



Committee Report

Planning Committee South 27 June 2023

Application no DC/23/0830/OUT

Location

Land Fronting
Seven Gardens Road
Burgh
Suffolk

Expiry date

Application type Outline Application

Applicant Park Properties (Anglia) Ltd

Parish Burgh

Proposal Outline Application (All Matters Reserved) - Construction of three bungalows and garages

Case Officer Grant Heal
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1. Summary

- 1.1 Outline Planning Permission (With All Matters Reserved) is sought for the construction of three market dwellings with garages on land fronting Seven Gardens Road, Burgh.
- 1.2 Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and the relevant policies of the adopted development plan.
- 1.3 Notwithstanding, the referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Case Officer is contrary to comments received following a Burgh Parish meeting.
- 1.4 The application was therefore presented to the referral panel on Tuesday 6 June 2023 where the North and South Chairs and Vice-Chairs determined that the concerns raised by parishioners warrants further discussion at planning committee.

2. Site Description

- 2.1 The site is a rectangular parcel of arable land comprising part of a larger field located on the western side of Seven Gardens Road within the Parish of Burgh; a hamlet located northeast of Grundisburgh.
- 2.2 A terrace of existing residential properties abut the site's southern boundary, while two larger detached dwellings are evident to the east on the opposite side of Seven Gardens Road, including 'The Round House' which is Grade II listed.
- 2.3 The site's northern and western boundaries are open to the wider field and countryside beyond.
- 2.4 There is no relevant planning history.

3. Proposal

- 3.1 This application seeks Outline Planning Permission (With All Matters Reserved) for the construction of three market dwellings with garages on land fronting Seven Gardens Road, Burgh.
- 3.2 In the event this current outline proposal is approved, all design detail, including access, would be provided via the submission of subsequent reserved matters application(s). However, an illustrative site layout and street scene has been included within this outline submission depicting three traditionally styled bungalows with frontage onto Seven Gardens Road. The plans also suggest that each dwelling would benefit from generous rear curtilage areas and three offroad parking spaces, including that within a single bay detached garage.

4. Consultees

Third Party Representations

- 4.1 Thirty-five third-party representations of objection have been received which raise concerns in relation to the principle of development and the potential for impacts on highway safety from increased traffic. The adequacy of local infrastructure to support the proposal and the visual impacts of the development on the wider countryside are also cited.

Parish/Town Council

Consultee	Date consulted	Date reply received
Burgh Parish Meeting	7 March 2023	24 March 2023
Summary of comments: <i>'Comments submitted by Mr Alistair Turk on behalf of Burgh Parish Council meeting held 15 March 2023, as follows:</i>		

Response from Burgh Parish Meeting on 15 March 2023, these comments are being made, not by myself but are a reflection of the views of approximately 45 residents (25%) of the population who attended the meeting.

Burgh is defined as countryside in the current Suffolk Coastal Local Plan. Policy SCLP5.4 allows in principle for limited additional housing in clusters in the countryside, residents would urge East Suffolk Council to take into consideration the impact on the environment, on existing residents and the limited services in the village in the short and longer term. The loss of prime agricultural farmland to housing at this location will have a negative impact on the countryside. The field edge at this location contains Bee Orchids. There needs to be an environmental impact assessment/ecology survey carried out on the site before planning permission is granted.

Residents at the parish meeting perceive this to be too great an increase in dwellings in a small hamlet at any one time and will generate additional traffic on single track lanes without footways and are only 2.9m wide at this location.

The Parish Meeting are disappointed there is no traffic access and impact assessment provided with this application and believe this must be undertaken before the application is determined. Furthermore, if the development of this site were to proceed it is essential that a construction logistics management plan is agreed and put in place to control and mitigate the considerable additional site traffic. It is essential that no construction traffic comes through the village and all construction vehicles are parked within the site confines at all times.

In conclusion, this proposal, will result in a loss of good farming land and a loss of countryside. It will have a negative impact on local services, residents and road safety during and after construction. No CIL money will come to the village'.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	7 March 2023	28 March 2023
Summary of comments: No objection - conditions recommended in relation to access and parking arrangements, surface water drainage, bin storage and presentation, EV charging and construction management.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 March 2023	23 March 2023
Summary of comments: Internal consultation - no objection. Full comments included within the considerations section of the report.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	7 March 2023	No response
Summary of comments: Internal consultation - no response.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 March 2023	15 March 2023
Summary of comments: Internal consultation - conditions recommended in relation to construction management and unexpected land contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	N/A	17 May 2023
Summary of comments: Internal consultation - no objection.		

Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Affects Setting of Listed Building	16 March 2023	6 April 2023	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Affects Setting of Listed Building Date posted: 31 March 2023 Expiry date: 25 April 2023
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5. Planning policy

National Planning Policy Framework 2021

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.4 - Listed Buildings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.2 - Visitor Management of European Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Housing in Clusters and Small Scale Residential Development in the Countryside Supplementary Planning Document (East Suffolk Council, Adopted November 2022)

6. Planning Considerations

Principle:

- 6.1 The proposal site lies outside a defined 'Settlement Boundary' (SCLP3.3) and therefore falls within 'The Countryside'; as defined by the 'Settlement Hierarchy' (SCLP3.2) of the adopted Local Plan.
- 6.2 Development outside settlement boundaries is generally limited to that which necessitates a countryside location, or otherwise accords with the relevant provisions of the NPPF and/or relevant housing policies of the adopted development plan.

- 6.3 Policy SCLP5.3 (Housing Development in the Countryside) limits new residential development outside of defined settlement boundaries unless, with relevance to this application, such development would accord with the provisions of SCLP5.4 (Housing in Clusters in the Countryside).
- 6.4 While specific 'clusters' are not identified within the Local Plan, the policy preamble makes clear that clusters can vary in size and includes those smaller settlements in the countryside which do not have the range or number of facilities to be classed as a major centre, town or large/small village. It is also important to distinguish that 'clusters' are without defined settlement boundaries and therefore development within settlement boundaries cannot be considered to form part of a 'cluster'.
- 6.5 The policy wording of SCLP5.4 is as follows:

'Proposals for new dwellings within 'clusters' in the countryside will be supported where:

a) The proposal is for up to three dwellings within a cluster of five or more dwellings;

Or

The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;

And

b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;

c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site;

and

d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.

Where more than three dwellings are proposed under criterion b) above, applicants must be able to demonstrate that meaningful and effective community engagement has taken place in the development of the scheme and that the mix of dwellings proposed would meet locally identified needs.

Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas and the Area of Outstanding Natural Beauty. Consideration will also need to be given to the features of Landscape Character Areas in accordance with Policy SCLP10.4.

The cumulative impact of proposals will be a consideration in relation to the criteria above.

A 'cluster' in the context of this policy:

**Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and*

**Contains 5 or more dwellings'.*

- 6.6 In assessing the proposal against the requirements of SCLP5.4, it is necessary first to consider whether the adjacent development complies with the definition of a 'cluster'. In this case, there is development to the south and east of the site, on the opposite side of the highway. The development is generally linear in form, following the line of the highway

and there are more than five dwellings. The adjacent development is therefore considered to constitute a 'cluster' for the purposes of SCLP5.4.

- 6.7 The other criteria in the policy must then be considered. In relation to part a), the proposed development is for three dwellings and there are at least five dwellings in the existing cluster. Part b) requires the development to be "located adjacent to existing development on two sides". The supporting text to this policy and the recently adopted Supplementary Planning Guidance, as referred to in the submitted planning statement, sets out that development on the opposite side of a highway can be considered as part of a close group and/or be 'adjacent' development. Given that the site borders dwellings immediately to the south and there are two residential dwellings on the opposite side of the highway, part b) of the policy is complied with.
- 6.8 Part c) requires that the proposed development should not represent an extension of the built-up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site. In this case, the site boundary would extend as far west as the rear gardens of the neighbouring dwellings to the south and no further north than the gardens of the properties opposite. Part c) is therefore complied with.
- 6.9 Part d) requires that development should not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape. In this case, the development site is situated on the corner of a larger agricultural field. The development would extend into this field and result in the creation of an arbitrary new field boundary. On this matter, the following was received in consultation with the Council's Principal Arboriculture and Landscape Officer:

'I have reviewed this application for Outline consent to build 3 bungalows and garages on land fronting Seven Gardens Road, Burgh and I can advise you as follows in respect of landscape related matters. The site lies to the north of an existing row of domestic properties and opposite other similar dwellings. The Suffolk Coastal Settlement Sensitivity Assessment (2018) records that the sensitivity of this locality lies in its visibility where the topography is open and elevated, and lightly settled. This is very much the case with this site, although whilst it is lightly settled, the site is immediately adjacent to and also opposite existing dwellings.

The prominence of isolated buildings on the skyline is noted, but so too is the predominant settlement pattern of 'one plot deep' 20th century semis and brick bungalows set in deep well vegetated plots. The study advises that the elevated parts of the village are sensitive because of visibility over long distances, but in this instance I would qualify that by suggesting that sensitivity is modified because of the close association with existing dwellings. On that basis and with suitable provision of appropriate boundary treatments including hedgerow planting particularly to address views of the site from the north, I do not consider that this proposed development has the potential to cause notably adverse impacts on existing local landscape character or visual amenity, other than for the occupants of the dwellings on the opposite side of the road whose view westwards will be partially obscured to varying degrees. Overall I do not consider that there are any meaningful grounds for objection on landscape related grounds'.

- 6.10 With the above in-mind, it is considered that the principle of developing the site for three dwellings, as herein proposed, could be found acceptable subject to appropriate design

choices, including a suitable landscaping scheme received via subsequent reserved matters applications.

Visual amenity and heritage:

- 6.11 While it is appreciated that the submitted site layout and street scene have been provided for illustrative purposes, with all matters of design and access reserved for later detailed application submissions, the drawings nevertheless demonstrate that scope exists within the site for it to be developed in a way that would accord with the relevant design and transport related policies.
- 6.12 While the proposed plot sizes would appear large when compared with the prevailing pattern of development within Burgh, this approach is considered reasonable given that the width of the resulting plot size would be similar to that on the opposite side of Seven Gardens Road, while the depths of the plots would be similar to those existing dwellings further south.
- 6.13 The single storey height and traditional forms of the bungalows depicted within the submitted illustrative plans would also be appropriate given the similar heights and appearance of dwellings sited adjacent.
- 6.14 Consultation with the Council's Design and Conservation Team has also confirmed the adequacy of the submitted Heritage Impact Assessment with respect to the potential impacts of the proposal on nearby heritage assets. It was also confirmed that 'in principle, the construction of three dwellings on the site proposed would not cause harm to the setting of the Round House'.
- 6.15 The proposal's siting would otherwise appear as a logical infill development that would have a limited impact on the prevailing residential street scene and, in this respect the site would not appear overdeveloped.
- 6.16 With the above in-mind, it is judged that the proposal site's development in-line with that included for illustrative purposes within this application could be found to accord with the relevant provisions of the NPPF, as well as policies SCLP5.4, SCLP10.4 (Landscape character), SCLP11.1 (Design quality) and SCLP11.4 (Listed Buildings) of the adopted Local Plan, and the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Compliance would however be subject to appropriate design choices, including a suitable landscaping scheme, received via subsequent reserved matters applications.

Highway safety and parking:

- 6.17 This application is for Outline Planning Permission with all matters reserved including access and parking arrangements. However, there are no objections from the County Council as Local Highway Authority and sufficient space could be accommodated within each plot to provide adequate vehicle and cycle parking in accordance with the 'Suffolk Guidance for Parking' (May 2019).
- 6.18 Seven Gardens Road already serves a number of properties and the resulting increase in traffic from the development of the site is unlikely to result in any severe impact on

highway safety when judged against the relevant provisions of the NPPF, as well as policies SCLP7.1 (Sustainable Transport) and SCLP7.2 (Parking Proposal and Standards) of the adopted Local Plan.

Residential amenity:

- 6.19 This application is for Outline Planning Permission with all matters reserved and therefore the detailed design of the dwellings and their precise relationship with existing neighbouring dwellings would be a matter for consideration at that stage.
- 6.20 However, based on the illustrative information provided in support of this application, it is considered that the site could be developed with three dwellings of an appropriate siting, scale and height ensuring that no meaningful detriment to existing neighbouring amenity would result through loss of light or a poor physical relationship with existing dwellings. The position of fenestration could also be configured so as to avoid any unacceptable loss of privacy to the existing neighbours or between the proposed dwellings. Accordingly, the proposal is considered deliverable without undermining the relevant provisions of the NPPF or SCLP11.2 (Residential amenity) of the adopted Local Plan.

Ecology

- 6.21 The application site is currently arable farmland and there is roadside hedgerow, so there is limited onsite ecological habitat that could potentially be affected by the proposed development.
- 6.22 However, the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.23 The strategy, which aligns with policies SCLP10.1 (Biodiversity and geodiversity) and SCLP10.2 (Visitor Management of European Sites) seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwellings that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas, to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.24 As such, East Suffolk Council has undertaken a Habitats Regulation Assessment and are obliged to seek a proportionate financial contribution in relation to the proposed new dwellings, which would be sited within Zone A of the adopted charging schedule.
- 6.25 With the above in mind, it is confirmed that a payment of £321.22 per additional dwelling has been received, along with the appropriate payment forms.

Community Infrastructure Levy (CIL)

- 6.26 As the scheme is for three dwellings it would be Community Infrastructure Levy (CIL) liable. The amount payable would be dependent upon the floorspace permitted at the Reserved Matters Stage and the charging rates that exist when the liability notice is subsequently

issued. As Burgh does not have a Neighbourhood Plan, the Parish Meeting would receive 15% of the CIL to be spent in accordance with the CIL Regulations.

7. Conclusion

- 7.1 As per the above assessment, this application accords with the NPPF and the relevant policies of the adopted development plan. It should therefore be approved subject to appropriate conditions including those relating to the requirements for the submission of the Reserved Matters stage application, contaminated land, highway safety matters and construction management.

8. Recommendation

- 8.1 Approval subject to the conditions detailed below.

Conditions:

1. This is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010). Before work on the development is begun, approval of the details of access, appearance, landscaping, layout and scale [herein called the "reserved matters"] shall be obtained from the Local Planning Authority by application(s) submitted not later than the expiration of three years beginning with the date of this outline permission.

Reason: As provided for in the Town and Country Planning (General Development Procedure Order 2010) and in accordance with Section 92 of the Town and Country Planning Act 1990.

2. 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 approval of the final reserved matter.

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

3. This Outline Planning Permission relates to the land outlined red (only) on drawing no. '0597-PL001' (Site location plan) received by application on 2 March 2023.

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

4. The layout proposed through the Reserved Matters application should be broadly in accordance with the indicative layout submitted as part of this Outline Consent, including positioning the three dwellings so that they face towards Seven Gardens Road, and utilising the full frontage width of the application site to accommodate the three dwellings and their curtilages (and any access arrangements to serve those dwellings).

Reason: To ensure the development remains compliant with the Local Plan 'Cluster' Policy SCLP5.4, and to ensure an appropriate layout that would be in character with the locality, in the interests of visual amenity.

5. 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. 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 BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include the means by which the discharge of surface water from the development shall be prevented from entering the highway, including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

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

8. Proposed layout arrangements submitted as part of subsequent reserved matters applications shall include details of the areas and infrastructure to be provided for the

loading, unloading, manoeuvring and parking of vehicles including secure/covered/lit cycle parking and electric vehicle charging points. The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with the current Suffolk Guidance for Parking where on-street parking and manoeuvring would be detrimental to highway safety, and to promote sustainable transport choices.

9. Proposed access arrangements submitted as part of subsequent reserved matters applications shall include clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

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

10. Proposed material submitted as part of subsequent reserved matters application(s) shall include a Construction Management Plan which shall provide sufficient detail on the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) piling techniques (if applicable);
 - d) storage of plant and materials;
 - e) provision and use of wheel washing facilities;
 - f) a programme of site and all associated works, such as those relating to utilities, including details of traffic management necessary to undertake these works;
 - g) site working and delivery times;
 - h) a communications plan to inform local residents of the program of works;
 - i) provision of boundary hoarding and lighting;
 - j) details of proposed means of dust suppression;
 - k) details of measures to prevent mud on the highway from vehicles leaving the site during construction;
 - l) haul routes for construction traffic on the highway network;
 - m) monitoring and review mechanisms; and
 - n) details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid hazards caused by construction activities and to minimise adverse impacts on the public highway and neighbouring properties during the construction phase.

11. Proposed material submitted as part of subsequent reserved matters application(s) shall include a photographic condition survey of the highway fronting and near to the site.

Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public.

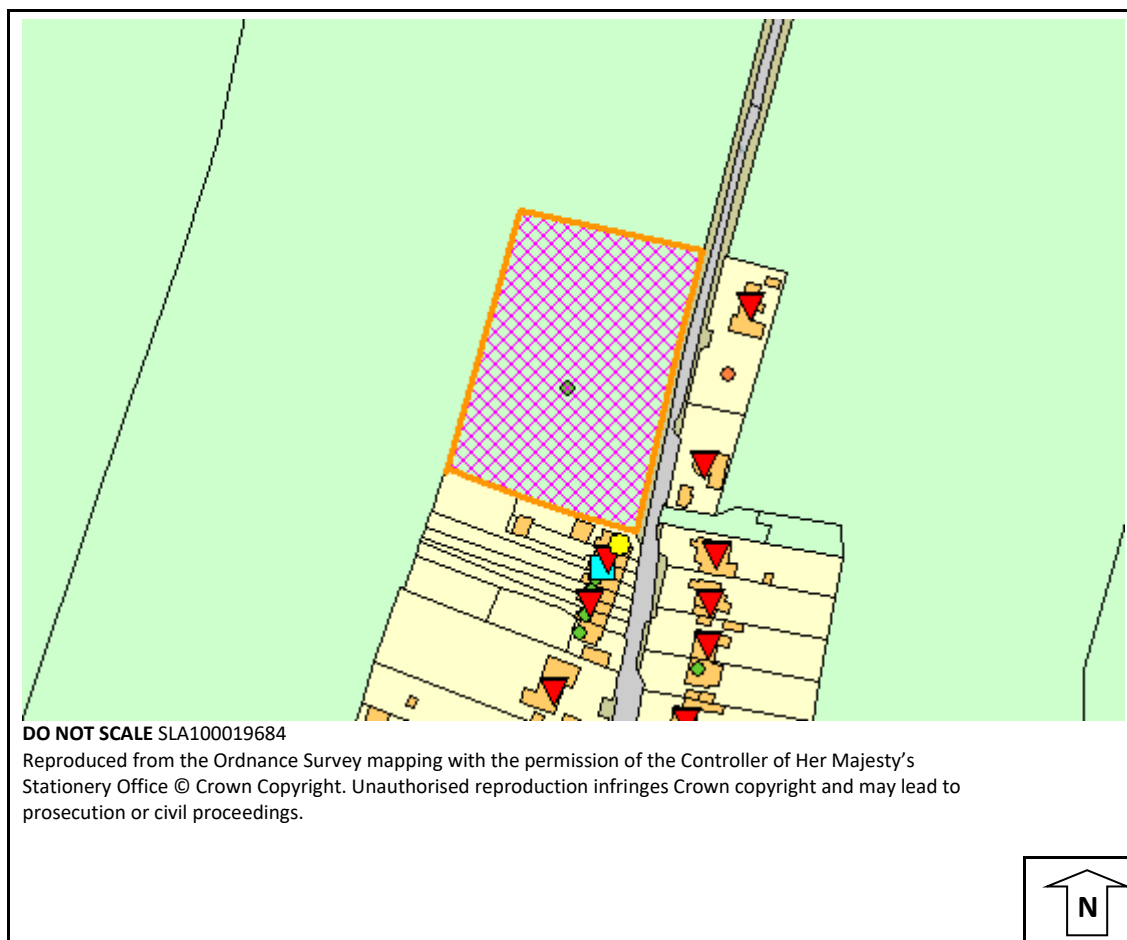
Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

Background information

See application reference DC/23/0830/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support