

## **Committee Report**

**Item No: 3**

**Reference:** DC/17/05874

**Case Officer:** Elizabeth Flood

**Ward:** Bacton & Old Newton.

**Ward Member/s:** Cllr Jill Wilshaw.

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## **RECOMMENDATION – REFUSE PLANNING PERMISSION**

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### **Description of Development**

-Outline Planning Application (All matters reserved) - Erection of 2no. semi-detached two-storey dwellings.

### **Location**

Land Adjacent Homeland, Rectory Road, Bacton, Stowmarket

**Parish:** Bacton

**Expiry Date:** 29/01/2018

**Application Type:** OUT - Outline Planning Application

**Development Type:** Minor Dwellings

**Applicant:** Mr J Free

**Agent:** Moss Architectural Design

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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:

The Applicant is a Member of Staff of Babergh and Mid Suffolk District Councils.

### **Details of Previous Committee / Resolutions and any member site visit**

None

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC01 – Presumption in Favour of Sustainable Development

CS02 - Development in the Countryside & Countryside Villages

CS05 – Mid Suffolk’s environment

GP01 – Design and layout of development

## **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**

Arboricultural Officer: The trees potentially affected by this proposal are of insufficient quality to warrant being a constraint.

Environmental Protection – Land Contamination: No objection

Heritage: The proposal would cause no harm to a designated heritage asset because it would have very low impact on the setting of nearby listed buildings.

Suffolk County Council – Archaeology: No objection subject to conditions.

### **B: Representations**

No representations were received.

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

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### **1. The Site and Surroundings**

- 1.1. The site comprises land adjacent to Homeland, a detached dwelling location on Rectory Road. The land was previously used as amenity land in association with The Limes and is surrounded by hedging. The site is located 180 metres from the settlement boundary of Bacton. To the South West of the site is the adjacent dwelling The Limes, to the North East is an agricultural field. Opposite the site is another detached dwelling, Armlea.
- 1.2. The site is separated from the remainder of Bacton by agricultural fields on both sides of Rectory Road, between the field on the same side as Homeland is a ditch and narrow verge. Rectory Road is 30 mph at this point.

### **2. The Proposal**

2.1. The proposal is for outline planning permission with all matters reserved for the erection of two dwellings. The indicative layout shows a pair of semi-detached dwellings, one two bed and one three bed built in line with the existing dwelling, Homelands. To the front of the site are shown four parking spaces. The site is accessed off a single access from Rectory Road. Both the dwellings would have gardens to the rear.

2.2. The site area is 0.12ha.

### **3. The Principle Of Development**

3.1. Planning permission was refused for a single dwelling on the site in 2015 (planning application no. 1726/15).

3.2 Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) (2004) states that 'regard is to be had to the development plan for the purpose of any determination to be made under any planning act the determination must be made in accordance with the plan unless material consideration indicates otherwise'. The statutory status of the development plan is the starting point for decision making in accordance with paragraph 12 of the NPPF. This is reinforced by paragraph 17 bullet point one of the NPPF in that the planning system/process should 'be genuinely plan-led'.

3.3 In this case the site is located some distance away from the defined settlement boundary of Bacton. The Council acknowledges that it is unable to demonstrate a five year supply of deliverable housing land within the Mid-Suffolk district, as required by paragraph 47 of the National Planning Policy Framework (NPPF); currently the Mid-Suffolk land supply sits at 3.9 years in accordance with the AMR (2016-2017). Therefore, regard to land supply is a material consideration in this case and paragraphs 14 and 49 of the NPPF apply and are invoked in the decision-making process. This means this speculative proposal will be considered in the context of the presumption in favour of sustainable development, for the purposes of decision-making, 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. As such, this report focuses on a balanced assessment between any harms and any benefits of the proposal to conclude a sound recommendation.

3.4 Not all Mid-Suffolk's local housing policies should be considered out-of-date as they are not all specific to housing numbers and distribution, in accordance with the Supreme Court Judgement (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnerships LLP and another (Respondents) v Cheshire East Borough Council (Appellant)), which defined the narrow interpretation with regard to housing policies. It is considered a matter of planning judgement for the decision-maker to have regard to the amount of weight attributed to such policies in their decision-making, and in this case full weight has been given to relevant Mid-Suffolk local plan policies along with relevance of the NPPF.

#### **4. Nearby Services and Connections Assessment Of Proposal**

4.1. The site is located 0.7 miles of the church, school and village hall, 0.65 miles to the doctor's surgery, 0.45 miles to the Public House and 0.3 miles to the village shop. There is also a scout hut and bowls club in close proximity to the site.

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

5.1. The indicative layout shows that a safe access and off site parking can be provided, in accordance with the Suffolk Parking standards.

5.2 Although the site is within walking distance of the facilities within Bacton including the primary school, public house and village shop, pedestrian access would involve either walking along the road or the narrow verge between the site and the road opposite The Lodge, a distance of approximately 170 metres. While much of Bacton, including Rectory Road and The Street, does not have pedestrian footways, the verge is much wider along the areas of Bacton within the settlement boundary, at around 2 metres wide. This allows pedestrians to either walk within the verge or use it as a pedestrian refuge. The site adjacent to Homeland is therefore materially different to other sites within Bacton where new housing development has been approved, where the verge was much wider. Although Rectory Road is 30 mph outside Homeland, it is a straight road where it is likely that cars will travel at higher speeds. The narrowness of the verge, and lack of safe pedestrian refuge between the site and the village is likely to prevent occupiers

of the new dwellings being comfortable walking to facilities in Bacton, particularly in the hours of darkness where there are no streetlights.

## **6. Design And Layout**

6.1. The indicative layout shows a pair of semi-detached dwellings facing the road, set back a similar distance to Homeland. While surrounding dwellings are generally detached, the introduction of a pair of semi-detached dwellings is not considered detrimental to the street scene.

## **7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

7.1. The previous application for one dwelling was partly refused due to the impact of the site on the character of the area, which is characterised by open countryside and by a semi-rural appearance having a relatively open, undeveloped form. However the site is well landscaped and physically separate from the surrounding countryside, and there are a number of dwellings in the vicinity.

## **8. Impact On Residential Amenity**

8.1 Subject to detailed design, the proposed development would not have a detrimental impact on the residential amenity of the neighbouring property, Homeland.

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# **PART FOUR – CONCLUSION**

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## **9. Planning Balance and Conclusion**

### **9.1. Sustainable development**

Paragraph 49 and 14 of the NPPF requires housing applications to be considered in the context of the presumption in favour of sustainable development. The introduction of two new dwellings, including the possibility of a smaller two bed dwelling would have some benefits, including minor economic benefits during the construction period and modest support for local services from the occupiers of the new dwellings. The benefits of the two additional dwellings, in an area without a 5 year land supply is considered to outweigh the minor impact on the character of the Countryside. However, these benefits do not outweigh the environmental impact of a development which does not provide safe pedestrian access to local facilities.

The proposed development is not considered to represent a sustainable development, having due regard to the three tests (social, economic and environmental) set out in the NPPF, by virtue of the lack of safe pedestrian access to nearby facilities which outweighs the modest benefits of two additional dwellings outside the development boundary having acknowledged the material consideration in the lack of a five year land supply.

For this reason, the proposed development is contrary to the aims of the NPPF to secure sustainable development, acknowledging the advice in paragraph 49. The proposed development would have significant and demonstrable adverse impact on the social, economic and environmental considerations contrary to paragraph 14 of the NPPF.

## **Conclusion**

When applying paragraph 14 of the NPPF in this case there is a presumption against new residential dwellings, and the negative impacts identified in this report demonstrate there are no overriding benefits this proposal would bring to outweigh the identified social, economic and environmental harms identified, as such the proposal would be contrary to assessed policies in this report and this proposal is unsustainable in accordance with paragraph 14 and 49 of the NPPF.

## **RECOMMENDATION**

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to refuse planning permission for the following reasons:

1. The proposal is not considered to form sustainable development within the dimensions set out by the NPPF, by reason of the lack of safe pedestrian access and distance to services, expansion of rural cluster, contrary to the environmental dimension of sustainable development and lack of wider benefits with regards to the social and economic dimensions to outweigh this harm. The proposal is therefore considered to be contrary to the NPPF, policies CS2 and CS5 of the Mid Suffolk Core Strategy (2008), GP1 of the Mid Suffolk Local Plan 1998 and Policies FC1 and FC1.1 of the Mid Suffolk Core Strategy Focused Review (2012).