

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 08 June 2016

---

<b>AGENDA ITEM NO</b>	<b>1</b>
<b>APPLICATION NO</b>	3282/15
<b>PROPOSAL</b>	Application for Outline Planning Permission for the erection of a detached bungalow
<b>SITE LOCATION</b>	The Cottage, Church Street, Fressingfield IP21 5PA
<b>SITE AREA (Ha)</b>	0.03692
<b>APPLICANT</b>	Mr O Wyper
<b>RECEIVED</b>	September 11, 2015
<b>EXPIRY DATE</b>	March 1, 2016

---

**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason:

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 Code of Practice or such other protocol / procedure adopted by the Council. The Members reasoning is included in the agenda bundle.

**PRE-APPLICATION ADVICE**

1. 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 settlement boundary, and the prominence of the location.

**SITE AND SURROUNDINGS**

2. The application site is located within the relatively built-up area in the centre of Fressingfield. This area is characterised by various styles and sizes of dwellings interspersed with open space.

The application site relates to the garden associated with the property known as The Cottage. The site is currently an established garden, bordered by a number of trees and a 6ft timber fence, without which the

site would be generally unscreened and would be readily visible from the footway and public highways. The site is accessed by an existing access off Church Street which also serves the existing property.

The application site is situated in a prominent position on the street scene, near to the listed building that also fronts Church Street. The site is within the Fressingfield Conservation Area. The village has retained its settlement boundary and the site is located within the boundary that was formerly defined within the Local Plan. As such, for the purposes of planning, the settlement is defined as a "Primary Village". These are a capable of limited growth where local need has been established.

### HISTORY

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

There is no planning history relevant to the application site.

### PROPOSAL

4. Outline planning permission is sought for the erection of a detached two bedroom bungalow.  
Consideration in this case, is only for the principal of development in the location. All matters, including the access, appearance, scale, layout and landscaping are reserved for subsequent approval. A block plan was submitted as part of the application which is indicative only. The indicative plan identifies that a bungalow could be located centrally within the plot with parking and turning provided to the side of the dwelling.

### POLICY

5. **Planning Policy Guidance**

See Appendix below.

### CONSULTATIONS

6. **MSDC Environmental Health Officer [Land Contamination]** - The Environmental Health Officer considered further assessment was required to establish risk of contamination. Notwithstanding the information received, it was deemed inappropriate to request this additional information given the recommendation.

**Fire Service HQ - County Fire Officer** – Advice was offered by the Water Officer regarding access and fire-fighting facilities.

**Fressingfield Parish Council** – The Parish Council voted unanimously to recommend approval for the application.

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

- less than substantial harm to a designated heritage asset because it would be harmful to the character and appearance of the Conservation Area. **OBJECTION.**

#### Discussion

The application has been re-registered without amendment to the proposal but with clarification on the outline status. In the view of the Heritage Team an Outline application is quite inappropriate for such a proposal at such a location. The details of materials, design, position, orientation and layout are all of critical importance to issues raised by the sensitivity of the location and officers should require full details to be submitted.

Notwithstanding this, on the proposal as it stands the previous Heritage response is appended below.

Although the proposal has been discussed with officers since 2011, no approach has been made by officers or the applicant to the Heritage team.

The site is at a prominent point in the Conservation Area beside the road from Laxfield and facing the road from Stradbroke. The site therefore forms part of the gateway to the historic core of the village. Historic maps show the site facing south across open fields, and the deep front gardens of plots on this side of Laxfield Road preserve some of the open character historically associated with the site and its immediate surroundings. It is noted in the Conservation Area Appraisal that "Very few parts of Fressingfield have buildings close to the road, so that the village remains fairly spread out without any urban feel to it." The Appraisal also identified an important vista westwards along Laxfield Road at the south of this site. The site is currently bounded by close-boarded fencing on its south and west boundaries which is a most unfortunate treatment at this prominent and sensitive location.

The proposal is a single-storey dwelling of ordinary modern type with a very fleet roof (how fleet is unclear without elevations) which would be quite out of keeping with the historic and historically-proportioned buildings around it. Tiles would appear incongruous on such a low roof, and would be unlikely to function if laid normally. Design matters aside, the introduction of a dwelling at this location would alter the sense of

open space in the locality.

In addition to the modest curtilage of the proposed dwelling, the curtilage of the existing dwelling would be severely reduced, thus introducing a cramped form of development in a part of the Conservation Area which the Appraisal finds is characterised by deep plots and spaciousness, with dwellings set back from the road-front.

In summary the proposed dwelling would be intrusive in its position, and incongruous in its form and design, and would erode the character and appearance of the Conservation Area, causing considerable – but less than substantial – harm.

In accordance with s72 of the PLBCAA 1990 special regard must be given to the desirability of avoiding harm to these qualities of a Conservation Area. NPPF expects great weight to be given to conservation of designated assets, including Conservation Areas. Justification for harm should be clear and convincing, and harm should be outweighed by public benefits. The Design and Access Statement makes no concerted attempt to appraise the site in the context of the Conservation Area or explain any public benefits, but it seems clear that neither of these requirements is met.

**MSDC Tree Officer** – The tree officer had no objection to this proposal as the trees affected are of insufficient amenity value to warrant being a constraint.

**SCC Archaeological Service** – The Archaeological Service considered there were no ground for refusal of the application however any permission granted should be the subject of a planning condition to record and advance understanding of the significance of the heritage asset before it is damaged or destroyed.

**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

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.
- Precedent
  - Contrary to Policy
  - Loss of privacy
  - Impact on highway safety
  - Removal of vegetation

- Impact on Conservation Area

## ASSESSMENT

8. There are a number of considerations which will be addressed as follows:
- Principle of Development
  - Design and Layout
  - Heritage
  - Highway Safety
  - Residential Amenity
  - Biodiversity

### PRINCIPLE OF DEVELOPMENT

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

The National Planning Policy Framework came into full effect on 27th March 2012. Paragraph 215 of the NPPF provides that "due weight should be given to relevant policies in existing plans (including Local Plans) according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given)". The relevant Local Plan policies set out above are considered to be consistent with paragraph 14, 17, 57, 58, 61 and 64 of the NPPF.

#### Development Plan

The principle of the development of a new residential dwelling is considered to be acceptable, subject to detailed compliance with Policies GP1, H16, SB2, and CL8 of the saved Mid Suffolk Local Plan (1998), Policy CS5 of the Core Strategy (2008) and Policies FC1 and FC1.1 of the Core Strategy Focused Review (2012) and other considerations.

#### Design and Layout

The site is located within the settlement of Fressingfield, as defined by the Policy CS1 of the Mid Suffolk Core Strategy as a Primary Village. These villages are defined as capable of limited growth where local need

has been established.

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 Fressingfield 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 a lit footway. 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.

#### Heritage

The application seeks outline planning permission to erect a dwelling in the domestic garden associated with The Cottage. The development would not be within the immediate curtilage of this listed building, however located within the setting of the Grade II listed building known as 'Hemm-Dinn and adjoining cottage occupied by Mr. Green", with origins dating from the fourteenth century. It is however, considered that there would be limited direct harm to the setting of this designated heritage asset.

There are other listed buildings in this part of Fressingfield whose wider setting would be affected by this proposal. The Council's Heritage Officer has advised that the site is situated within the historical core of the village which hosts both Grade I and Grade II\* listed buildings.

The Fressingfield Conservation Area Appraisal demonstrates the 'quality of place' when assessing development in the area. The site forms part of

an undesignated visually open space along a main route towards the historical focal point of the village, with properties set back from the road, resulting in a low density character. Although not designated as a visually open space, properties along Laxfield Road are well set back, with large front gardens. Development in this area will erode this sense of place created historically.

Paragraph 134 of the NPPF states that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit.

Whilst it is accepted that the provision of a single dwelling would add to the local housing stock this limited public benefit would not outweigh the harm to the designated heritage asset. Heritage Officer comments concur with the opinion that this proposal would be detrimental to the open character historically associated with the site. The harm created by the newly introduced incongruous form is considered to cause considerable, but less than substantial harm. Whilst it is appreciated well thought out design could eliminate a degree of harm, it is the impact on the historically open space that makes the principle of development in this location unacceptable.

#### Highway Safety

This application is for outline planning permission only and reserves agreement of the means of access to be dealt with, at a later date. The indicative layout proposes the use the existing access, currently served by Church Street.

The Highway Authority, having considered the application, do not wish to restrict the grant of outline planning permission but would seek a condition to secure parking and manoeuvring space, and a restriction on frontage enclosure. This could be secured by a condition on the outline planning permission.

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 and manoeuvring spaces can be achieved within the application site and secured by a planning condition.

#### Residential Amenity

Careful consideration would need to be given to the detailed design of the dwelling at the reserved matters stage with regard to the impact upon residential amenity. However the application is seeking a single storey dwelling on a moderate sized plot, where there is opportunity to design out unacceptable potential amenity issues. It is noted the property to the

east of the site (Orchard Cottage) is within relatively close proximity, with limited separate distance from the from the amenity space of this property. Given this context, the amenities of the occupants of the surrounding residential properties could 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. Overall the impact of the proposal is not considered to be unacceptable and could be reasonably controlled under reserved matters.

#### Biodiversity

The application site is an established informal garden with a number of mature trees. As layout and landscaping are reserved for subsequent approval these conclusions may alter. However the Council's Tree Officer has confirmed that the trees on site are of limited amenity value and as such has not raised an objection to the proposal.

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.

#### Conclusion

The proposed development of this undeveloped green space would diminish its contribution to both the setting of the listed buildings and the wider Fressingfield Conservation Area. The infill development, results in a contrived and seemingly unnatural evolution of development in this sensitive location. Whilst under normal circumstances surrounding the 5 year Housing Land Supply and the accessibility to local services the proposed development could be considered to represent a sustainable form of residential development, the principle of the proposed development is concluded to cause unacceptable harm to designated heritage asset, the Fressingfield Conservation Area.



**RECOMMENDATION**

That Outline Planning Permission be **refused** for the following reason:

The proposed development of this undeveloped green space would diminish its contribution to both the setting of the listed buildings and the wider Fressingfield Conservation Area. The infill development, results in a contrived and seemingly unnatural evolution of development in this sensitive location. The proposal as such would cause unacceptable harm to designated heritage assets and the Fressingfield Conservation Area.

As such the proposal would be contrary to the NPPF, Local Plan Policies GP1, HB1, HB8, Core Strategy Policy CS5, Policies FC1 and FC1.1 of the Core Strategy Focused Review.

Philip Isbell  
Professional Lead - Growth & Sustainable Planning

Lindsey Wright  
Planning Officer

**APPENDIX A - PLANNING POLICIES**

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

- Cor1 - CS1 Settlement Hierarchy
- Cor5 - CS5 Mid Suffolks Environment
- CSFR-FC1 - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1 - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

**2. Mid Suffolk Local Plan**

- HB8 - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS
- H16 - PROTECTING EXISTING RESIDENTIAL AMENITY
- HB1 - PROTECTION OF HISTORIC BUILDINGS
- H17 - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION
- GP1 - DESIGN AND LAYOUT OF DEVELOPMENT

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

- NPPF - National Planning Policy Framework

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letters of representation have been received from a total of 3 interested parties.

The following people **objected** to the application

[Redacted Name]

[Redacted Name]

[Redacted Name]