



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/006

Development Control Committee 1 February 2018

Planning Application DC/17/2482/FUL – Land North of Willow Tree Farm, Mill Road, Brockley

Date: 21/11/2017 **Expiry Date:** 16/01/2017
Registered:

Case Officer: Aaron Sands **Recommendation:** Refuse

Parish: Brockley **Ward:** Cavendish

Proposal: Planning Application - 2no. dwellings with associated vehicular access and copse area

Site: Land North of Willow Tree Farm, Mill Road, Brockley

Applicant: Mr And Mrs C Driver

Agent: Dean Jay Pearce Architectural Design And Planning LTD

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 Delegation Panel consider the attached application and associated matters.

CONTACT CASE OFFICER:

Aaron Sands

Email: aaron.sands@westsuffolk.gov.uk

Telephone: 01284 757355

Background:

This application is referred to the Development Control Committee from the Delegation Panel. It was referred to the Delegation Panel because the Officer recommendation of REFUSAL differs from the formal comments of the Parish Council, and following the request of Councillor Peter Stevens as Ward Member.

Proposal:

1. Planning permission is sought for the erection of two single storey dwellings, linked by the cart lodge and together forming a 'U' shape. The two dwellings together measure approximately 31.6 metres in overall width, and 19 metres in depth, with a height of 2.6 metres at the eaves and 5 metres at the ridge.

Site Details:

2. The site comprises an area of agricultural farmland within designated countryside and situated on the end of the village of Brockley, which, as a whole, has no settlement boundary. There is a large ditch to the front of the site but otherwise the site is open, with no existing soft planting nor any built features.

Planning History:

3. None Relevant

Consultations:

4. Monitoring Officer: No affordable housing contributions are required, as the floor space is below the relevant thresholds.
5. Environment Officer: No objection subject to informatives.
6. Public Health & Housing: No objection subject to conditions (*officer note: burning of waste material is covered by other legislation, and this condition is therefore unnecessary*).
7. Highway Authority: No objection subject to conditions.
8. Parish Council: Support; the plans indicate the development is not within 100m of a pond, but this is incorrect.
9. Planning Policy: The application proposal is not considered to satisfy policies DM5 and DM27 and therefore is not supported by policy.
10. Environment Agency: No comments.
11. Ecology and Landscape Officer: No objection subject to the

recommendations of the ecological survey being conditioned

12. Ward Member (Councillor Stevens): Request application is referred to the delegation panel.

13. Conservation: No objection.

Representations:

14.5no. representations received incorporating the following summarised points;

- The proposal will provide growth with two sustainable and efficient bungalows.
- New dwellings will provide more residents to make the area more vibrant.
- In the future it will support new business and perhaps a shop.
- The biodiversity survey incorrectly indicates the site is not within 200m of significant watercourses.
- There are a range of bats and birds that have been observed near to and in the site.
- The proposal brings new housing into the village which has been lacking for many years.
- The houses are sympathetic to the surroundings.
- The wooded area will increase the amount of wildlife in the area.
- The height should be no higher than neighbouring bungalows.
- There would be no change in water volume into the moat of Willow Tree Farm as the water flows to a point downstream.
- Brockley is in need of properties of this size.
- Brockley is on two school bus routes and existing electricity, phone and water services are in close proximity.

The following comment has been received that is not a material planning consideration. It would be a civil matter between the developer and the owner;

- The mains water supply (for Ashlea) runs under this proposed site

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

15. 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 DM7 (Sustainable Design and Construction)
- 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 DM22 (Residential Design)
- Policy DM27 (Housing in the Countryside)
- Policy DM46 (Parking Standards)

16. St Edmundsbury Core Strategy 2010

- Policy CS1 (St Edmundsbury Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS7 (Sustainable Transport)
- Policy CS13 (Rural Areas)

17. Rural Vision 2031

- Policy RV1 (Presumption in Favour of Sustainable Development)

Other Planning Policy:

18. National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Design and Form
- Impact on Protected Species
- Impact on Neighbour Amenity
- Other Matters

Principle of Development

20. This site is located on the end of the main group of dwellings that form Brockley, a settlement designated as countryside by policy CS4, and where policy CS13 goes on to say that development will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.

21. The proposal is located in designated countryside, and policy DM5 seeks to restrict unsustainable development unless it complies with the relevant policies, in this case policy DM27 that specifically relates to new residential dwellings in the countryside. Development is required to be within a cluster, comprising no more than two semi-detached or a single detached dwelling, within an otherwise continuous built frontage and facing a road. Proposals will not be supported where it harms or undermines a visually important gap that contributes to the character of the area.

22. The proposal is sited on the end of, but also some way detached from, a cluster, and well outside of an otherwise continuous built frontage. There is an individual dwelling to the west of the site, but this is some distance from the main bulk of the village and is notably small scale and otherwise well screened. It is considered therefore that this an 'isolated' dwelling,

physically distinct from the main cluster of Brockley. There is also a significant and otherwise open gap between the end of the proposed development and that isolated dwelling, markedly pronounced by the inclusion of the proposed woodland copse.

23. The site is set at an elevated ground level in comparison to Mill Road, with limited existing planting. As a result it appears prominently as agricultural land, providing a visual gap and open setting to the existing end of the settlement and providing intrinsic countryside public views across the fields in the wider landscape. The proposal would result in two dwellings of a sizeable footprint being located in this area. It would enclose this section of Mill Road with the agricultural buildings to the south and would result in the undermining of the visual gap that indicates the separation between the main cluster of the settlement and the countryside, where development is far more loosely grained and sporadic.
24. The proposal therefore fails to accord with policies DM5 and DM27, resulting in an unsatisfactory urbanisation of the countryside in an otherwise unsustainable location.
25. It is noted that there are economic and social benefits to the proposal, as there would be in any proposed dwelling(s), and that this proposal also includes some habitat benefit from the proposed soft landscaping. Any weight afforded to these benefits, however, would be modest, as they would be limited by the scale of the development. The authority is able to demonstrate in excess of a five year supply of housing land and its policies are therefore up to date and meet the need for housing in the borough. In this context the starting point for consideration must be the Development Plan, which indicates the proposal should be refused for noncompliance with its policies. The modest benefits set out above are not considered sufficient as material considerations to outweigh this conflict with the Development Plan.

Design and Form

26. This area features a range of forms of dwellings, though many are single storey or chalet style bungalows of a more modest scale. The farm buildings to the south of the site are largely single storey, though of a larger overall scale, as is typical of agricultural buildings. The proposed dwellings would be located in close proximity to the existing ditch and the road beyond, and as a pair, would appear very wide within the site. The proximity to the road is reflective of the agricultural development along the southern side of the road. There is an overall mix in the wider area of dwellings, positions within their plot, and in their height and scale.
27. The dwellings proposed are of a sizeable footprint, and the overall scale of them has resulted in areas of boundary planting, such as immediately adjacent the roadside elevation of the eastern plot, being omitted. The result is of two dwellings that would appear even more readily noticeable in this area and it does indicate that there is no adequate attempt to mitigate or minimise the urbanising impacts that these two dwellings would have through additional planting. In this context the scale and in

particular the width of the dwellings proposed does have some compounding adverse effect to the wider urbanising impacts on the countryside that has already been identified above, thereby being contrary of Policies DM2 and DM22.

Impact on Protected Species

28. The application has been accompanied by a survey in respect of Great Crested Newts, which were identified as a potential protected species that might be within the area, given the records of that species and the watercourses nearby. The survey indicates that they are unlikely to utilise the site as the habitat is unsuitable, but precautionary measures are recommended for site clearance works.

29. The survey has been carried out in November, and survey times are recommended between March and October, with November being less likely to be productive and not the peak activity times. That said, the Ecology officer has reviewed the submitted report and consider it is acceptable in this instance in these circumstances. The report includes recommendations that require works to be carried out in such a manner that they would not impact newts that might be occupying the site, and these could be required by condition. Subject to such a condition, the proposal would not result in an adverse impact to protected species on the site and the proposal would comply with policies DM11 and DM12.

Impact on Neighbour Amenity

30. The proposed dwellings are single storey and located some distance from the nearest neighbouring residential property. Boundary planting is proposed that would provide screening, and the proposal is not, therefore, considered to result in materially harmful impacts to the residential amenity of adjoining neighbours.

Other Matters

31. The court judgement submitted with the application documents¹ is noted but irrelevant to determining this application. That judgement was with regards the definition of isolated expressed in the NPPF, and does not overcome the statutory starting point in Section 38(6), that development should be determined in accordance with the development plan. In any event, refusal of this application is not based on matters of isolation, but upon the conflict with the Development Plan and upon the consequential urbanisation of the countryside.

32. Reference has also been made in the application to other recent approvals. One of these approvals, to the south of the site, was with regards to a change of use of land to residential garden land and the provision of an access. However, the overwhelming majority of that site falls within the remit of Babergh District Council, with only the access falling within St Edmundsbury District. The policy circumstances were

¹ Braintree District Council V SSCLG and others 2017 EWHC 2743 (Admin)

therefore such that BDC was determining, predominantly, the proposed change of use, assessing it against their policies. In any event, that was for the change of use of land for residential use, and not for additional dwellings.

33. An application was also referenced further to the east of Mill Road. That site complied with all relevant policy and therefore was approved in accordance with the development plan. It is sited within the cluster, in an otherwise continuous built frontage. The circumstances of that application are materially different to this proposal.

Conclusion:

34. In conclusion, the principle and detail of the development is not considered to be acceptable and not therefore in compliance with relevant development plan policies nor the National Planning Policy Framework.

Recommendation:

35. It is recommended that planning permission be **REFUSED** for the following reason:

1. The proposal sits on the edge of a cluster of dwellings, extending into the countryside. It is outside a continuous built frontage in a prominent location. The proposal would represent an urbanising and visually intrusive development continuing the built form further into the countryside of an otherwise open and undeveloped site of an overt and intrinsic rural character, and which provides views across the wider landscape. It would therefore fail to accord with policies DM2, DM5 and DM27 and result in an urbanising effect on the rural character of the area in an unsustainable location, contrary also to the provisions of the NPPF and DM22 in relation to securing good design.

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=summary&keyVal=OZPSOBPD04S00>