

# East Suffolk Shadow Authority

## SHADOW PLANNING COMMITTEE (SOUTH)

Date: 18 April 2019

### APPLICATIONS FOR PERMISSION TO CARRY OUT DEVELOPMENT OR TO DISPLAY ADVERTISEMENTS (REP 54 (SH))

Schedule by Head of Planning and Coastal Management

Number of items: 5

FOR THE PURPOSE OF THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985 THE RELEVANT BACKGROUND DOCUMENT IN RESPECT OF EACH ITEM IS THE PLANNING APPLICATION FILE, INCLUDING SUBMITTED PLANS, CONSULTATIONS AND LETTERS OF COMMENT, BUT EXCLUDING INFORMATION EXEMPTED UNDER THE PROVISIONS OF THE ACT AND IDENTIFIED AS SUCH. ANY REPRESENTATIONS AND ADDITIONAL INFORMATION SUBMITTED AFTER THE PREPARATION OF THIS SCHEDULE RECEIVED NO LATER THAN 24 HOURS PRIOR TO THE COMMITTEE MEETING WILL BE REPORTED VIA THE ALTERATIONS AND ADDITIONS REPORT CIRCULATED AT THE MEETING.

PLEASE NOTE THAT THE ORDER OF THE ITEMS LISTED MAY BE CHANGED AT THE MEETING TO ACCOMMODATE PUBLIC SPEAKING.

SHOULD ANY OF THE FOLLOWING APPLICATIONS BE SUBJECT TO A SITE VISIT, THIS WILL NORMALLY TAKE PLACE ON THE SECOND MONDAY FOLLOWING THE DATE OF THE MEETING.

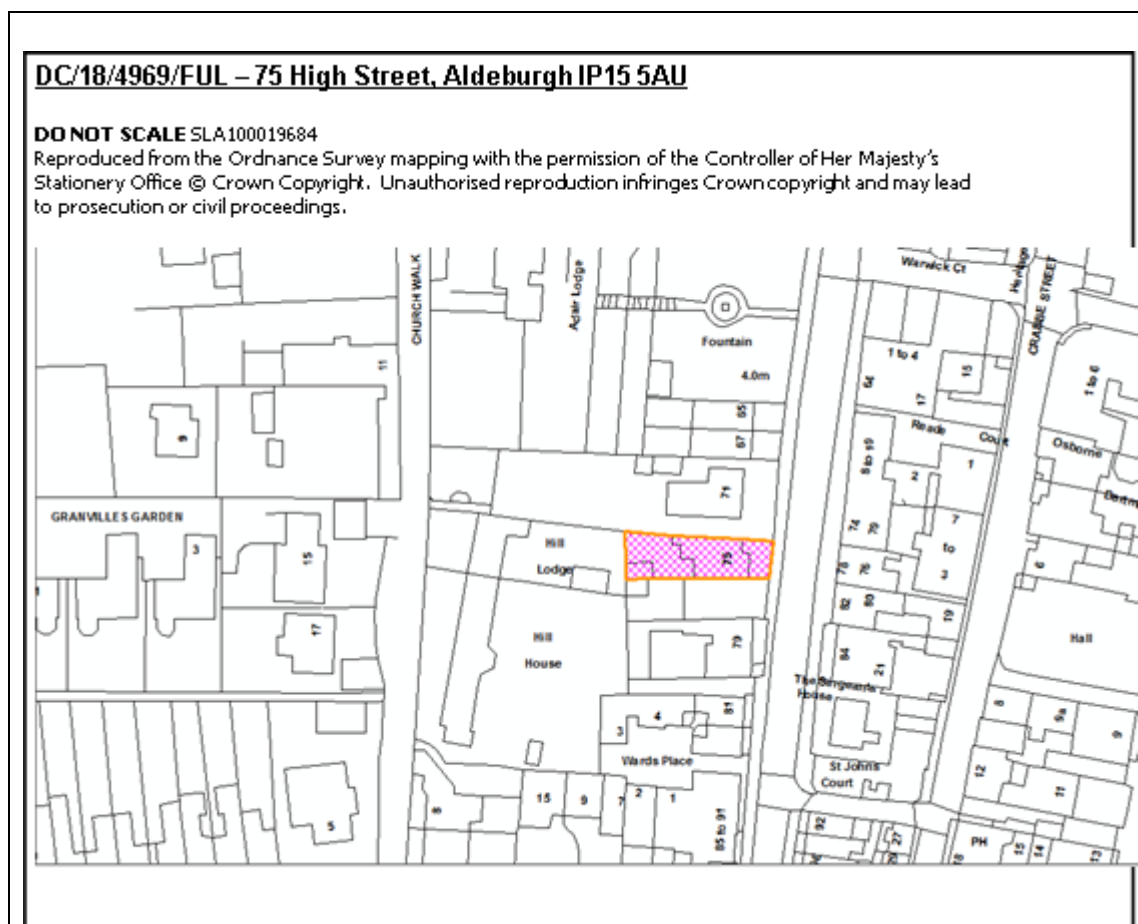
### I N D E X

Item No	Page No	Case Officer	Application No	Address
1	2	SM	DC/18/4969/FUL	75 High Street, Aldeburgh, IP15 5AU
2	11	JR	DC/19/0244/FUL	Land to the rear of The Post Office, The Street, Bredfield, IP13 6AX
3	21	JB	DC/18/3809/FUL	At Last, 112 Main Road, Kesgrave, IP5 1BL
4	28	SM	DC/19/0621/ADN	Leiston Sports Centre, Red House Lane, Leiston, IP16 4LS
5	31	DM	DC//19/0521/OUT	1 Holly Villas, Melton, IP12 1PD

1. **ALDEBURGH – DC/18/4969/FUL – Remodelling of front elevation to include new roof with dormer windows to facilitate insertion of second floor. Two storey and first floor rear extensions and change of use from shop and house to three self contained flats at 75 High Street, Aldeburgh, IP15 5AU for Mr Ayman Bakhache.**

Case Officer: Stephen Milligan

Expiry Date: 27 January 2019



## EXECUTIVE SUMMARY

Full Planning Permission is sought for the extension and alteration to No. 75 High Street, Aldeburgh to three self contained two bedroomed flats.

The development lies within Aldeburgh Conservation Area, within the settlement boundary of Aldeburgh as defined within the Local Plan, within Aldeburgh Town Centre and within the Suffolk Coasts and Heaths AONB.

The premises was subject to marketing for in excess of twelve months as a shop and flat prior to the submission of this application. Given the marketing and the size of the shop unit, and its reliance on the residential property for kitchen and toilet facilities, the Council's Economic Development Team raise no objection to the change of use.

**The proposed extensions and remodelling work is not considered to have adverse impact upon the Conservation Area.**

**Impact upon residential amenity of neighbours is not considered significant in this instance. Given the location within Aldeburgh Town Centre, parking shortfall is not considered to be of a magnitude to justify refusal of planning permission.**

**This item has come before members following consideration by the Delegation Panel of SDCDC because the issues of parking, residential amenity and impact upon Aldeburgh Conservation Area. The application is recommended for Approval.**

## **1. SITE DESCRIPTION**

- 1.1. This application is for the extension and alteration of 75 High Street, Aldeburgh which is a three bedroomed house and small shop unit lying on the western side of the High Street between the Lighthouse restaurant (77 High Street) and Deben House, 71 High Street, Aldeburgh. There are neighbours to the west at Hill Lodge and Hill House both of which lie in an elevated position on top of the former cliff.
- 1.2. The application property is a two storey building with two storey flat roofed element on the front. The building is believed to date from the mid 20<sup>th</sup> century.
- 1.3. This site lies within the settlement boundary of Aldeburgh, a Market Town as defined within the Suffolk Coastal District Local Plan: Core Strategy and Development Management Policies DPD 2013 (SCDLP) (Policy SP19 refers) and within the wider AONB and Heritage Coast. The site is also within the Aldeburgh Conservation Area. The site is within the designated Aldeburgh Town Centre but outside the primary and secondary shopping areas, as defined within the Local Plan.
- 1.4. The Aldeburgh Conservation Area Appraisal (SPD) does not identify the building as making an important contribution to the character of the Conservation Area.

## **2 THE APPLICATION**

- 2.1 The application is for the extension and remodelling of 75 High Street to create three self contained flats. The building is extended with a new roof and front and rear extensions. Each unit will comprise a two bedroom flat with kitchen living room and two bathrooms/shower rooms. The ground floor flat will have access to the rear garden and a parking space at the front of the property.
- 2.2 The extension to the front of the property facing the high street is at first floor level and brings the whole front elevation into alignment. The rear extension provides additional accommodation over three floors with a hipped roof and glazed doors and screens to the living rooms at ground and first floor levels. A smaller hipped roof extension is proposed to the North which is set back and accommodates a ground floor and second floor bedroom and first floor kitchen. It is proposed to enlarge the main roof in order to accommodate the second floor flat. The main part of the roof is pitched with its ridge parallel to the High Street as existing. A pair of dormer windows are proposed facing East towards the High Street.
- 2.3 The exterior of the building will be re-modelled with traditional painted timber windows and smooth coloured render in keeping with the surrounding properties.

- 2.4 There is a single parking space to the front of the building on the northern side of the frontage. Bin storage is shown along the southern side of the frontage with space for parking of a mobility scooter.

### **3 PLANNING HISTORY**

- 3.1 There is no relevant planning history.

### **4 CONSULTATIONS**

4.1 Aldeburgh Town Council: ATC Planning Committee does NOT SUPPORT this application. The Committee believes the proposal does not fundamentally differ from the previous application which was submitted in September 2018 and withdrawn in October 2018. The Committee reiterates it's long-held view that the change of use from commercial to residential should only be permitted after exhaustive marketing by applicants. The Committee will continue to resist an arbitrary change of use from commercial to residential in order to maintain a diverse local economy. The Committee believes this application represents overdevelopment which would have a detrimental effect on neighbouring properties. The Committee believes the lack of adequate car parking provision is contrary to Suffolk Guidance for Parking (SGP) recommendations and observes that the design - particularly of the disabled accommodation - is unsatisfactory.

4.2 Suffolk County Council – Highway Authority: The Highways Authority recommends that permission be refused. Suffolk Guidance for Parking (SGP) recommends a minimum 1.5 parking spaces per two bedroom dwelling with a shared parking area. The application proposes one space which falls below SGP guidance. There is already a high demand for on street parking in the area. This development will intensify the need for parking spaces, therefore, the principle of building a new dwellings without any provision for parking is unacceptable. This may result in inconsiderate on street parking and is likely to result in a significant increase in hazards to road users. This is an unacceptable risk to highway safety, contrary to the NPPF.

4.3 Head of Economic Development: This is really a house where someone in the past has decided to sell goods from their living room. It doesn't work from an operational perspective in the current configuration and planning could be relaxed on an exception basis here without creating a precedent...Regretfully the Head of Economic Development accepts the loss of this commercial space.

4.4 Aldeburgh Society:

Aldeburgh Society object to this proposed development on the following grounds:

- Over-development
- Inappropriate development in a Conservation Area and loss of retail space
- Parking
- Loss of amenity

The proposal would result in a building twice the size of the present property. Such over-development in a sensitive High Street location in the Conservation area must not

be allowed. Iconic sea views from the Terrace and Upper Town are an important feature of Aldeburgh's Conservation Area and must not be compromised. The ground floor flat is not suitable for a disabled person.

Aldeburgh cannot afford the loss of much valued small business premises.

The parking envisaged is totally inadequate. There are insufficient parking spaces for the number of proposed dwellings, adding to an already congested parking problem. SGP requires a minimum of two car parking spaces per two-bedroom dwelling.

This new proposal would also result in loss of amenity to The Lighthouse terrace, cause a loss of privacy and increased light and noise for Hill Lodge and for Hill House to the rear.

4.5 Third Party Representations: Twenty four Letters of objection have been received raising the following matters:

- Impact upon the character of the area/Conservation Area;
- The Design and scale of the rear extensions are unacceptable.
- Impact upon iconic views from The Terrace.
- Impact to highway safety;
- Severe lack of parking;
- Loss of light to neighbours
- Impact upon garden of The Lighthouse;
- Overbearing impact/scale;
- Privacy and outlook from neighbours;
- Properties will be second home/holiday letting units;
- Loss of business use/retail will affect vitality and viability of High Street
- Unacceptable precedent.
- Light and noise pollution to neighbours
- Lack of appropriate facilities in ground floor flat.

4.6 Third Party Representations: Four letters of support have been received raising the following matters:

- The development provides opportunity to enhance character of area;
- It will improve an unattractive property;
- There was no commercial interest in the existing shop unit which lies outside primary and secondary shopping frontages;
- Ground floor unit suitable for elderly occupier will be an asset;
- Parking provision will be adequate.

## 5. RELEVANT POLICIES

5.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.2 NPPF (2019)

5.3 NPPG

5.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

Strategic Policies:

- SP1a – Sustainable Development
- SP1 – Presumption in Favour of Sustainable Development
- SP15 – Landscape and Townscape
- SP19 – Settlement Policy
- SP22 – Aldeburgh
- DM10 – Protection of Employment Sites
- DM19 – Parking Standards
- DM21 – Design: Aesthetics
- DM22 – Design: Function
- DM23 – Residential Amenity
- DM27 – Biodiversity and Geodiversity
- DM28 – Flood Risk

5.5 The Area Policies and Site Specific Policies SPD 2017. The relevant policies are:

- Policy SSP2 – Physical Limits Boundaries
- Policy SSP28 – Aldeburgh Town Centre

## 6 PLANNING CONSIDERATIONS

### Principle of Development

6.1 The proposal is for the creation of flats which lie within the physical limits of Aldeburgh, a Market Town as defined within the Local Plan. The site lies within Aldeburgh Town Centre and within Aldeburgh Conservation Area. The proposal represents loss of a commercial unit. The proposal is for consideration against Local Plan policies SP1, DM10 and SSP28.

6.2 The subdivision/conversion work does not involve a standard infill proposal and the most relevant policy is Local Plan policy SP1, which sets out the principles of sustainable development within the District and the relevant parts seek to (amongst other matters):

(b) relate new housing development to employment services, transport and infrastructure.

(e) give priority to re-using previously developed land and buildings in and around built-up areas, where possible ahead of greenfield sites;

(g) reduce the overall need to travel but where travel is necessary, to better manage the transport network to enable it to function efficiently;

(h) enable a healthy economy, notably in the town centres and rural areas, taking advantage of regeneration opportunities where appropriate; and

(l) create and promote inclusive and sustainable communities in both urban and rural locations.

- 6.3 The site lies within the Town Centre and physical limits and such a location will relate well to employment services, transport and infrastructure and will re-use an existing building (e ). The proposal will be compliant with SP1.
- 6.4 The property lies within Aldeburgh Town Centre but lies outside the designated primary and secondary shopping frontages as defined in the Suffolk Coastal District Local Plan Site Allocations and Area Specific Policies Development Plan Document 2017. Whilst the loss of the shop unit would have some economic dis-benefit to the Town Centre, the property has been subject of marketing for a period in excess of twelve months. The shop is small at 17 sqm in area and is dependent upon the house relying on ground floor kitchen and first floor toilet facilities.
- 6.5 The Economic Development/Asset Management Team were consulted on the application and commented:
- “This is really a house where someone in the past has decided to sell stuff from their living room. I don’t think it works from an operational perspective in the current configuration and I would have thought planning could be relaxed on an exception basis here without creating a precedent...So regretfully we accept the loss of this commercial space.”*
- 6.6 On balance it is not considered that the proposed loss of the shop unit would be contrary to policy SSP28 - Aldeburgh Town Centre or Policy DM10.

#### Impact upon Conservation Area

- 6.7 A key consideration in assessing the proposed development will be the impact on the character and appearance of the conservation area and whether it will be preserved or enhanced as required by Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.8 The building is a modern mid-C20th construction of stretcher bond and machine-made plain tiles to the roof with a somewhat odd two-storey forward projecting half-rendered bay with a flat roof and which contains the shop front. The building is not of interest architecturally or historically and is of neutral value.
- 6.9 In respect of the design of the proposed changes, The Principal Design and Conservation Officer judges broadly that these represent a welcome enhancement and which will add positively to the appearance of the conservation area. The remodelling of the frontage through the forward addition, re-roofing and addition of dormers will create the impression of a traditionally-styled townhouse (with elements of later C18th architecture) which will sit comfortably in Aldeburgh High Street's varied street scene. It is judged that the re-design of the rear extension has helped mitigate some of its assertiveness and created a more balanced design in terms of the frontage block and rear addition.
- 6.10 The roof scape is not visible in public views from the West given the screening provided by tall boundary walling and the houses on Church Walk. Distant views are possible from The Terrace but the height of the roof will be no greater than the roof of the Lighthouse and impact upon existing roof scape is not considered significant. The character of the Conservation Area will be preserved.

- 6.11 The advice of the Design and Conservation Officer is that the proposal will enhance the appearance of the site and the Conservation Area and is in compliance with the NPPF and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Highway safety and parking

- 6.12 The Highway Authority recommends refusal because of inadequate parking provision. The scheme involves a single car parking space. The parking provision is below the minimum standards required under the current SCC parking standards.
- 6.13 The site lies within the Town Centre which is served by public transport. The current proposal involves three two bedroomed dwellings with parking standards being 1.5 spaces per dwelling. The existing dwelling and shop would generate demand for three spaces. With only a single parking space proposed, this represents under provision by 3.5 spaces. On balance in a town centre location such under provision is not considered to be of a magnitude to justify the refusal of planning permission.
- 6.14 The access does not have on site turning and cars will either need to reverse into the space or reverse out. Whilst this arrangement does give rise to safety concerns the arrangement will be the same as existing and is not considered to intensify the use of a substandard access.

#### Impact Residential Amenity

- 6.15 The extensions will raise the height of the building so that the second floor level of the building is close to level with the garden and ground floor level of property Hill Lodge to the rear in Church Walk. It will face the rear ground floor level and conservatory from a distance of 25m. The distance to the rear garden of Hill Lodge is 10m although there are evergreen trees/shrubs which provide screening of the garden of the neighbour. Given the level of separation and location within the urban core of the town it is not considered there will be significant adverse impact upon the privacy of this neighbouring property. Such a relationship is not considered contrary to policy DM23.
- 6.16 The extended property lies to the south of Deben House, 71 High Street. The property has south facing windows however these serve bathroom and landing areas and do not serve habitable/principal rooms. There will not be significant adverse impact upon the amenity of this neighbour.

#### Other matters

- 6.17 The development will be CIL liable and would generate a CIL figure of £30,474.54. 15% of this figure will go to Aldeburgh Town Council (£4571.18).
- 6.18 The application site lies within the 13km 'zone of influence' for the Minsmere to Walberswick Heaths & Marshes Special Area of Conservation, Sandlings Special Protection Area and the Alde-Ore Estuary Special Protection Area and Ramsar. It is expected that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of



these European Sites, due to the risk of increased recreational pressure caused by development.

- 6.19 A suitable contribution to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) should be secured from this residential development. This can be secured via Section 106 or direct payment.

## **7 CONCLUSION**

- 7.1 The location of the development within the physical limits and within the Town Centre is a sustainable location. The proposed development is considered to have a positive impact upon the character of the Conservation Area.
- 7.2 The relationship to neighbours is such that there will not be significant impact upon light/enclosure and privacy.
- 7.3 An objection has been received from the Highway Authority because of inadequate parking, but the site is located within Aldeburgh Town Centre where the sustainability of the location justifies a relaxation of parking standards in this instance.
- 7.4 The planning balance is in favour of the development and it is considered to be a sustainable development and is recommended for approval.

### **RECOMMENDATION:**

**AUTHORITY TO APPROVE** subject to receipt of RAMS payment (or S106/Unilateral Undertaking) and subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing No 414.104 Rev A and 105 Rev A received 03.12.2018 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The use shall not commence until the area(s) within the site shown on Drawing 414.104 Rev A for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.

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

4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a. The proposed route for access to the site by plant, operatives and delivery vehicles;
  - b. Loading and unloading of plant and materials;
  - c. Storage of plant and materials used in the construction of the development;
  - d. Materials/plant delivery times;
  - e. Construction times;
  - f. Parking for construction workers and visitors;
  - g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
  - h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of amenity, highway safety and the protection of the local environment, given the restricted nature of the site and close proximity of neighbours.

**Or, if the RAMS payment is not made or S106 signed to that effect within six months from the resolution permission be refused for non payment of RAMS**

**DETERMINATION:**

**BACKGROUND PAPERS:** Planning Application File Ref No DC/18/4969/FUL.

**Committee Date:** 18 April 2019

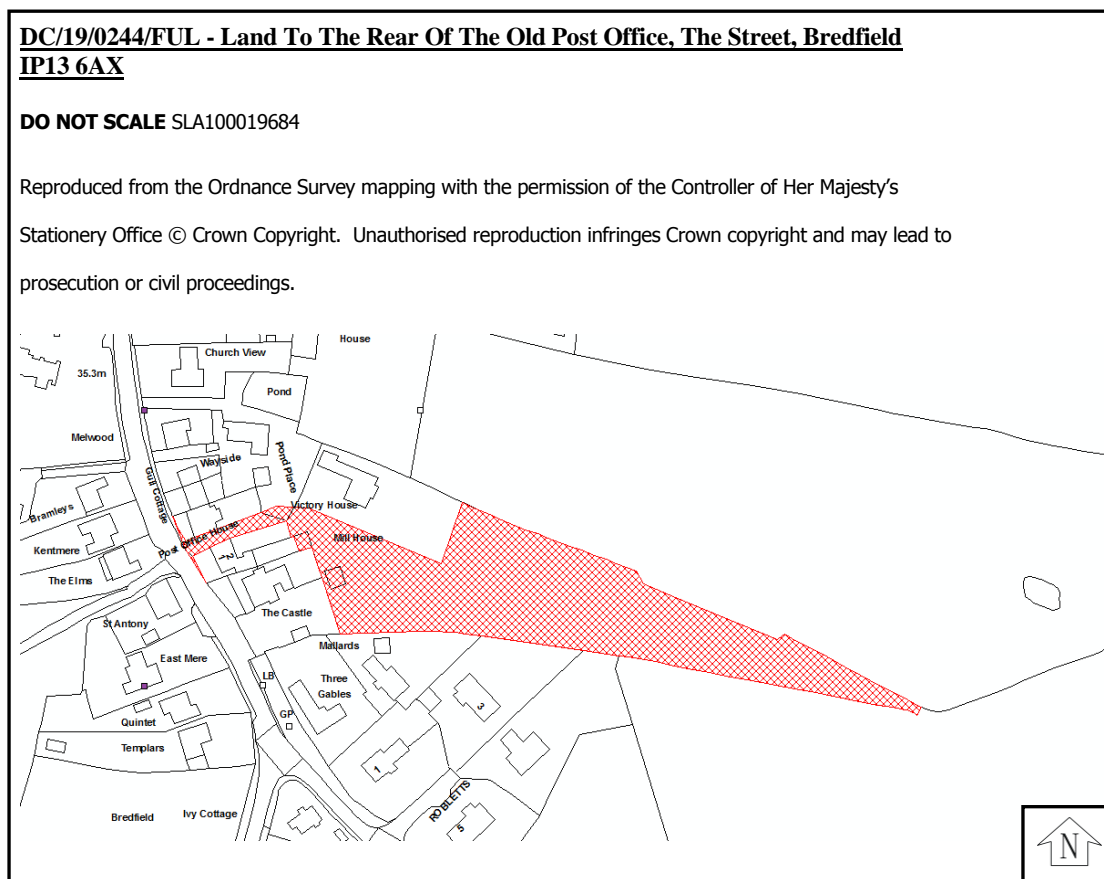
**Site Visit:**

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2. **BREDFIELD – DC/19/0244/FUL – Construction of dwelling and garage, Land To The Rear Of The Old Post Office, The Street, Bredfield, Suffolk, IP13 6AX for Mr & Mrs Green**

Case Officer: Jane Rodens.

Expiry Date: 17 March 2019



### EXECUTIVE SUMMARY

Full Planning Permission is sought for the erection of one dwelling and associated garage. There is currently an extant permission for a dwelling on the site which is due to expire on the 3rd August 2019 (reference DC/16/2362/FUL). This extant consent has not been implemented.

The principle of development has therefore already been established. The amended design and siting is considered appropriate having due regard to residential and visual amenity and complies with national and local planning policies.

This item is presented to the Planning Committee as the applicant works for East Suffolk Council. There are no technical objections to the proposal but one third party objection has been received. The application is recommended for approval.

## **1. SITE DESCRIPTION**

- 1.1. The proposal site is an open field bounded by mature vegetation and a fence. To the north of the site is Victory House and Mallards to the south, the current access to the site also serves Victory House and passes past Post Office House and 1 and 2 Mill House. To the east of the site is open countryside.
- 1.2. The proposal site is located within the Physical Limits Boundary of Bredfield, the dwelling is solely located within this area. However, the rear garden, to the east of the house would be located in countryside, as defined by Policies SP19 and SP29 of the Core Strategy, and SSP2 of the Site Allocations and Area Specific Policies document.

## **2. PROPOSALS**

- 2.1. This proposal is for the erection of a five bedroom dwelling located off a private drive from The Street which is accessed between Post Office House and Mill House 1 and 2, then Victory House.
- 2.2. The overall height of the proposal is 7.2m, the proposed dwelling is to be in a L shape with the overall length is 16m and 15.3m wide. The access to the dwelling is from the west of the site. There is to be an area of garden to the south and east of the dwelling.
- 2.3. The new garage is to the west of the new dwelling, between the access and the main house, this is to include an area of parking. The garage is proposed to be a two bay structure, one closed and the other open.

## **3. CONSULTATIONS**

- 3.1. Bredfield Parish Council: No Objection:

*"This application was discussed at a meeting of Bredfield Parish Council on February 14, 2019. No material objection was raised, and we note that the site was previously granted permission for a dwelling at this site (ref: DC/16/2362/FUL) subject to a range of conditions, and we would support similar conditions again being imposed.*

*The Parish Council do have some concerns which we believe should be addressed prior to any approval being given.*

*Amenity: Some unease is felt at the re-positioning of the proposed development, as it would appear to bring it closer to adjacent properties to the south of the site, in particular the house known as Mallards and the threat of loss of amenity, in particular being overlooked and the effect on the outlook (Policy DM.23 [a] and [b]).*

*Sewage: We note that on the Application Form, paragraph 13, sewage arrangements are stated as being unknown. In the previous application it was intended to use a treatment plant. We would ask that that as a condition that this question is resolved prior to any development.*

*Access: It is stated that the driveway to the proposed property is to be widened. The existing access is between two houses, and the width between the houses involved*

*has not and cannot be altered. What seems to be proposed is to remove the scrubby grass that has been allowed to grow along the edges of the existing unbound track which serves as a driveway. However the application fails to note that two permanent driveway post lights have been installed by the side of Post Office House, marking the edge of the grass, but no information is provided on what is proposed to be done with these. Their presence effectively means that if they are left in place, then the access drive will remain restricted in width, even if the grass is removed.*

*We would suggest that if the application is to be approved, then as a condition prior to occupation, the access track should be surfaced with an approved bound material, from the property to the highway. This was a condition to the previous application for this site (16/2362). We would also suggest that the fate of the driveway post lights be determined.*

*Waste collection: stated that waste for collection would be sited "Within private garden for collection by Local Authority" and also that "...Bins will be presented at the site frontage on the SCDC collection day". The statements are incorrect, as waste collection vehicles do not use the access at present and there is no evidence that they will start doing so now. Currently waste bins from nearby houses and the adjacent plot behind the Post Office are presented at the main road kerbside, not at the site frontage as suggested by the Access Statement (picture 3 in the Design & Access Statement shows bins loitering in the driveway). "*

- 3.2. Suffolk County Council Highways Authority: No objection Subject to conditions (see recommendation)
- 3.3. Head of Environmental Health: No objection subject to conditions (see recommendation)
- 3.4. Third Parties Representations: One objection has been received raising the following matters:

Due to the location of the proposal it will impact on the light to Mallards, this is because of the increase in the height of the proposal.

Because of the amount of windows there will be an increase in overlooking.

The materials proposed are not considered to be acceptable and not a Suffolk style that agricultural properties would be built with and would not be fitting with the surrounding properties either and an eye sore.

The other building could still be built on the land, therefore creating two dwellings on the site.

#### **4. RELEVANT POLICIES**

- 4.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 4.2 National Planning Policy Framework 2019 (NPPF)
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1 - Sustainable Development
  - SP1A - Presumption in Favour of Sustainable Development
  - SP15 – Landscape and Townscape
  - SP19 - Settlement Policy
  - SP27 – Key and Local Service Centres
  - DM7 – Infilling and Backland Development within Physical Limits Boundaries
  - DM8 – Extensions to Residential Curtilages
  - DM21 – Design: Aesthetics
  - DM23 – Residential Amenity
- 4.4 Suffolk Coastal District Site Allocations and Area Specific Policies (adopted January 2017) policies:
- SPP2 – Physical Limits Boundary
- 4.5 Suffolk Coastal Local Plan – Final Draft (January 2019), was submitted for examination 29 March 2019. The relevant policies within this document are:
- SCLP3.2: Settlement Hierarchy
  - SCLP3.3: Settlement Boundaries
  - SCLP5.2: Housing in Small Villages
  - SCLP5.7: Infill and Garden Development
  - SCLP5.14: Extensions to Residential Curtilages
  - SCLP11.1: Design Quality
  - SCLP11.2: Residential Amenity

## 5. PLANNING CONSIDERATIONS

### Principle of Development

- 5.1. The application site is located in a sustainable location within the physical limits boundary of a settlement. It is therefore in a location where new residential development is permitted by the NPPF, subject to the consideration of relevant material planning considerations.
- 5.2. The proposed dwelling is located within but adjacent to the Physical Limits Boundary of Bredfield, which runs along the eastern flank boundary of the proposed building. Therefore the house would be within the physical limits boundary, but the triangular shaped garden area to the east of the house would be located outside the boundary, within the countryside.
- 5.3. The Physical Limits Boundary of Bredfield is identified by Policy SP19 of the core strategy, which identifies the area as a Local Service Centre, and SSP2 of the site allocations document. Therefore Policy SP27 is to be applied to the application as the proposal is considered to be within a Local Service Centre.
- 5.4. This policy states that development is to be permitted within the physical limits boundary, where it is considered to be reflective of the surrounding area, and meets

other policies in the Core Strategy. Therefore the principle of development accords with planning policy, subject to the consideration of other planning policies and material planning considerations.

- 5.5. The principle of a dwelling on this site has also already been established through the granting of DC/16/2362/FUL, which is extant until 3 August 2019.
- 5.6. Policy DM7 permits infilling of single dwellings within physical limits boundaries of villages, where they would not result in a cramped form of development, out of character with the streetscene, would not result in tandem or similar unsatisfactory types of development that would significantly reduce residential amenity through increased noise and loss of privacy. The policy also requires that the proposal is well related to adjacent properties and not designed in isolation, and that provision is made for an appropriate sized curtilage.
- 5.7. As explained above the principle of a dwelling on this site has already been established through the granting of the previous planning permission. Therefore the approximate location of the building and the access to it has already been established, as acceptable and according with Policy DM7. The other requirements of this policy are explored below.
- 5.8. Although the recently submitted Local Plan has limited weight at present, this proposal would also accord with the relevant policies within that document. Bredfield is defined within SCLP3.2 (Settlement hierarchy) as a 'Small Village'.
- 5.9. The physical limits boundary defined in emerging policy SCLP3.3 (Settlement Boundary) and the associated proposals/policies map follows the same line as the existing in the area around and across the application site. Therefore the proposed house would be within the new boundary, with its garden area to the east laying outside the boundary, in the same manner to the existing physical limits boundary arrangement.
- 5.10. Emerging Planning Policy SCLP5.2 (Housing Development in Small Villages) allows for a small group of dwellings of a scale appropriate to the size, location and character of the village or infill development in accordance with Policy SCLP5.7 (Infill and Garden Development), which allows for infill residential development, with similar criteria as existing planning policy DM7.

#### Design

- 5.11. This is proposed dwelling is to be faced in modern materials but has a traditional barn style, with a cat slide roof and a high roof space. There are large openings and other domesticated features including roof lights that are to be proposed on the dwelling.
- 5.12. The other properties in the surrounding area are traditional in their nature, design and materials.
- 5.13. The location of the dwelling is to the rear of the current properties and therefore would not be visible from the main high way and would only be visible when

accessing the site and from the rear garden of properties that currently surround the site.

- 5.14. It is considered that it would not dominate the plot as it is located to the rear of the site, but within the physical limits boundary. When accessing the site, it is considered that the main building that would be seen within the plot is the garage that is being proposed, then the dwelling located behind it.
- 5.15. Therefore it is considered that the proposal is acceptable and will meet the requirements of the NPPF, existing Local Policy DM21 of the Core Strategy and emerging local policy SCLP11.1 (Design Quality).
- 5.16. Due to the extent of the proposed residential curtilage and its location beyond the physical limits boundary, within the countryside, any outbuildings and other ancillary developments within the garden area to the west of the house, have the potential to have a significant visual impact upon the wider countryside. The size of the proposed curtilage would be significantly larger than that permitted under DC/16/2362/FUL.
- 5.17. Therefore in accordance with Policy DM8, it would be reasonable to remove Permitted Development Rights within this area for ancillary buildings, structures, heating fuel tanks, walls, fencing, gates and other means of enclosure, and free standing Photovoltaics and wind turbines (Classes E and D of Part A, Class A of Part 2, and parts of Classes A and H of Part 14).
- 5.18. This would also be supported by emerging planning policy SCLP5.14 (Extensions to Residential Curtilages) which has similar aims and objectives as existing planning policy DM8.

#### Residential Amenity

- 5.19. Comments have been received from Mallards, immediately to the south of the site, commenting on the impact that this proposed dwelling would have on their availability of light and the impact on privacy.
- 5.20. There is a single storey element to the south of the proposal site which is to be 4.4m away from the boundary of the neighbouring property, the two storey element of the proposal is to over lap the single storey element, but is 12m away from the flank boundary, when not obscured by the single storey element.
- 5.21. There are to be four windows on the first floor south facing elevation, these are to face into the amenity space of the proposed dwelling and the garage to the south of the proposal site that belongs to Mallards. These are to be at an angle and would not directly look into the garden of the neighbouring property. It is agreed that there would be some perceived overlooking from bedroom two windows, which is 19m away from the common boundary, but this is not the only window for this room. Bedroom 3 is approximately 17m away, to the common boundary, this is the only window for the room. Bedroom 2 is approximately 16m away, this is also the only window for this room. The next window along is an en-suite for bedroom 1, this would be obscurely glazed.



- 5.22. In regards of the overshadowing to the neighbouring property it is considered that this would be minimal as the neighbouring property is to the south of the proposal site and therefore would not create any overshadowing. The bulk of the building is also considered to be set further away from the common boundary line with the neighbouring property.
- 5.23. The third party comments, also suggest that the other dwelling that has been permitted could be built along side the current proposal. This is not considered to be the case as the footprints of the dwellings would overlap, (as detailed on the plans that have been submitted). In theory, both the garage of the previously permitted scheme and the garage of the current application could both be constructed, as their footprints do not overlap. However, due to the locations of the two buildings, the distance between them, and the boundaries of the surrounding dwellings, if both were to be constructed the cumulative impact upon visual and residential amenity would not be sufficient to warrant refusal.
- 5.24. Due to the location of the proposal and the orientation of the windows it is considered that there would be minimal impact on the amenity space, both internal and external, of the neighbouring dwellings. There will be no overshadowing as the proposal is located away from the boundary of the neighbouring dwellings. Therefore the proposal is considered to be in conformity with Policy DM23 of the Core Strategy, and emerging planning policy SCLP11.2 (Residential Amenity).

#### RAMS

- 5.25. This proposal site is located within the 13km 'zone of influence' on the European Protected sites and it is for the erection of one dwelling, therefore requiring mitigation for the protection of the European Protected sites. However, there is already an extant planning permission on the site, which predates RAMS. Therefore, in effect this is akin to a replacement dwelling, for the purposes of RAMS, and so a mitigation payment towards RAMS is not required in this instance.

#### CIL

- 5.26. As this proposal is for a new dwelling it would be Community Infrastructure Levy (CIL) Liable. The site is within the High Zone for CIL purposes.
- 5.27. The proposed dwelling and garage would have a floorspace of approximately 277sqm (ground floor of dwelling 140sqm, first floor of dwelling 90sqm, garage/cartlodge 47sqm). An existing building with an approximate floorspace of 33sqm is proposed to be demolished and thus would reduce the liable floorspace. At current CIL rates, that equates to approximately £48,000.
- 5.28. There is the potential for a self-build exception or other reduction on this, provided certain criteria have been met. At this stage no such exemption or reduction has been sought, but this can be sought any time prior to commencement of development.
- 5.29. Bredfield does not have a Neighbourhood Plan, therefore the Parish Council would receive 10% of the CIL receipt. The remainder would be used towards infrastructure projects on the Councils 123 List in accordance with the CIL Regulations 2010.

## Conclusion

- 5.30. It is considered that this new dwelling in this location is considered to be acceptable. The principle accords with planning policy and it is acceptable as there is already an extant permission on this site.
- 5.31. It is considered that the benefits of this scheme are not outweighed by the harm.
- 5.32. This proposal would result in an additional dwelling within a sustainable location, within the physical limits boundary of the village of Bredfield, where its occupants could provide support to local services and facilities within the village. It also has the potential to provide monies towards Infrastructure through the CIL process, which could be of benefit to the local community.
- 5.33. There would be minimal harm to the amenity of the neighbouring properties, and subject to appropriate conditions, the scheme would also be acceptable in terms of visual amenity. The scheme is also acceptable in terms of highway safety.
- 5.34. The prior to commencement conditions have been agreed with the planning agent.
- 5.35. The scheme is therefore recommended for approval subject to appropriate conditions.

### **RECOMMENDATION: APPROVE** subject to the following conditions

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with PW994\_PL01 and PW994\_PL02 received 21st January 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. The use shall not commence until the areas within the site shown on PW994\_PL\_01 for the purposes of manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that facilities for on site parking are provided and maintained in order to reduce parking and manoeuvring within the highway.

5. Prior to the commencement of development any feature along the highway frontage and within the splays shown in red on the plan hereby approved shall be reduced to 0.6 metres above the level of the adjacent carriageway and thereafter shall be maintained at or below that height.

Reason: In the interests of highway safety in order to maintain indivisibility between highway users.

6. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM02 with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

7. No building shall be occupied until the screen walls or fences as shown on the approved plans have been erected between each adjacent dwelling hereby permitted, and shall be subsequently retained; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and in order to enhance the appearance of the locality.

8. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of five metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

9. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in:

- Part 1, Class E (outbuildings, swimming or other pools, domestic fuel tanks etc)
  - Part 2, Class A (Fences, walls, gates and other means of enclosure)
  - Part 14, Classes A and H (domestic photovoltaics and domestic wind turbines)
- of Schedule 2 of the said Order shall be carried out on the triangular shaped area of land to the east of the hereby approved dwellinghouse, unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment. This area of residential curtilage is a significant expansion beyond the defined physical limits boundary, and the residential curtilage previously permitted. Any structures within this area have the potential to significantly expand the built form which could adversely affect the appearance of the locality in the countryside.

**DETERMINATION:**

**BACKGROUND PAPERS:** Planning Application File Ref No DC/19/0244/FUL

**Committee Date:** 21 March 2019.

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**3. KESGRAVE – DC/18/3809/FUL – Construction of new vehicular access at: At Last, 112 Main Road, Kesgrave, IP5 1BL for Mr Stuart Lawson**

**Case Officer: Joe Blackmore**

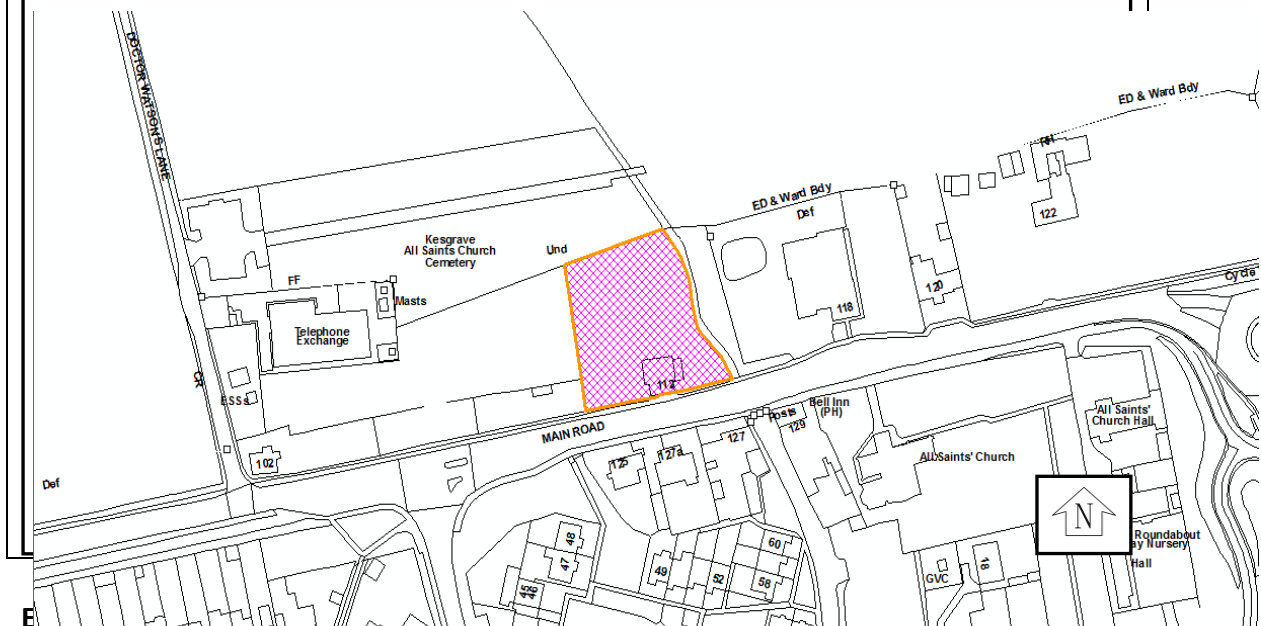
**Expiry Date: 30 April 2019**

**DC/18/3809/FUL – At Last, 112 Main Road, Kesgrave, IP5 1BL**

DO NOT SCALE SLA100019684

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**Planning Permission is sought for the construction of a new vehicular access at 112 Main Road, Kesgrave. This item has come before members because the applicant is an elected member (formerly of Suffolk Coastal District Council, and remains an elected member of the shadow period of East Suffolk Council, when this application is to be considered and determined).**

**The item was presented to members previously in November 2018 with a recommendation of refusal on the grounds that the proposal would represent an unacceptable risk to highways safety, in-line with the recommendation of the Suffolk County Highways Authority. Determination was however deferred to enable members to undertake a site visit, which took place on 17 December 2018 with officers from the Highways Authority in attendance. Since the site visit, officers have engaged with the applicant and Highways Authority, which has led to the submission of amended plans which detail significantly improved visibility splays from the proposed vehicular access, when compared to the original proposal drawings. The Senior Highways Officer has considered the amended proposal and no longer recommends refusal on highways safety grounds.**

**Highways safety is the main planning issue which has now been satisfactorily addressed. Officers therefore consider that planning permission can be granted for the proposed vehicular access without risk to users of the access and motorists on Main Road in the vicinity of the application site.**

## **1. SITE DESCRIPTION**

- 1.1 The application site is located in the town of Kesgrave, to the north side of Main Road (A1214). The site is an irregular shaped parcel of land extending a considerable distance north into the countryside; the total site area is in the region of 0.25 hectares with a 48 metre frontage onto Main Road. The frontage boundary is fully enclosed by a timber fence and thick hedgerow, immediately behind this is a residential bungalow.
- 1.2 There is a pedestrian access to the property through the eastern site boundary however there is no existing vehicular access that allows direct access to and egress from the application site. The site is bound to the east by a public right of way (ref. E431/011/0) ("ROW") that runs south-north the full extent of the eastern site boundary. Adjacent the ROW, to the east, is a car park serving Kesgrave Carpets, and the flats above, which is accessed from Main Road.
- 1.3 The site is bound to the west by a rectangular-shaped area of land in separate ownership. There is a dropped kerb pedestrian crossing next to this land, south-west of the application site, which appears to have been used for vehicle access from Main Road to this third party land, as a short section of hedgerow has been removed to allow vehicular access. There is also an old Transit Van parked on this land suggesting past-use of this dropped kerb. In respect of this adjacent parcel of land, the applicant has a private agreement in place with the landowner to allow right of way over this land, providing means of access to and egress from the application site. However, as the western boundary of the application site is fully enclosed by a timber fence, this potential right of way across third-party land is not utilised.
- 1.4 A previous planning application (ref. DC/17/3953/FUL) sought planning permission to extend this dropped kerb pedestrian access so it could be used for vehicles to access 112 Main Road across the adjacent third-party land. The Suffolk County Highways Authority commented on that application and identified that this is not a bona-fide vehicular access; it is actually a pedestrian dropped kerb and is not authorised for vehicular access. The application was therefore withdrawn prior to determination and the current application seeks to provide a highways access point all within land under the applicant's ownership.
- 1.5 There was also a previous outline planning application (DC/13/2410/OUT) that proposed the demolition of the existing dwelling and erection of two dwellings with re-configured access arrangement. At that time the current site, and adjacent land, were in single ownership and the proposal involved 'stopping-up' the site access via the pedestrian dropped kerb and providing a new highways access point onto Main Road. The Suffolk County Highways Authority did not object to this application on the basis that it would restrict the use of an unauthorised, sub-standard vehicle access; but also create a new highways access with improved visibility in both directions. This planning gain could be delivered because all of the land was in the then-applicants ownership. In any event, planning permission was refused for other reasons, and the appeal dismissed by the Planning Inspectorate.

## 2. PROPOSALS

- 2.1 The proposed development is to create a new vehicular access onto Main Road at the western end of the road frontage. The proposed means of access onto the highway requires planning permission because Main Road is a Class A road. There is no permitted development right which would allow the creation of a vehicular access onto Main Road.
- 2.2 The proposal now before members has been amended since the item was previously presented to the planning committee, following consultation with the County Council Highways Authority. The parking and manoeuvring area within the application site has been enlarged to allow vehicles to turn within the site, and thus enter the highway in a forward gear. The proposed vehicular access has been shifted slightly west, by some 1.75 metres, to enable better visibility in the easterly direction. The proposed access has a standard width of 3 metres and bullnose of 6 metres, in accordance with the standard drawings for vehicular access published by Suffolk County Council. The access requires the removal of a section of hedgerow approximately 15 metres in length. The drawings also indicate that - within the visibility splays and highway boundary - any vegetation, fences and embankments will be reduced to 0.6 metres in height to ensure visibility is not obstructed.

## 3. CONSULTATIONS

- 3.1 Kesgrave Town Council: Recommend approval.
- 3.2 Suffolk County Council - Highway Authority (revised consultation response received 27 March 2019):  
*"The latest revised drawings (refs: ATLAST/KES/09/2018/01 Rev A and ATLAST/KES/09/2018/02) are acceptable to the Highway Authority. The visibility splay to the east shown on drawing no. ATLAST/KES/09/2018/02 is 2.4m x 69m. This is below the standard requirement for 2.4m x 90m in both directions, however, given the semi-urban location, absence of speed related accidents in the vicinity of the proposed access, and acceptance that 69m is only 1m short of the DMRB 70m 'one step below' figure, it would be difficult to maintain that the proposal would cause a significant impact on highway safety."*

Planning Officer Note: Standard conditions are also recommended to: secure the development in accordance with the submitted plans; ensure the vehicular access is properly surfaced with a bound material; ensure surface water is dealt with appropriately; provide the manoeuvring and parking areas prior to use of the access; and ensure the area within the visibility splays remain free of obstruction.

## 4. RELEVANT POLICIES

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that, to the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 4.2 National Planning Policy Framework (2019)
- Paragraphs 108 and 109

- 4.3 National Planning Practice Guidance (NPPG)
- 4.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP15 – Landscape & Townscape  
DM22 – Design (Function)

## 5. PLANNING CONSIDERATIONS

### Highway Safety

- 5.1 Main Road (A1214) is a heavily trafficked Class A road that links central Ipswich to the A12 and A14. Some 50 metres-or-so to the west of the application site is the traffic lights at the Main Road/Bell Lane junction. A high volume of traffic therefore passes the application site and proposed new vehicular access.
- 5.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out that the Local Highways Authority is a statutory consultee on any development involving the formation, laying out or alterations of any means of access to a highway. In this instance, Suffolk County Council Highways Authority (“the Highways Authority”) is the statutory consultee and Officers are heavily guided by the technical expertise of the Highways Authority, particularly on matters of highways safety.
- 5.3 In response to the original proposals, the Highways Authority recommended refusal on the grounds that the limited visibility from the proposed vehicular access would pose an unacceptable highways safety risk. This objection was primarily due to the likely limited visibility in the critical westerly direction, as the splay was deemed to cross neighbouring boundaries; it was therefore judged that this visibility splay could not be guaranteed to remain available or free from obstruction in the future. However following the member site visit, the Highways Authority has analysed the site and surroundings further, ultimately concluding that the required visibility splays do appear to be achievable within the applicant’s land and highway verge, subject to significant work to the frontage involving the removal/reduction of all vegetation, embankment and fencing above 600mm high within the splay areas. As the majority of the westerly visibility splay is within the highways verge (and therefore under the control of Suffolk County Council) it is accepted that all planting can be cut back to allow visibility. In the easterly direction, the splay predominantly comprises the application site frontage; thus, the land is within the applicants control whereby the necessary frontage work can be secured by condition to ensure visibility in the easterly direction. This would involve planting being removed and/or cut back, and the existing timber fence adjacent the bungalow being reduced in height.
- 5.4 The Highways Authority has noted that the application site is within a semi-urban area, and that there have been very few speed-related incidents in the vicinity of the proposed access. The usual visibility splay requirement of 2.4m x 90m in both directions can therefore be relaxed, to a ‘one step below’ figure of 70m in each direction. In the critical westerly direction, the 90 metre figure can actually be achieved; in the easterly direction, 69 metres can be achieved – only 1 metre short of



the reduced requirement. As such, the Highways Authority now judge that the visibility from the proposed vehicular access would be acceptable and thus the proposal does not represent an unacceptable risk to highways safety.

- 5.5 The National Planning Policy Framework (2019) sets out that development should provide safe and suitable access for all users; and that 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 (paragraphs 108 and 109). On the basis that the Highways Authority - the statutory consultee on such matters – now consider the proposal acceptable, officers consider that the proposal accords with the objectives of the NPPF, along with the functional design requirements of policy DM22 – Design: Function.

#### Impact on the Character and Appearance of the Area

- 5.6 It is accepted that the works within the visibility splay will have a significant impact on the appearance of the Main Road frontage at - and in the vicinity of - the application site. To the west, this will mostly just involve cutting back existing vegetation that is overhanging onto the footway: it is a maintenance issue for Suffolk County Council to control vegetation within the highway verge. In an easterly direction, however, this will require the existing planting to either be removed, or substantially cut-back and reduced to 600mm in height. The existing timber fence will also need to be reduced in height or removed.
- 5.7 The loss and substantial reduction of planting within the visibility splays will see an urbanisation of the site frontage through a loss of 'greenness'; however this vegetation is not protected by Tree Preservation Order or conservation area designation, thus it could be removed at any time without needing consent from the Local Planning Authority. The application site is also located within a semi-urban area so the new vehicular access and visibility splays would not appear particularly out-of-character, in this context.
- 5.8 On this basis, there would be limited harm to the character and appearance of the area and thus some conflict with the objectives of policy SP15 which, inter alia, seeks to preserve and enhance existing landscape and townscape features.

## **6. PLANNING BALANCE AND CONCLUSION**

- 6.1 The proposed development would offer a considerable amenity benefit to occupiers of the dwelling at 112 Main Road by enabling direct access to and egress from the site allowing vehicles to be parked within the site area. At the present moment occupiers of the property are parking vehicles in the Kesgrave Carpets car park – but this is subject to a private agreement with the landowner. The third party land to the north & west and ROW to the east prevents any other means of vehicular access being achieved and therefore the Main Road frontage is the only option. The rationale for the application is therefore clear and the proposed development would significantly improve the functional living conditions for occupiers of the dwelling.
- 6.2 Whilst there would be some harm to the character of the road frontage through losses of planting, this work is required to achieve the visibility splays which will make the new vehicular access safe and suitable in highways terms.

- 6.3 The proposal has been through extensive consultation and consideration – with the Suffolk County Highways Authority now at a point where no objections are raised. Officers consider the main planning issue has been satisfactorily addressed and, therefore, planning permission can be granted for the proposed vehicular access.

**RECOMMENDATION: APPROVE** subject to controlling conditions including the following:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with Drawing No's: ATLAST/KES/09/2018/01/A and ATLAST/KES/09/2018/02, received on 21 March 2019.

Reason: For avoidance of doubt as to what has been considered and approved.

3. The new vehicular access shall be laid out and completed in all respects in accordance with: Suffolk County Council Standard Drawing for vehicular access No. DM02; and approved drawing no. ATLAST/KES/09/2018/01 Rev A, and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

4. The vehicular access shall not be used until the area within the site shown on ATLAST/KES/09/2018/01 Rev A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking and manoeuvring of vehicles is provided in the interests of highway safety.

5. Before the access is first used visibility splays shall be provided as shown on Drawing No. ATLAST/KES/09/2018/02 and thereafter retained in the specified form. Notwithstanding the provisions 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely.

6. The 3no. trees adjacent the southern boundary of the application site, as shown on Drawing No. ATLAST/KES/09/2018/01 Rev A, shall not be uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority.

Reason: To safeguard the visual amenity provided by these mature trees which fall outside of the approved visibility splays and therefore do not need to be removed.

**DETERMINATION:**

**Committee Date:** 26 November 2018

**Site Visit:** 17 December 2018

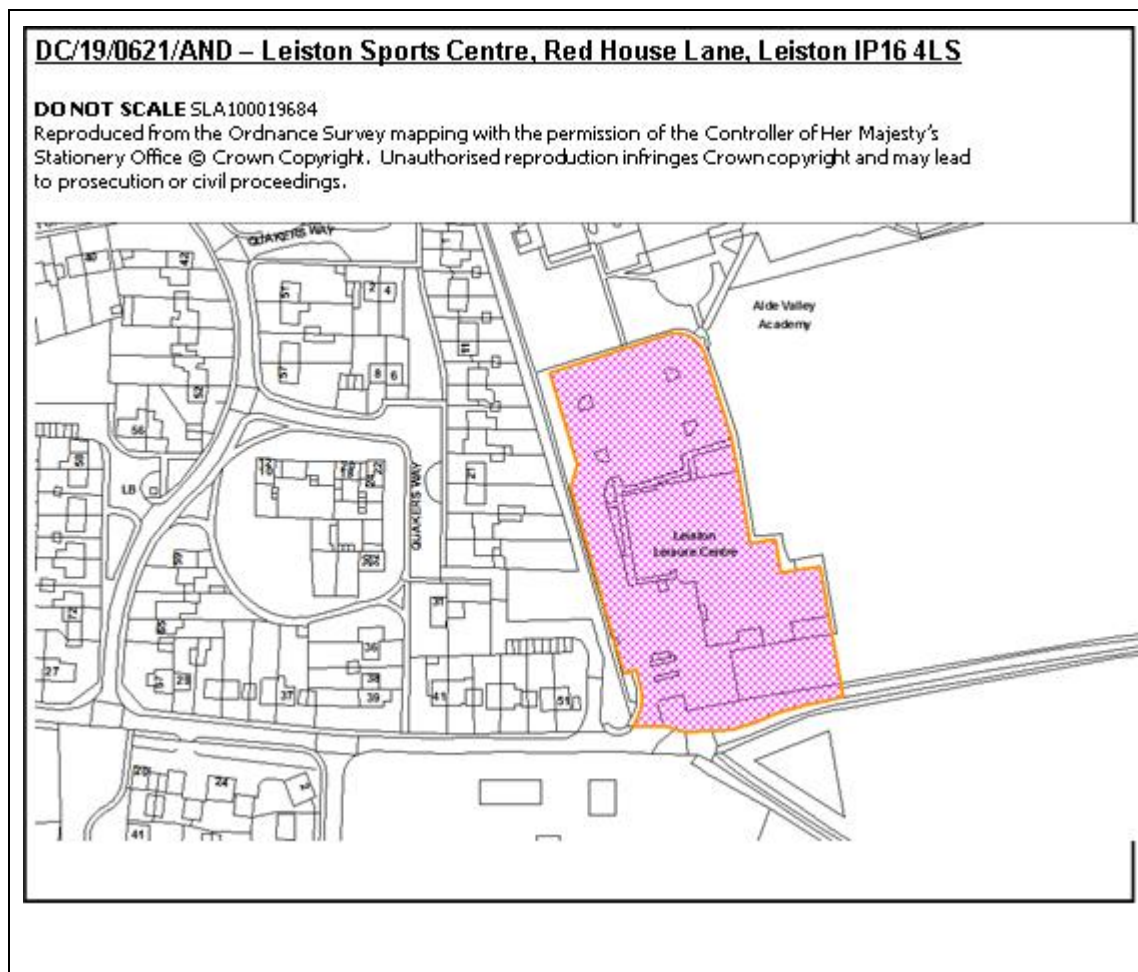
**Committee Date:** 18 April 2019

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4. **LEISTON – DC/19/0621/ADN – Application to Display Signage, Leiston Sports Centre, Red House Lane, Leiston, Suffolk, IP16 4LS for Ms Laura Hack, East Suffolk Council**

**Case Officer: Mr Stephen Milligan**

**Expiry Date: 8 April 2019**



## **EXECUTIVE SUMMARY**

**Advertisement Consent is sought for signage at the extended/refurbished Leiston Leisure Centre. This item has come before members because the application has been made by the Council on its own land. The application is recommended for approval on the grounds that the adverts proposed are acceptable having due regard to highway safety amenity.**

### **1. SITE DESCRIPTION**

- 1.1. The application site is located on Red House Lane, outside of the physical limits of Leiston and offers leisure facilities to the local community. The existing building is largely two storeys with the majority of accommodation at ground floor level.
- 1.2. The original building is believed to date from the 1970's with an extension to form the swimming pool added in the 1990s. Work is currently taking place on the extension and refurbishment of the building under planning permission DC/18/1120/RG3.
- 1.3. The application site at Red House Lane, Leiston extends to approximately 0.91 hectares in size, and accommodates a community leisure centre and external sports pitches and car parking.

- 1.4. There are neighbouring residential properties in Red House Lane and Quakers Way to the west, with No. 51 Red House Lane the immediate neighbour and Nos 13 to 27 (odds) Quakers Way backing on to the site.

## **2. PROPOSALS**

- 2.1 The proposed development involves signage advertising the Leiston Leisure Centre and incorporating the new East Suffolk logo. There is a sign on the extended building advertising the Leiston Leisure Centre and another sign at the entrance into the building. There are further signs within the car park and at the entrance to the site. The signage will not be illuminated.

## **3. CONSULTATIONS**

- 3.1 Leiston cum Sizewell Town Council: No comments received
- 3.2 Third Party Representations: None received

## **4. RELEVANT POLICIES**

- 4.1 NPPF (2019)
- 4.2 NPPG
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:  
DM21 – Design: Aesthetics
- 4.4 The following Suffolk Coastal Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:  
SPG14: Shopfronts, Signs and Advertisements

## **5. PLANNING CONSIDERATIONS**

- 5.1 The NPPF sets out that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### Amenity

- 5.2 The proposed signs identify the premises and will not have any adverse impact on the amenity of the building or the wider area.

### Public Safety

- 5.3 The signs are located on a site at the end of Red House Lane. Although visible outside of the site, it is not considered that they would distract users of the highway such that it could affect public safety.
- 5.4 The location of the signs on the building and at the site entrance would not obscure any other traffic sign or railway signal, nor would they hinder the operation of any

device used for security, surveillance or speed of vehicle. It is therefore considered that the proposal would not result in any increased risk to public safety.

### Conclusions

- 5.5 The proposed signage would have little impact on amenity nor be detrimental to public safety. The application is therefore considered to be acceptable.

### **RECOMMENDATION: APPROVE** subject to the following conditions:

1. This consent shall expire at the end of a period of five years from the date of this consent.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007.

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drg No 161 C65 received 12.02.2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The advertisements hereby approved shall be maintained in a clean and tidy condition.

Reason: In accordance with the Town and Country Planning (Control of Advertisement) Regulations 2007.

4. No advertisement shall be sited or displayed so as to – endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: In accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In Accordance with the Town and Country Planning [Control of Advertisements] Regulations 2007.

### **DETERMINATION:**

**BACKGROUND PAPERS:** Planning Application File Ref Nos DC/19/0621/ADN and DC/18/1120/RG3.

**Committee Date:** 18 April 2019

**Site Visit:**

5. **MELTON – DC/19/0521/OUT – Outline Application – Erection of 1 ½ storey dwelling house with access off Daines Lane at 1 Holly Villas, Melton Road, Melton, IP12 1PD for Mr S Smith**

**Case Officer: Danielle Miller**

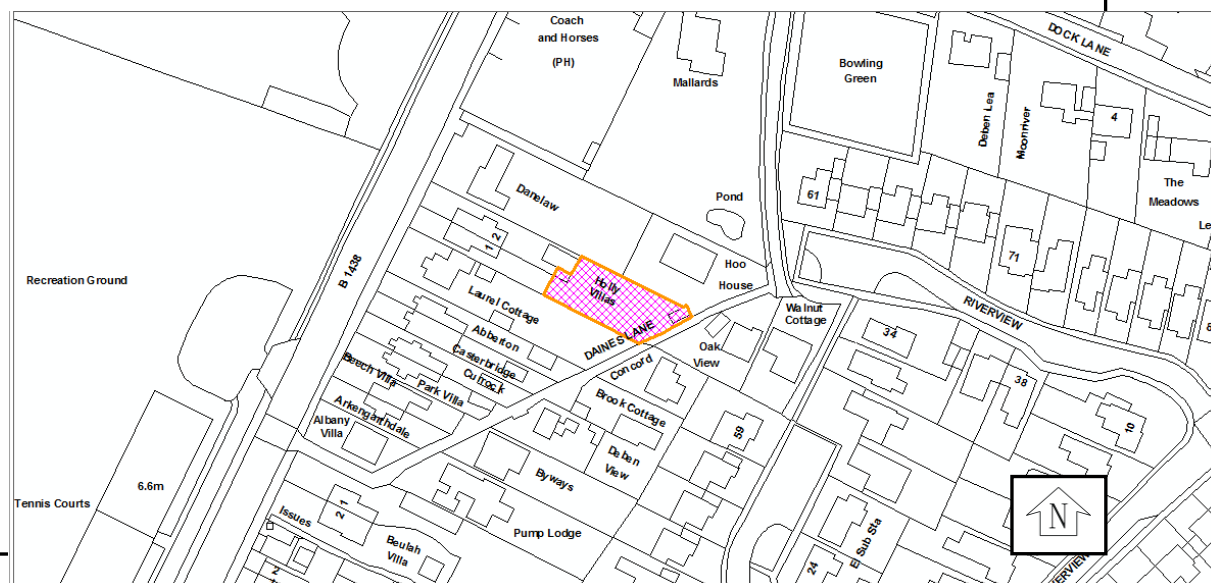
**Expiry Date: 1 April 2019 (EOT agreed until 30 April 2019)**

**DC/19/0521/OUT – 1 Holly Villas, Melton Road, Melton IP12 1PD**

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**EXECUTIVE SUMMARY**

Outline Planning Permission is sought for the erection of a 1.5 storey dwelling with access of Daines Lane to the rear of 1 Holly Villas, Melton Road, Melton. The matters of appearance, scale and design reserved for future determination. The application therefore is to consider only the principle of development and means of access.

This item has come before members because the Parish Council raised objections along with 14 third party objections. The application was heard by the referral panel and they requested it came before members to consider the issues raised by the application.

The application is considered to be policy compliant in that it is located within the settlement boundary where the presumption of additional residential development is accepted. Sufficient space exists within the application site to support a dwelling without appearing cramped or over-developed. Access to the site is acceptable and the plans demonstrate that sufficient parking can be provided on the site. Details of appearance and design are reserved for subsequent consideration.

The application is recommended for Approval. Members are advised that the RAMS payment has been received.

## **1. SITE DESCRIPTION**

- 1.1 1 Holly Villas is a semi detached dwelling fronting Melton Road. It has a mature rear garden which backs onto Daines Lane, where there is an existing vehicular access and adjacent prefabricated garage.
- 1.2 The site falls outside the Melton Conservation Area and the nearest listed building is the Coach and Horses Public House situated due north North, but not immediately abutting the site. The site is within the Physical Limits Boundary.
- 1.3 The surrounding area is made up of a mixture of residential properties running along the south side of Melton Road, with some larger residential properties on the north along with the recreation ground. There is a primary school (Melton Primary School) located to the north on the other side of Dock Lane.
- 1.4 Melton Road is classified as a B road known as the B1438. Daines Lane is an unadopted road, laid with gravel and grass in some places. It is an access road for six properties along the southern side and offers rear access for ten properties which front Melton Road.
- 1.5 Hoo House, C/04/1148 and C/07/1401, was built in the rear garden of Danelaw, this is accessed via Dock Lane and from Daines Lane however it does abut the site on its north east boundary.

## **2. PROPOSALS**

- 2.1 The application seeks outline planning permission for the erection of a 1.5storey dwelling on part of the residential garden associated with No.1 Holly Villas, Melton Road, Melton.
- 2.2 There is no relevant planning history related to this application site, however there is a parallel application, DC/19/0523/FUL which seeks permission for vehicular access/pavement crossing and creation of 2 onsite parking spaces in the frontage of 1 Holly Villas, which is due to be considered alongside this application and is recommended for approval.

## **3. CONSULTATIONS**

- 3.1 Melton Parish Council's Planning & Transport Committee: resolved to recommend refusal of the application, for the following reasons:
  - Whilst the Parish Council accepts and approves some level of development in former gardens where there is both an adequate sized plot and suitable access, this is not the case with the site in question which has extremely poor access.
  - This proposal represents an overdevelopment within the Melton Village Character Area contrary to Policy MEL17 of the Melton Neighbourhood Plan.
  - The proposed new dwelling would compromise residential amenity contrary to (1) Policy MEL17 of the Melton Neighbourhood Plan, (2) existing Suffolk Coastal Policy DM23 and (3) the proposed Policy SCLP11.2.
  - As stated above, the access is very poor, with the proposed entrance to the site at the point at which the lane becomes only a footpath. Access for modern building materials vehicles would be impossible, and any increase in vehicular traffic to a



new dwelling would aggravate safety considerations in a lane primarily used as a footpath by local people.

- 3.2 Suffolk County Council - Highway Authority has not raised any objection to the application however they have requested that a condition relating to the storage and presentation of refuse/recycling bins to be provided for the development.
- 3.3 Head of Environmental Health have no objection in relation to this application, based on the information provided, however they have requested a condition be made to cover the event unexpected contamination is encountered.
- 3.4 Suffolk County Council – PROW Public footpath 16 is recorded adjacent to the proposed development area, whilst PROW have not raised any objections to the proposals they have requested that an informative be added to any approval detailing the applicant's responsibilities.
- 3.5 Natural England Have advised that this development falls within the 13 km 'zone of influence', as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable.
- 3.6 Third Party Representations: 14 Letters of Objection have been received raising the following matters:

#### Access

- The proposed site is not appropriate for a dwelling based on the size of the plot and its unique position in Daines Lane as a quiet private road and footpath which restricts vehicle access.
- Construction work will cause major disruption to all residents with a risk to damaging the lane which is already fragile.
- Unsuitable access arrangements along public footpath
- Any additional vehicle movements entering and exiting from the private and unadopted Daines Lane will increase risks to users of the busy Melton Road, including pedestrians, as well as causing more conflict with users of the public footpath.
- No indication of how any new dwelling would contribute to the upkeep of Daines Lane is included in the application.
- Daines Lane is very narrow with no turning points other than onto private drives and is unsuitable for vehicles other than cars or small vans. The access to Melton Road is also very tight making egress tricky.
- It should also be remembered that Daines Lane is also a public footpath used for access to Dock Lane and the housing estate in Riverview. In addition, it is widely used by school children and parents attending the adjacent village school.
- The vehicular access part of the lane narrows to approx. 2.5m and ends at Concord with a sharp bend at Pump Lodge making it impossible, especially for delivery or contractor's vans to come down without reversing onto Melton Road or attempting to turn on private drives. The bin lorry is unable to get

down here and the Postman leaves his van on Melton Road, walks down with post because it is difficult to pull out onto Melton Road due to busy flow of traffic and poor visibility caused by parked cars.

#### Precedent and impact on surrounding area

- It sets a bad precedent for the area for people to start exploring their green space to redevelop for property which will only result in a loss of character and an increased risk of flooding.
- Overdevelopment of Melton and negative impact on existing local resources
- Negatively impact the character and peace of the village.

#### Landscape and Wildlife

- Negative impact on wildlife with the loss of trees
- The large mature, and as yet, unprotected oak tree in Oak View will be a constraint, as by virtue of its aspect, it will block significant light to any new dwelling. Future pressure to 'lop' the tree's fine spreading canopy and spoil it is likely to result. The now isolated young cedar remaining at the rear of 1 Holly Villas will have little future should the proposal go ahead.
- The site was cleared of trees by the new owner before the plans went out so we have already lost the bats and song thrushes.
- The removal of water permeable garden will increase significantly the surface water problems of Daines Lane. There is no surface water drainage on Daines Lane. Existing large, mature trees mentioned in the planning application were actually felled prior to the submission of the application, resulting in increased water on the footpath. The level of the Concord property is 0.86m below the proposed development and would be adversely affected by any increased water run-off as will Daines Lane which lies 0.64m below the proposed development.
- On this boundary are two pollarded trees – an ash (T004) and a willow (T005). These were subject to protection when we built our house and so we presume they still are. Yet the developer has chosen not to show these on their plans. With the trees being shared between our properties, we would hope the developer will not show the same utter disregard for them as they did for all the other trees when they decimated what was a beautiful garden and turned it into a local 'blight' – now regularly commented on by local residents and passing walkers.
- When we built our home the whole area around these two pollarded trees had to be fenced off and avoided, yet the plans for the proposed new build show that a driveway will be laid on top of these roots. There is also a Liquid Amber/Sweet Gum(T006) tree in our garden close to the boundary whose roots will be affected by the proposed development and which also had to be protected during our development.

#### Impact Residential amenity

- Cutting off light into other properties
- Noise pollution
- The design and use of Hoo House would be compromised by any overlooking.
- Looking directly into our open plan living space of Hoo House and their open plan living area, therefore our main aspect, faces directly onto the planned building plot. This aspect has floor-to-ceiling, wall-to-wall patio Windows.

- The edge of our house is 6 metres from the boundary of the proposed development.
- The proposed new development is to the south and south west of our property and will significantly block light from our main living area. Our eco house was designed and laid out with the purpose of benefiting from as much natural sunlight as possible coming from a low angle, hence the wall-to-wall, floor-to-ceiling south facing glass and the low, extending eaves
- The proposed house will also reduce the amount of light coming into our back garden and onto our patio.
- The proposed changes to the boundary – a 1.8 metre fence – would also dramatically reduce the light that we depend upon with our low level eaves.

#### Other matters

- Concern over the position of the site notice and notification of residents along Daines Lane
- Due to the natural slope in the lane, surface water from the proposed turning area of the new property (higher than the lane) will run onto the lane and across to other properties.
- The back garden of 1Holly Villas has never to our knowledge been used by 2 cars and the asbestos shed/garage has not been used for over 30 years because it is too small for modern cars. The proposed development would concrete over the area needed to stop rainwater flooding down the slope into the footpath and properties. The boundary is over 2 feet above the path.
- The actual house would appear too overbearing as it is on an incline, between gardens and veg patches, and would overcrowd neighbouring houses.
- Melton has a very good neighbourhood plan. The new houses in the Bloor Homes Development on Woods Lane and the plan to build more houses on the land opposite John Grose Garage should be more than adequate to fulfil housing needs in the area given the oversubscription of local schools, doctors surgeries, etc without the need to squeeze in another in an almost inaccessible garden plot at the back of 1 Holly Villas.
- The current 1 metre picket fence was built by us when we built the house so we are surprised that the developer proposes removing it having made no real effort to communicate with us at all.

#### **4. RELEVANT POLICIES**

4.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 NPPF (2019)

4.3 NPPG

Section 2 - 6

4.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP19 – Settlement Policy  
SP27-Key and Local Service Centres  
SP2 – Housing numbers and distribution  
SP3 – New Homes  
DM7 – Infilling and Backland Development with Physical Limits Boundaries  
DM21 – Design Aesthetics  
DM22 – Function  
DM19 – Parking Standards  
DM23 – Residential amenity  
SP15- Landscape and Townscape  
DM27 – Biodiversity and Geodiversity

- 4.5 The following Policies of the Melton Neighbourhood Plan 2016 are relevant to the consideration of this application:  
MEL 17 – Character Areas

## **5. PLANNING CONSIDERATIONS**

### Principle of development and access

- 5.1 The proposal site falls within the settlement boundary as set out within the adopted Melton Neighbourhood Plan (NP), adopted December 2017. Policy MEL1 of the Melton Neighbourhood Plan states that development proposals within the physical limits boundary will be supported subject to compliance with policies SP19, SP26 and SP28. By virtue of the site being located within Melton's development limits and within close proximity to an extensive range of facilities and service, the site can be considered sustainable in the context of SP19 and in relation to the local character and key physical thresholds of the area referred to by SP26 and SP28.
- 5.2 The site is surrounded on all sides by 1 and 2 storey residential properties including Hoo House adjacent the proposal site's north-eastern boundary. Hoo House was approved in 2007, is 1.5 storeys and of a contemporary design with access off Dock Lane; which is linked to Daines Lane via a short stretch of informal footway. A Public Right of Way (PROW) connects Dock Lane to Melton Road via Daines Lane.
- 5.3 The proposal includes the severance of part of No. 1 Holly Villas' existing garden land resulting in a new rear party boundary in-line with that of No. 2 Holly Villas existing boundary. The site for proposed development would be approximately 371 square metres which would be similar to other properties in the area including Oak View located opposite. This is an outline application with all matters, accept access, reserved, the reserved matters application will seek to ensure that the design, scale and appearance of the dwelling does not detract from the nearby properties. The proposed parking to the front of No. 1 Holly Villas, as proposed in the sister application, would not represent a deviation from the existing pattern of development when considered against other properties along Melton Road that already enjoy such provision. Off-road parking provision in this location would also assist in alleviating the

apparent congestion of parked vehicles along Melton Road and the surrounding highway network.

- 5.4 Daines Lane is a private road Policy MEL6 concerns parking standards and stipulates the provision of two off-road spaces for new two and three bed properties and therefore the proposed provision would be policy compliant. The Highways agency has not raised any objection to the applications and it is considered that there is already a right of access to this site given that this is currently the parking provisions for No.1 Holly Villas.
- 5.5 As well as providing the sole means of access and frontage to at least six residential properties, Daines Lane also provides rear access to at least ten properties along Melton Road including No.1 Holly Villas. Daines Lane is narrow, has no formal surfacing material and is accessible via Melton Road (B1438) which is a main arterial road linking Melton with Woodbridge town centre.
- 5.6 Local residents have raised concerns over construction traffic along Daines Lane, a condition is proposed to include a Construction Management Plan prior to commencement to ensure that the construction process can be undertaken in a safe manner for local residents and members of the public using Daines Lane.

#### Visual amenity, street scene and landscape

- 5.7 Given the proximity of the proposed dwelling in relation to other existing dwellings, including Hoo House, it is the officer's opinion that a new dwelling in the location shown on submitted drawing 5328/5 would not represent overdevelopment within the immediate area, nor is the proposed dwelling considered to be obtrusive within the street scene or harmful to the visual amenity of the wider landscape as the existing character of the area appears, to be definitely urban.
- 5.8 There are no TPOs on the site, and a condition can be imposed to ensure that the neighbouring trees and those stated to be retained can be protected during development.
- 5.9 With regards to the loss of trees and other vegetation on the site, as the site is not within a protected area and the trees were not subject to a TPO the council would have no control over the loss of trees, it is considered appropriate in this instance to add a landscape condition to replace some of the lost landscaping.

#### Residential Amenity

- 5.10 The proposal would be surrounded by existing 1-2 storey residential properties on all sides, many of which already utilise Daines Lane as a primary means of vehicular access. No.1 Holly Villas already enjoys rear access, via Daines Lane, to existing rear parking provision including a garage, albeit in a poor state of repair. Taken with proposals to create two additional off-road parking spaces along Melton Road for use by No.1 Holly Villas, it is considered that development of the proposed 1.5 storey dwelling is unlikely to result in the over intensification of Daines Lane and therefore a negligible impact on residential amenity in this regard is in accordance with DM23 and MEL17.

- 5.11 The proposed dwelling would be set back from Daines Lane and is a suitable distance from adjacent neighbouring properties, including Hoo House, Oak View and Concord, such that impacts from overlooking and loss of light would in all likelihood be negligible. Likewise the reserved matters application would ensure that the back-to-back distances between the proposed dwelling and Holly Villas were sufficient so as not to upset the future enjoyment of either property. Furthermore, when compared with no. 2 Holly Villas; which already has a rear garden area similar in size to that which would result if the proposed new dwelling were permitted, the severance of No. 1 Holly Villas' existing garden is not considered detrimental or contrary to DM7.
- 5.12 The indicative front elevation shows an asymmetrical design approach which creates a lower eaves level nearest Hoo house of 2029mm, where the roof pitches away from that shared boundary minimising overshadowing, furthermore the site layout shows the proposed property set back from Daines Lanes, to allow access and parking for two cars to the front of the property, this effectively sets the built form further from Hoo House where any loss of light will be minimal.

#### Design and Layout

- 5.13 The submitted plans show an indicative layout and design for the proposed dwelling, however this is outline application with matters of appearance, scale and design reserved.
- 5.14 The indicative scale of the property at 1.5 storey with the a-symmetrical design proposed conforms for the scale of properties in the vicinity of the site. In addition the resultant size of both sites is also in line with the size of sites along Daines Lane and those fronting Melton Lane. As such it is considered that a property of the size and scale shown in these plans would be in line with planning policy DM21, an informative will be added to any approval granting, advising on this.
- 5.15 The indicative block plan demonstrates a suitably sized access with two parking spaces, the space to the front of the parking spaces is adequate to turn to allow access into and out of the site in a forward gear, a condition will be added to any approval granted to ensure this parking arrangement is retained during the reserved matters stage.

#### Impact on character of area

- 5.16 The site falls outside Melton Conservation Area and the nearest listed building is the Coach and Horses public house situated to the north along Melton Road. Given the built up character of the surrounding area including a number of residential properties and mature trees which screen the proposal site, the impact of the proposed dwelling on the closest heritage assets including the 'Coach and Horses' would be inconsequential.

#### RAMs

- 5.17 The development site falls within the 13 km 'zone of influence', as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest

features of European Sites due to the risk of increased recreational pressure caused by that development.

- 5.18 Officers have undertaken an Appropriate Assessment and determined that in order to mitigate recreational impacts on Habitats Sites in zone B and to confirm to policy DM27 a fee is required. The applicants have entered into a section 111 and paid the required fee as such it is considered the proposals meet the requirements of RAMs and policy DM27.

#### Community Infrastructure Levy (CIL)

- 5.19 Suffolk Coastal District Council has adopted charging schedules to levy financial contributions from the creation of new floor space resulting from new development. CIL payable at £150 per square metre for all new floor space is therefore attributed to the area within which the proposal site sits.
- 5.20 Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) the proposed development is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).
- 5.21 If approved the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy/cil/>

#### Conclusions

- 5.22 The proposals accord with local policies SP1, SP1a, SP19, SP27 and DM7 which direct new housing to settlements which benefit from a physical limits boundary. The scale proposed is in line with other properties in the area and is not considered to represent unacceptable form of backland development.
- 5.23 Whilst the access is across a private road, the host dwelling currently benefits from vehicular access and parking to the rear over Daines Lane, as such it is not considered that the proposals would cause a considerable amount of vehicular movements over and above that that could currently occur at the site. Parking provisions have been made for both the proposed and host dwelling and conform to policies DM19 and MEL6.
- 5.24 This is an outline application where the design and scale of the property are matters to be dealt with at a later stage however the indicative plans demonstrate a suitable building which has been designed to reduce any impact on the amenity of neighbouring properties by way of its scale, design and location within the site, it is considered that the site could accommodate a 1 ½ storey dwelling without adversely impacting neighbouring amenity in accordance with policy DM23.

**RECOMMENDATION: APPROVE** subject to controlling conditions including the following:

1. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

3. This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the access, appearance, landscaping, layout and scale [herein called the "reserved matters"], shall be obtained from the local planning authority.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) no such details having been given in the application.

4. The development hereby permitted shall not be carried out other than in complete accordance with the site location plan and Drawing No 5328:4 in relation to the access arrangement received on 05.02.2019

Reason: For avoidance of doubt as to what has been considered and approved.

5. In the event that contamination which has not already been identified to the Local Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety. An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved



remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. Prior to commencement a method of Construction Management Plan must be submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Daines Lane during the construction phase of the development.

7. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the existing maple tree and beech tree has been erected 1 metre beyond the canopy of the tree(s). The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

8. No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

9. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

10. Two parking spaces are to be provided on site with suitable turning space to allow vehicles to enter and exist the public highway in a forward gear and shall be retained thereafter in its approved form and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in a forward gear in the interests of highway safety.

**DETERMINATION:**

**BACKGROUND PAPERS:** Planning Application File Ref No DC/19/0521/OUT and DC/19/0523/FUL

**Committee Date:** 18 April 2019

**Site Visit:**

**Committee Date:**

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