

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 AUGUST 2016

DEV/FH/16/017

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0715/FUL - FLAT, THE MANOR,
NEWMARKET ROAD, BARTON MILLS**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

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Committee Report

Date 31st May 2016 **Expiry Date:** 26th July 2016

Registered:

Case Officer: Kerri Cooper **Recommendation:** Approve

Parish: Barton Mills **Ward:** Manor

Proposal: Planning Application DC/16/0715/FUL - Retention of - Change of use of Orthodontic Practice (Class D1) to self-contained flat (Class C3)

Site: Flat, The Manor, Newmarket Road, Barton Mills

Applicant: Mr Knight

Background:

This application is referred to the Development Control Committee due to the complex policy issues. The application is recommended for approval.

Proposal:

1. Planning permission is sought for the retention of a self contained flat on part ground and first floor level (Class C3), which was previously an Orthodontic Practice (Class D1). The rest of The Manor remains as a separate residential unit.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Location Plan received 27th May 2016.
 - Existing and Proposed Floor Plans received 27th May 2016.
 - Planning Statement received 27th May 2016.

Site Details:

3. The application site comprises The Manor, a Grade II listed building that is enclosed by a boundary wall. The Manor was previously an Orthodontist Practice with associated residential use which has been retained.
4. The Manor is set back from the main road and located in generous grounds. Newmarket Road runs to the north of the site and an access track, serving Hall Farm and Hall Farm Bungalow, runs to the east.

Planning History:

5. F/2013/0134/FUL - Creation of a new access onto Newmarket Road to serve the Orthodontic Practice, including a new gateway in existing boundary wall. Creation of a new parking area. – Approved.
6. F/2009/0196/LBC - Internal alterations - division of first floor bathroom to form bathroom and en-suite and insertion of monodraught sunpipe to provide natural sunlight. – Approved.
7. F/94/066 - Insertion of staircase and change of use of part of building from residential to orthodontic surgery. – Approved.
8. F/94/067 - Insertion of new staircase to facilitate change of use of part of building to orthodontic surgery. – Approved.

Consultations:

9. Public Health and Housing: No objection.
10. Conservation Officer: No objection.

Representations:

11. Parish Council: No comments received.
12. Neighbours: No representations received.

Policy: The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

13. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM22 (Residential Design)
- Policy DM46 (Parking Standards)

14. Forest Heath Core Strategy 2010:

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS5 (Design Quality and Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

Other Planning Policy:

15. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Listed Building
- Impact on Neighbouring Amenity
- Other Matters

Principle of Development

17. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework 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 NPPF is a material consideration.

18. Paragraph 49 of the Framework 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'.

19. Paragraph 215 of the NPPF requires the decision maker to assess the degree to which relevant policies in existing plans are consistent with the Framework: the closer they are to the policies in the Framework the more weight they should attract.

20. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies which provide for settlement boundaries (and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by Policy CS1 of the Core Strategy upon adoption in 2010. Whilst Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, the Core Strategy does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and therefore do have Development Plan status. The settlement boundaries are illustrated at a small scale on the Policies Map and it is difficult to establish their detailed alignment. Accordingly it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

21. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Core Strategy Policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development plan Document.

22. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF, means the current

settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications.

23. On the basis that settlement boundaries and the policies underpinning them pre-date the NPPF, Paragraph 14 of the NPPF and Policy DM1 of the Joint Development Management Policies Document is engaged. These state that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
24. The proposal does offer societal 'benefit' in terms of contributing to the District's housing need and granting permission would have a positive, (albeit very slight), bearing on the Authority's housing land supply status. In addition, the current proposal, to some extent, is helping to support 'local' services and amenities within Barton Mills and elsewhere, were it to be permitted. However, the benefits brought by the addition of a self-contained flat are modest and therefore, carry less weight in the overall balance.
25. The application site lies outside of the Housing Settlement Boundary of Barton Mills (by approx. 200m), on land classified as 'Countryside'. Policy CS1 classifies Barton Mills as a secondary village and therefore has a limited range of services and facilities, but could accommodate a very limited amount of new development. It also states that *'Development outside the settlement boundary will be restricted to particular types of development that support the rural economy, meet affordable housing needs, or provide renewable energy subject to all other material considerations and policies'*.
26. Paragraph 55 of the NPPF states that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby...'*. Policy DM5 states that *'areas designated as countryside will be protected from unsustainable development.'*
27. The Manor was previously one residential unit before part ground and first floor conversion to Orthodontic Practice in 1994. This application seeks to retain the previous Orthodontic Practice as a self-contained flat. The Manor now comprises two residential units. The proposal does not incorporate a new or extended building where other Local Plan policies would apply.
28. The principle of development in this case is therefore contrary to the Development Plan policies identified above. This alone weighs heavily against the scheme in the balance of considerations. Furthermore, and in any event, any 'presumption in favour' is only offered in relation to sustainable development, not any development per se. Sustainability is a judgement that is only informed by consideration of matters of detail as well as principle.

Design and Form

29. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
30. There has been no change to the external appearance of The Manor and prior to the change of use to Orthodontic Practice, The Manor was 1no. residential unit. The amenity space does not require subdivision.

Impact on Listed Building

31. Policy DM15 states that proposals to alter, extend or change the use of a Listed Building, or development affecting its setting, will be permitted where they are not detrimental to the buildings character and have regard to the historic internal layout and other features of importance.
32. No internal or external alterations have been carried out and none are proposed to The Manor. Therefore, given that the main use of The Manor has primarily been residential and it is seeking the retention of the subdivision, it is not considered that there is any harm caused to the Listed Building and its setting as a result.

Impact on Neighbouring Amenity

33. The application site is relatively secluded and there is a good degree of separation from nearby properties. As such, the proposal does not raise any adverse impact in relation to neighbouring amenity.

Other Matters

34. There is an existing access which serves The Manor and the flat. The Orthodontic Practice provided 10no. car parking spaces. Consequently, there is sufficient on site parking to meet with Suffolk Parking Guidance 2014. Furthermore, the vehicular movements to and from the site are likely to be reduced as the use of the site will not give rise to the level of movements as before.
35. The Manor is screened by a high level boundary wall and mature landscaping, ensuring that the site is well screened with minimal views from Newmarket Road.

Conclusion:

36. Given this is a retrospective application for a change of use only, there are no external or internal changes to the building as a result of the development. Officers consider it would be difficult therefore to refuse the application on the grounds that it was intrusive or detrimental to the surrounding landscape character. In addition, it is located in close proximity to local services and facilities. On this basis, the harm arising is not considered significant enough to warrant refusal of the application on this basis.

37. Therefore, whilst the scheme is not policy compliant, there are no other adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal is considered to represent sustainable development in accordance with the NPPF.

38. Consequently, it is considered that on balance, the proposal is acceptable and is therefore recommended for approval.

Recommendation:

39. It is recommended that planning permission be **APPROVED**.

Officer note – No conditions are necessary as the application is retrospective.

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=O57R40PD03H00>