



Forest Heath
District Council

DEV/FH/17/023

Development Control Committee 5 July 2017

Planning Application DC/16/1897/FUL – Land South of Laurel Close, Holywell Row

Date Registered:	30.09.2016	Expiry Date:	Extension of time pending
Case Officer:	Penny Mills	Recommendation:	Approve, subject to conditions
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Planning Application - 6no. detached dwellings with cart lodges, garages and associated works (demolition of agricultural buildings)		
Site:	Land South of Laurel Close, Holywell Row		
Applicant:	Mr P G Haylock		

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.

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Background:

The application is brought before the Development Control Committee as it is a departure from development plan policy, being a residential development outside the limits of the settlement envelope. The design and layout of the development has been amended during the course of the application. The application is supported by the Parish Council and recommended for approval.

A site visit is due to take place on Monday 3 July.

Proposal:

1. The application seeks approval for a development of six dwellings with on-site car parking, garages, access road and turning head following the demolition of the existing buildings on the site.

Application Supporting Material:

2. Application Form, Design, Access, Heritage and Supporting Planning Statement, Ecology Report, Ecology Checklist, Contamination Report, Plans (as amended)

Site Details:

3. The application site is located on the edge of the village of Holywell Row, outside the designated development envelope, to the south of Laurel Close. The site is currently in agricultural use with a number of existing buildings and areas used for open storage. The Design and Access Statement advises that the applicant has operated an egg farming operation from the site for the past 25 years, although it is noted in the supporting documentation that only small areas of the chicken sheds are currently maintained and used.
4. Laurel Close is a recent development of 6 dwellings, immediately adjacent to the application site. Vehicular access to the site is obtained from The Street through Laurel Close.
5. The closest statutory site of national importance is Breckland Forest Site of Special Scientific Interest (SSSI) which is located around 1km to the southeast. This area of the SSSI is also designated as part of the Breckland Special Protection Area (SPA). Aspal Close Local Nature Reserve (LNR) is located approximately 400m to the west.

Planning History:

6. No relevant Planning history

Consultations:

7. Public Health and Housing: No objections – recommended the following conditions: hours for construction/demolitions; no use of generators; site waste; construction/demolition mitigation plan; and no external lights.

Following a further consultation advising that the site falls within the 63db noise contour the following condition regarding appropriate acoustic treatment of the proposed dwellings was proposed:

(i) The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels, with windows closed, do not exceed an LAeq(16hrs) of 35dB(A) within living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

(ii) Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

8. Environment Team: No objection, subject to conditions.

Made the following comments:

The application is supported by a Phase 1 Ground Contamination Desk Study, undertaken by AGB Environmental Ltd, reference P2736.1.0, dated 30th September 2016. The report identifies potential sources of contamination and gives a risk rating of moderate to low. Intrusive ground investigations are recommended.

This Service is in general agreement with the conclusions of the desk study and the requirements for intrusive investigations. This Service is satisfied that the intrusive investigations can be controlled/monitored by attaching suitably worded conditions to any planning permission granted.

9. Internal Drainage Board: No objections.

Made the following comments:

The application form states that surface water will be disposed of using soakaways. Provided that soakaways are an effective means of surface water disposal in this area, the board will not object to this application. If soakaways are found not to be effective, the board must be re-consulted.

10. Highways: Initial concerns addressed through submission of amended plans.

The concerns raised were:

- The required visibility splays of 43 metres in both directions from 2.4 metres back from the carriageway edge at the centre of the access cannot be achieved in a westerly direction. This is due to a conifer type tree growing in the adjacent garden as shown in the photo overleaf (believed to be no. 6 The Street). This tree requires removal (or written agreement that it will be removed prior to occupation of the new dwellings) before the Highway Authority can recommend conditions for the proposal.
- The proposed garages for plots 2-6 contribute towards their parking provision (minimum of 3 spaces are required – Suffolk Guidance for Parking 2015). The garage dimensions are not provided so it is not possible to assess whether they are large enough to count as vehicle parking spaces. They must comply with the minimum dimensions in the above parking guidance. For a double garage the internal length should be at least 6 metres with a clear opening (door) of 2.4 metres wide.
- As plot 1 does not benefit from a garage, secure, covered cycle parking should be provided. This could be in the form of a shed or cycle store. This can be conditioned and/or shown on a plan.

- Despite being a private road, there is a requirement for developers to provide safe layouts that prioritise pedestrian and cycle movements (NPPF Para. 35). In this case, the proposed shared use area does not appear to provide any features to delineate it from the access road. Features such as ramps or rumble strips and/or different surface finishes must be provided to comply with the NPPF in this regard.

11. Ministry of Defence: Consulted due to location of site within 63db noise contour but no comments received.

Representations:

12. Parish Council: Stated support for the planning application without comments.

Public representations: None received.

Policy:

13. 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:

Forest Heath Local Development Framework Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (May 2010):

- Policy CS1 Spatial Strategy
- Policy CS3 Landscape Character and the Historic Environment
- Policy CS4 Reduce Emissions, Mitigate and Adapt to future Climate Change
- Policy CS5 Design Quality and Local Distinctiveness
- Policy CS7 Overall Housing Provision (sub-paragraph 1 only)
- Policy CS10 Sustainable Rural Communities

Forest Heath Local Plan:

- The Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution
- Site Allocations Local Plan Document

The above documents were submitted to the Secretary of State for examination on 24 March 2017.

Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places – Development Principles and Local Distinctiveness
- Policy DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside

- Policy DM46 Parking Standards

Other Planning Policy/Guidance:

14. National Planning Policy Framework (2012)

National Planning Practice Guidance

ODPM Circular 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (August 2005)

Officer Comment:

15. This part of the report first considers the principle of the proposed development before discussing the key considerations in this case, which are: Design, layout and visual amenity; residential amenity; highways issues; benefits of the development.

Principle of Development:

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, in order for a development that conflicts with the plan to be acceptable, there must be tangible material benefits weighing in favour of the scheme that outweigh the policy conflict in the planning balance.
17. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. However, given the primacy of the plan, this material consideration alone would not be sufficient to outweigh a direct conflict with policy.
18. The site is located outside the settlement envelope for Holywell Row, on land considered to be countryside for planning purposes. Policy DM5 of the Joint Development Management Policy Document states such areas will be protected from unsustainable development. It goes on to state that new residential development will only be permitted in the countryside where it is for affordable housing for local needs, a dwelling for a key agricultural, forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling.
19. Holywell Row is classified as a 'Secondary Village' in the spatial strategy set out in policy CS1 of the Core Strategy, allowing for nominal housing growth where local capacity allows. However, the policy also goes on to state that outside the settlement envelope development will be restricted to particular exceptions, which do not include market housing such as are proposed in this application.
20. The proposed development is clearly in conflict with the provisions of the development plan in relation to market housing in the countryside. Therefore, the proposal should be rejected unless there are other material

consideration weighing in favour of the development that would indicate that a different recommendation is appropriate. In this case the applicant has set out a number of material considerations they consider to weigh in favour of the scheme, these being:

- The agricultural permitted development fall-back position where up to three residential units not exceeding 450 sq. m could be created, without the need for planning permission; and,
- The removal of a non-conforming use that has unrestricted heavy traffic movements

21. The permitted development fall-back position in relation to a planning application is a material consideration. In this case the fall-back position would enable the development of 3 dwellings, which is half the number proposed in this application. This fact, taken in isolation does not carry weight in favour of the development such that it would outweigh the policy conflict here. Nevertheless, it is relevant context which would moderately reduce the weight to be attributed to the conflict in this case.

22. The Design and Access Statement frames the existing use of the site as a non-conforming one, given the close proximity of neighbouring dwellings and the fact that the use of the buildings on the site currently benefit from unrestricted hours of operation and vehicular movements.

23. The applicant has not provided detailed information on the current vehicle movements or hours of use. Furthermore, one would not usually consider an agricultural use to be a non-conforming one, given that agricultural sites happily coexist with dwellings in villages across the district. However, in this particular case, the primary access to the site and the buildings within it, runs directly through a small residential development. This very specific relationship has the clear potential to have a significant adverse effect on the level of amenity those properties enjoy. The development of the site would end this atypical relationship between uses that has the genuine potential to cause significant harm in terms of noise and disturbance. This must be seen as a benefit of the development carrying weight in its favour.

24. Returning to the principle of development, given that the proposal seeks consent for six market dwellings on land considered to be countryside, it is in conflict with policies CS10, DM5 and DM27. However, it is entirely lawful for a Local Planning Authority to grant permission for development contrary to the plan where relevant material considerations indicate that this would be appropriate. The Design and Access Statement highlights such considerations and these must be weighed against the policy conflict, with all other matters in the final planning balance.

Design, layout and Visual Amenity:

25. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to

take the opportunities available for improving the character and quality of an area and the way it functions.

26. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
27. Policy DM2 of the Joint Development Management Policies Document requires all development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of an area to maintain or create a sense of place and local character.
28. During the course of the application the design and layout of the scheme has been altered to create a higher quality of built environment which better reflects the aspirations of policies DM2 and DM22 of the Joint Development Management Policies Document. A contemporary approach to the design has been taken, drawing on the architectural forms and materials found in modern agricultural buildings. The layout of the scheme now has an area of green space and modest bungalow framing the entrance to the site and helping the transition from the more traditional approach to design seen in Laurel Close to the built form in this application.
29. The dwellings positioned on the southern part of the site create an interesting streetscene within the development, with plot 4 set slightly forward helping to create a sense of enclosure and drawing the eye from the access road entering the site. A mix of hard landscaping materials are proposed and the dwellings would use an interesting pallet of materials including a metal standing seam roof, vertical larch cladding and aluminium windows. The proposed soft landscaping and central open space would also bring some benefits in terms of character and appearance.
30. It is considered that this well designed and interesting scheme would result in a substantial improvement in visual amenity and the character of the wider area and this should carry substantial weight in favour of the development in the planning balance.
31. In order to ensure the high quality of development is borne out, conditions should be used to secure details of materials and hard and soft landscaping through the development.

Residential Amenity

32. Policy DM2 of the Joint Development Management Policies Document requires development to take mitigation measures into account to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.

33. In terms of the amenity of future occupiers of the development, the proposed dwellings are positioned to ensure that they would not cause undue overlooking or overbearing impacts on each other. It is also considered that they all have a suitable level of outdoor amenity space and the conditions recommended by Public Health and Housing would ensure any potential noise impacts are adequately mitigated.
34. In terms of the impacts on the amenity of existing neighbours, the dwelling proposed in the northwest corner of the site adjacent to the neighbouring property in Laurel Close is a bungalow, minimising the potential for any adverse effects on this property. Opposite this bungalow, on the other side of the access into the site, an area of open space is proposed adjacent to the neighbour in Laurel Close, again, minimising the potential for any adverse impacts on neighbouring residential amenity.
35. The dwelling on plot 6 is the only property with the potential to introduce any overlooking to existing neighbours. Due to the position of this property and the degree of separation it is considered that this would not give rise to an unacceptable level of overlooking.
36. On balance, it is considered that the development would accord with the requirements of policy DM2 in respect of residential amenity and, as previously stated would remove a potentially non-conforming use with the potential to have considerable adverse effects on amenity.

Highways Issues:

37. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
38. The NPPF advises that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
39. The development would be accessed from Laurel Close, which itself is accessed from The Street. The highways Officer initially raised concerns over the inability to achieve the required 43 metre visibility splay at this junction in the westerly direction. This was due to the presence of a conifer type tree growing in the adjacent garden. The applicant has advised that this tree falls within land in the blue line and as such its removal prior to the commencement of any development could be secured by condition.
40. The amended plans show sufficient parking for each dwelling to meet the requirements of the Suffolk Parking Guidance and it is possible to secure covered cycle storage by condition.
41. In order to ensure a safe layout within the development, features within the new highway are required to, mark the transition from the access road to the shared surface area. Again, it is considered possible to secure full details of this through the use of a condition.

42. It is considered that on balance, subject to the use of conditions, the development would be acceptable in highways safety terms and in accordance with Development Plan policies and the guidance contained within the NPPF.

Biodiversity and Ecology:

- 43.Paragraph 109 of the NPPF recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
- 44.A phase 1 Ecology and Protected Species Report was submitted alongside the application. This report concluded that no significant ecological constraints were identified in relation to future development of the site. In particular, significant adverse effects on the Breckland SPA and its interest features were considered highly unlikely given the distance between the SPA and the site, the site's location on the edge of an existing residential area, and the small size of the development proposed.
- 45.The report stated that the site lacked semi-natural habitat interest, with only very small and isolated areas of rough grassland present in neglected parts of the site, which on balance were considered too small and isolated to be of significant value to reptile species.
- 46.No evidence of bat use was found in association with any of the agricultural buildings during the external and internal inspections, and all buildings were assessed as being of negligible value to bats in overall terms.
- 47.In order to ensure there would be no harm to protected species and to ensure appropriate biodiversity enhancements are included in any development, conditions relating to clearance during the bird nesting season, precautionary approach to demolition, securing the provision of bat boxes in each dwelling, and the use of native species in landscaping would need to be attached to any consent.
- 48.On balance, and subject to the use of the conditions referred to above it is considered that the development would be in accordance with policies DM10 of the Joint Development Management Policies Document 2015 in terms of biodiversity and protected species.

Other matters:

Drainage

- 49.National Planning Practice Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate. This application is for 6 dwellings and does not therefore constitute a major development. As such, a drainage scheme is not required to be submitted prior to the application being determined.
- 50.The Internal Drainage Board has advised that they are satisfied with the use of soakaways provided that they are found to be an effective means of dealing with surface water at this site. In order to ensure that this is the case a condition requiring the submission of a surface water drainage scheme could be required by condition.

Heritage Impacts

51. The application site is approximately 130 metres from Poplar Farmhouse, a Grade II listed building. The proposed development giving the degree of separation, intervening land uses and scale of the development, there would be no adverse effects on the setting of this building.

Contamination

52. The Environment Officer has reviewed the submitted desk study and the requirements for intrusive investigations. They are satisfied that the intrusive investigations can be controlled/monitored by attaching suitably worded conditions to any planning permission granted.

Affordable Housing and S106 contributions

53. As this is a development of less than 10 dwellings, no affordable housing or other contributions are able to be sought.

Sustainable Design and Construction

54. DM7 states (inter alia) that proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or that no water fittings exceed the values set out in table 1 of policy DM7.

Other Benefits Associated with the Development

55. The proposed development would bring both short term and long term economic benefits from employment during construction and the circulation of additional funds in the locality once occupied. The development would also make a modest contribution to the overall housing stock. However, given that this development is for six dwellings, the weight to be attributed to these benefits is modest.
56. The soft landscaping scheme, which would include the use of native species and provision of bat boxes on the dwellings would bring modest benefits in terms of biodiversity. Biodiversity enhancements proportional to the development are required by policy, nevertheless in this case the combination of these should carry some weight in favour of the development, albeit modest.

Planning Balance and Conclusion:

57. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework. In this case there is a clear conflict with development plan policy in respect of housing in the countryside and this carries significant weight against the proposal. In such circumstances, a development should only be approved where there are clear material planning considerations which indicate a

decision contrary to the provisions of the plan would be more appropriate in planning terms.

58. It is acknowledged that the permitted development fall-back position would reduce the weight to be attributed to the policy conflict to a modest degree. However, it is the removal of a potential non-conforming use that would in this case carry more significant weight in favour of the scheme. The current relationship between Laurel Close and the application site; whereby the latter is accessed through the former, is clearly an unsatisfactory one. Given the lack of restrictions on hours of use or vehicle movements, should activity here intensify, a harmful impact on the amenity of those neighbours would be inevitable. The removal of this use should therefore carry considerable weight in favour of the development.
59. The improvement in the quality of the built environment and positive effect on visual amenity and the character of the area as a result of the introduction of a well-designed and interesting development would also carry considerable weight in favour of the scheme.
60. Additional modest economic gains and biodiversity improvements would also carry limited weight in favour of the scheme.
61. Aside from the fact that the development is positioned outside the development envelope, the proposal is considered to accord with all other relevant development plan policies and would, subject to the use of conditions, be acceptable in terms of drainage, highway safety and residential amenity.
62. On balance, it is considered that taken together, the factors weighing in favour of the scheme, outlined above, would outweigh the policy conflict in this case, indicating that the development should be permitted.

Recommendation:

63. It is recommended that planning permission be **GRANTED** subject to the following conditions:
1. Time limit
 2. Approved Plans
 3. Site clearance not within nesting season
 4. Checking for bats prior to demolition
 5. Installation of bat boxes on new dwellings
 6. Hours of demolition/preparation/construction
 7. Construction management and dust mitigation scheme
 8. No external lights
 9. Acoustic insulation of new dwellings
 10. Details of materials, fenestration and doors
 11. Contamination conditions as recommended by Environment Officer
 12. Soft landscaping (to include native species)
 13. Hard landscaping
 14. Provision of visibility splays
 15. Details of shared surfacing
 16. Secure cycle storage
 17. Bin storage
 18. Water consumption

Documents:

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

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCRREXPDJCN00>