

Parish: NAYLAND-WITH-WISSINGTON

Location: Land West of Telephone Exchange, Wiston Road

Proposal: Erection of 5 No. affordable dwellings (1 No. terrace of 3 dwellings and 1 No. pair of semi detached dwellings). Construction of new vehicular access.

Applicant: Suffolk Heritage Housing Association Ltd

Case Officer: Graham Chamberlain **Date for Determination:** 23 July 2009

This application is reported to Development Committee as it provides for development within an area where policies of restraint usually apply and representations have been received which are at variance with the recommendation of the Chief Planning Control Officer.

THE SITE

1. The site is located on the western side of Nayland on Wiston Road. Wiston Road is accessed off the A134 and links Nayland to Bures. There is some ribbon development on the northern side of Wiston Road (a 'C' classified road) which is included within the Built Up Area Boundary of Nayland.
2. This part of Wiston Road represents a transition between the village and A134 and the countryside. To the west of the site is an open paddock with extensive views. There is also an open field to the south which is currently grazing land. Wiston Road is quite straight in the vicinity of the site and tree lined.
3. To the east of the site is a telephone exchange building finishes in red brick. The telephone exchange is separated from the site by a row of trees (Hawthorn, Hornbeam and Plum). The trees represent the extent of the Built Up Area Boundary.
4. The site is located within the Dedham Vale Area of Outstanding Natural Beauty. The landscape is therefore of exceptional quality and is of national importance. The site is designated as countryside. The site is not covered by any other planning constraints.

THE PROPOSAL

5. The proposal is for a Rural Exceptions Site under Policy HS06. The development would be for five dwellings, one terrace of three dwellings and a pair of semi-detached dwellings. It would also include an access and parking area. The development would be 100% affordable. The houses are proposed to be orientated at a right angle to the road with the main aspect being over the paddock to the west of the site. The buildings would have a Victorian character.

RELEVANT HISTORY

6. An application in 1973 was refused for the erection of 20 units (S/72/2031/M)

NATIONAL GUIDANCE

7. **PPS1** (Delivering Sustainable Development)
8. **PPS7** (Sustainable Development in Rural Areas)
9. **PPS3** (Housing)

PLANNING POLICIES

10. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan – 2008

- **ENV7** (Quality in the Built Environment)
- **SS1** (Achieving Sustainable Development)

Babergh Local Plan (Alteration No.2) 2006

- **HS06** (Rural Exceptions)
- **HS07** (Rural Exceptions)
- **CN01** (Maintaining Local Distinctiveness)
- **TP15** (Parking)
- **CR01** (Development in the Countryside)
- **CR02** (Areas of Outstanding Natural Beauty)
- **CR07** (Landscaping)
- **HS28** (Infilling)
- **HS27** (Density and House Type)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

11. Nayland-with-Wissington Parish Council – Recommends approval. Request that the visibility of the access be considered and any lighting schemes are controlled to minimise light pollution.
12. Local Highway Authority – No objection subject to conditions.
13. BDC Housing Enabling Team – recommends approval and makes the following comments:-

Nayland-with-Wissington Parish Council completed a Local Housing Need Survey with Suffolk ACRE in July 2005. This survey identified a need from 14 households; this was in addition to six other households registered at that time on the District Council's Housing Register. The respondents in the Local Housing Need Survey were mainly single people or couples wishing to set up home for the first time; nine were in this category, the remaining five were older people or families. It was apparent from the income information provided that even though households wished to purchase a property this was not possible for most people, even on a shared ownership basis. Nine households indicated they would have a need for accommodation over the next 2 years. Taking all this information into account, as well as the scheme constructed at Harpers Estate (in Nayland), and the specific planning requirements for this site it was decided to develop five units, with a mix of 2 and 3 bed houses for rent. The legal agreement covering the development will need to address the following:-

- Secured the development as five affordable rented units; these will be four x 2 bed houses, one x 3 bed houses.
 - Priority is to be given to people with a local connection to Nayland-with-Wissington, and then to the adjoining parishes of Bures St Mary, Assington, Stoke-by-Nayland and Leavenheath. The houses will be for local need, defined as the parish of Nayland-with-Wissington and the surrounding parishes.
 - Properties will be built to the Homes and Communities Agency Design and Quality Standards, and Level 3 of the Code for Sustainable Homes.
 - The Council will be granted nomination rights to the properties.
14. BDC Countryside and Landscape Officer – No objection given the identified need for the development and the landscaping proposed.
15. Dedham Vale AONB and Stour Valley Project – Appreciate the need for affordable housing but consider that the site identified is not appropriate. The site is a Greenfield location within a nationally designated AONB. The site is disconnected from the village by the A134. The development will extend the established edge of the village which ends at the telephone exchange. The Dedham Vale AONB and Stour Valley Management Strategy indicates that affordable housing would need to be of the highest quality. The proposal is objected to. Particularly the use of brick rather than a dark stained weatherboard. The orientation of the dwellings is not in keeping with the pattern of development along Wiston Road. Recommend that a different layout and building style be considered, such as a 'farm yard' style collection of buildings. No additional development should be permitted to use the access should the application be approved. Likewise pedestrian safety should be considered.
16. Dedham Vale Society – The Society has no comments.
17. Suffolk Fire and Rescue Services – Standard advice given. The development will need to comply with building regulations. No additional water supply is required.

REPRESENTATIONS

18. Occupants of 12 Wiston Road – Concerned that the housing will not be used solely for local people, that the footpath to the front is unnecessary, the capacity of the sewers and condition of the road.
19. Occupant of Fen Cottage, 15 Newlands Lane – Objects to the scheme - The site will be clearly visible from the west, but not very visible from the east. The materials used should ensure that the buildings are low impact. The housing should be finished in a dark stained weatherboarding, the use of red brick or white weatherboard would make the development stand out. The approach to the development should have been a farmstead, with a principle farmhouse type building with subservient 'converted' buildings. This would have enabled the development to belong to the landscape.
20. Occupants of April Corner, Bures Green – Agrees with the Nayland Flying Group submission. The development is outside the village boundary and is within an AONB. The development will result in further intensification.
21. Nayland Flying Group – Objects to the development – the development falls within the safeguarding zone of the registered air field at Hill Farm (Nayland Airfield). The proposed development will adversely impact on the amenity and safety of the airfield.

PLANNING CONSIDERATIONS

22. The application proposes no market housing for general needs; it proposes housing (five units), all of which would be for rent as affordable housing and which would be managed by a Registered Social Landlord solely to meet an identified local need. Given that the site abuts the Built Up Area Boundary (BUAB) of the village, is located in the countryside and the Dedham Vale Area of Outstanding Natural Beauty, in planning policy terms, the lead planning policies in this case are saved Policies HS06 and HS07 relating to Local Needs Housing and Saved Policies CR01, CR02, HS04 and CN01 of the Local Plan aimed at protecting the countryside and safeguarding it from inappropriate development and securing a good quality of design for new residential development which respects the character of the area, residential amenity and road safety. The main considerations are therefore:-

- The principle of housing development in the countryside as a rural exception.
- Background to the scheme and local housing need (the appropriateness of a rural exception scheme in Nayland and the appropriateness of the site identified).
- The design and layout.
- The impact of the design and layout on the AONB.
- Highway safety.
- Other issues.

The Principle

23. National guidance in PPS1 and PPS7 restricts development in the countryside for reasons of sustainability and its intrinsic value. This is reinforced by policy HS04 of the Local Plan which restricts residential development in the countryside in the interests of agriculture, rural amenity, road safety and the economy of services.

24. There is however a mechanism for delivering housing in the countryside as an exception to the normal policies of restraint if the proposal is for 100% affordable housing and the development is of small scale. It is also essential for the development to meet a local housing need which has been identified from a clear evidence base (usually the Housing Needs Survey). This type of development is called a 'rural exception', as it allows affordable housing as an exception in locations where residential development would not normally be permitted.

25. The proposal is for a rural exceptions site under Local Plan Policy HS06. This policy states that should a registered social housing landlord be able to offer assurances and provisions as set out in Local Plan Policy HS07 to the satisfaction of the LPA, then exceptionally, planning permission will be granted for housing in the following circumstances:

- In those villages listed in Policy HS03 development that abuts the BUAB of the village.
- In clusters of dwellings in the countryside where the level of provision will be restricted to one unit.

26. In all the circumstances the following criteria will need to be met:

- the local housing need cannot be adequately met by other planning policies including social housing provision associated with Local Plan housing allocations;
- the proposed development, by virtue of its size, scale and type, will not exceed the identified local need;
- the type of dwellings to be provided are consistent with the needs identified by the housing needs survey and agreed in advance by the District Council.

27. The site proposed abuts the Built Up Area Boundary (BUAB) of Nayland and therefore adheres to the first criterion above. The second criterion is not relevant in this case. The principle of the development is therefore acceptable subject to adherence with other planning considerations.
28. The remaining criterion are considered in the following section of this report. In summary the local housing need cannot be met by other policies, the scheme does not exceed local requirements. The type of dwellings proposed will also address the accommodation requirements of local people.

Background to the Scheme and Local Housing Need

29. The project is one that the Councils Housing Enabling Team, the Parish Council and Flagship Housing Group have had full involvement in dating from 2007.
30. Following the completion of the Housing Needs Survey the Parish Council agreed in 2006 to work in partnership with Flagship Housing Group and the Babergh District Council's (BDC) Housing Enabling Team to try and progress a scheme that would provide affordable housing.
31. The first stage in the process was to establish whether there is a local housing need in the parish. Nayland-with-Wissington Parish Council completed a Local Housing Need Survey with Suffolk ACRE in July 2005. The need identified is as follows:
 - A need from 14 households in the parish.
 - This was in addition to six other households registered at that time on the District Council's Housing Register.
 - The respondents in the Local Housing Need Survey were mainly single people or couples wishing to set up home for the first time, nine were in this category, the remaining five were older people or families.
 - It was apparent from the income information provided that even though households wished to purchase a property this was not possible for most people, even on a shared ownership basis.
 - Nine households indicated they would have a need for accommodation over the next two years. Taking all this information into account, as well as the scheme constructed at Harpers Estate, it was decided to develop five units, with a mix of two and three bed houses for rent.
32. Once the need had been established, the next stage was to identify a number of potential sites which abut the BUAB of Nayland which could deliver the identified need. A number of possible sites were investigated in 2007 in consultation with the Development Control Team and then scored and ranked. The Wiston Road site was identified as a possible site as it abuts the BUAB, could have a safe access, and is located adjacent to a telephone exchange. The site was initially ranked low out of the potential sites as it was remote from the village being on the western side of the A134 and was exposed in the AONB landscape.
33. The other potential sites which had scored higher were investigated by the Housing Enabling Team but were found not to be deliverable. The Wiston Road site therefore moved to the top of the list of potential sites.
34. The alternative site search was undertaken again in 2008 to confirm whether the Wiston Road site was the only possible site abutting Nayland, and whether the development of this site could be acceptable. Nayland is a highly constrained village with a high quality historic core, important open spaces, flood zones and an AONB landscape surrounding it. There is consequently a small pool of alternative sites. The review of possible sites came to the same conclusion as the 2007 assessment, that the Wiston Road site is the only available site. The site appraisal also concluded that the site could be developed if a number of design principles were strictly adhered to (discussed in the Design and Layout section of this report below).

35. Once the Wiston Road site was identified a project group was set up to bring the site forward. The site consisted of the Parish Council, Flagship Housing Group, the Architects, an Officer from the BDC Housing Enabling Team and the Rural Housing Enabling Officer from Suffolk ACRE. Pre application advice was given by the BDC Development Control Team. The project group recognised the sensitivity of the site and endeavoured to deliver a high quality scheme. The design process is discussed in more detail below. With this in mind the project group held a public meeting on 22 April 2009 to discuss the scheme with the residents of Nayland.
36. Flagship has secured funding totalling £93,000 from the Homes and Communities Agency (HCA) in 2007. To comply with HCA funding, work needs to start in 2009.

Design and Layout

37. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form, design and finish. PPS3 in Para 10 states that planning authorities should deliver well designed high quality housing, this is echoed in PPS1 which places design at the centre of the planning system (Para 35) stating that development which fails to improve the quality and character of the area should not be supported.
38. It is important to recognise that an acceptable design does not normally make development in the countryside acceptable. However, as the proposal is for an 'exception site' the principle of development in the countryside is acceptable as discussed above. The design and layout needs to be of a high quality given the sensitivity of developing in the countryside and the landscape quality of the Dedham Vale.
39. The design evolved during the pre applications discussions which took place, but took into account a number of key principles. These were as follows:
 - The development should not continue the ribbon development of Wiston Road.
 - The design should have significant regard to the cultural heritage/landscape quality of the AONB; the design should therefore integrate with the landscape following a vernacular/traditional approach with high quality materials and detailing. A pastiche would be acceptable.
 - The design should have integrity – it should not be a mix of different styles and detailing. There should however be subtle differences to add interest.
 - The rural character of the site should dominate the housing and material; the housing should be subservient to the landscape.
 - The development should not be hidden. There are important views across the paddock from the east and west, the development should integrate into these and not block them and should be set back from Wiston Road. Parking should be obscured from view.
 - The development should not have a suburban form or character. Pavements, cul de sac layouts and estate style housing would not be appropriate. The design need to be specific to the site.
40. The scheme as proposed addresses the design principles identified above. The reasons for this are as follows,
 - The houses have been orientated at a right angle to Wiston Road. This will provide a stop or 'book end' to the ribbon development along Wiston Road. The houses will look out over the paddock to the west and will mark the point of arrival into the village. The housing will also have the tree belt to the east as a back drop which will retain a rural character.

- The design has followed a traditional approach with a simple form and design. The buildings are based on Victorian rural workers cottages. The traditional approach has regard to the cultural heritage of the AONB where both brick and rendered cottages are evident, as is Victorian architecture.
 - The design has integrity. The form, symmetry, materials and proportions are compatible with the concept. There are no contrived design features. There are subtle differences between the buildings such as the use of render on the semi-detached property, the slightly different design to the windows (between the semi-detached dwellings and terrace), the front door position is different and there are timber lean-to's. These subtle differences allow the scheme to appear as organic, but all five dwellings have continuity and symmetry.
 - The detailing will be of high quality. The joinery will be painted timber (including the windows and doors). The timber lean-to will be painted the same colour as the render. The windows in Plot 1 include lintels with blocks 2 and 3 having brick detailing above the ground floor windows. The chimneys will be red brick. Conditions will be added to ensure the detailing is delivered. Conditions will also be added regarding the materials.
 - The development will have a rural character. The narrow width of the properties reduces their scale when 'read' in the landscape. The development will also have an open character with a large gap in-between the semi and terrace. The post and rail fencing is a rural means of delineating the boundary and is already found within the paddock. The use of plain tiles, brick and a subtle colour to the render will give the development an 'earthy' rural character. The access drive will be finished in bonded gravel (removing the need for tarmac, an urban design solution). The close board fence on the rear, east elevation will not be prominent. The southern elevation has willow hurdle fencing and landscaping to soften the impact and integrate the site with the countryside. Likewise there are a number of feature trees on the western elevation to soften the impact.
 - The development would have no adverse impact on existing trees. Tree protection fencing has been proposed for during the construction phase.
 - The applicants have proposed a 9m set back from the road edge. An area of meadow grass will be provided along with additional planting and space if required for a path. The development would not therefore, be prominent in views as one exits the village and will assist in providing habitat for biodiversity.
 - The form and layout is specific to the site. The design has taken on board the design principles identified and delivered a high quality scheme. The development is not suburban in character, it does not have an estate feel. The layout and design is appropriate to the rural context.
 - Parking has been successfully integrated into the scheme. The parking would be in a courtyard which will be screened by landscaping and houses. The parking would be naturally surveyed from Plots 3 and 4. The access track is also narrow and is bordered by post and rail fencing; this will ensure that the parking courtyard will be used and that cars will not be parking on the access track which would encroach into views from the west.
41. Concerns have been raised by the Dedham Vale Society that the design approach and use of materials is incorrect. In response your Officers are of the view that the use of a Victorian cottage form with dark stained weatherboard would not be an honest approach. It would also appear contrived which could actually make the development stand out more. The orientation of the development has also been carefully considered. Further ribbon development would unnecessarily stretch the built form into the countryside and would have more impact on the landscape. The orientation as proposed allows the development to stay compact (but spacious) being close to the tree belt.
42. The proposal incorporates solar panels on the western roof slope. This is important as it will help the scheme in meeting Level 3 of the Code for Sustainable Homes. The solar panels do not adversely impact on the period style concept overall.

43. In summary, the design and layout will safeguard local distinctiveness (adhering to Policy CN01), the landscape quality and cultural heritage of the area (Policy CR02, the rural character of the site (Policies CR01 and CR07) and the street scene and appearance of the area (Policy HS28).

Impact on the Dedham Vale AONB

44. As stated above, the site is located in a prominent site within the Dedham Vale Area of Outstanding Natural Beauty. Although the site is the only deliverable site abutting the BUAB of Nayland, it does not follow that any scheme would be acceptable here. The local housing need has to be balanced against the impact on the nationally important landscape, and the planning policy context is clear:

PPS7 states in Paragraph 21 that,

'Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.'

45. In planning terms AONB's have the same level of protection as a national park. Policy ENV2 of the East of England Plan requires LPA to have consideration to conserving the natural beauty and cultural heritage of the area. Policy CR02 of the Local Plan states that the AONB's in the district will be safeguarded through the strict control of development.
46. It is therefore imperative that the design of the scheme is of a high quality which integrates with the cultural heritage and landscape quality of the AONB. For the reasons set out in the analysis above, Officers are of the opinion that the scheme represents an acceptable balance between delivering a rural exception site that addresses the local housing need and safeguarding the cultural heritage and landscape quality of the AONB.

Highway Safety and Access

47. The Local Highway Authority has raised no objections to the development subject to a number of conditions. They have also asked for a contribution of £10,000 to be made towards a footpath along Wiston Road. This would be via a planning obligation. Circular 05/05 sets out a number of tests which need to be met for a LPA to secure a Planning Obligation. One of the tests is that the obligation has to be essential to make the development acceptable in planning terms.
48. The Local Highway Authority has stated that they will not be party to the legal agreement. They have also not submitted any details showing the location of the footpath, or a schedule of the precise works the obligation would fund. This raises a number of issues about implementation and delivery if the LHA do not wish to be party to the agreement. It also leads to questions about whether the obligation is essential. Following advice from the Councils Solicitor the view has been taken that the obligation is not essential, therefore it would be unreasonable and unsound to pursue this.

Sustainability

49. The applicants will have to achieve Code for Sustainable Homes Level 3 (CFSH) to receive funding from the Homes and Communities Agency. This will also be a requirement of the S106 agreement. The solar panels and swale on the western boundary are components of this as will air heat source pumps and high levels of insulation. The dwellings will also have outdoor space and space for bicycles to be stored. The proposal also includes a communal waste collection point and individual recycling facilities.

50. The development is located close to local facilities in Nayland reducing the need to travel and supporting local facilities. The affordable nature of the units will also assist in social sustainability by helping to provide a mixed community.
51. The applicants have been able to achieve a design of integrity and high quality which is in keeping with the local vernacular whilst also achieving Level 3 of the CFSH, this is to be commended; and is an approach which can be followed in other sensitive locations.

Other Issues

52. An objection has been receiving stating that the development would have an adverse impact on the amenity of Nayland Airfield. This has not however been quantified or supported by evidence. The buildings would be 8.5m high. This is unlikely to prejudice aircraft safety given that other buildings of a similar height are located in close proximity. The site is not located at the end of any runway. In the absence of any evidence to support the assertion that the development would prejudice the safe use of the airfield, the objection cannot be.

PLANNING OBLIGATIONS

53. As stated above, a legal agreement is required to ensure that the dwellings are retained as affordable units. As the development is a 'rural exceptions site', there is no requirement for an open space contribution under Policy HS32.

REASONS FOR APPROVAL

54. Subject to conditions and a legal agreement, the proposed development would provide acceptable local needs housing compliant with Saved Policies HS06 and HS07 Babergh District Local Plan Alt 2 (2006). The development would be a quality scheme which will integrate with the landscape character of the area compliant with saved Policy CR02 Babergh District Local Plan Alt 2 (2006). The development would also safeguard the appearance and rural character of the countryside being compliant with Policies CR01 and CR07 of the Babergh District Local Plan Alt 2 (2006) and maintain local distinctiveness being compliant with saved Policy CN01 of the Babergh District Local Plan Alt 2 (2006).

RECOMMENDATION

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to provide, if necessary:
 - Affordable Housing
 - Code for Sustainable Homes.
- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
 - Details of materials to be submitted and agreed
 - Architectural detailing as shown on the submitted drawings to be provided/clarified (where necessary)
 - As recommended by the LHA
 - A surface water drainage scheme to be submitted and agreed
 - The landscaping to be implemented as shown on the submitted drawings
 - The landscaping to be safeguarded for 5 years
 - The hard surfaces to be implemented as shown on the submitted drawings
 - Removal of permitted development rights
 - Control over any lighting scheme

- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reason:
- In the absence of a legal agreement securing the units as affordable housing the proposal would be contrary to Policies HS06 and HS07 of the Babergh District Local Plan Alt 2 (2006).