

Planning Report Drinkstone Parish Council Meeting 6th December 2021

Summary Page

DC/21/06053 | Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of 1No dwelling, garage and new vehicular access. | Land at Chapel Lane Drinkstone Suffolk

Compliance with Drinkstone Neighbourhood Plan

The Drinkstone Neighbourhood Plan (DNP) has been adopted by MSDC and now carries significant weight in determining planning applications. The DNP along with the NPPF have been referred to throughout the Parish Council's consideration of this planning application.

The proposed planning application does not comply with the policies listed below.

DRN3 - Housing Allocations

DRN5 – Protection of Important Views and Rural and Landscape Character

DRN8 – Local Green Spaces

DRN9 - Biodiversity

DRN11 - Heritage Assets

DRN12 - Design Considerations

In addition to the above there are also concerns regarding the following;

Boundaries, notably with Elm Tree Cottage and Gedding Road allotments.

Issues regarding access and safety for residents in Chapel Lane during any construction, issues regarding the ownership of Chapel Lane.

Issues regarding road safety on the highway – Gedding Road and the junction of Chapel Lane and Gedding Road.

National Planning Policy Framework

The following paragraphs of the NPPF also apply

110, 111, 112, 113, 159, 160, 165, 174,175, 179, 180, 189, 192, 194, 195, 199

Prepared by Councillor Elnaugh

DC/21/06053 | Application for Outline Planning Permission (some matters reserved, access to be considered) Town and Country Planning Act 1990 - Erection of 1No dwelling, garage and new vehicular access. | Land at Chapel Lane Drinkstone Suffolk

Planning history

There have been two previous planning applications on this site (see below) one was refused and the other was withdrawn.

3054/15 Erection of 5 dwellings with formation of vehicular accesses Refused July 2016

DC/19/04376 Planning Application - Erection of 1no. dwelling and detached carport including creation of vehicular accesses withdrawn October 2019

The proposed development is for one dwelling with a garage and access. The dwelling is sited to the rear boundary of the neighbouring property Elm Tree Cottage and sits within the settlement boundary.

The application, within the report by GH Bullard and Associates details significant proposed changes to the access from the highway, Gedding Road into Chapel Lane which is a private road it is also a no through road. The junction of Chapel Lane is situated on a bend into Gedding Road.

The changes detail the removal of hedging and trees to the south (on the right) and to the north (on the left) the report suggests these hedgerows are located within the highway boundary. Appendix B the highways layout map, details the extent of the hedge removal in order to increase the visibility splay onto the highway. The plan indicates 'assumed highway boundaries' and widening of Chapel Lane to include a passing place replacement culvert and two bridges.

It is also proposed that approximately 50m of the hedges that lie either side of the entrance into the proposed application site are removed.

To the boundary of the proposed development there is a watercourse which runs the length of Chapel Lane from the direction of Park Road and runs on through the agricultural land opposite Chapel Lane and on towards Burts Farm the stream is a tributary of the Blackbourn.

Compliance with Drinkstone Neighbourhood Plan

The Drinkstone Neighbourhood Plan (DNP) has been adopted by MSDC and now carries significant weight in determining planning applications. The DNP along with the NPPF have been referred to throughout the Parish Council's consideration of this planning application. The relevant policies are

DRN3 - Housing Allocations

DRN5 – Protection of Important Views and Rural and Landscape Character

DRN8 – Local Green Spaces

DRN9 - Biodiversity

DRN11 - Heritage Assets

DRN12 - Design Considerations

Policy DRN5 – Protection of Important Views and Rural and Landscape Character

A key element in the development of the Drinkstone Neighbourhood Plan was an assessment of the landscape qualities and character of the parish in order to form an approach to the consideration of new development. The proposed application details the removal of hedgerows and trees along Gedding Road and Chapel Lane, which would radically change the character of the site this would not conserve or enhance the rural landscape character and the setting of the village as identified in the Drinkstone Landscape Appraisal and therefore not meet the requirements of this policy.

The proposed hedge removal suggests the removal of hedges that form areas of front gardens and hedges around community allotments. The boundary appears to conflict with documents held by Land Registry with regard to property boundaries, namely Gedding Road allotments and Elm Tree Cottage.

DRN8 – Local Green Spaces

Drinkstone falls within Natural England’s National Character Area (NCA) 86 South Suffolk and North Essex Claylands, described as ‘an ancient landscape of wooded, arable countryside with a distinct sense of enclosure set on a gently undulating chalky clay plateau’. Of particular note is the density and extent of species rich hedgerows.

Policy DRN8 identifies 10 local green spaces, Gedding Road allotments and the verges of Gedding road are two of those listed. The proposed application identifies the removal of hedgerows in these identified green spaces.

Policy states ‘Development on these sites will only be permitted in very special circumstances’.



Gedding Road Allotments (showing hedgerow)

Policy DRN11 - Heritage Assets

The site of the proposed application is between three Grade II listed buildings, namely Elm Tree Cottage, High Barn and Brookside. Policy DRN11 states that to ensure the conservation of the village's heritage assets, proposals must:

- a) Preserve or enhance the significance of the heritage assets of the village, their setting and the wider built environment
- d) be of an appropriate scale, form, height, massing and detailed design which respect the area's character, appearance and its setting, in line with the AECOM Design Guidelines for Drinkstone
- e) demonstrate a clear understanding of the significance of the asset and the wider context in which the heritage asset sits, alongside an assessment of the potential impact of the development on the heritage asset and its context
- f) provide clear justification through the submission of a heritage statement, for any works that would lead to harm to a heritage asset

The applicant has not submitted a heritage statement in line with this policy. The size of the proposed development is not in keeping with the immediate surrounding properties which are smaller and would adversely affect the setting of the neighbouring listed buildings.

The proposed removal of hedgerow would cause substantial harm to the front aspect of Elm Tree Cottage and to the allotment site.



Frontage of Elm Tree Cottage (showing hedgerow)

Policy DRN12 - Design Considerations

Proposals for new development must reflect the local characteristics of Drinkstone and create and contribute to a high quality, safe and sustainable environment.

- a) recognise and address the key features, characteristics, landscaping/building character, local distinctiveness and special qualities of the area and/or building as identified in the Built Character Assessment and, where necessary prepare a landscape assessment appraisal to demonstrate this
- c) do not involve the loss of gardens, important open, green or landscaped areas....

d) i. taking mitigation measures into account, do not affect adversely any historic character architectural or archaeological heritage assets of the site and its surroundings, including those locally identified Buildings of Local Significance listed in Appendix B and subject to Policy DRN10

ii. important landscape characteristics including trees, ancient hedgerows and other prominent topographical features as set out in the Landscape appraisal.

iii. sites, habitats, species and features of ecological interest.

The proposed application details the removal of hedgerow that will change the streetscape of both Gedding Road and Chapel Lane. It must also be noted that the environmental search by Landmark has identified the site as a flood risk area. Historically there have been issues regarding flooding of both the road junction and dwellings along Chapel Lane.

Policy DRN9 - Biodiversity

Development proposals should avoid the loss of or substantial harm to important trees, hedgerows and other natural features ponds and watercourses. Where such losses are unavoidable:

- i) The benefits of the development proposal must be demonstrated clearly to outweigh any impacts; and
- ii) Suitable mitigation measures that may include equivalent or better replacement of the lost features will be required

The proposed development will require the removal of existing trees and hedgerows, the loss of trees and hedgerows would impact significantly upon the streetscape the bearing on neighbouring properties.



Chapel lane (showing hedgerows)

Highways

Chapel Lane is a private single track no through road where vehicles are limited to passing by the use of private driveways. The residents of Chapel Lane are responsible for its maintenance. Residents need to be able to access their properties at all times.

In 2021 Drinkstone Parish Council installed a Speed Indicator Display unit that is sited around the village on rotation during the early part of June 2021 when it was situated on Gedding Road opposite the village hall, which is close to the junction of Gedding Road and Chapel Lane, it recorded speeds of 52mph going southbound and 71mph going northbound, this is a 30mph speed restricted area.

Development of the proposed site would cause significant disruption to the area with regard to logistics of deliveries etc. on a single track road. The road surface is in poor condition in areas and heavy plant machinery may be detrimental to the surface and structure which includes a culvert for the stream.

The proposal details changes to the water course and drainage, both of which are likely to cause issues regarding access.

The highways report by GH Bullard states there are utility apparatus within the hedge proposing this confirms ownership of the hedge, however this apparatus is redundant and no longer in service. The utility apparatus that is currently in service is sited further along Gedding road and is outside of the hedgerow.



Current utilities in verge



Hedges at the junction of Chapel Lane & Gedding Rd (Allotments & Elm tree Cottage)



Please note I have set out below the relevant National Planning Policy Framework paragraphs that relate to this application.

National Planning Policy Framework

Achieving sustainable development

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.

Considering development proposals

110.

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

111.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

112.

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high

quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

113.

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Planning and flood risk

159.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

160.

Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

165.

Both elements of the exception test should be satisfied for development to be allocated or permitted.

Conserving and enhancing the natural environment

174.

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175.

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

179.

To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶¹; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters. For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system. Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

180.

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately

mitigated, or, as a last resort, compensated for, then planning permission should be refused

Conserving and enhancing the historic environment

189.

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

190.

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

192. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- a) assess the significance of heritage assets and the contribution they make to their
- b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

Proposals affecting heritage assets

194.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

195.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary

expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Considering potential impacts

199.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Prepared by Councillor Elnaugh