

## **Development Control Committee**

### **3 August 2022**

#### **Planning Application DC/22/0686/FUL – Land at Chardale, Dale Road, Stanton**

|                         |  |                        |                     |
|-------------------------|--|------------------------|---------------------|
| <b>Date registered:</b> | 5 May 2022   | <b>Expiry date:</b>    | 5 August 2022       |
| <b>Case officer:</b>    | Dave Beighton                                      | <b>Recommendation:</b> | Approve application |
| <b>Parish:</b>          | Stanton  | <b>Ward:</b>           | Stanton             |
| <b>Proposal:</b>        | Planning application - one dwelling and cart lodge |                        |                     |
| <b>Site:</b>            | Land at Chardale, Dale Road, Stanton               |                        |                     |
| <b>Applicant:</b>       | Mr Graham Bettany                                  |                        |                     |

**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:

Dave Beighton

Email: [dave.beighton@westsuffolk.gov.uk](mailto:dave.beighton@westsuffolk.gov.uk)

Telephone: 01638 719470

## Background:

**The application is a resubmission of a previously approved planning consent DC/19/1918/FUL dated 20 March 2020 being granted at Development Control Committee contrary to the officer recommendation for refusal.**

**The application is presented before the Development Control Committee for determination as it is departure from the Development Plan.**

## Proposal:

1. The proposal seeks permission for the construction of one dwelling and cartlodge. The proposed property is a single storey detached property with a footprint of 158sq metres consisting of two bedrooms, a large central entrance hall and an open plan kitchen/dining/living area along with utility areas. The proposal will have a maximum height of approximately 6m and eaves height of approximately 2.5m. The property will be in a H configuration with the two flanking gable elevations having a reduced ridge height of approximately 5m. The materials proposed are to be approved as part of any planning consent.

## Site details:

2. The application site sits outside the settlement boundary of Stanton located in open countryside and forms part of the extended rear garden area of Chardale. A separate access exists from Chare Road leading to a concrete pad and gated access to the rear garden and outbuilding.

## Planning history:

| Reference      | Proposal   | Status              | Decision date |
|----------------|--|---------------------|---------------|
| DC/19/1918/FUL | Planning Application - 1no dwelling and cart lodge | Application Granted | 10 March 2020 |

## Consultations:

3. **Parish Council** - There are no objections to this application
4. **Public Health And Housing**  
No objections subject to conditions relating to noise insulation and hours of construction.
5. **Suffolk County Council Environment and Transport - Highways**  
No objection subject to conditions relating to visibility splays, provision of bin storage, provision of parking areas, provision of cycle storage, and installation of suitable highways drainage details
6. **Environment Team**  
No objection from a contaminated land perspective, but recommend the provision of an electric vehicle charging point.

## Representations:

7. No representations received.

**Policy:**

8. 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.
9. 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:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM7 Sustainable Design and Construction

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM13 Landscape Features

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS13 - Rural Areas

**Other planning policy:**

10. National Planning Policy Framework (NPPF)
11. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 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
- Scale, Layout and Design
- Residential Amenity
- Visual Amenity
- Highways and Parking
- Environmental impacts

Principle of Development

13.For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted Core Strategy and Development Control Policies Development Plan Document, together with the Site Specific Allocations DPD. Material considerations in respect of national planning policy are the NPPF and the published National Planning Policy Guidance. The starting position for decision taking is therefore that development not in accordance with the development plan should be refused unless material considerations indicate otherwise. Development in accordance with the development plan should be approved, unless material considerations indicate otherwise. The courts have re-affirmed the primacy of the Development Plan in Development Control decisions.

14.The application seeks consent for a new dwelling in the countryside in a site and location that would be contrary to Core Strategy Policy CS1 and Joint Development Management Policies DM5 and DM27.

15.From a national planning policy perspective, the NPPF (2021) is clear at paragraph 80 that local planning authorities should avoid granting planning permission for residential development in the countryside unless material factors indicate otherwise. This position is further reflected in local planning policies (CS1, CS10, DM5 and DM27) which state that planning permission for residential development in the countryside will typically not be supported unless there are valid and material reasons for doing so.

16.Ultimately, proposals for residential development outside of defined settlements must be considered carefully to ensure areas which are designated as countryside are protected from unsustainable and inappropriate development. Accordingly, where material planning considerations indicate that proposals in the countryside are unacceptable due to conflict with the development plan then they should be resisted.

17. In this instance, the proposal is for one dwelling beyond any settlement boundary and outside of any area that could be considered a cluster and on this basis, it represents a conflict with policies DM5 and DM27 of the Joint Development Management Policies Document.
18. However, despite this ostensible conflict with the development plan and whilst the primacy of the development plan is acknowledged, if material planning considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, the Local Planning Authority may grant planning permission for development which does not strictly accord with the development plan.
19. In this regard the fact that an extant planning permission for a dwelling on this site exists, dated 10 March 2020, and which is therefore still capable of implementation, is a significant material factor that indicates that a decision can be taken in a manner that is otherwise contrary to the Development Plan.
20. Officers are therefore of the opinion that this factor means that the principle of the development can be supported notwithstanding the identified conflict with Policies DM5 and DM27.

#### Scale, Layout and Design

21. Policy DM2 states proposals for all development should recognise and address the key features, characteristic, landscape/townscape character, local distinctiveness and special qualities of the area and/or building and, where necessary, prepare a landscape/townscape character appraisal to demonstrate and produce designs that respect the character, scale, density and massing of the locality.
22. Policy DM22 relates to residential design and states new dwellings should be of a high architectural quality meaning that they are fit for the purpose and function well, providing adequate space, light and privacy; they are adaptable in terms of lifelong changes and use; they are well built and physically durable; and they are the product of coherent and appropriate design principles.
23. Policy DM7 relates to sustainable design and construction and states all proposals for new development will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficient through the use of design, layout, orientation, materials, insulation and construction techniques.
24. The scale, layout and design of the proposal is considered to be sufficient to meet the principles of Policies DM2, DM7 and DM22. The submitted Design and Access Statement sets out the applicant's desire to ensure the dwelling meets their needs moving into retirement by providing ground floor level accommodation. The internal layout with its open plan living area lends itself well by allowing easy access and movement between different areas as well as being adaptable for future needs. The reduced scale of the dwelling from the previous consent, along with the proposed sustainability of the construction together with an optimisation of the

energy efficiency of the building with the use of high levels of insulation and low carbon energy production (air source heat pump, heat recovery and photovoltaic panels) will ensure the dwelling is efficient and sustainable in terms of living costs and environmental impacts. The scale, density and massing of the proposal is considered to be acceptable within this location and is not considered to result in any harmful impacts, when otherwise assessed against the material context of an extant permission for a dwelling on this site.

### Residential Amenity

25. Policy DM2 states all proposals should not adversely affect residential amenity.
26. It is considered that the location and scale of the proposed dwelling does not adversely affect the residential amenity of occupants of nearby properties. The proposal is located within the large rear garden area of Chardale and is to be orientated towards Chare Road served by a separate access driveway, thus reducing any impacts of overlooking or loss of privacy to the neighbouring properties to the east. Furthermore, the dwelling is single storey in nature and is considered to be of an acceptable distance from the neighbouring properties so as not to result in any significantly detrimental impacts of being overbearing, overshadowing or loss of light.

### Visual Amenity

27. Policy DM2 states proposals for development should maintain a strong sense of place and/or local character and Policy DM22 states all residential development should maintain this sense of place and character by basing design on an analysis of existing buildings, landscape or topography and fully exploit the opportunities that these present. It further states development should support continuity of built form and enclosure of spaces.
28. The design of the proposed dwelling is considered to be appropriate within this location, being single storey in nature, in line with existing properties within the extended streetscene. The plot benefits from an existing access and mature hedging exists to the boundary fronting the public highway. The site is located at an entrance point of the village, however given the dwelling will sit within an existing residential plot facing the highway with properties to the south of the highway evident within the streetscene, the proposal is not considered to result in any dominance and is not considered to appear out of context within this location, again when considered within the context of an extant permission for the provision of a dwelling on this plot. The applicant has expressed their intention of retaining the existing boundary hedge and mature trees within the site which will assist in assimilating the development into the streetscene. To ensure no impacts to the character and appearance of the area will result from the development, it has been considered necessary to attach a condition to ensure the retainment of the hedging. The mature chestnut tree on site is protected under a TPO which can be satisfactorily retained on site subject to a condition requiring details of tree protection measures to be submitted and agreed.

- 29.No details as to the proposed materials have been included within the application and therefore it is necessary to attach a condition in order to control the use of materials.

### Highways and Parking

- 30.In consultation with the Highways Authority, it has been considered necessary to attach conditions in order to maintain highway safety. Policy DM22 states that where appropriate, development should apply innovative highways and parking measures to avoid visual dominance of these elements in the design and layout of new developments, whilst still meeting highway standards. The proposal will utilise an existing access and parking area, with the introduction of a cartlodge set back from the highway. The boundary to the west is bounded by mature hedging screening any impacts of the parking when entering the village and thus avoiding any visual dominance in line with Policy DM22. Sufficient parking is available on site in order to meet the Council's parking standards.

### Environmental Impacts and Mitigation

- 31.Policy DM12 states measures should be included in the design for all new developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. Although, the site is an existing residential garden and no constraints exist within the site in terms of ecology, it has been considered necessary to attach a condition to ensure the retainment of the mature hedging to the boundaries of the site and to request replacement and additional landscaping and biodiversity improvements in order to mitigate any adverse impacts from the development and to ensure biodiversity enhancements in accordance with Policy DM12.
- 32.In consultation with the Environment Team, it is accepted the site is at low risk of contamination and as such an informative has been attached to any planning consent in the event of any contamination arising during construction.
- 33.Policy DM14 of the Joint Development Management Policies Document states that proposals for all new developments should minimise all emissions ' and ensure no deterioration to either air or water quality. Section 3.4.2 of the Suffolk Parking Standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge all in new dwellings. It has therefore been considered necessary to attach a condition requesting electric vehicle charge points to enhance the local air quality through the enabling and encouraging of zero emission vehicles in accordance with Policy DM14.

### **Conclusion:**

- 34.In conclusion, whilst the principle of development on this site cannot otherwise be supported noting the conflict with the Development Plan the fact that an extant consent for a dwelling on site exists is sufficiently material to justify approval, bearing in mind the nature of the development in all other respects.

## **Recommendation:**

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

- 1 The development hereby permitted shall be begun not later than three 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, unless otherwise stated below:

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

| <b>Reference number</b> | <b>Plan type</b> | <b>Date received</b> |
|-------------------------|------------------|----------------------|
| (-)                     | Location plan    | 15 April 2022        |
| 2292/LO(-)01B           | Block plan       | 15 April 2022        |
| 2292/SK2E               | Proposed plans   | 15 April 2022        |
| 2292/SK3                | Proposed plans   | 15 April 2022        |

- 3 No development above slab level shall take place until details of the exterior materials 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 Before the access is first used visibility splays shall be provided as shown on Drawing No. 2292/LO(-)01B with an X dimension of 2.4 metres and a Y dimension of 42 metres [tangential to the nearside edge of the carriageway] 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

- 5 The areas to be provided for the storage and presentation of refuse and recycling bins as shown on Drawing No. 2292/LO(-)01B shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

- 6 The use shall not commence until the area(s) within the site shown on Drawing No. 2292/LO(-)01B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 7 Before the development is commenced details of electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019.

NOTE: As per Suffolk Guidance for Parking 2019, ducting and a suitable consumer unit to allow for the installation of one wall charging unit should be provided per Class C3 dwelling.

- 8 Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

- 9 Before the development is commenced details shall be 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 including any system to dispose of the water. 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. \*This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

Note: It is an OFFENCE to carry out works within the public highway,

which includes a Public Right of Way, without the permission of the Highway Authority.

- 10 The site preparation and construction works, including road works, shall be carried out between the hours of:  
08:00 to 18:00 Mondays to Fridays  
08:00 - 13.30 Saturdays  
And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

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.

- 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 commencement of development a scheme for the protection during construction of the TPO/156(1991) Walnut tree on site, in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure that the TPO/156/1991 Walnut is protected tree on site is adequately protected, to safeguard the character and appearance of the area in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

- 13 Unless otherwise agreed in writing with the Local Planning Authority, except for that part which must be removed to permit the construction of the vehicular access in accordance with the conditions of this permission, the existing roadside hedge shall be retained at a height no lower than that which shall first have been agreed in writing with the Local Planning

Authority. Where necessary, within 12 months of the access being brought into use, hedging of species to match that on the frontage of the site shall be planted at the rear of the visibility splays. Any of the existing new hedge removed without such consent, dying, being severely damaged or becoming seriously diseased within five years of the access being first brought into use shall be replaced during the first available planting season with planting of a size and species which shall have previously been agreed in writing by the Local Planning Authority.

Reason: To ensure that the hedges on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 14 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 15 The building envelope, glazing and ventilation of the dwelling shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 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.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0686/FUL](https://www.suffolk.gov.uk/DC/22/0686/FUL)