stating that without a layout plan it is difficult to ascertain which trees are required for removal. If the numbers given (2) are correct and relate only to existing ornamental garden trees then it is unlikely they are of particular importance. However, trees/hedges along the northern boundary will be valuable in screening any development. Clarification should also be sought regarding possible removal requirements to accommodate highway visibility splays.

No further response from the Tree Officer has been provided given the change to the proposed access to now utilise the existing access.

### **Representations**

7. No neighbour or third party responses have been received.

### **The Site and Surroundings**

8. The application site forms part of the side garden of Melbury; a detached one and a half storey dwelling occupying a reasonably sized site in the countryside. Melbury addresses the road and is situated on a bend in the road. Melbury benefits from an existing vehicular access from the highway leading to a private driveway. The application site is located to the north of Melbury and is bounded to the north and east boundaries by trees and hedgerow.

To the south of the application site, beyond the existing dwelling, is a paddock and a cluster of residential properties. To the north and west of the site are arable fields and to the east, on the opposite side of the road is a small copse.

The site is approximately 0.3 miles from the settlement edge of Woolpit.

### **The Proposal**

9. The application seeks Outline Planning Permission for one new dwelling with appearance, landscaping, layout and scale forming the reserved matters.

The proposal originally sought to create a new vehicular access to serve the new dwelling. However due to the site being situated on a bend the required visibility splays extended overland outside the ownership of the applicant. The proposal was subsequently altered to utilise and improve the existing access to Melbury.

The application form indicates that the proposed dwelling would have four or more bedrooms and would provide parking for two cars.

The design and access statement indicates that two ornamental trees within the side garden would need to be removed to facilitate a dwelling within the application site.

### **NATIONAL PLANNING POLICY FRAMEWORK**

10. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

- Paragraph 6- The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- Paragraph 7 details the three roles of sustainable development as economic, social and environmental and that development should seek to provide enhancements to these roles.
- Paragraph 8 states that the three roles of sustainable development should be sought jointly and not in isolation.
- Paragraph 17 lists the 12 core planning principles. Most notable are, that all development should secure high quality design, high level of amenity, support the transition to a low carbon future and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Paragraph 30 details that in preparing Local Plans, local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
- Paragraph 32 necessitates that all decisions should take account of whether safe and suitable access to the site can be achieved for all people.
- Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.

## **CORE STRATEGY**

11. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused Review:

- Policy CS1 "Settlement Hierarchy" sets out the distribution of housing across the district.
- Policy CS2 "Development in the Countryside and Countryside Villages" defines the categories of development which may be supported in the countryside. This does not include new private market dwellings.
- Policy CS4 "Adapting to Climate Change" details that development proposals will contribute to the delivery of sustainable development and to plan for climate change through addressing its causes and potential impacts in terms of flood risk, biodiversity and pollution.
- Policy CS5 "Mid Suffolk's Environment" states that all development will maintain and enhance the environment and retain local distinctiveness of an area. It will protect and conserve landscape qualities.
- Policy FC1 "Presumption in favour of sustainable development" details that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- Policy FC1.1 "Mid Suffolk approach to delivering Sustainable Development" sets out that development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development. Proposals for development must conserve and enhance the local character of the different parts of the district.

## **NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN**

12. None

## **SAVED POLICIES IN THE LOCAL PLAN**

13. Summary of policies in the Mid Suffolk Local Plan 1998:

- Policy GP1 "Design and layout of Development" sets out the design principles for all development in Mid Suffolk. Proposals should maintain or enhance the character and appearance of their surroundings and the site. Development should respect the scale and density of surrounding development, incorporate and protect important natural landscape features and make proper provision for parking in manner which does not dominate the appearance of the development.
- Policy H13 "Design and Layout of Housing Development" details that new housing development will be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings. It should respect the character of the site and the relationship with the surrounding area, not unduly affect amenities of neighbouring residents, have adequate privacy and private amenity, retain landscape features unless impracticable or unnecessary and provide satisfactory access to the highway network.

- Policy H15 “Development to Reflect Local Characteristics” states that new housing should be consistent with the pattern and form of development in the neighbouring area, the character of its setting, site constraints and the sites configuration including its natural features.
- Policy H16 “Protecting Existing Residential Amenity” details that the permission will be refused if the development will materially reduce the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area.
- Policy T9 “Parking Standards” states that development proposals shall accord with the adopted parking standards
- Policy T10 “Highway Considerations in Development” details that regard will be given to the safe access to and egress from the site, suitability of existing roads for safe access and amount and type of traffic generated, adequate space for parking and turning cars within the site.

### **Officer's Assessment**

14. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **The Principle Of Development**

15. The application site is situated over 0.3 miles from the settlement boundary for Woolpit as defined by Inset Map No. 94a of the Mid Suffolk Local Plan (1998). The site is therefore considered within open countryside as identified by Policy CS1 "Settlement Hierarchy" of the Mid Suffolk Core Strategy DPD (2008). Policy CS2 "Development in the Countryside and Countryside Villages" of the Core Strategy details that countryside development will be restricted to defined categories and excludes new market dwellings.
16. However, the local authority cannot demonstrate a five year land supply for deliverable housing sites. Paragraph 49 of the National Planning Policy Framework ("NPPF") states;  
  
*"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*
17. Consequently policies relating to the supply of housing, mainly CS1 and CS2 should not be considered up-to-date. On this basis residential development on the site should be considered on its own merits.
18. Paragraph 14 of the NPPF reads,  
  
*"where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*

19. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits. The NPPF (paragraph 7) defines three dimensions to sustainable development- the economic role, social role and environmental role. These roles should not be considered in isolation and paragraph 8 of the NPPF identifies that environmental, social and economic gains should be sought jointly. Therefore the Core Strategy Focus Review 2012 (post NPPF) policies FC1 and FC1.1 seeks to secure development that improves the economic, social and environmental conditions in the area and proposals must conserve and enhance local character.
20. Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.
21. The proposal therefore must be determined with regard to sustainable development as defined by the NPPF.

### **Sustainable Development**

22. The application site is connected by road to the settlement of Woolpit and is situated 0.3 miles (approximately 6 minute walk) from the edge of the settlement boundary of Woolpit. The road, Green Lane, connecting the site with Woolpit has no footway but benefits from wide verges and has open countryside on either side of the road.
23. Woolpit is designated under policy CS1 of the Core Strategy as a Key Service Centre. Woolpit benefits from a primary school, health care centre, pub, post office, co-op and petrol station. There is a regular bus service (one an hour) from Woolpit (outside the post office) to Bury St Edmunds and Stowmarket. The bus service also stops in the village of Elmswell where there is rail connection for Cambridge to Ipswich and Diss to London.
24. The application site is also located 0.2miles from the former settlement boundary of Woolpit Green. This settlement boundary was removed following the adoption of the Core Strategy in 2008. Woolpit Green is a hamlet of dwellings which benefits from a butchers shop. There is also a bus stop for the 472 bus service which operates every Friday in a circular route from outside the post office in Woolpit to Drinkstone, Rattlesden and back to Woolpit Green. The bus then returns from Woolpit Green through Rattlesden and Drinkstone in the afternoon. Opposite Woolpit Green is a Public Right of Way which extends towards the centre of Woolpit.
25. The application site is therefore in close proximity and reasonably connected to the services and facilities of Woolpit and Woolpit Green. Subsequently the dwelling would support the local rural economy and overall rural vitality in accordance with paragraph 55 of the NPPF.
26. Whilst the road connection does not provide a footway given the openness of the road, the wide verges, short distance and speed limit of 30mph; it is deemed likely that residents would opt to walk or cycle into the centre of Woolpit in order to use the wide range of facilities and services required for future residents daily needs. Indeed, the case officer observed a number of pedestrians walking into the village when undertaking a site visit. Nevertheless, there is also the alternative route along the public right of way from Woolpit Green. The good bus service in Woolpit also allows for travel to larger settlements without the need for a private car. Your officers therefore consider the site is located as to take advantage of more sustainable modes of transport and to be a relatively sustainable location.

27. The development would therefore lead to a development which supports the rural economy, provides a social benefit through an additional dwelling, albeit a private dwelling and is positioned as to allow for more sustainable modes of transport; environmental benefit.
28. The site is well enclosed with boundary trees and hedging to the north and any new dwelling would form part of the cluster of dwellings nestled within the existing trees. The development would also utilise the existing access rather than creating a new access thus making any new dwelling less conspicuous. The development would safeguard the rural character of the area.
29. Overall the proposal is considered to adhere to the principles of sustainable development as to safeguard the local character and provide environmental, social and economic gains as required by policy FC1 and FC1.1 of the Focused Review and the overarching aims of the NPPF. Consequently the principle of this development is accepted subject to other material considerations. The main consideration are:
  - Impact on landscape
  - Impact on highways
  - Impact on neighbour amenity
  - Impact on biodiversity

### **Impact on Landscape**

30. Core Strategy Policy CS5 requires development to enhance or maintain local distinctiveness. Policy GP1 of the Mid Suffolk Local Plan 1998 and Policy FC1.1 of the focused review Core Strategy also supports development that maintains and enhances the character and appearance of the surrounding area.
31. The site is bounded to three sides with a tree border. Consequently the site is already well screened from wider views of the countryside but would allow the dwelling to be glimpsed between the tree border along the road, similar to the host dwelling. Any future dwelling would relate to the cluster of dwellings.
32. The provision of a dwelling would result in the loss of two ornamental trees and the removal of a small tree and hedgerow to improve the visibility splays. Given the strong boundary of trees to the north and east this loss is not deemed harmful to the character and appearance of the area. The application site has a reasonable plot size as to allow for a dwelling to be constructed without resulting in harm or the loss of these trees to the north and east. It is noted that none of the trees are subject to a tree protection order. Landscaping details along with tree protection measures will be secured through condition. The layout and scale of the resulting dwelling will be subject to a further application.
33. The trees are located to the north and east of the site and subsequently are unlikely to form a future nuisance to future occupiers of the site. Nevertheless, this is a matter which should be taken into account when designing the layout and appearance of the dwelling.
34. The development is therefore considered to safeguard in a sustainable manner the character and appearance of the settlement.



### **Impact on Highways**

35. The development seeks to utilise the existing vehicular access to Melbury. This will extend across the existing driveway into the application site. The existing vehicular access will be improved to provide the necessary visibility splays. Suffolk County Council raises no objection to the development and recommends a condition ensuring the implementation and retention of the visibility splays.
36. The resulting traffic from one dwelling would not result in any adverse impact to the highway network in term of traffic generation and safety.
37. The application form indicates that the dwelling will be 4 or more bedrooms and will provide two parking spaces. Policy T9 and T10 of the Mid Suffolk Local Plan states that development should accord with the adopted parking standards. The parking standards adopted by the Council are Suffolk County Councils Guidance for Parking- Technical Guidance Adopted November 2014, Second Edition - November 2015. The parking standards for a dwelling of 4 or more bedrooms would require a minimum of three parking spaces. There is considered sufficient space within the site to provide this parking provision. Nevertheless a condition is to be included relating to the agreement of the provision of on-site parking.

### **Impact on Residential Amenity**

38. The application site is located approximately 19m from the side of Melbury. It is considered that it is possible to construct a new dwelling in this location without causing harm to neighbour amenity in terms of loss of light, overlooking, overshadowing or being an over-bearing development. The joint use of the existing access is also considered unlikely to harm neighbour amenity of the occupants of Melbury. The impact on residential amenity will be subject to consideration as part of the reserved matters.

### **Impact on biodiversity**

39. Maps of the location do indicate a pond located within the northern corner of the site. There are no records of great crested newts in this locality. The application site is domestic garden area with mown lawn. The proposal will not affect gravel pits, affect the aquatic habitats (reedbeds, marshes, grazing) or a brownfield site. Surrounding the site to the north and west is arable land. There are large trees along the tree boundary which are not proposed to be removed. Subsequently it is unlikely the proposal will harm bats in terms of loss of habitat or lighting given the domestic nature of the site.
40. As such the construction of a new dwelling in this location is unlikely to result in the significant loss of wildlife habitat and harm to protected species as the majority of land will remain domestic garden.

### **Financial Contributions and Community Infrastructure Levy**

41. The proposal is for a single dwelling and therefore is not subject to affordable housing contributions in accordance with altered policy H4 of the Mid Suffolk Local Plan. The development is also not subject to tariff style planning obligations (section 106 planning obligations) in accordance with the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014.
42. The Community Infrastructure Levy is chargeable on all new housing units unless it is built by a self-builder. The agent has declared at this stage that the new dwelling is a self-build and a Self-Build Exemption is to be sought.

43. In regards to S155 of the Housing and Planning act 2016 the development will generate council tax and is a CIL chargeable development. Should the development be granted the Self-Build Exemption then no CIL monies will be required.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

44. The proposed development is in close proximity to the settlement boundary of Woolpit and will be well served by the range of facilities and services of Woolpit. The development will in turn support the rural vitality and economy of Woolpit. The development is therefore considered to constitute sustainable development.
45. The development will not harm the landscape, result in the significant loss of trees, harm to highway safety, neighbour amenity and is unlikely to lead to harm to protected species.
46. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

### **Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.**

47. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
48. In this case the application as initially submitted raised an objection from Highways as the proposed visibility splay would extend across land outside of the applicant's control. The Local Planning Authority advised that this objection could be overcome by moving the access to the north. The agent opted to utilise the existing access to create a shared vehicular access for the new dwelling and existing dwelling. This resulted in the application site be enlarged and the application being subject to a new start date and re-consultation. The amended scheme overcame the highways objection.

### **Identification of any Legal Implications of the decision**

49. It is not considered that there will be any Legal Implications should the decision be approved.
50. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
  - The Equalities Act 2012
  - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
  - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
  - The Conservation of Habitats and Species Regulations 2010
  - Localism Act
  - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

## **RECOMMENDATION**

That authority be delegated to Professional Lead - Growth & Sustainable Planning to grant Outline Planning Permission and that such permission be subject to the conditions as set out below:

- Standard Time limit
- Approval of Reserved Matters
- Accord with approved plans
- Highways condition- Visibility splays
- Concurrent with Reserved Matters- Parking provision
- Details of Materials
- Concurrent with Reserved Matters- Soft Landscaping scheme to be agreed including trees to be retained/removed and protection measures
- Implementation of landscaping.