



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/19/025

Development Control Committee 28 March 2019

Planning Application DC/18/2395/FUL – Sheldon, 2 Stoney Lane, Barrow

Date Registered: 14.12.2018 **Expiry Date:** 08.02.2019 – EOT
02.04.2019

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

Parish: Barrow Cum Denham **Ward:** Barrow

Proposal: Planning Application - (i) 1no. dwelling with detached garages for new and existing dwellings (ii) Creation of vehicular access (Previous application DC/16/0001/FUL)

Site: Sheldon, 2 Stoney Lane, Barrow

Applicant: Mr & Mrs C.W. 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.

The application was presented at Delegation Panel due to the Parish Council objecting to the proposed development and concerns raised by the Local Ward Member, Councillor Ian Holder (Barrow).

Proposal:

1. Planning permission is sought for construction of a two storey, detached dwelling and detached garage. In addition, permission is sought for the erection of a detached garage for the existing dwelling, no. 2 and a vehicular access to serve the proposed dwelling.
2. The proposed development is a re-submission of planning permission DC/16/0001/FUL.

Site Details:

3. The application site which is land to the east of 2 Stoney Lane is partially situated within the Housing Settlement Boundary of Barrow, with the majority of the site within the Countryside of Barrow. The existing residential curtilage has been extended, through change of use from agricultural land to garden land. The site is set at a high ground level in comparison with Stoney Lane and is screened by an extensive hedge which exceeds 2metres in height.

Planning History:

Reference	Proposal	Status	Decision Date
DC/15/2597/CLP	Application for Lawful Development Certificate for Proposed Use or Development - (i) Formation of new vehicular access onto unclassified road and creation of associated driveway and (ii) detached garage as amended by plans received 11th February 2016	Application Granted	17.02.2016
DC/16/0001/FUL	Planning Application - (i) Detached two storey dwelling with detached garages for new and existing dwelling (ii) Creation of vehicular access	Application Granted	24.03.2016
DC/17/0754/FUL	Planning Application - 5 no. dwellings with associated access, garaging and car parking	Application Refused	13.09.2017

Consultations:

4. Public Health and Housing: No objection, recommend condition.
5. Environment and Transport – Highways: No objection, subject to conditions.
6. Environment Team: No objection, recommend condition.
7. Rights Of Way Support Officer SCC: No objection.
8. Ramblers Association: No comments received.

Representations:

9. Barrow Parish Council: The following summarised objection has been received from the Parish Council:

- Introduction and Site Assessment - the design and access statement refers to the existing dwelling being of a two storey nature, when we believe it is of a single storey nature. This is an important factor as the proposed dwelling is 9.3metres in height. Whilst no. 1 Stoney Lane is a two storey dwelling, it is a dormer bungalow and the overall height is less than a conventional two storey dwelling.

- Development Plan Policy Context - the design and access statement refers to the site being 'predominantly' within the defined Settlement Boundary. Vision 2031 only supports growth within defined Settlement Boundaries. The proposed dwelling, positioned in an elevated position, some 2 or 3metres higher than properties along Stoney Lane would be totally inappropriate in this rural country lane.

- Layout and Location - we object to the statement that the proposed dwelling can be located without any substantial impacts upon the local residents and character of the area. Substantial impact on street scene as a result. We do not agree that the existing mature landscape will hide this substantial two storey dwelling over 9metres high. Also what is preventing someone removing mature landscaping?

- Scale and Development - it will comprise existing neighbouring properties. It will not provide a positive visual enhancement. There is no comparison in the proposed two storey dwelling to any other dwellings in the area. We do not agree that the existing dwelling will make the proposed dwelling subordinate and secondary in the wider street scene.

- Landscaping - any trees and mature hedging of no particular interest can be removed in the future.

- Visual Appearance - soft red brick wall is not in keeping with the area.

- Access - proposed access is totally inappropriate on a narrow country lane.

10. Neighbours: No representations received.

11. Ward Member: Following the concerns from the Parish Council, the application should be considered at Development Control Committee.

Policy:

12. The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

- 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 DM7 Sustainable Design and Construction
- Policy DM13 Landscape Features
- Policy DM22 Residential Design
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
- Policy DM46 Parking Standards
- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries
- Vision Policy RV10 - Barrow

Other Planning Policy:

- National Planning Policy Framework (2019)
- The NPPF was revised in February 2019 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 Policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently

aligned with the provisions of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity and Character of the Area
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Other Matters

Principle of Development

13. The application site is partially outside the settlement boundary, on land designated as countryside. Policy DM5 Joint Development Management Policies Document 2015 stresses the need to protect such locations from unsustainable development and recognises that some new development in the countryside is important to support the rural economy and meet local housing needs. Within settlement boundaries the principle of new residential development is acceptable, subject to all relevant policy and material considerations being satisfied.

14. The application comprises the proposed dwelling and vehicular access within the limits of the settlement boundary, with the associated garaging and amenity for the new dwelling being located outside the settlement boundary. However, this land is already associated with an existing dwelling and as such similar development could take place as permitted development.

15. It is considered that provided that the dwelling is constructed within the settlement boundary, there would be only a limited degree of policy conflict in terms of the principle of the development, which would attract only limited weight against the proposal in the planning balance and on this basis the proposal is considered satisfactory. Also material in considering this proposal is the fact that there is an extant permission for an identical development that could otherwise be implemented if required. The local policy context is identical, with only the 2019 NPPF constituting any material change.

Impact on Visual Amenity and Character of the Area

16. Policy DM2 requires that proposals for new development recognise and address the key features, characteristics and special qualities of the area and maintain or create a sense of place and local character. Proposals should not adversely impact significant street patterns or open spaces, and not site development in such a way that it would adversely affect the amenity of areas. Development should respect the character, scale, density and massing of the locality.

17. 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.

18. The application site contains a number of trees and substantial hedging along Stoney Lane which make a positive contribution to the setting of the village. The proposal would lead to an additional dwelling in this area, which would have something of an urbanising effect. This impact would however be limited by the location of the proposal between existing built development and by the existing screening in place which is to be retained.
19. The proposed dwelling is of a two storey nature, as to match the scale and form of many properties along the street. Whilst no. 2 Stoney Lane is of a single storey nature and the proposed dwelling is of a two storey nature, the properties along Stoney Lane vary in design and appearance; therefore it is not considered that the proposed dwelling would be out of keeping with the character of the area. This conclusion is reached, noting also the levels changes and the raised nature of the site relative to the road.
20. The proposed development includes the erection of a detached double garage to serve the new dwelling and the existing dwelling no. 2. It is of a traditional design and is to be constructed from materials as to match the proposed dwelling. Therefore, it is considered that the proposed garage is of an appropriate design, scale and form as to respect the character of the dwelling and the wider area.
21. The proposed dwelling would sit at the end of a row of existing development and it is considered that a single dwelling could be accommodated without significant harm to the street scene or wider visual amenity.

Impact on Neighbour Amenity

22. There is sufficient space within the site to achieve a reasonable level of outdoor amenity space to serve a modest residential dwelling. The residential amenity of no. 2 will not be comprised to its detriment. There is 1 no. window proposed in the side elevation, at first floor level facing no. 2, which is of a modest scale and has a separation distance to the boundary of 5.2 metres. It is also considered that the site can accommodate the proposed dwelling in this location without any significant adverse effects on neighbouring residential amenity in terms of being overbearing or introducing any unacceptable overlooking, given its scale, relationship with no. 2 and from the implemented boundary treatments proposed.

Impact on Highway Safety

23. The proposed dwelling is to be served by a new access. Suffolk County Highway Authority considers that the proposed access will provide sufficient visibility and will not surplus the current situation to lead to an adverse impact on highway safety subject to conditions (outlined in recommendation). Furthermore, sufficient on-site parking is to be provided as to accord with Suffolk Parking Standards.

Other Matters

24. When assessed using the biodiversity standing advice the use of the land at present as domestic garden land allows a consideration that the ecological impacts arising will be satisfactory. It can also reasonably be concluded that the effect upon trees in and surrounding the site can be considered acceptable.
25. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
26. Policy DM7 states (inter alia) 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 no water fittings exceeds the values set out in table 1 of policy DM7.

Conclusion:

27. The proposed dwelling would be within the development envelope for Barrow where the principle of new residential development is accepted. It is considered that there would be no adverse effects on visual amenity, residential amenity or highway safety. The fact that the amenity space and garaging would be located outside the development envelope does introduce a slight degree of policy conflict. However, it is considered that in the context and noting that the garden area is already used lawfully for such purposes at present, this does not weigh so heavily against the proposal in the planning balance to warrant the refusal of the application on this ground.

Recommendation:

28. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
(-)	Location Plan	28.11.2018
CS-002	Block Plan	28.11.2018
CS-003	Roof Plans	28.11.2018
CS-004	Proposed Elevations & Floor Plans	28.11.2018

CS-005	Garage Plans & Elevations	28.11.2018
CS-DP-100	Drainage Plans	28.11.2018
SK001 REV C	Engineering Layout	28.11.2018
SK002 REV B	Road Details	28.11.2018
(-)	Existing Layout	28.11.2018
(-)	Design and Access Statement	28.11.2018
(-)	Land Contamination Questionnaire	28.11.2018
(-)	Land Contamination Assessment	13.12.2018
(-)	Application form	28.11.2018

- 3 No development above slab level shall take place until samples of the facing and roofing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. CS-002; and with an entrance width of 11metres at the boundary of the carriageway and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

- 5 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first 5metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

- 6 The access driveway shall be constructed at a gradient not steeper than 1 in 8.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

- 7 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy

Policies.

- 8 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. CS-002 for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 Before the access is first used, the visibility splay in the north westerly direction shall be provided as shown on Drawing No. CS-002 with an X dimension of 2.4m and a Y dimension of 43m and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the access have sufficient visibility to enter the public highway safely and vehicles on the public highway have sufficient warning of a vehicle emerging to take avoiding action in the interests of road safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 11 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of

sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 12 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

- 13 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

12.0 Documents:

- 12.1 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=PIV3LXPDKJE00>