



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/035

WORKING PAPER 1

**Development Control Committee
4 October 2018**

**Planning Application DC/18/1222/OUT –
Land East of 1 Bury Road, Stanningfield**

Date Registered:	19.07.2018	Expiry Date:	13.09.2018 E.O.T
Case Officer:	Charlotte Waugh	Recommendation:	Grant
Parish:	Bradfield Combust with Stanningfield	Ward:	Rougham
Proposal:	Outline Planning Application (all matters reserved) - 9no. dwellings		
Site:	Land East Of 1 Bury Road, Stanningfield		
Applicant:	Trevor Smith		

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 Development Control Committee following consideration by the Delegation Panel and an objection from the Parish Council. The Officer recommendation is one of APPROVAL.

Proposal:

1. The application is submitted in outline form to establish the principle of 9 dwellings on the site, all of which would be affordable.

Site Details:

2. The application site is located on the northern edge of the village of Stanningfield. Currently with an agricultural use, the field is partially contained by hedging and fronts onto Bury Road. Residential properties adjoin the southern site boundary as well as being positioned opposite. Located outside of the designated Housing Settlement Boundary the site is classed as Countryside for Local Plan purposes.

Planning History:

Reference	Proposal	Status	Received Date	Decision Date
SE/13/0624/OUT	Outline Application - (i) Erection of 9 no. dwellings (ii) provision of new vehicular access	Application Refused	21.05.2013	09.09.2013
DC/16/2784/OUT	Outline Planning Application (Means of Access to be considered) 1 no. detached dwelling and garage	Application Refused	20.12.2016	14.02.2017

Consultations:

Parish Council

(Summarised) Object. The site is in the countryside and the application is contrary to policy. The applicant has not demonstrated it would meet a specific and proven need. Without information on this need no judgement can be made on size,

type and mix of housing that would be appropriate.

Public Health And Housing

No objections subject to conditions.

Environment & Transport - Highways

No objections subject to conditions.

Environment Team

Based on the submitted information (Phase 1 Land Contamination Risk Assessment, this Service is satisfied that the risk from contaminated land is low.

Strategy And Enabling Officer, Housing

Support no more than 9 affordable dwellings on the site. There are 32 active people indicating a connection to Bradfield Combust with Stanningfield and adjacent villages of Great Whelnetham, Hawstead and Bradfield St. Clare. A section 106 would be needed to secure 80% affordable rented and 20% affordable home ownership as well as transfer to a registered provider and provisions to ensure the dwellings remain at an affordable price for future eligible households.

County Archaeologist

No objection subject to condition requiring archaeological investigation.

Representations:

Field View Bury Road
Birch Lea 1 Bury Road
Magnolias Bury Road
The Willows Bury Road
The Elms Bury Road

Object
Object
Object
Object
Object

3. The above representations raise the following summarised comments:
- The application in contrary to policy
 - There is no proven local need

- There are no services in the village
- No description of the mix of houses
- Unsympathetic high density layout which threatens landscape
- Not demonstrated that this is the most suitable site
- Would adversely affect village form
- Access would be unsafe
- Would result in an increase in traffic movements
- The site floods. Its development would increase flooding to adjacent properties

Policy:

4. The following policies have been taken into account in the consideration of this application:

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 DM7 Sustainable Design and Construction
- 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
- Policy DM29 Rural Housing Exception sites in St. Edmundsbury

St Edmundsbury Core Strategy (December 2010):

- Policy CS1 St Edmundsbury Spatial Strategy
- Policy CS2 Sustainable Development
- Policy CS3 Design and Local Distinctiveness
- Policy CS5 Affordable Housing
- Policy CS13 Rural Areas

Rural Vision 2013 (September 2014):

- Policy RV1 Presumption in Favour of Sustainable Development

Other Planning Policy/Guidance:

5. National Planning Policy Framework (2018)
6. Planning Practice Guidance

Officer Comment:

The Revised National Planning Policy Framework (NPPF)

7. The 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. The key development plan policies in this case are policies DM2, DM5 and DM29 of the Joint Development Management Policies Document (February 2015) and policies CS2, CS3, CS5 and CS13 of the St Edmundsbury Core Strategy (December 2010).
8. Policy CS13 relates to the rural areas within the Borough and states that development outside the settlements defined in Policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside. Policy DM5 states that areas designated as countryside will be protected from unsustainable development and sets out the circumstances where new or extended buildings will be permitted. In terms of housing policy DM5 supports the principle of affordable housing, dwellings for key agricultural, forestry or equine workers, small scale development in accordance with policy DM27, and the replacement of existing dwellings on a one-for-one basis. These policies are considered to be consistent with paragraphs 77 to 79 of the revised NPPF in respect of rural housing. Planning policies should identify opportunities for villages to grow and thrive. Paragraph 77 supports rural exception sites to provide affordable housing to meet local needs. As such policies CS5, CS13, DM5 and DM29 can be afforded significant weight.
9. Policy CS2 seeks to ensure that a high quality, sustainable environment is achieved and requires, inter alia, the conservation and enhancement of the character and quality of local landscapes and the wider countryside in a way that recognises and protects the fragility of these resources. Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address, inter alia, consideration of protection of the landscape and natural environment and an understanding of the local context and an indication of how the proposal will enhance the area. Policy DM2 states that proposals for all development should (as appropriate) recognise and address the key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area. These policies are considered to be consistent with paragraphs 127 and 170 of the NPPF. Paragraph 127 states that decisions should ensure the developments are sympathetic to local character including the landscape setting, and

paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside. As such policies CS2, CS3 and DM2 can be afforded significant weight.

Legislative context for outline applications

10. This application is for outline planning permission. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
11. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
 - Access
 - Appearance
 - Landscaping
 - Layout
 - Scale
12. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed. In this case, an indicative site layout has been provided. All matters however, are reserved.

Principle of development

13. DM5 seeks to protect the countryside from unsustainable development and provides a list of new or extended buildings which are permitted in this location including affordable housing for local needs in accordance with other policies. The key other policies are DM29 and CS5.
14. DM29 allows affordable housing exception sites outside but adjoining a Housing Settlement Boundary provided that:
 - a. the development will meet or assist in meeting a proven and specific need for affordable housing in the locality which could not otherwise be met;*
 - b. the development is on the edge of a Key Service Centre, Local Service Centre, or Infill Village and is well related to existing community services and facilities and sympathetic to the form and character of the settlement;*
 - c. the site is the most suitable to meet the identified need and, in particular, the need could not be met on any site which would better meet criterion b.;*

d. the development will not negatively impact on biodiversity, geodiversity or the surrounding landscape character. Any unavoidable harm to the natural environment will be adequately mitigated; and

e. secure arrangements are made to ensure that initial and subsequent occupation of the dwellings can be restricted to those having an identified local need for affordable housing through the use of appropriate safeguards, including conditions or legal obligations.

15. In this case, Strategic Housing have confirmed that there is a specific need in the area for affordable housing and are able to support the application on this basis. The site adjoins the Housing Settlement Boundary for Stanningfield which is classified as an infill village. The site is close to the centre of the village, albeit the range of facilities is limited, as expected for an infill village. Whilst other potential sites in the village have not been discounted in this application, there is not an alternative site within the Housing Settlement Boundary and therefore, those on the edge of the village are comparable to this one. In terms of landscape character this will be considered further below but it is considered that an acceptable scheme can be achieved in order to meet this element. A section 106 legal agreement will be secured to ensure the dwellings are affordable and remain as such, which is further discussed below.

16. Whilst slightly unusual to receive an application for an exception site in outline form, there is no reason why it should not or cannot be determined. As such, the application proposal, albeit limited in detail, meets one of the exceptional circumstances set out in policy DM5, the criteria provided in DM29 and paragraph 79 of the NPPF and is acceptable in principle.

Loss of Agricultural Land

17. The site comprises grade 2 agricultural land and while Development Management policies are silent on this loss for housing the NPPF should be given material weight here. Paragraph 170 states that planning policies should contribute to and enhance the natural and local environment, by *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.* In this case, the loss of best and most versatile land must be balanced against the benefits brought through the development of affordable housing. The site itself measures 0.4 hectares and is partially enclosed, albeit well linked to surrounding fields. Residential development would remove this field, which is considered best and most versatile land, from agricultural use. Whilst this is certainly a loss which weighs against the proposal, its replacement with dwellings to accommodate local people is clearly necessary given that 32 people are currently waiting for accommodation and specify a local connection. In this case, given the modest size of the

site and the clear local need for affordable housing, the balance is considered to weigh in favour of the development.

Design/Visual Impact

18. Policy CS3 requires new development to create and contribute to a high quality, safe and sustainable environment. Proposals will be expected to address an understanding of the local context and demonstrate how it would enhance an area.
19. The development site cannot be considered isolated given that it sits adjacent to and opposite existing dwellings, in fact, its development would finish in line with residential development on the opposite side of the road. However, erection of built form in this location would result in an encroachment into the countryside and would have an intrinsic adverse impact on the landscape character of this area. An existing hedge would help to assimilate the development into the landscape but will not screen it from public views and as a consequence there will be harm arising to the character and appearance of the area that must be considered to weigh against the scheme. This harm has to be balanced against the benefits of the scheme, which comprise the creation of 9 dwellings specifically for those in affordable need, in response to an identified local need, and is therefore a factor which weighs very heavily in favour of this scheme.
20. It is considered that an acceptable scheme can conceivably be designed for the site which takes into consideration its rural position and as such it is accepted that the proposal can be delivered with minimum harm to the character and appearance of the area including further landscaping if necessary. At this point the Registered Provider will also be aware of the local need and therefore, the size and mix of dwellings needed will be available. Whilst objections have been received in this regard, they largely refer to the indicative scheme submitted which carries no weight in the consideration of this application, but which nonetheless offers sufficient comfort that a suitable scheme can be delivered.

Impact on Neighbouring Amenity

21. DM2 seeks to protect residential amenity and will be a key consideration at reserved matters stage. As the application is outline only no details are provided in respect of layout and design and consequently not therefore of window positions and roof heights. Furthermore, no landscaping details are included which could assist in screening the development from neighbouring occupants. However, with the limited details provided it is considered that development can be achieved without having a detrimental impact on the residential amenity of adjoining properties, and that nine dwellings can also be provided satisfactorily within the site without any adverse effects upon each other.

Impact on Highway Safety

22. The Highway Authority have not raised any objection to the scheme subject to a number of conditions. However, given that the application reserves access for later consideration these issues would be dealt with at that time, although they provide a useful indication of the work required in the future. A plan submitted with the previous appeal on this site confirmed that sufficient visibility was available to serve an access and as such, it is considered that safe access is achievable.

Other Issues

23. The site is partially surrounded by trees and hedging and given that the application is submitted entirely in outline form it is assumed at present that these will remain. No records of protected species are found on the site and as the reserved matters application will allow full consideration of the proposal ecology information will be required at this point. It is not considered that biodiversity issues will arise in the future on the site which cannot be mitigated.

24. As described within CS5 a Section 106 agreement is generally necessary to secure the future use and occupancy of affordable dwellings. In this case, the applicant is willing to enter into this agreement. This will ensure that the dwellings are transferred to a Registered Provider and will comprise 80% at affordable rent and 20% affordable sale as well as retaining this arrangement for the future. Concerns have been raised by the local community about the occupancy of the dwellings and this legal agreement will ensure that the Local Authority retains control. This is particularly important in this case, given that the principle of development here is acceptable only as an exception to policy and in a location where market housing would not be supported. It is possible to specify in this agreement the local connection needed for occupancy and this will ensure that those in the village with a genuine need will be offered the dwellings in the first instance.

Conclusion:

25. Officers are satisfied that the principle of development complies with local and national planning policy and represents a suitable exception to the otherwise stricter control of residential development in the Countryside. It is considered that a scheme with an acceptable layout and access, impact on the landscape and residential amenity is achievable on the site and can be promoted by a registered provider to achieve 100% affordable housing.

Recommendation:

26. Outline planning permission be **APPROVED** subject to the following conditions and the receipt of a completed Section 106 agreement:

1. Time limit
2. Submission of reserved matters
3. Archaeological investigation
4. Post investigation report
5. Limit to hours of construction works
6. Water efficiency

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=PAV7M7PDH2I00>