

## **Committee Report**

**Committee Date:** 22 February 2017

**Item No:** 6

**Reference:** 3146/16

**Case Officer:** LW

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**Description of Development:** Erection of a detached dwelling, formation of parking area and vehicular access

**Location:** Land at Orchard Way, School Road, Coddensham IP6 9PS

**Parish:** Coddensham

**Ward:** Helmingham and Coddensham

**Ward Member:** Cllr Tim Passmore

**Site Area:**

**Conservation Area:** 03

**Listed Building:** No

**Received:** 22/07/2016

**Expiry Date:** 10/02/2017

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**Application Type:** Full

**Development Type:** DWL

**Environmental Impact Assessment:**

**Applicant:** Mrs T Simpson

**Agent:** Moss Architectural Design

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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 the Site Location Plan [LS/DC/001A] received 06/10/2016 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.

### Approved Plans and Documents:

*Application Form* - received 22/07/2016  
*Site Location Plan [LS/DC/001A]* - received 06/10/2016  
*Existing Site Plan [LS/DC/002A]* - received 06/10/2016  
*Existing Street Scene [LS/DC/003]* - received 06/10/2016  
*Proposed Site Plan [LS/DC/004A]* - received 06/10/2016  
*Proposed Floor Plans [LS/DC/005A]* - received 06/10/2016  
*Proposed Elevations [LS/DC/006A]* - received 06/10/2016  
*Proposed Section [LS/DC/007A]* - received 06/10/2016  
*Proposed Street Scene [LS/DC/008A]* - received 06/10/2016  
*Alignment Drawings* - received 13/10/2016

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/simpleSearchResults.do;jsessionid=28DA076717946E7E5AFB9E66EFB77783?action=firstPage>

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 a sustainable form of residential development.

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

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

Councillor Passmore a Member of the Council has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council. The Member's reasoning is included in the agenda bundle.

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## **PART TWO – APPLICATION BACKGROUND**

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1. 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. The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

2020/13	Erection of single storey side in-fill extension	Granted 23/08/2013
0584/03/	PROPOSED TWO STOREY EXTENSION AND DETACHED DOUBLE GARAGE	Granted 01/07/2003
0068/02/OL	ERECTION OF ONE DETACHED DWELLING INCLUDING CONSTRUCTION OF NEW VEHICULAR ACCESS.	Refused 12/08/2002
0066/02/OL	ERECTION OF TWO DETACHED DWELLINGS INVOLVING CONSTRUCTION OF NEW VEHICULAR ACCESS.	Refused 13/08/2002

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

3. Members voted to defer the committee decision to a later date, following a site visit with Suffolk County Council Highways Authority in attendance.

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

4. Members attended a site visit February 15<sup>th</sup> 2017.

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

5. The applicant contacted the Duty Officer and the development of the site was discussed. Preliminary discussions suggested that the proposals would be acceptable in principle, subject to findings of the site visit and consultation responses. Advice made specific reference to the position of the site within the Conservation Area, and the design of the proposal.

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## PART THREE – ASSESSMENT OF APPLICATION

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### **Consultations**

6. *This is a summary of the representation received. See agenda bundle for full responses.*

**Coddenham Parish Council** - The parish Council requested that the application was referred to Planning Committee and that the Committee be asked to visit the site prior to making any decision.

**MSDC Environmental Health Officer [Land Contamination]** - The Environmental Health Officer considered that the application required no adverse comments or objection.

**MSDC Heritage Team** - The Heritage Team considers that the proposal would cause

- No harm to a designated heritage asset because the revised scheme with an increased plot size and increased distance of the proposed dwelling to be set back from the highway, as well as the removal of suburban, incongruous materials from the design have omitted the harm of the proposal to the Coddenham Conservation Area.

The Heritage Team recommends appropriate conditions are attached to any permission issued.

**MSDC Tree Officer** - The tree officer stated there were no arboricultural implications relating to this proposal.

**SCC Highways Authority** - County Council Highway Authority recommended that any permission which the Planning Authority may give should include the appropriate conditions.

**Suffolk Wildlife Trust** - No response has been received from the Suffolk Wildlife Trust.

### **Representations**

7. *This is a summary of the representations received.*

Local and third party representation were received regarding:

- Impact on highway safety
- Overdevelopment

- Overshadowing
- Loss of privacy
- Impact on Conservation Area

### **The Site and Surroundings**

8. The application site forms part of the side garden of Orchard Way; a detached two storey dwelling occupying a reasonably sized site within the centre of the village of Coddendam. The site is elevated, to the eastern side of School Road. Orchard Way benefits from an existing vehicular access from the highway, leading to a private driveway. The application site is located to the north of the existing house, and is bounded to the roadside and to the north by an established hedgerow.

### **The Proposal**

9. The application seeks permission for the erection of a single two storey dwelling, with associated vehicular access and landscaping.

### **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.
  - I. 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.
  - II. 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.
  - III. Paragraph 8 states that the three roles of sustainable development should be sought jointly and not in isolation.
  - IV. Paragraph 17 lists the 12 core planning principles. Most notable are that 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.
  - V. Paragraph 30 details that in preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport
  - VI. Paragraph 32 requires all decisions should take account of whether safe and suitable access to the site can be achieved for all people.

- VII. 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.

## **CORE STRATEGY**

11. Summary of relevant policies Core Strategy 2008 and Core Strategy Focused Review:
- I. Policy CS1 "Settlement Hierarchy" sets out the distribution of housing across the district
  - II. 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.
  - III. 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.
  - IV. 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.
  - V. 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:
- I. 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.

- II. 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 surrounding area, not unduly affect amenities of neighbouring residents, have adequate privacy and private amenity, retain landscape features unless impracticable or unnecessary and satisfactory access to the highway network.
- III. 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.
- IV. 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.
- V. Policy T9 “Parking Standards” states that development proposals shall accord with the adopted parking standards.
- VI. 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 following are identified as the main considerations in assessing this application.

### **The Principle Of Development**

- 15. The site is located within the settlement of Coddendam, as a defined by the Policy CS1 of the Mid Suffolk Core Strategy as a ‘Secondary Village’. These villages are considered capable of accommodating suitable infill development.

The NPPF states that districts should have a 5 year land supply plus an appropriate buffer. Mid Suffolk’s land supply does not meet this requirement, and for the purposes of this report the housing land supply was calculated in June 2015, and stated to be 3.3 years.

Given that Mid Suffolk cannot demonstrate a 5 year housing supply it is considered that Policy CS1 and the housing policies on land supply should be not considered to be up to date. The NPPF nevertheless requires that the development must be considered to be sustainable in order to be acceptable. The proposal site is within the settlement boundary of Coddenham where in usual circumstances new residential development would be considered appropriate.

Officers have carefully considered the context of this site, in particular the facilities that would be available to the occupiers of the proposed dwelling. The details above identify that there are facilities available that are within a reasonable walking distance and can be accessed by public right of way. These facilities would allow for the occupiers to access a number of facilities or services required in a typical day without the need for the reliance on the private car.

Taking all of these factors on board, the Mid Suffolk District Council's current 5 year Housing Land Supply and the NPPF position on this matter it is considered that, under these particular circumstances the principle of residential development is not considered unacceptable.

#### **Site Access, Parking And Highway Safety Considerations**

16. The layout proposes creation of a new access and parking area to be served by School Road.

The Highway Authority, having considered the application, do not wish to restrict the grant of outline planning permission but seek the inclusion of an appropriate condition to secure parking space.

It is considered that the use of the access by an additional dwelling would not be prejudicial to either pedestrian or vehicular highway safety and that adequate parking can be achieved within the application site and secured by a planning condition.

#### **Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]**

17. Section 12 of the NPPF states the Local Planning Authority, when determining applications should take account of the desirability of sustaining and enhancing the significance of heritage assets, their positive contribution to the economic viability of communities and their character and distinctiveness. Any alterations should not detract from the architectural or historic character of the building and its setting.



Paragraph 131 of the NPPF suggests that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Consideration should be given to the positive contribution they can make to sustainable communities including their economic viability.

Any alterations should not detract from the architectural or historic character of the building and its setting. Policies HB1, HB3 and HB4 place high priority on protecting the character and appearance of buildings of architectural and historic interest, alterations will only be permitted where high standards of design, detailing, materials and construction are met and that proposed extensions will not dominate the original building by virtue of siting, size, scale and materials. HB8 states that development should conserve or enhance the character and appearance of the Conservation Area. Core Strategy policy CS5 requires all development to maintain and enhance the historic environment.

It is considered that whilst the proposal will have an effect on the Coddensham Conservation Area, in the sense that there would be a new dwelling where there is presently domestic garden land, it is not considered that this effect will be harmful.

Officers have taken into account the increased plot size and the set back of the dwelling from the highway and the appropriate use of materials and concluded that the development is acceptable.

### **Impact On Residential Amenity**

18. Careful consideration has been given to the detailed design of the dwelling as to the impact upon residential amenity. The application seeks permission for a single two storey dwellinghouse on a moderately sized plot.

It is noted the property to the north-west of the site, Rose Cottage, is within relatively close proximity to the western boundary of the site, however given the amount of proposed amenity space and level of the vegetative border that is to be retained, the amenity of the occupants is not considered to be adversely affected by the proposal, to an unacceptable extent. A single high level window is proposed at first floor level on the north-western elevation, which serves the ensuite.

Consideration has been given to the additional vehicular movements and the impact that this would have upon the properties along School Road, which face the highway. It is considered that the additional dwellings would not create a significant material increase in the number of vehicular movements to cause an unacceptable level of noise or disturbance to the occupiers of these properties.

Given this context, the amenities of the occupants of the surrounding residential properties is not considered to be adversely affected by the proposal, to an unacceptable extent. Consideration has been given to the additional vehicular movements and the impact that this would have upon the properties along Church Street, which face the highway. It is considered that one further dwelling would not create a significant material increase in the number of vehicular movements to cause an unacceptable level of noise or disturbance to the occupiers of these properties.

### **Biodiversity And Protected Species**

19. The application site is an established informal garden, laid to grass. As layout and landscaping are reserved for subsequent approval these conclusions may alter. There are no records of protected species in the vicinity of the application site. Furthermore the proposal is for the construction of a single dwelling; works which will not include the loss of any potential habitats, as such the proposal is not considered to risk harm to protected species.

### **Planning Obligations**

20. 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.

The Community Infrastructure Levy is chargeable on all new housing units unless it is built by a self-builder.

### **Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

21. 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. Details to add as appropriate.

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## **PART FOUR – CONCLUSION**

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### **Planning Balance**

22. 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.**

23. 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.

In this the application as initially submitted raised an objection from the Heritage Team as the proposed design and layout was considered to be detrimental to the character of the designated heritage asset, the Coddensham Conservation Area.. The Local Planning Authority advised that this objection could be overcome by subtle amendments to the positioning and form of the proposal. The agent opted to amend the appearance and position of the new dwelling. This resulted in the proposal being set back from the highway, into the site and the application being subject to re-consultation. The amended scheme overcame the heritage objection.

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

24. It is not considered that there will be any Legal Implications should the decision be approved.

. 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**

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

1. Standard time limit
2. Approved plans
3. Sample brick [Plinth, chimney & retaining wall] – brick, bond & mortar.

4. Sample of roof materials
5. Cladding to be stained black
6. Railings to be agreed.
7. Rooflight – manufacturer details and specification
8. Details of shed
9. Render mix and component ratio
10. Colour of painted render.
11. Highways condition - access
12. PD right removed - no additional windows (NW elevation)