



**Forest Heath**  
District Council

# DEV/FH/18/023

## Development Control Committee 7 November 2018

### Planning Application DC/18/1705/PIP – 2 Saxon Close, Exning

<b>Date Registered:</b>	05.09.2018	<b>Expiry Date:</b>	09.11.2018
<b>Case Officer:</b>	Julie Barrow	<b>Recommendation:</b>	Refuse Application
<b>Parish:</b>	Exning	<b>Ward:</b>	Exning
<b>Proposal:</b>	Permission in Principle - 3no. dwellings and associated access		
<b>Site:</b>	2 Saxon Close, Exning		
<b>Applicant:</b>	Mr Robert Gawthrop		

#### **Synopsis:**

Application under the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and 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 for permission in principle for 3no. dwellings and associated access. The determination of applications for permission in principle is not currently delegated to Officers and the application must therefore be determined by the Development Control Committee.**

**The Parish Council has no objection to the proposal and the Officer recommendation is for REFUSAL.**

### **1.0 Proposal:**

1.1 Permission in Principle is sought for 3no. dwellings and associated access

### **2.0 Application Supporting Material:**

2.1 The application is accompanied by a plan that identifies the land to which the application relates.

2.2 The site plan indicatively shows that the site could accommodate three dwellings with plot sizes ranging from 530m<sup>2</sup> to 950m<sup>2</sup>. The plan indicates that the existing access arrangements to No. 2 Saxon Close will be altered to accommodate a new access to serve the proposed dwellings.

### **3.0 Site Details:**

3.1 The site is located to the south of Windmill Hill, towards the south east edge of the village of Exning, designated as a Primary Village by Core Strategy Policy CS1. The site comprises the existing dwelling known as No. 2 Saxon Close and its associated curtilage. The settlement boundary runs east-west across the site with the northern half, which includes the host dwelling, within the settlement boundary, and the area on which the dwellings are proposed outside the settlement boundary. The area on which the three dwellings are proposed extends to approximately 0.27 hectares.

3.2 The entire site is located within Exning Conservation Area and a group Tree Preservation Order is in place on the northern half of the site.

3.3 Saxon Close is made up of a small cul-de-sac of five individually designed dwellings all accessed via a central roadway leading off Windmill Hill. The A14 lies beyond the southern boundary of the site with a strip of paddock/grassland in between the two.

### **4.0 Planning History:**

4.1 No relevant planning history

### **5.0 Consultations:**

5.1 The consultation responses set out below are a summary of the comments received and reflect the most recent position. Full comments are available to view on the Council's website:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDWWL9PD07600>

- 5.2 SCC Archaeology – The development site lies in an area of high archaeological importance recorded in the County Historic Environment Record, within the immediate vicinity of a substantial Iron Age enclosure (EXG 082). An early Anglo-Saxon cemetery and inhumation burials have also been recorded to the north of the proposed development site (HER no. EXG 005 and EXG 028). Thus, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

In this instance there is no objection to the site being given Permission in Principle, however an archaeological evaluation should be undertaken prior to technical detail consent stage in order to inform archaeological mitigation requirements for this site.

- 5.3 Historic England – On the basis of information available to date, Historic England does not wish to offer any comments.

- 5.4 Public Health and Housing – The application site is in close proximity to the A14 and will be affected by traffic noise during the day and night time. The application is not supported by a noise assessment and no information has been submitted to demonstrate what noise mitigation measures may be required to ensure satisfactory occupancy conditions within the new dwellings or to achieve acceptable noise levels within any external amenity spaces in accordance with the British Standard.

Whilst Public Health and Housing do not object to this application in principle, noise has not been satisfactorily considered and appropriate mitigation measures have not been described. In addition the application site is close to neighbouring properties that could be disturbed by the development.

- 5.5 Suffolk Fire & Rescue Service – Access to buildings for fire appliances and firefighters must meet with Building Regulations. A minimum carrying capacity for hard standing for pumping/high reach appliances is required. Records show that the nearest fire hydrant in this location is over 225m from the proposed build site and it is recommended that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

- 5.6 Trees Officer – It appears to be possible that the plans could involve a substantial adverse arboricultural impact. It is noted that the site is partially covered by an area TPO, also being sited within the Exning Conservation Area. I do not believe that the acceptability of the principle of development can be ascertained without the arboricultural impact being demonstrated. I would request that an Arboricultural Impact Assessment should be submitted, and given full consideration when arriving at a decision.

- 5.7 SCC Highways – The proposed development is, in principle, acceptable to the Highway Authority subject to the parking arrangements meeting Suffolk Guidance for Parking 2015 minimum recommendations and subject to the proposed access road being a minimum width of 4.5m so that vehicles can

pass within the site. Future plans should indicate the provision and location of secure cycle storage and waste/recycling bin storage facilities.

- 5.8 Conservation Officer – Having checked the conservation appraisal maps the land between Windmill Rise, Church Street and the A14 is identified as an open space within the conservation area, with tracks across it suggesting some degree of public access. There would therefore be an 'in principle' objection to development on this land.

## **6.0 Representations:**

- 6.1 Exning Parish Council – No objection in principle to this application.
- 6.2 Public representations - Letters sent to six neighbouring properties and site notice posted. One representation received from the occupier of No.1 Saxon Close stating that there is no objection to the proposed development, subject to seeing more detail in a future Reserved Matters Application. In due course the applicants will need to address access over Saxon Close and the potential load on services.

## **7.0 Planning Policy:**

- 7.1 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:

### 7.2 Forest Heath Core Strategy (2010)

- CS1 - Spatial Strategy
- CS2 - Natural Environment
- CS3 - Landscape character and the historic environment
- CS4 - Reduce emissions, mitigate and adapt to future climate change
- CS5 - Design quality and local distinctiveness
- CS7 – Overall Housing Provision (sub-paragraph 1 only)
- CS9 - Affordable Housing Provision
- CS10 - Sustainable rural communities
- CS13 - Infrastructure and developer contributions

### 7.3 Joint Development Management Policies Document (2015)

- DM1 Presumption in Favour of Sustainable Development
- DM2 Creating Places Development Principles and 1Local Distinctiveness
- DM5 Development in the Countryside
- DM6 Flooding and Sustainable Drainage
- DM7 Sustainable Design and Construction
- DM11 Protected Species
- DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM13 Landscape Features
- DM20 Archaeology
- DM22 Residential Design
- DM27 Housing in the Countryside
- DM46 Parking Standards

## **8.0 Emerging Local Plan Policy:**

- 8.1 The Submission Single Issue Review (SIR) and Site Allocations Local Plan (SALP) (Regulation 19 consultation) have been submitted for examination. The SIR hearing was held at the end of September (2017) and the Inspector's report is awaited.
- 8.2 The SALP sets out the Council's development sites across the district up to 2031. The SALP includes a Policies Map which defines the proposed settlement boundaries, sites and other policy constraints. The SIR and SALP can be given moderate weight in the decision making process.
- 8.3 The SALP proposes changes to parts of the settlement boundaries in Exning, however, these changes do not affect this site and the settlement boundary remains to the north of the land on which the three dwellings are proposed.

## **9.0 Other Planning Policy:**

- 9.1 National Planning Policy Framework (2018) and National Planning Policy Guidance (2018)
- 9.2 The National Planning Policy Framework (NPPF) was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework, the greater weight that may be given.
- 9.3 The key development plan policies in this case are policies DM5 and DM27 and it is necessary to understand how the NPPF deals with the issues otherwise raised in these policies, and to understand how aligned the DM Policies and the NPPF are. Where there is general alignment then full weight can be given to the relevant DM Policy. Where there is less or even no alignment then this would diminish the weight that might otherwise be able to be attached to the relevant DM Policy. DM5 concerns development in the countryside and whilst the NPPF is supportive of a prosperous rural economy it still seeks to avoid inappropriate development in the countryside unless exceptional circumstances apply. As such, DM5 can be given full weight.
- 9.4 Policy DM27 requires proposals for new dwellings in the countryside to be in a close knit cluster of 10 or more dwellings adjacent to or fronting an existing highway as well as consisting of the infilling of a small, undeveloped plot by one or a pair of semi-detached dwellings commensurate with the scale and character of the dwellings existing in the area. Proposals for dwellings in the countryside must also be located and designed such to not harm or undermine a visually important gap that contributes to the character and distinctiveness of the area and would not have an adverse impact of the environment or on issues relating to highway safety. Paragraphs 77-79 of the 2018 NPPF discuss rural housing matters similar to this policy, in that the 2018 NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Furthermore, these paragraphs state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, as well as stating that planning policies and decisions

should avoid inappropriate development in the countryside except in exceptional circumstances as outlined in paragraph 79 of the 2018 NPPF. Given the consistency between the points raised in the local policy and these paragraphs of the 2018 NPPF, officers are satisfied that there is no material conflict between Policy DM27 and the provisions of the 2018 NPPF, such that it is considered that full weight can be given to DM27.

## **10.0 Officer Comment:**

- 10.1 This application is for permission in principle and is subject to the Town and Country Planning (Permission in Principle) Order 2017 and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The regulations provide for the granting of permission in principle on a site currently on part 1 of the Brownfield Register by placing it on Part 2 of the register. In addition, an application for permission in principle can be made to the Local Planning Authority on a piece of land providing the proposed development meets certain criteria. Permission in principle cannot be granted in relation to major development, habitats development, householder development or Schedule 1 development (for the purposes of the Environmental Impact Assessment Regulations). This is an application for permission in principle on greenfield land and does not concern the Brownfield Register.
- 10.2 The National Planning Practice Guidance (NPPG) confirms that the scope of permission in principle is limited to location, land use and amount of development. All other matters should be considered at the technical details consent stage that would follow a successful application for permission in principle. In this case the LPA is therefore concerned with establishing whether the proposal for three dwellings on the application site is acceptable in principle given the location of the site, the current and proposed land use and the amount of development proposed.
- 10.3 The NPPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF and national guidance, which indicate otherwise.
- 10.4 At the heart of the NPPF remains a presumption in favour of sustainable development. However, paragraph 12 of the NPPF is clear that the Framework does not change the statutory status of the development plan as the starting point for decision making, providing it is considered up to date, which in this case, the policies are considered to be. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
- 10.5 The site is located outside the settlement boundary for Exning, 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 inappropriate 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.

- 10.6 Exning is defined in the Core Strategy (2010) as a Primary Village providing basic local services and able to accommodate small scale housing growth to meet local needs. Housing allocations in primary Villages will be designated and range in size dependent upon the appropriateness of the site and the capacity of the village to accommodate growth and will be designated to meet local needs to support rural sustainability.
- 10.7 The emerging Site Allocations Local Plan (SALP) identifies the environmental and infrastructure constraints around Exning that place a limit on the extent of development that can take place in the village. The SALP makes reference to the approval of 120 dwellings on land off Burwell Road and seeks to allocate a further adjacent parcel of land, with an indicative capacity of 205 dwellings.
- 10.8 The proposal is in conflict with the provisions of the development plan in relation to market housing in the countryside. It is acknowledged that the site lies adjacent to the settlement boundary and the applicant has raised the fact that planning permission for residential development has been granted on adjacent land to the east. That site is however within the settlement boundary where the principle of development is supported subject to all other material considerations. The Council's five year housing Supply statement (2017) evidences that the Council is presently able to demonstrate a five year supply of land for housing therefore it is considered that paragraph 11d of the NPPF is not engaged. Paragraph 78 of the NPPF states that planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. It is considered that the Council is addressing this through the SALP and that sufficient land is being allocated in Exning to meet its housing needs.
- 10.9 The proposal for three dwellings on land to the rear of No. 2 Saxon Close does not accord with the criteria attached to Policy DM27 in relation to housing in the countryside. The site is not adjacent to and does not front an existing highway. The backland nature of the proposal means that the proposal does not consist of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.
- 10.10 Therefore, the proposal represents unsustainable development and should be rejected unless there are other material considerations weighing in favour of the development that would indicate that a different recommendation is appropriate. The Council is making provision for the sustainable growth of Exning and given the very limited benefits that three additional dwellings would make to the District's housing supply it is considered that significant weight must be attached to the conflict with the development plan.
- 10.11 As stated above, the scope of permission in principle is limited to location, land use and amount of development. Notwithstanding the issues identified in relation to the conflict with the development plan, it is acknowledged that

the site is located in a predominantly residential area and the use of the land to the rear of No.2 Saxon Close for residential purposes would be an appropriate use of the land. The site is of a sufficient size to accommodate three dwellings and subject to satisfactory details being put forward at technical details consent stage, it is considered that future occupiers would enjoy a satisfactory level of amenity space.

- 10.12 A noise assessment would be required at technical details consent stage in order to demonstrate that noise from the A14 could be mitigated against. A noise assessment carried out in respect of the adjacent development (DC/17/1488/OUT) confirmed that the impacts of noise could be made acceptable.
- 10.13 SCC Highways consider the development to be acceptable in principle subject to the proposed access road having a minimum width of 4.5m and parking provision being in accordance with the Suffolk Guidance for Parking. The access details would be agreed at technical details consent stage, however, it is considered that subject to other constraints a satisfactory access to the site could be achieved.
- 10.14 The northern part of the site, through which access to the three dwellings would be obtained, is covered by a tree preservation order. A visit to the site revealed that two significant trees may be affected by access arrangements, one on the site itself and one to the north of the site on part of the communal access road serving the dwellings in Saxon Close. The applicant is not required to submit an Arboricultural Impact Assessment at this stage and this would be a matter that would be dealt with at the technical details consent stage. It is only on the granting of technical details consent that planning permission is granted for the development and if the applicant was unable to demonstrate that the proposal would not adversely affect the protected trees the Council could refuse to grant such consent.
- 10.15 The site is located within Exning Conservation area and lies within an undeveloped area south of Windmill Hill and east of Church Street. The proposal would effectively extend Saxon Close with the proposed dwellings, subject to design and scale, mostly screened by No. 2 Saxon Close. The site is enclosed by existing vegetation and although the Ordnance Survey map indicates that there is a track running along the southern boundary of the site there is little evidence to suggest that there are any direct public views of the site. The Conservation Officer has raised concerns about the development of this 'open area', however, given the lack of public views of the site and the fact that sensitively designed dwellings could preserve the character of the conservation area, it is considered that the proposal could not be rejected on heritage grounds at this stage. The detailed design and scale of the proposed dwellings would be addressed at technical details consent stage.
- 10.16 The County Archaeologist has highlighted that the site lies in an area of high archaeological importance. An archaeological evaluation would therefore be required at technical details consent in order to inform archaeological mitigation requirements for this site.

## **11.0 Conclusion:**



- 11.1 The application site lies outside of the defined settlement boundary for Exning and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal is contrary to adopted planning policies that direct new open-market housing to sites within defined limits of existing settlements and the application does not therefore accord with the development plan.
- 11.2 The application is for permission in principle and the scope of the permission is therefore limited to location, land use and amount of development. It is considered that the use of the land for residential development and the scale of development proposed could be acceptable, however the fact that the site is located outside the settlement boundary weighs heavily against the proposal and outweighs the limited benefits of three additional dwellings.

## **12.0 Recommendation:**

- 12.1 It is recommended that planning permission be **REFUSED** for the following reason:
- 1) The site falls outside of the defined settlement boundary of Exning and is therefore within the countryside where the provision of new housing is strictly controlled. The proposal does not accord with any of the exceptions to such development as set out in Policy DM5 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015). As such, it represents unsustainable development and fails to comply with policy DM5 and the provisions of the National Planning Policy Framework.

## **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=PDWWL9PD07600>