

Committee Report

Item No: 1

Reference: DC/17/04943
Case Officer: Sarah Scott

Ward: Hoxne.

Ward Member/s: Cllr Elizabeth Gibson-Harries.

Description of Development

Outline Planning Application (Access, Landscaping and Layout to be considered) for up to 7No dwellings and new vehicular access.

Location

Land Opposite Manor Park, And Fronting Worlingworth Road, Horham, Eye IP21 5EF

Parish: Horham

Site Area: 0.69ha

Conservation Area:

Listed Building: Affects Setting of Grade II

Received: 28/09/2017

Expiry Date: 05/03/2018

Application Type: OUT - Outline Planning Application

Development Type: Minor Dwellings

Environmental Impact Assessment:

Applicant: Mr M Hawes & Mrs E Leggett

Agent: Abbotts Development & Design

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number DRWG: 1811/18at a scale of 1:1250 received 11/01/2018 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Road Map - Received 28/09/2017

Site Location Plan at a scale of 1:500 1811/3A - Received 06/02/2018

Application Form - Received 28/09/2017
Design and Access Statement - Received 28/09/2017
Topographic Survey at a scale of 1:500; 1811/12 - Received 28/09/2017
Landscaping Plan at a scale of 1:500; WL/L 43/01A - Received 06/02/2018
Environmental Report - Received 28/09/2017
Flood Risk Assessment - Received 28/09/2017
Landscape and Visual Impact Assessment - Received 28/09/2017
Walkover Survey - Received 28/09/2017
Agents site photos; - Received 28/09/2017
Aerial Photo View - Received 07/12/2017
Land Contamination Assessment Phase 1 Desk Study - Contamination Land Assessment Report - Received 07/12/2017
Land Contamination Assessment - Received 07/12/2017
Agents site photos; - Received 07/12/2017
1885 Ordnance Survey Map - Received 07/12/2017
1905 Ordnance Survey Map - Received 07/12/2017
1951 Ordnance Survey Map - Received 07/12/2017
Defined Red Line Plan DRWG: 1811/18 at a scale of 1:1250 - Received 11/01/2018
Infiltration Report - Received 11/01/2018

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application has been called in for the following reasons:

There have been a number of local objections regarding the existing inadequate sewage system and concerns over pedestrian safety due to lack of footpaths. Given substantial local controversy over new development in Horham it is important to public confidence in the planning process that Members consider this application at committee.

PART TWO – APPLICATION BACKGROUND

History

There is no planning history relevant to the application site.

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national

policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

GP01 - Design and layout of development
SB02 - Development appropriate to its setting
HB01 - Protection of historic buildings
H03 - Housing development in villages
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
T09 - Parking Standards
T10 - Highway Considerations in Development
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
NPPF - National Planning Policy Framework

List of other relevant legislation

- Human Rights Act 1998
- 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.

Details of Previous Committee / Resolutions and any member site visit

None

Details of any Pre Application Advice

1097/17 – Residential Development. Supported in principle.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Horham Parish Council – Recommend refusal; the application is outside the settlement boundary (CS1 and CS2) on agricultural land and it would impact on the existing problematic foul sewage disposal and electricity supply. Affordable houses required, the proposal is not “affordable”.

Suffolk County Council Highways Team – No objection, recommend conditions.

BMSDC Heritage Team – Recommend approval; the proposal would cause no harm to a designated heritage asset because it would not detract from the setting of nearby listed buildings. Conditions recommended.

BMSDC Arboricultural Officer – No objection, a condition is recommended so that appropriate protection details are submitted to ensure the oak tree is not damaged during construction.

Historic England – Do not wish to offer any comments.

Natural England – No comment.

Environmental Health Noise, Odour, Smoke, Light Team – No objection.

Environmental Health Land Contamination Team – No objection.

Suffolk County Council Archaeological Team – No objection, recommend conditions.

The Environment Agency – No comment.

Suffolk County Council Floor & Waste Management Team – No objection, recommend conditions.

B: Representations

A total of 21 objections and 1 support were received, a summary of the third-party representations are set out below:

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- Outside village settlement.
 - Agricultural land outside the settlement boundary
 - Affects the setting of nearby listed building
 - Out of character
 - Sewage plant unable to cope
 - Loss of privacy/ overlooking
 - No footpaths
 - Narrow roads/insufficient infrastructure
 - Increase in traffic
 - It would set an unwelcomed precedent
-

- Who will maintain the drainage ditch?
 - Affordable homes preferred
 - Perfect location
 - Smaller development keeping local tradesman in local work
 - Providing more homes to allow local people to stay local
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PART THREE – ASSESSMENT OF APPLICATION

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.

1. The Site and Surroundings

1.1. The application site is located to the south-east of Horham along Worlingworth Road. The application site is adjacent to Manor Park which is a row of two storey semi-detached dwellings set back from the highway with an area of grassed amenity land to the front. Valley Cottage to the east of the site along with Dragon House and Ancient House to the north of the site are Grade 2 listed buildings. There are agricultural fields to the south and west of the site. The application site abuts the village settlement boundary to the north and west.

2. The Proposal

2.1. The proposal is outline for the erection of 7 dwellings with access, layout and landscaping to be considered, however, all other matters are reserved (scale and appearance).

3. National Planning Policy Framework

3.1. 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.

4. Core Strategy

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS05 - Mid Suffolk's Environment

FC01 - Presumption In Favour Of Sustainable Development

FC01 - Presumption In Favour Of Sustainable Development

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. None to be considered in respect of this application.

6. Saved Policies in the Local Plans

SB2 - Development appropriate to its setting

GP01 - Design and layout of development

CL8 – Protecting wildlife habitats

HB01 - Protection of historic buildings

H3 – House development in villages

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

H13 - Design and layout of housing development

H14 – A range of house types to meet different accommodation needs

H15 - Development to reflect local characteristics

T9 – Parking standards

T10 - Highway Considerations in Development

7. The Principle Of Development

7.1. The proposal has been assessed having regards to the above saved policies of the Mid Suffolk Local Plan adopted 1998 and policies from the Core Strategy and the NPPF.

Policy CS1 of the Core Strategy Development Plan, September 2008, has designated Horham as a Secondary village. The village has sufficient amenities to be regarded as a sustainable location with new development permitted within the settlement boundary of the village.

The application site is situated outside the established settlement boundary for Horham and is considered in planning terms as countryside, where the Council would normally seek to resist new development.

The National Planning Policy Framework (NPPF, 2012) "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 Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land, as required by paragraph 47 of the National Planning Policy Framework (NPPF). Accordingly, in accordance with paragraph 14 and 49 of the NPPF the proposal should be considered in the context of the presumption in favour of sustainable development as relevant

policies for the supply of housing must be considered out of date. For the purposes of decision taking, that means granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF, taken as a whole.

Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure:

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

The application site is situated outside of the settlement boundary for Horham however it abuts the boundary to the south-east of the village. Horham accommodates a Village shop/ Post Office, Community Centre and playing field, Village Hall/Social Club and Church. Stradbroke, a Key Service Centre, is 1.5miles to the east of Horham and provides essential services and facilities. Whilst the proposed dwellings would be situated outside of the settlement boundary it would not be in an isolated location and the harm caused by dwellings in this location is not significant to warrant refusal on sustainability grounds. Worlingworth Road serves the existing residential properties adequately and the dwellings would be in a similar situation to the neighbouring properties.

With regards to the economic role of sustainable development the proposal for the erection of 7 dwellings would provide marginal economic benefits to the construction industry and would support the services offered within Horham and adjoining settlements, regardless of how they are accessed.

With regards to the social strand of sustainable development, the proposal would have access to a variety of local services, such that the proposed dwellings would support the local community and vitality of the rural community.

Overall the location of the site is considered to be sustainable with regards to access to services. Whilst the site would result in a small amount of loss of agricultural land this is limited and not considered to be of significant weight with regard to the environmental strand of sustainable development and is not a significant and demonstrable adverse impact of the development.

The principle of development is acceptable in accordance with the NPPF as elements of the Local Plan must be regarded as 'out of date'. The proposed development has been considered

on the basis of its planning merits and the officer's recommendation is given accordingly, having had regard for all material planning considerations; those key issues being discussed under their respective headings below.

8. Site Access, Parking And Highway Safety Considerations

8.1. The application site is situated off Worlingworth Road where there is a 30mph speed limit in this location. A new access would be created to the north of the site onto Worlingworth Road in the centre of the frontage. Suffolk County Council has been consulted and raises no objection to the application.

8.2 The proposed dwellings are not considered to have a detrimental impact on highway safety or significantly increase the amount of traffic on the road such that the application would warrant refusal.

8.3. In the light of this the proposal is not considered to have an unacceptable impact on highway safety as to consider refusal in this regard. It is therefore considered that the proposal complies with policies T9 and T10 of the saved local plan and the relevant paragraphs in the NPPF in parking, highway and accessibility terms.

9. Design And Layout [Impact On Street Scene]

9.1. The application seeks outline planning permission for the erection of 7 no detached dwellings with the access, layout and landscaping to be considered, however, all other matters are reserved due to the outline only status of this application. The application site is considered large enough to accommodate 7no dwellings and the proposed layout with the garaging and access road to the rear respects the street scene along with the extensive landscaping to the frontage helps to reduce any impact on the street scene and existing neighbouring residential amenity. The layout is therefore considered to be in accordance with Policy H16 of the Mid Suffolk Local Plan.

10. Landscape Impact

10.1. The application site is currently agricultural land with open fields to the south. Policy CS5 of the Mid Suffolk Core Strategy 2008 emphasises that all development must reflect local distinctiveness and enhance the character and appearance of the district. Policy FC 1.1 of the Core Strategy Focus Review 2012 states that development must conserve or enhance the local character of different parts of the district. Policy GP1 states that all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of the surrounding area. The application is outline with some matters reserved, however from the plans received it is considered that the application site could accommodate 7no dwellings with extensive landscaping proposed that would follow the existing settlement pattern that reflects and enhances the local area and is therefore considered acceptable.

10.2. For the above reasons, it is considered that on balance saved local plan policies GP1 and H13, Core Strategy Policy CS5 and the relevant paragraphs of the NPPF are complied with in landscape terms.

11. Environmental Impacts - Trees, Ecology And Land Contamination

11.1. A land contamination report, landscape assessment and Flood risk assessment and surface water drainage strategy was submitted as part of the application.

11.2. Environmental health – Land contamination have no concerns over potential contamination on the site.

11.3. The site has limited landscape features other than a mature tree line along the eastern boundary at Valley Cottage along with a mature Oak tree to the frontage along Worlingworth Road. This tree is proposed to be retained. The mature tree line to the east is outside the red line site.

The application site forms part of a larger agricultural field, a farm track entrance has been retained to the east of the site for agricultural access purposes. The removal of the application site area from this field would not significantly impact the overall use of the agricultural field and therefore does not warrant refusal on these grounds.

11.4. Flood risk and surface water drainage has been approved by SCC Floods and Water Team with conditions to secure the drainage of water from the site with a requirement for the maintenance of any system approved.

11.5. Further, the proposals, its effects can be sufficiently mitigated in accordance with saved local plan policy H17, Core Strategy Policy CS5 and relevant paragraphs of the NPPF.

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

12.1. Both the NPPF and Council's development plan place significant emphasis on safeguarding heritage as an important component of sustainable development. Policy HB1 of the Council's saved local plan places a high priority on the protection of the character and appearance of historic buildings, particularly the setting of Listed Buildings.

12.2. There are several listed buildings near to the site, which is an area of undeveloped agricultural land close to the centre of the village. However, these buildings to different degrees are already closely related to the built core of the village, so although there is some loss to the rural part of their setting, the Heritage Team consider that the proposal would cause no harm to the nearby designated heritage assets as set out in policy HB1.

12.3. As no harm has been identified it is not considered that the proposal is unacceptable in this respect to warrant refusal on this basis.

13. Impact On Residential Amenity

13.1. The proposed layout as shown within the submitted plans, leaves a good separation distance from the properties opposite at Manor Park, along with the landscape buffer to the eastern side of the plot reduces the impacts on the listed building that is Valley Cottage. Subject to scale and appearance within the reserved matters application, it is likely in principle that a design could be achieved that would not significantly impact existing residential amenity. On this basis the proposal is acceptable in terms of residential amenity.

14. Environment and Flood Risk

14.1. SCC Flood and Water have no objection to the proposal but have requested conditions in respect of surface water drainage.

14.2. Given that conditions could reasonably and acceptably ensure that the proposal does not have an unacceptable impact with regards to surface water drainage it is not considered that the proposal is unacceptable in this regard, and nor should it be considered a reason for refusal.

15. CIL

15.1. CIL is applicable as new floor space would be created.

16. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

16.1. The development will lead to additional Council Tax payments. These considerations are not held to be material to the recommendation made on this application, nor its decision.

PART FOUR – CONCLUSION

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

17.1. 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.

18. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

18.1. None are known by your officers.

19. Planning Balance

19.1. The Council accepts that it cannot currently demonstrate a five-year housing land supply district, as required by the NPPF. Relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five-year supply of deliverable housing sites (as stated in paragraph 49 of the NPPF).

19.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

19.3. In this case the proposed dwellings are located just outside the settlement boundary of Horham within 1.5 miles of a Key Service Centre that is Stradbroke. The proposed dwellings would be read in conjunction with the adjacent cluster of dwellings and form a natural infilling of development that maintains the form of the parish as a whole. The proposed dwellings would have access to the same facilities and amenities as residential properties within the parish of Horham.

19.4. No other material considerations are considered to result in harm which would outweigh the presumption in favour of sustainable development. The application is therefore recommended for approval.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to GRANT PLANNING PERMISSION for subject to following conditions:

- Time Limit
- Approved Plans
- Reserved Matters time limit
- CIL 1000m² limit
- Highways - access
- Highways - manoeuvring and parking
- Highways - bin storage
- Heritage – Landscaping
- Tree protection measures
- Archaeology – Written Scheme of Investigation
- Archaeology – Site investigation and post investigation assessment
- Flood & Water – Surface water drainage scheme
- Flood & Water - Details of the implementation, maintenance and management of surface water drainage system
- Flood & Water – Sustainable Urban Drainage System
- Flood & Water – Construction Surface Water Management Plan