



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/15/63

Development Control Committee

5 November 2015

Reserved Matters Application DC/15/1308/RM

Land South of School Road, Risby, Suffolk

Date	15 July 2015	Expiry Date:	14 October 2015,
Registered:			Extension of time agreed until 9 November 2015
Case Officer:	Dave Beighton	Recommendation:	Grant
Parish:	Risby	Ward:	Risby

Proposal: Reserved Matters Application - submission of details under outline planning permission DC/13/0520/OUT - The appearance, landscaping, scale and layout for 20 no. dwellings with associated service road and access, as amended by plans received 14 October 2015 revising the mix and layout and as amended by plans received 19 October 2015 revising landscaping.

Site: Land South of School Road, Risby

Applicant: Fleur Developments Ltd - Mr Jamie Bird

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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Background:

This application is referred to the Committee because it is a major application and the Officer recommendation to approve is contrary to the objection received from Risby Parish Council.

Application Details:

1. The proposal seeks reserved matters planning permission for the appearance, layout, scale and landscaping of the site. Outline planning permission exists for a development of up to 20 dwellings.

Amendments:

2. Amended plans have been received during the lifetime of the application. These amend the mix such that they are representative of the Strategic Housing Market Assessment required mix. Modest changes have also been made to the layout and positioning of certain plots, as well as to the rear boundary treatment of the proposed plots at 8-13. An amended landscaping plan has also been received supplementing the soft landscaping on the northern boundary. These changes are discussed in more detail within the main section of the report.

Site Details:

3. The site comprises 1.68 hectares of arable agricultural land located to the south of School Road and adjacent to the village playing field and cricket pitch which is located to the west of the application site. The frontage of the site is situated within Risby Conservation Area but the area of the built development itself will be outside, within land designated as Countryside for the purposes of the adopted Policies Map.
4. The site is relatively flat and is bounded to the south by a mature field hedge, to the west by a field hedgerow, to the east the site by open farmland and a farm access track, and to the north by School Road and Quays Barn with residential development beyond.
5. The A14 is located approximately 450 metres to the south, across open farmland.

Application Supporting Material:

6. Information submitted with the application as follows:
 - Application forms.
 - Plans and drawings.

These plans are available to view on the planning file of the Authority website.

Planning History:

7. The following application is relevant – SE/11/1426. Outline Planning Application – Erection of 25 dwellings, service road and access. Withdrawn prior to determination.

8. DC/13/0520/OUT – Outline Planning Application – Erection of 20 dwellings with associated service road and access. Approved subject to S106.

Consultations:

9. **Conservation Officer:** No objections to the outline indicative layout, and no further comments to make in relation to this proposal. *Officer Note - The only part of the site that sits within the Conservation Area is the access and frontage, which is in general accord with the indicative details submitted at outline stage.*
10. **SEBC Tree and Landscape Officer:** Raises comment as follows –
- Existing trees to be shown accurately. *Officer Note – they are.*
 - Easement along the southern footpath is too tight and does not allow sufficient room. *Officer Note – see discussion on amended plans.*
 - The proposed trees in the south east corner of the site are not sustainable in relation to the very small gardens of the affordable houses.
 - The tree screen proposed in the outline gave a continued rural backdrop to the existing properties and has been lost and replaced by built development. *Officer Note – see main section of report.*
 - The footpath crossing the road looks directly into the dwelling at plot 1 and should be moved.
11. **Suffolk County Council Highway Authority:** No objection, and make the following comments –
- It is noted that it has been previously agreed that the access roads, footways, verges, drainage and any street lighting within this development will NOT be adopted by Suffolk County Council under a section 38 agreement. This is referred to in the Design/Access/Explanatory Statement (Condition 9 paragraph) by Fleur dated June 2015 and is due to unapproved drainage. Therefore, the development will not be adopted by Suffolk County Council at any point in the future. Subsequently, the internal layout has only been assessed in relation car parking and manoeuvring, drainage onto the adjacent highway and any other factors that may affect highway safety.*
- The aforementioned highway related matters are covered in the outline application (DC/13/0520/OUT) conditions and will be discharged as details are provided to the satisfaction of the Highway Authority. Therefore, no further comments are made in relation to this reserved matters application.*
12. **Environmental Health Services – Public Health and Housing:** No objection.
13. **Suffolk County Council Public Rights of Way:** No objection.
14. **Environment Agency:** Do not have comments to make on this Reserved Matters application.
15. **Suffolk County Council Fire and Rescue:** Raise no objections, and restate comments made at the outline stage.

16. **Natural England:** *Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.*

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Breckland Farmland SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

17. **Suffolk County Council Archaeological Service:** No objections subject to the imposition of conditions. Officer Note - *conditions covering this matter satisfactorily were imposed at the outline stage.*

Representations:

Risby Parish Council: It was resolved that the Council would object to this application for the following reasons:

- a) The most sensitive boundary is on the northern edge of the main site where the existing housing is closest to the new development. The outline application showed a full line of mature trees along the entire length of this boundary which has now been replaced by an immature hedge. This is not acceptable to the occupiers of Quays Barn. The re-instatement of the line of mature trees is forcefully requested as the most important issue to existing residents. *Officer Note – see main report.*
 - b) The boundary on the western side of the site requires a semi-mature hedge along the entire length and the removal of existing scrub, save for an access point to the site. *Officer Note – see main report.*
 - c) The access road from School Road should be constructed first to ensure that there is no use of the existing access to Quays Barns by construction traffic. *Officer Note – see main report.*
 - d) A legal agreement is required as a condition of the planning permission to ensure that priority of the social housing element of the scheme is to accommodate people with a local connection to the village, irrespective of the which housing association subsequently manages the properties. *Officer Note – A s106 Agreement has already been completed and signs which establishes the quantum and mix of social housing. It will be considered for occupation in the normal manner in accordance with the Authority's standards relating to such.*
 - e) The footpath which crosses the site from the existing playing fields is a public right of way and hence needs a formal diversion to what is described on the plans as an informal footpath. *Officer Note – this is not the case. The formal route of the footpath is along the western and southern boundaries. This will be retained and no diversion is necessary. There are no objections to this proposal from the County Council Public Rights of Way team.*
18. Two letters of representation have been received which raise the following comments.
- I was greatly concerned to note that the detailed landscaping plan for the above development shows only a hedge at the most sensitive boundary on the northern edge of the main site where existing housing is closest to the new development. The approved outline planning permission showed a full line of mature trees along the entire length of this boundary which has now

been replaced simply by an immature hedge. This is not acceptable and the re-instatement of the full line of mature trees is strenuously requested as this was a key issue for local residents during the discussions regarding outline planning permission. *Officer Note – Amended plans have been received which supplement this already extensive boundary on the other side of the access track.*

- Secondly, I would like to request that the access road from School Road should be constructed first to ensure that there is no use of the existing access to Quays Barns by construction traffic. Planners should also note that the footpath which crosses the site from the existing playing fields is a public right of way and hence needs a formal diversion to what is described on the plans as an informal footpath.
- I would also suggest that the boundary on the western side of the site requires a semi-mature hedge along the entire length and the removal of existing scrub, save for access point to the site via the public footpath. This is a safety consideration to prevent a free flow of children from the recreation field into the new development, especially during construction, as children regularly play close to this boundary after school.
- Further inspection showed in fact that the full line of mature trees on the Northern border, (which was approved on original plan), shows now only a hedge. This border is the closest to the properties of 4 & 5 Quays Barns (we are the occupiers of 5 Quays Barns). We strongly object to this change in detail, and request that borders remain as original plans.
- The Access to Quays Barns is a small private gravel road, and totally unsuitable for heavy construction traffic and therefore insist that the main entrance road onto new development be installed at start of development.

Policies:

Development Plan

19. Joint Development Management Policies 2015

DM1 – Presumption in Favour of Sustainable Development.

DM2 – Creating Places – Development Principles and Local Distinctiveness.

DM6 – Flooding and Sustainable Drainage.

DM7 – Sustainable Design and Construction.

DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.

DM11 – Protected Species.

DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.

DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.

DM17 – Conservation Areas.

DM20 – Archaeology.

DM22 – Residential Design.

DM42 – Open Space, Sport and Recreation Facilities.

DM44 – Rights of Way.

DM46 – Parking Standards.

20. Rural Vision 2014.

RV23a – Land Adjacent the Cricket Pitch – allocation for up to 20 dwellings.

21. St Edmundsbury Core Strategy December 2010.

CS1 St. Edmundsbury Spatial Strategy

CS2 Sustainable Development

CS3 Design and Local Distinctiveness
CS4 Settlement Hierarchy and Identity
CS5 Affordable Housing
CS7 Sustainable transport
CS13 Rural Areas

Other Planning Policy

22. National Planning Policy Framework and online Planning Practice Guidance.

Officer Comment:

23. The issues to be considered in the determination of this application are:

- Introduction and Context of Outline Planning Permission
- Design and Impact on Character and Appearance, including upon Conservation Area.
- Impact upon Amenity
- Impact upon Biodiversity
- Sustainable Design and Construction
- Highway related impacts.
- Other Matters including Sustainable Design and Construction.

Introduction and Context of Outline Planning Permission

24. The site is allocated under Policy RV23a of the Rural Vision 2014. The site also benefits from outline planning permission for 20 dwellings, of which this is a reserved matters submission. Adoption of this Vision 2031 allocation post dated the approval of the outline planning application for this site. However, at the time of consideration of the outline approval the Vision document was at an advanced stage and it was not considered reasonable to resist development simply on the basis that it had come forward in advance of the final adoption of the Vision.

25. Policy RV23a confirms that residential development on this site will be permitted having regard to the phasing period shown. It states that development on the site must provide enhanced footpath and cycleway access to the village centre (The Green), community centre and primary school. Strategic landscaping and open space must be provided to address the individual site requirements and location.

26. Whilst the site is identified as medium term in Rural Vision 2031, it was considered at outline stage that due to its modest size, and the fact there are no other allocated sites to the period up to 2031 within the village, the development of this site will not prejudice the overall strategy of development in the rural areas. There was and still is therefore no objection to development of this site at this stage on planning policy grounds.

27. Negotiation has taken place, post submission, in order to ensure that the proposed mix is representative of the Strategic Housing Market Assessment (SHMA) requirements, and in accordance with the requirements of Policy DM22. This has resulted in two more three bedroom dwellings than had previously been submitted and two less four/five bedroom dwellings. With such changes made it is considered that the mix is in accord with the provisions of Policy DM22 and can be considered satisfactory.

28. The site benefits from an outline approval for 20 dwellings. This proposal is the reserved matters associated with that approval. Enhanced footpath access to the village, in the form of a pedestrian crossing, is secured through conditions attached to the outline approval and consideration as to the effectiveness or not of the proposed open space can be made below.
29. Accordingly, the principle is already satisfied and it is consideration of the further matters of detail that is necessary at this stage.

Design and Impact on Character and Appearance, including upon the Conservation Area

30. The front part of the site is located within Risby Conservation Area albeit the adjacent dwellings at Quay's Barn are outside and the majority of the site further south away from School Road is also outside. The adjacent playing field to the west is within the Conservation Area.
31. Earlier concerns raised from a Conservation perspective in response to an outline application in 2011 for 25 dwellings in this location related to, at that time, the provision of dwellings at the entrance of the site located within the Conservation Area and to the detrimental impact of such upon the setting of the adjacent historic barns. The development proposed in this reserved matters proposal, with the exception of the proposed access, is located outside but adjacent to the Conservation Area boundary. The impact of the proposal on the character and appearance of the Conservation Area is largely restricted therefore to the proposed access.
32. The treatment of the access will prove particularly sensitive in this rural location and an overly engineered access has been avoided. Instead a sensitively designed access as shown will not cause harm to the character or appearance of the Conservation Area. The access shown on the submitted layout plan is considered to sit comfortably within this part of the site. It is modest in scope and extent, such that it appears suitably incidental within the otherwise soft landscaped frontage. The proposal includes for the main block of open space to the front of the site providing an attractive gateway to the development. The space is linked to the adjacent playing field by an existing public footpath.
33. Accordingly. It is considered that the proposal will not be detrimental to the Conservation Area.
34. It is also important to consider the impact of the proposal upon the wider, non-designated character and appearance of the area, as well as the specifics of the design itself.
35. The village of Risby is visible across the fields from the A14, viewed set amongst trees reinforcing its appearance as an attractive rural settlement. The submitted layout builds on certain design parameters shown indicatively at the outline stage. The layout provides for an appropriately modest density of approximately 12 dwellings per hectare, in accordance with the Vision allocation, and noting the need to protect the soft landscaped setting of Risby and to protect the character of the Conservation Area. It also provides a well landscaped layout which responds to the low density and verdant character of much of the wider village. The layout includes access to the adjacent open space and it is considered that the layout proposed is wholly satisfactory in this context.

36. The proposal includes the provision of a green spine through the centre of the site, with buildings framing this and set around it. Buildings are also positioned in key locations further enhancing the appearance and character of the development. For example, Plots 1 and 17 which are positioned in visually prominent locations close to the entrance, and plots 6 and 7 which help frame part of the green spine. Negotiation has taken place in relation to plots 8-13. It had been hoped that it might have been possible to ensure that these addressed the public footpath to the south in a more positive fashion. However, this has not proven possible due to the implications of the drainage requirement for this part of the site. Officers are satisfied, having robustly tested this point, that the present orientation is the best possible from a technical perspective, with the fact remaining that, whichever way they were orientated, they would need to turn their back on either the footpath or the remainder of the development site. Amendments have taken place to the landscaping and boundary treatment in this part of the site to ensure that the relationship of plots 8-13 to the footpath can be maintained satisfactorily. A permitted development restriction on walls, fences and other means of enclosure will be necessary to ensure that this transition between the rear gardens of plots 8-13 and the soft landscaped margin to the footpath is not otherwise eroded over time by the erection of any inappropriate boundary treatments.
37. The layout has also been further amended in a number of ways. Plot 3 has been narrowed to improve the relationship to off site dwellings to the north. Plots 20 and 14 have been amended to ensure that a better stand off / margin exists between them and the public footpath to the south of the site. The fenestration to plot 1 has been amended to make it simpler and less cluttered. As advised above, the mix has also been amended to increase the number of three bedroom dwellings, in accordance with the mix required in the SHMA, and through Policy DM22. This has led to some consequential changes to the design of certain plots.
38. With these changes secured officers are satisfied that this proposal is of a design quality appropriate for this location. The design of the dwellings is considered intrinsically acceptable, and with a varied palette of materials including colour washed render, painted larch weather boarding, graded field flint, and natural clay pantiles, the scheme can be considered wholly satisfactory in respect of its layout, design and appearance.
39. The proposal extends the village south and is relying on the existing hedgerow to provide the landscape setting. Whilst this will provide some softening the development would benefit significantly from a more robust landscaped boundary particularly given the presence of a PRoW along this southern boundary. The submitted soft landscaping details propose a number of trees to this southern boundary it is considered that impact upon the landscaped setting of Risby can be considered satisfactory.
40. Footpath 1 (PRoW) is shown on the western and southern sides of the site. The layout shows the retention of this path within a suitable soft landscaped setting. Amendments to plots 14 and 20, involving the repositioning further north, ensure that the footpath will be retained satisfactorily within this development.

41. Accordingly it is considered that the design and layout of the proposal is acceptable, and also that the proposed development will have an acceptable impact upon the character and appearance of the immediate and wider area, including the Risby Conservation Area.

Impact upon Amenity

42. The submitted plans demonstrate a layout that will maintain a satisfactory inter-relationship between proposed dwellings whilst being respectful to the existing off site residential dwellings to the north. It is not considered, given the separation distances involved, that the provision of an access road in the location proposed will be significantly detrimental to the amenities of any nearby residential properties.

43. Concern has been raised by third parties about the proposed soft landscaping on the northern boundary. Officers are satisfied that this relationship remains acceptable. The physical separation between dwellings is considered sufficient. Furthermore, the orientation of dwellings (including the narrowing of the span and hipping of the roof of Plot 3 as secured by Officers through the submission of amended plans) plus the intervening existing soft landscaping at the rear of Quay's Barns further considerably limit any adverse impacts upon amenity as a result.

44. Nonetheless, the applicant has been invited to provide more soft landscaping at this part of the site, in response to the concerns of the Parish Council and others. In particular the applicant has been asked to investigate the possibility of more trees along the northern boundary, rather than just the hedge boundary as proposed. An amended landscaping plan has been provided which provides additional trees along this boundary and with such included it is considered that the scheme will have a wholly acceptable impact upon the amenities of nearby property. In order to secure this landscaping it will be necessary to impose an additional condition requiring implementation.

45. Concern has been raised in representation from third parties about the impact of the use of Quay's Barn access in conjunction with construction traffic. The applicant has advised in response to this that the access track is not owned by those who object to its use, rather it is owned by the Kilverstone Estate and the applicant confirms that rights have been granted to them for construction traffic. Amenity impacts arising from construction activities are unfortunate, but they are a simple and unavoidable consequence arising from development. They will not endure beyond the construction phase and, subject to the consideration, agreement and implementation of the Construction Method Statement required under condition six of the outline approval, it is considered that any transient adverse impacts upon amenity must be noted as being acceptable within this context.

46. With such considered Officers advise that the impacts upon amenity arising from this proposal can be assessed reasonably as being acceptable in this context and do not present any material reasons to withhold the grant of reserved matters planning permission.

Impact upon Biodiversity

47. This application is in close proximity to the Breckland Farmland Site of Special Scientific Interest (SSSI). This SSSI forms part of the Breckland Special Protection Area (SPA).

48. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified. Natural England's advice is that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.
49. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Breckland Farmland SSSI has been notified. The SSSI does not represent a constraint in determining this application therefore.
50. This development should also provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Details of such are included within the submitted soft landscaping proposals, and no objection to such has been received from the Council's Tree, Landscape and Ecology Officer.
51. An ecology report had been submitted to support the outline planning application. The assessment in that report relied on the retention of a veteran oak tree located to the south west and the layout now before us ensures that new development and garden land is outside of the RPA and canopy spread.
52. Accordingly, it is considered that the impact upon biodiversity, subject to compliance with the conditions imposed on the outline approval, can be considered satisfactory.

Highway related implications.

53. Suffolk County Council raised no objection to the outline proposal, subject to the imposition of extensive conditions relating to the access and visibility. SCC has subsequently confirmed again that they have no objection to the scheme.
54. The scheme proposes a sufficiency of car parking spaces, including on plot driveways and garages that meet the up to date standards in the County Councils 2014 parking standards. The terrace of affordable houses at plots 8-13 also proposes 11 spaces, set against a minimum requirement in the adopted standards of ten.
55. Accordingly, it is considered that the highway related implications of this development can be satisfied.

Sustainable Design and Construction

56. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
57. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

58.The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

59.Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.

60.Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.

61.The outline planning application was submitted in advance of the adoption of the Joint Development Management Policies Document and was therefore not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The reserved matters Design and Access Statement does not include any commentary on this point and the planning application does not address water efficiency measures. Neither does it presently propose a strategy for minimising water use and the proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect.

62.However, given the modest overall scale of the proposal, and given that it is considered that the steps that will be required to ensure compliance with DM7 in relation water efficiency can be readily considered at a later stage, it is considered reasonable to impose a condition requiring these details to be submitted at a later date and for the agreed measures to be subsequently incorporated into the construction/fitting out of the development at the construction stage.

Conclusion:

63.There are no reasons to withhold the grant of reserved matters planning permission. The land is allocated for 20 dwellings and benefits from an outline planning approval for such.

64.The proposal raises no issues of detail that would warrant refusal at this stage. The design, layout, appearance, landscaping and wider impacts of this proposal are all considered acceptable and there are no reasons to withhold the grant of reserved matters planning permission.

Recommendation:

65. Grant Reserved Matters Planning Permission, subject to the following conditions:

1. Compliance with Plans (14FP).
2. A scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of construction on the dwellings, that demonstrates what measures will be taken to minimise water use within the dwellings in accordance with the requirements of Policy DM7 of the Joint Development Management Policies. Any such scheme as may be agreed shall be implemented in accordance with the details and timescales therein.

Reason: To ensure water conservation in accordance with the requirements of Policy DM7 of the Joint Development Management Policies.

3. The boundary treatment to rear of plots 8-13 (inclusive) shall be provided in accordance with drawing 1501 -2/ R8/ 13f prior to the first occupation of any of these dwellings. Thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no development permitted by Article 3 and Part 2 Class A of Schedule 2 to the Order shall be erected/carried out within the site, to the south of the buildings at plots 8-13 (inclusive), other than as expressly authorised by this permission.

Reason: To ensure that the satisfactory appearance of the development/locality is maintained.

4. Implementation of landscaping (drawing JBA 13/217-01 rev C) (23EA).

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NQHPT3PDIWZ00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, St. Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St. Edmunds, Suffolk

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