

Development Control Committee **5 June 2019**

Planning Application DC/19/0258/OUT – Land SW of The Bull, The Street, Troston

Date Registered: 25.02.2019 **Expiry Date:** 22.04.2019

Case Officer: Britta Heidecke **Recommendation:** Refuse Application

Parish: Troston **Ward:** Pakenham & Troston

Proposal: Outline Planning Application (Means of Access to be considered) - 4no. dwellings with garaging and creation of new vehicular access

Site: Land SW of The Bull, The Street, Troston

Applicant: Mr S Burgess

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 referred to Development Control Committee following consideration by the Delegation Panel. Troston Parish Council support the application and the recommendation is for REFUSAL.

1. Outline planning permission was granted for 8 dwellings on the existing playing field at the time (DC/14/0507/OUT) and replacement public open space (POS) was granted at the same time under DC/14/0470/FUL. The application is surrounded by this replacement POS on three sides.

Proposal:

2. The application seeks outline permission for four market dwellings with garaging on land south-west of The Bull, The Street, Troston with means of access to be considered.
3. As this is an outline application, details of appearance, landscaping, layout and scale (the reserved matters) have not been provided.
4. An indicative plan which illustrates four dwellings, a pair of 1 ½ storey cottages and two detached single storey bungalows showing two options to link the development with the existing footpaths have been submitted in support of the application.

Application Supporting Material:

5.
 - Location plan
 - Site plan
 - Biodiversity checklist
 - Land contamination assessment
 - Planning statement
 - Ecology phase 1 survey (upon request)
 - Indicative site layout a / b
 - Amended site layout plan with access details

Site Details:

6. The application site comprises of part- of an agricultural field approx. 0.36ha in size, whilst the remainder of the field has changed use to public open space. The site therefore is bound on three sides by public open space/ playing field and Livermere Street to the North-West.
7. North of the site are three residential properties fronting; Smithies Cottage turning its back to the village edge with its rear garden being the settlement boundary and Farriers Lodge and Fleetwood fronting the road.
8. The replacement POS and application site are outside of but adjacent the settlement boundary.

Planning History:

9.

Reference	Proposal	Status	Decision Date
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DC/14/0470/FUL	Planning Application - Change of use of Agricultural land to Amenity/ Recreational village use (Resubmission of SE/13/0820/FUL) as amended by revised plans received on 11th September 2014 reducing the overall extent of proposed amenity space and as further amended by revised plan received on 4th June 2015 to include the provision of a new access and car parking area from Livermere Road	GRANT	04.09.2015
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s106 signed on
4.09.15 - linked
with
DC/14/0507/OUT
and
DC/14/0474/FUL

Consultations:

10. Environment & Transport – Highways:

15.03.2019: *'Whilst acceptable in principle, further consideration of pedestrian access to the site is required. There is a footway on the northern side of Livermere Road and the proposed development should evidence how future residents would be able to access it. An area of footway along the frontage of the site to a point opposite the existing footway would satisfy the Highway Authority that the proposal would meet the requirements of the NPPF and provide a safe access for all users.'*

09.05.2019: no objections subject to conditions

11. Public Health And Housing: No objection subject to conditions.

12. Natural England: Has no comments to make on this application.

13. RSPB Eastern England Regional Office: No comments received.

14. Ward Councillor: No comments received.

15. Environment Team: No objection subject to conditions.

Representations:

16. Parish Council:

'Four Dwellings Troston Playing Field/ Troston Parish Council notes that the above planning application is outside the current village settlement boundary. In principal, we oppose any such developments on the basis that they are encroaching on the countryside surrounding the village and therefore causing harm to the setting of the village and the local environment.

On this occasion, however, we support the application for the following reasons:

It is not actually encroaching on the countryside surrounding the village. The site is located on the edge of the development boundary and within a closely knit cluster of existing dwellings close to the road. The proposed homes are on an area originally allocated for a playing field but only part of which is now used for recreational purposes.

The development proposed, if outline planning permission is granted, would add character to the entrance of the village. The scale of the development seems commensurate with the size of an infill plot. That said, the Parish Council remains concerned that this development outside of the village boundary might be used to set an unwelcome precedent for other unsuitable developments on the edge of Troston. Although appreciating the intentions of the latest NPPF, if such applications are forthcoming, we would be minded to oppose them on the basis of the planning criteria laid down in St Edmundsbury's Rural Vision 2031 policy document, not least that Troston is designated as a village for infill development only.'

Policy:

17. On 1 April 2019 a new, single Authority; West Suffolk Council was created. The pre-existing development plans are carried forward by regulation (Local Government (Boundary Changes) Regulations 2018) and remain appropriate to the determination of applications by West Suffolk Council.
18. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
19. 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:
 - Vision Policy RV1 - Presumption in favour of Sustainable Development
 - Vision Policy RV3 - Housing settlement boundaries
 - Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
 - Core Strategy Policy CS2 - Sustainable Development
 - Core Strategy Policy CS4 - Settlement Hierarchy and Identity
 - Core Strategy Policy CS13 - Rural Areas
 - 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 DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM37 Public Realm Improvements
- Policy DM46 Parking Standards

Other Planning Policy:

20. The National Planning Policy Framework (NPPF/the Framework) was revised in July 2018 and again 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 key development plan policies in this case are CS1, CS4, CS13, RV1 and RV3 and DM5.

Planning Policy Evaluation:

21. Policy CS1, CS4 and CS13 of the Core Strategy seek to direct development to suitable, sustainable locations with easy access to local services and facilities. These are aims that are consistent with Paragraphs 78 and 79 of the Framework.

Policy CS13 of the Core Strategy does not prevent development outside settlements defined in Policy CS4, but states that it will be strictly controlled. It goes on to state that '*Policies in the Development Management DPD and Rural Site Allocations DPD will set out detailed uses which are appropriate in rural areas*'. The Joint Development Management Policies have since been adopted and policy DM5 concerns development in the countryside.

22. Policy DM5 provides a balanced approach to rural housing that is broadly consistent with the aims of the NPPF to prevent isolated development in the countryside and identify opportunities for villages to grow. It is noted that policy DM5 is inconsistent with the provisions of para 79 of the 2019 NPPF in that it would not generally permit the subdivision of existing residential dwellings in the countryside. However, this is not relevant for the consideration of this proposal, which is for a new dwelling.

23. 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.

24. Paragraphs 77-79 of the NPPF discuss rural housing matters similar to this policy, in that the 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 the development of isolated homes in the countryside except in exceptional circumstances as outlined in paragraph 79 of the NPPF.

25. Paragraph 79 of the NPPF does however not imply that a dwelling has to be isolated for a restrictive policy, such as Policy DM5 and DM27, to apply. There may be other circumstances, such as the evidenced based requirements of a development plan, which would suggest development in the countryside should be avoided.

26. Given the consistency between the points raised in the local policy and these paragraphs of the NPPF, officers are satisfied that there is no material conflict between Policies DM5 and DM27 and the provisions of the NPPF, such that it is considered that full weight can be given to policies DM5 and DM27 in this case.

Officer Comment:

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

- Principle of Development
- Impact on character and appearance of the area
- Amenity
- Ecology
- Highways matters
- Other matters
- Planning balance

Principle

28. Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

29. Core Strategy Policy CS1 sets out the Council's spatial strategy. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015). The application site lies outside of the any defined settlement boundary, and is therefore situated in the countryside for the purposes of interpreting planning policy.

30. Core Strategy Policy CS4 identifies Troston as an Infill Village. The supporting text at 4.58 of the Core Strategy clarifies that '*Villages that only have a limited range of services and less than Local Service Centres, are designated Infill Villages. In these villages, only infill development comprising single dwellings or small groups of five homes or less within the designated housing settlement boundary would be permitted. This would be dependent on other environmental and infrastructure constraints.*'

31. The NPPF is a 'material consideration'. The revised NPPF was published on 24 July 2018 and was revised again on 19 February 2019. This does not alter the primacy of the development plan, but remains a significant material consideration in the determination of planning applications. As paragraph 12 states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Five Year Supply of Housing

32. On 1st April 2019 West Suffolk Council was created. A joint five year housing land supply report (5YHLS) for West Suffolk taking a baseline date of 31 March 2018 was published on 2nd April 2019. This confirms that the new single council can demonstrate a 6.3 year supply of housing land. The report is accompanied by detailed evidence set out in 7 appendices which support the delivery of sites over the period 2018 to 2023. Alongside this report is the West Suffolk Housing Delivery study prepared by consultants Turleys. This report reviews past and current rates of housing delivery and determinants of demand and makes recommendations to accelerate housing delivery across West Suffolk. The report sits alongside the 5YHLS as it provides evidence to support the benchmarks and assumptions used in it.

33. Troston is categorised as an infill village for the purposes of the Spatial Strategy set out in Policy CS1 and CS4. The proposal being outside of the settlement boundary does not fall within the scope of these policies.

34. Policy DM5 sets out forms of development that will be permitted in the countryside (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings). The proposal does not fall within any of these categories and, therefore, would be contrary to Policy DM5.

35. There are a small number of dwellings just north of the site and POS lies to the west, south and east. Policy DM27 permits small-scale development of a small undeveloped plot in the countryside provided it accords with the criteria set out within the policy.

36. Policy DM27 states that such housing should be within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway and the scale of development should consist of infilling a small undeveloped plot by a dwelling commensurate with the scale and character of existing dwellings within an otherwise continuous built-up frontage. The policy clarifies that plot sizes and spacing between dwellings should be similar to adjacent properties and that permission will not be granted for proposals that harm a visually important gap or have an adverse effect on the environment.

37. The proposal is for four dwellings and the site is clearly not a small infill site within a closely knit cluster. There is also not a continuous built-up frontage

along Livermere Road. The site is outside the built up edge of the settlement, therefore protruding further into the open countryside.

38. There are no exceptional circumstances or material considerations in this case which indicate the planning application should be determined other than in accordance with the Development Plan. Based on the above the proposed development is contrary to policies CS1, CS4, CS13, RV1 and RV3, DM5 and DM27 and as such is not acceptable as a matter of principle.
39. Moreover, the services and facilities provided within the infill village are very limited. The distances and road conditions to local facilities and services beyond the village boundaries are such that sustainable modes of transport such as walking and cycling would not particularly be encouraged. Therefore, occupiers of the proposed dwellings are most likely to frequently rely on the private car to access services and facilities which has negative environmental and social effects. Therefore the proposal would not accord with policy DM2 (k) and the aims of the NPPF.

Impact on character and appearance of the area

40. The planning statement suggests that the application site, whilst outside of the settlement boundary it is not outside of the village and would not represent an intrusion into the open countryside. Paragraph 18 of the planning statement asserts '*The new entrance to the playing field (to the west of the site) and the western boundaries of the rear gardens of properties in Paddock Way (to the north) define the physical edge of the village.*'
41. Officers disagree with this assessment as the built up edge of the village on the southern side of Livermere Road begins at Smithies Cottage. The road side is lined by mature trees on the northern side of the road and a hedgerow on the southern, application site side, providing a verdant and leafy character to the entrance to the village. Moreover, the development on the northern side of Livermere Road is significantly set back from Livermere Road, relating more to Paddock Way.
42. The new access would require the removal of a section hedge; approx. 18 metres will be lost. The land itself at present is agricultural and undeveloped. Regardless of the proposals design, layout and scale, it would result in some inherent urbanisation. It would erode the existing verdant and undeveloped character and as such encroach into the countryside.
43. On the other hand, the proposal would occupy a parcel of land which is now surrounded by POS and would not likely be suitable for modern agriculture due to its limited size. Landscaping could be secured at the reserved matters stage to soften the boundaries of the site and integrate it within the verdant and leafy character of the entrance to the village. Only limited weight will therefore be attached in the planning balance to the harm arising to character and appearance of the area.

Amenity

44. The proposal is for outline consent and as such details of the siting, scale and design of the dwellings have not been submitted as part of this application. On the basis of the indicative site plans however, it is considered that the site is of a suitable size to accommodate four dwellings without causing unacceptable

impacts to neighbour amenity. The impact upon neighbour amenity would be fully assessed at Reserved Matters stage when full details of scale, design, siting would be considered and window positions are known.

Ecology

45. The application was submitted with an Ecology phase 1 report. This suggests that the diversity of habitats found on the site is thought to be sub-optimal for supporting protected species. The hedgerow was assessed against the ecological criteria for Important Hedgerows under the Hedgerow Regulations. The report concluded that the hedgerow did not meet the criteria of the Hedgerow Regulations as Important Hedgerows; approximately 18 metres of Hedgerow will be lost but compensated through the planting of a new native hedgerow.
46. There was no evidence to suggest that protected species are present on the site. There were negligible features suitable for bats. The hedgerow offers commuting potential and the suitability of the hedgerow and trees to support nesting birds was noted.
47. The report sets out mitigation and enhancement measures; a bat friendly lighting scheme can be secured by condition. Subject to implementation in accordance with these details the proposal is considered to comply with policy DM11 and DM12 of the Joint Development Management Policies Document..

Highways matters

48. The proposed new access is within the 30 miles per hour zone and would be constructed to the relevant Highway Authority standard. The proposed access can achieve visibility splays of 2.4m x 43m in each direction.
49. The Highway Authority confirmed that the *'access is acceptable in principle, further consideration of pedestrian access to the site is required. There is a footway on the northern side of Livermere Road and the proposed development should evidence how future residents would be able to access it. An area of footway along the frontage of the site to a point opposite the existing footway would satisfy the Highway Authority that the proposal would meet the requirements of the NPPF and provide a safe access for all users.'*
50. Since the Delegation Panel meeting and in response to the Highways comments an amended indicative site plan with access details including a safe pedestrian access linking with the existing footpath and a bin presentation area has been submitted. The Highways Authority has raised no objection to these details subject to standard conditions.
51. Parking requirements will depend on the scale of the dwellings proposed and would be determined at reserved matters stage. However, the indicative layout shows that four dwellings with off street parking and garaging can be achieved. The proposal therefore is considered to be acceptable with regards to highways safety, in accordance with the requirement of policy DM2(I) and DM46.

Other matters

- 52.Air Quality: Section 3.4.2 of the Suffolk Guidance for Parking states that "Access to charging points should be made available in every residential dwelling." Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport. The NPPF at para 105 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 110 (d) states 'Within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' On this basis a condition should be attached to any consent to secure a vehicle charging point for the new dwellings.
- 53.Sustainable Construction: 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. However, a condition can 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.

Planning balance

- 54.In terms of the planning balance West Suffolk Council can demonstrate a 5 year supply of deliverable housing and the relevant development plan policies are considered to be broadly consistent with the NPPF. Full weight can therefore be attached to these policies. The proposal is contrary to the development plan policies in relation to housing in the countryside. There are no material considerations to indicate that the proposal should be assessed other than in accordance with the development plan and as such is unacceptable in principle.
- 55.The proposed development would therefore not be in a suitable location when considering the policies concerned with housing in rural areas. As such, it would significantly and harmfully undermine the adopted spatial strategy for rural housing in the development plan and the consistency and relative certainty that should flow from a plan led approach to the location of new development.
- 56.Harm will also arise from the removal of a section of hedgerow and some inherent urbanisation and encroachment into the countryside will result which in turn will erode the currently verdant and undeveloped character of the area. This could to an extent be mitigated by suitable replacement soft landscaping under the reserved matters. Therefore only limited weight will be attached to this harm.
- 57.Overall the conflict with policy and harm arising from the proposed development of a site within the countryside are considered to outweigh any benefit arising from the limited social and economic benefits such as the contribution to the housing supply, construction period and additional local spend.

Conclusion:

- 58.In conclusion, as set out above, the principle of the development is considered to be unacceptable and fails to comply with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. The site falls outside the settlement boundary of Troston which is defined as an Infill Village under Core Strategy Policy CS4. Policy RV3 of the Rural Vision 2031 states that residential development will be permitted within housing settlement boundaries where it is not contrary to other policies in the plan. There are exceptions to allow for housing development in the countryside as set out under DM5, DM26, DM27 and DM29 (affordable, rural workers dwellings, replacement dwellings and infill where there is a cluster of 10 or more existing dwellings), but this proposal does not satisfy any of these exceptions. The site is also not allocated for residential development in the Local Plan. West Suffolk can demonstrate a five year housing land supply and therefore the development plan can be considered up to date. The proposals therefore fail to comply with policy RV3 of the Rural Vision 2031, Core Strategy policy CS1 and CS4, Policies DM5 and DM27 of the Joint Development Management Policies Local Plan and the 2019 NPPF, particularly paragraphs 11, 77 and 79 and is considered unacceptable as a matter of principle. Moreover the proposal would encroach into the countryside and be harmful to the verdant and undeveloped village edge, contrary to policy DM2. The limited social and economic benefits from the provision of four market houses is considered to significantly and demonstrably be outweighed by the proposal harmfully undermining the adopted spatial strategy for rural housing in the development plan and harm to the visual amenity of the area.

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=PMRUBCPDLXT00>