

Development Control Committee 3 February 2021

Planning Application DC/20/1898/OUT Plot 1, Landmark, Coltsfoot Green, Wickhambrook

Date registered: 30 October 2020 **Expiry date:** 25 December 2020
(EoT 8 February 2021)

Case officer: Alice Maguire **Recommendation:** Refuse application

Parish: Wickhambrook **Ward:** Wkepstead and
Wickhambrook

Proposal: Outline planning application (means of access to be considered) -
two dwellings

Site: Plot 1, Landmark, Coltsfoot Green, Wickhambrook

Applicant: Mr David King

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 was considered at Delegation Panel on 12 January 2021. It was agreed the matter should be referred to the Development Control Committee for determination.

The Parish Council have no comments to make on the application which has an officer recommendation of REFUSAL.

Proposal:

1. This application seeks outline planning permission with only the means of access to be considered at this stage, for two detached dwellings. The access is shown at 4.5m wide, reducing to 3m at its narrowest point further into the site. Visibility splay drawings have been provided within the Highways Statement. The indicative plans show two detached dwellings with attached garages and additional driveway space to park in front. A field access is shown to be retained beyond the second dwelling for the existing property 'Landmark'.

Application supporting material:

2.
 - Application form
 - Location Plan
 - Site Layout Plan
 - Planning, Design & Access statement
 - Preliminary Ecological Appraisal & Biodiversity checklist
 - Land contamination assessment & Questionnaire
 - Highways Statement

Site details:

3. The site is located to the rear of 'Landmark' which is a detached bungalow on the edge of a cluster of dwellings known as Coltsfoot Green, outside of the settlement boundary of Wickhambrook and therefore within designated countryside. The edge of the Wickhambrook settlement boundary is approx. 350m to the west. There is a public footpath directly to the north west of the site, which connects Coltsfoot Green to the edge of Wickhambrook.

Planning history:

Reference	Proposal	Status	Decision date
E/98/2602/P	Certificate of Lawful Use or Development - Use of land for grounds maintenance and fencing contracting business and plant growing and sales	Application Refused	11 May 1999
E/98/1283/P	Planning Application - Erection of workshop and storage building (to replace existing	Application Refused	7 April 1998

outbuildings) to be used in connection with existing ground maintenance and general contracting business

Consultations:

5. SCC Highways

No objection subject to conditions to secure access surfacing and position of gates should they be installed.

West Suffolk Environment Team –

Revised comments received 18.01.2021:

Following receipt of further information remove previous objections, subject to a condition requiring additional investigation (as recommended in the study), prior to commencement.

Condition also recommended to secure electric vehicle charging point.

West Suffolk Waste Management Team

no objection – bins will need to be presented at the junction with the main road on collection day.

West Suffolk Public Health & Housing Team

no objection subject to conditions to secure restricted construction hours and external lighting details should they wish to be installed.

Representations:

6. The local Ward Member (Councillor Mary Evans) requested that this application be considered by the Delegation Panel.
7. Wickhambrook Parish Council considered this application at its November meeting and had no comments to make.
8. No other representations have been received.

Policy:

9. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. 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.

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

Joint Development Management Policies Document 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 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 DM27 Housing in the Countryside

Core Strategy 2010:

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS13 - Rural Areas

Rural Vision 2031

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing Settlement Boundaries

Other planning policy:

11. National Planning Policy Framework (NPPF)

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

Officer comment:

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

- Principle of Development
- Brownfield land
- Impact on character of the area
- Highways impacts
- Impact on neighbour amenity
- Ecology impacts
- Contamination

Principle of Development

13. The obligation set out in section 38(6) of the Planning & Compulsory Purchase Act 2004 requires decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. The Framework does not displace this statutory duty and in fact seeks to re-enforce it. However, the policies in the Framework are themselves material considerations which need to be brought into account when determining planning applications. NPPF policies may support a decision in line with the Development Plan or they may provide reasons which 'indicate otherwise'.
14. The site is not within a housing settlement boundary and is within designated countryside. Policies DM5 and DM27 of the Joint Development Management Policies Document seek to protect the countryside against unsustainable development. Policies CS1 and CS4 of the Core Strategy detail where support may be offered to new development within rural areas. RV3 from the Rural Vision Document further states applications for dwellings will generally be supported within housing settlement boundaries, subject to other, relevant planning considerations. Accordingly, consideration must also be given to the other adopted policies and the provisions of the National Planning Policy Framework.
15. Coltsfoot Green is not listed as a key service centre, a local service centre or an infill village. Paragraph 39.4 of the Rural Vision states that any village which is not listed as a key service centre, local service centre or infill village, has very few, or no services and facilities, and so to locate a large amount of further growth in these locations would not be sustainable. Paragraph 38.3 (b) of this document states that Wickhambrook is in close proximity to a cluster of small developments (including Coltsfoot Green) whose individual character should be protected, through separation or through sensitive site specific design.
16. Policies DM5 and DM27 of the Joint Development Management Policies Document 2015 seek to protect the countryside from unsustainable development. Policy DM27 (Housing in the Countryside) states that proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:
 - a) The development is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting an existing highway;
 - b) The scale of development consists of infilling a small undeveloped plot by one or a pair of semi detached dwellings, commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage.

This proposal seeks outline planning permission for two dwellings to be located to the rear of the residential property of Landmark. The proposal is not considered to accord with Policies DM5 and DM27, given that it is for two detached dwellings and that the plot does not front a highway or form an infill within a continuous built up frontage. The site is also not within, but on the edge of a cluster of at least 10 dwellings.

Brownfield land

17. The submitted design and access statement refers to the existing use of the land as being brownfield land. It is understood that the use of the land is currently overgrown grassland, scrub and tall herbs, bounded by trees and hedgerow, with some dilapidated buildings, a small chicken shed and a large shed. The NPPF refers to brownfield land as 'previously developed land': 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' It is difficult to conclude how this site fits this definition. The only structures on the site are the sheds. Other than the chicken shed, no details have been provided about the use of the large shed. The site is largely grassed and overgrown.
18. Even if the site was to be considered as previously developed land, paragraph 118 of the National Planning Policy Framework 2019 states that:
- "Planning policies and decisions should... c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs".
- This paragraph highlights the weight that should be given to the re-use of brownfield sites *within* settlements. The site proposed for development is not within a settlement boundary but within designated countryside.
19. Although the LPA note that there is some small scale, incidental development on the site in the form of dilapidated outbuildings, it is considered that the reference to brownfield land in the NPPF does not apply in this instance noting that the site is outside of any of the LPA's defined settlement boundaries. The proposed development cannot therefore benefit from any significant weight in favour in this regard.

Impact on character of the area

20. Policy DM2 states that proposals for all development should recognise and address the key features and the character of the areas within which they are to be based. Policy DM22 further states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.
21. The proposed dwellings would result in development which stretches out beyond Coltsfoot Close, further into open countryside. Wickhambrook village comprises of a large village, with sporadic development around it based around greens, such as Coltsfoot Green. However, between the village and these hamlets are areas of agricultural land and green space. Extending the built form in this

direction, into open countryside, is considered to be harmful to the rural character of the area and would conflict with adopted policies, particularly DM2 and DM13, which seek to protect the character of the these rural hamlets.

22. The proposed development site is on the periphery of Coltsfoot Green, which is characterised by development surrounding the central green, and a more modern estate of housing to the south, forming Coltsfoot Close. There are no other examples of back-land development like this proposal within the vicinity. This therefore erodes the countryside character by introducing uncharacteristic development into an otherwise rural locality.
23. These concerns result in a proposal which is unable to demonstrate adequate compliance with the requirements of Policies DM2, DM22 and DM27, which all seek to ensure that proposals for residential development create and maintain a sense of place by respecting the areas within which they are proposed. As such, the harm arising from the visual impact upon the character and appearance of this otherwise rural and open area is at a level that the Local Planning Authority considers to be significant and weighs against the proposal.

Highways impacts

24. Policy DM2(k & l) states that proposals for all development should produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.
25. The proposed dwellings would be accessed from Coltsfoot Green, with the access shown on the site layout plan (Drawing No. 20244-02 Rev B). The access would be 4.5 metres wide from the road, narrowing down to 3.0 metres at its narrowest point adjacent to Landmark, then widening back to 4.1 metres near to the front of the proposed dwellings. The 4.5 metre wide crossover entrance is in accordance with the Suffolk County Council Highways Authority requirements. Visibility splays have also been provided with this application, which are considered to be satisfactory to achieve safe access onto the public highway. The site layout plan also indicates that the adjacent existing public right of way will be retained.
26. The Highways Authority have assessed this application and are satisfied that as there is an existing access, a safe access onto the highway can be achieved at this location. They do not object to the application but recommend conditions. They note within their comments that matters such as bin and cycle storage can be addressed in a future reserved matters application. The proposal is therefore considered to comply with DM2 in this regard.
27. Wickhambrook, which is a key service centre, is approx. 350m to the west. Whilst not a huge distance, it is not considered that this rural road without a footway or street lighting represents a desirable route for pedestrians, especially those with children, prams and wheelchairs.

The main part of the village is not therefore considered to be easily accessible from the site for all users which weighs against its sustainability credentials.

Impact on neighbour amenity

28. Policies DM2 and DM22 seek to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.
29. The proposed dwellings would be located to the rear of an existing residential dwelling, Landmark. The rear garden of Joelanda is directly to the south-east of the site, and beyond this is the rear of the properties of 13-15 Coltsfoot Close.
30. The access to the proposed dwellings will run in very close proximity to Landmark. The distance between the side elevation of Landmark and the proposed driveway to serve the new dwellings measures approx. 0.50 metres. Given that this application seeks two dwellings, there would be increased comings and goings to and from the site which would create potential noise and disturbance impacts to Landmark. It is unclear whether there will be any boundary treatment between Landmark and the proposed access track, therefore with windows open on the west elevation, and when occupying the private rear garden, noise and rumbling from vehicles will be apparent to the occupiers of Landmark. In the hours of darkness, there is also the potential for headlights from passing vehicles to illuminate the rear and side elevation (and thus windows) of Landmark, and therefore adversely impacting the existing residential amenity by way of light pollution. The proposal is therefore contrary to Policies DM2 and DM22 of the Joint Development Management Policy Document and weighs against the proposal.

Ecology Impacts

31. Policy DM11 states that development will not be permitted unless suitable and satisfactory measures are in place to reduce the disturbance to protected species and which either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
32. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancements.
33. A biodiversity survey and preliminary ecological appraisal were submitted with this application on 30.10.2020. The report states that the following ecological constraints were identified within the site:

- The site is a low value foraging habitat for bats but may support small numbers of common species which roost in the village locally.
- There is suitable nesting habitat for common and widespread bird species in scrubs/tall herbs, and buildings within the site.
- The site has some limited value for reptiles but may support individual or small numbers of species including slow worm.
- The site supports habitat for hedgehogs.

34. The ecology report goes on to provide mitigation measures, such as the management of external lighting, the time of clearance of vegetation, the installation of nest boxes, the production of a method of working statement, and the inclusion of hedgehog friendly features such as hedgehog tunnels. The report also provides possible opportunities to enhance wildlife potential such as through bird boxes, bat boxes and a hedgehog house.

35. Overall, it is considered that the ecological constraints can be overcome through the mitigation measures and recommendations for enhancement as set out within the ecological report. If planning permission were to be granted, a condition requiring compliance with the measures in this report would be imposed. The proposals in this respect comply with policies DM11 and DM12.

Contamination

36. Following consultation with the Environment Team, an objection was originally raised on the basis that the application did not contain sufficient information on the risk posed by potential contamination at the site. For brownfield sites, a full Phase 1 Desk Study report should be completed and submitted, as the questionnaire and screening report are only valid for existing residential or greenfield sites.

37. The agent submitted a Phase 1 report on 12.01.2021, and the Environment Team were then re-consulted. Further comments from the Environment Team were provided on 18.01.2021. These comments state that the desk study identified a number of potential contaminative sources at the site and a phase II intrusive site investigation is recommended. They however agree with the conclusions and recommendations in the report for intrusive investigations and remove their previous objections subject to conditions.

38. The application is therefore considered to contain sufficient information on the risk posed by potential land contamination at the site is considered to be in accordance with the National Planning Policy Framework (NPPF), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policies Document, in respect of land contamination.

Conclusion:

39. The application proposes two additional dwellings on a site which falls outside any of the LPA's defined settlement boundaries. In order for the LPA to support the principle of development in this instance, the proposal would need to demonstrate that it is able to satisfy the tests

set out within policy DM27. However, the proposal does not comprise the infilling of a small undeveloped plot which fronts onto a highway, is not a single dwelling or pair of semi-detached dwellings and it therefore fails to satisfy policy DM27, and, consequently, policy DM5.

40. The application suggests that weight should be given to the fact that the proposal results in the reuse of a brownfield site. However, this can only be attributed substantial weight if the site was within the settlement boundary which it is not.
41. The proposal seeks to extend the built form beyond the edge of the existing hamlet of Coltsfoot Green, into open countryside. This is considered to be harmful to the rural character of the area and would conflict with adopted policies which seek to protect the character of the landscape. The proposal is therefore considered to be unable to demonstrate adequate compliance with the requirements of Policies DM2, DM22 and DM27, which all seek to ensure that proposals for residential development create and maintain a sense of place by respecting the areas within which they are proposed. As such, the harm arising from the visual impact upon the character and appearance of an otherwise rural and open area is at a level that the Local Planning Authority considers to be significant.
42. The application is also in material conflict with Policies DM2 and DM22 of the Development Plan in relation to impact on residential amenity, given the harm arising by virtue of noise, vibration and light pollution as well as the potential loss of privacy from the additional vehicular movements immediately adjacent to the existing property Landmark. The proposal is therefore considered to be contrary to Policies DM2 and DM22 of the Joint Development Management Policy Document, as well as the requirements of the National Planning Policy Framework, in particular paragraph 127 (f), which refers to residential amenity.
43. There are no other material considerations which outweigh the harm arising from the proposal being contrary to the development plan, its impact on the rural character of the area and its impact on the amenity of Landmark. On this basis the application is recommended for refusal.

Recommendation:

44. It is recommended that planning permission be **REFUSED** for the following reasons:
 1. The 2019 National Planning Policy Framework (NPPF) provides that the planning system should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within the area, whilst policy CS13 reinforces this position and provides that development which is proposed outside of the settlement boundaries identified through policy CS4 will be strictly controlled. Both of these policies seek to resist residential development outside of settlement

boundaries. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the strict circumstances where dwellings will be permitted outside of settlement boundaries. The site falls outside of any designated settlement boundaries, showing two detached dwellings. The plots do not front a highway or form an infill within a continuous built up frontage. The proposal does not therefore meet the provisions of any of these policies and there are no material considerations that outweigh this very significant conflict with the Development Plan.

2. Policies DM2 and DM22 of the Development Management Policies Document and the National Planning Policy Framework attach great importance to good design, expecting new developments to be visually attractive, respond to local character and reinforce local distinctiveness whilst Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement. Owing to its location on the periphery of the hamlet of Coltsfoot Green, which does not benefit from being within a settlement boundary, the character of the area is rural in nature, with open countryside to the south and west of the application site. Residential development on the site would therefore have an urbanising impact on the otherwise rural character and appearance of the locality through the introduction of additional built form and a formalised vehicular access. The proposal is therefore contrary to the provisions of policies CS1, CS4 and CS13 of the Core Strategy, Policies DM2 and DM22 of the Joint Development Management Policies Document and the National Planning Policy Framework 2019.
3. Policies DM2 and DM22 of the Development Management Policies Document states that proposals for all development should not adversely affect residential amenity, nor the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, light pollution, and volume or type of vehicular activity generation. Given the negligible distance provided between the proposed access and the residential property of Landmark, the vehicular movements to and from the new dwellings are considered to result in a detrimental impact to their residential amenity by virtue of noise, light pollution, vibrations and potential overlooking from the comings and goings and lights of vehicles along the access. As such, the proposal is considered to be contrary to the National Planning Policy Framework and provisions of the Joint Development Management Policies Document, in particular to Policies DM2 and DM22, in respect of residential amenity.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/1898/OUT](https://www.dorset.gov.uk/DC/20/1898/OUT)