



Committee Report

Planning Committee South – 23 August 2022

Application no DC/22/0573/OUT

Location

Land To The North Of 18 Mill Road
Newbourne
Suffolk

Expiry date 7 April 2022

Application type Outline Application

Applicant The Executor of PA Taylor

Parish Newbourne

Proposal Outline Application (Some Matters Reserved) - Construction of up to two dwellings and access.

Case Officer Natalie Webb
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1. Summary

- 1.1. This application seeks outline planning permission with some matters reserved for the construction of up to two dwellings and access on and to the north of 18 Mill Road, Newbourne.
- 1.2. The proposed development would not meet any of the exemptions for new residential development in the countryside outlined by East Suffolk Council - Suffolk Coastal Local Plan (September 2020) Policy SCLP5.3, with specific regard to SCLP5.4 (Housing in Clusters in the Countryside). Furthermore, it is considered that the development would result in harm to the character of the former Land Settlement Association Holdings area identified by Local Plan Policy SCLP11.9 and SCLP5.4.
- 1.3. Therefore, the development would be contrary to Local Plan Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in

with the character of their surroundings. The application is therefore recommended for refusal.

- 1.4. The application was presented to the referral panel on 9 August 2022 as officers are 'minded to' refuse the application contrary to the parish council's support. The referral panel concluded that there were material planning considerations which warranted discussion by the planning committee.

2. Site Description

- 2.1. The site is located on the eastern side of Mill Road. It is comprised of an area of approximately 0.47 ha of land which is within part of the Former Land Settlement Association Holdings area of Newbourne.
- 2.2. To the south of the site is the host dwelling (18 Mill Road), a detached, two storey dwelling and respective outbuildings. To the north of the site is the Village Hall and public right of way no.9. There is scattered built form to the west and south of the site.
- 2.3. It is noted that a small section of the eastern side of the land within the applicant's ownership lies within Flood Zone 3; the site itself is outside of this. Beyond there is an area of woodland.
- 2.4. The site is not located within a conservation area, area of outstanding natural beauty or affects the setting of a listed building. The Newbourne Springs SSSI and Deben Estuary SPA, RAMSAR and SSSI are located approximately 450m to the north and 1.5km to the east of the site respectively.

3. Proposal

- 3.1. The application is an outline application for the erection of up to two dwellings and access with all other matters (appearance, landscaping, layout and scale) reserved.
- 3.2. The proposed access point is towards the centre of the site, which will arc into two driveways within the site serving each unit. New hedging is proposed along the site frontage with the highway to replace that to be removed to provide the access and visibility splays. Hedging is also proposed along either side of the access and to mark the boundary between the two plots. Post and rail fencing is proposed along the eastern boundary.

4. Third Party Representations

- 4.1. A total of two representations were received which object to the application on the following grounds;
 - Dominating/overbearing
 - Landscape impact
 - Loss of open space
 - Loss of outlook
 - Overdevelopment
 - Setting of precedent
 - Traffic or highways

- Trees
- Wildlife

4.2. Comments further noted that Newbourne is a small village with a unique, rich Land Settlement Association history where allowing infill and backland development sets a precedent to turn this quaint country village into a housing estate. The dwellings would be located close to the centre of the village and will be particularly noticeable.

4.3 The above is a summary of comments received; full comments can be viewed on the Council's website.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Newbourne Parish Council	1 March 2022	9 March 2022
"Newbourne parish council supports the outline application."		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 March 2022	3 March 2022
Summary of comments: No objection - recommends conditions should permission be granted.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 March 2022	8 March 2022
Summary of comments: Recommends a condition for the unexpected discovery of contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 March 2022	25 March 2022
Summary of comments: Further information is required in respect of protected species and habitats prior to the determination of the application.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	27 June 2022	12 July 2022
Summary of comments: Following the initial comments, the results of further surveys for reptiles and great crested newts have been submitted in support of this application. No objection subject to conditions should permission be granted.		

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 5 March 2022

Expiry date: 25 March 2022

6. Planning policy

National Planning Policy Framework 2021

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

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

SCLP5.2 - Housing Development in Small Villages (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)

SCLP5.7 - Infill and Garden Development (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)

SCLP10.1 - Biodiversity and Geodiversity (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)

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

SCLP11.9 - Newbourne - Former Land Settlement Association Holdings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Principle of Development including Landscape Impact

- 7.1. Newbourne is defined as a Small Village in the Settlement Hierarchy (SCLP3.2). The part of Newbourne which comprises the Former Land Settlement Association Holdings is a unique area within the plan area. Due to its unique nature, Newbourne does not have a defined Settlement Boundary in the same way as other settlements in the plan area. Newbourne is therefore considered to be countryside for planning purposes, where Policies SCLP5.2 and SCLP5.7 are not applicable to the proposed development as these relate to development within settlement boundaries.
- 7.2. Whilst it is preferable to maintain the plots and their associated horticultural and agricultural buildings in those uses, it is recognised that a number are not being used for their original purpose or have become derelict. There may be instances therefore where low key employment uses would be appropriate on the site of former horticultural and agricultural buildings, where this does not result in the functional or physical separation of the dwelling and the wider plot.
- 7.3. The Land Settlement Association was set up in 1934 as an experimental scheme to provide unemployed workers from depressed industrial areas with employment on the land. The scheme and its legacy can still be seen in the number of large regular shaped plots, some of which still contain commercial scale greenhouses. The rear of the site contains buildings formerly used for the small holding, however, the dwellings are predominately indicated to be located forward of these on previously undeveloped land, with the buildings removed to provide curtilages.
- 7.4. The prevailing form of development in this part of Newbourne is various size (often larger) dwellings in generous plots, with space between each unit. The application site is an example of one of the more spacious verdant plots which has not seen redevelopment and retains its former holdings character.
- 7.5. To retain the character of Newbourne, it is important to continue to control changes which may occur through new dwellings or the replacement or enlargement of dwellings and consideration will be given to the impact on the character of the Former Land Settlement Association Holdings area of Newbourne in this respect.
- 7.6. Policy SCLP11.9 states that the Council will encourage the retention of suitable buildings in horticultural or agricultural use of those parts of the former Land Settlement Association Holdings shown on the Policies Map, not currently used or required in connection with the

residential curtilages, taking account of any physical features which currently mark garden limits. SCLP11.9 also states that:

"The erection of new or replacement dwellings, or extensions to existing dwellings or ancillary residential development will be supported where:

e) Their scale and design would not harm the character of the former Land Settlement Association Holdings area; and

f) In the case of new dwellings, it would represent infill development within the existing frontage and not result in backland development."

- 7.7. Whilst details of appearance, landscaping, layout and scale are held for reserved matters, the indicative layout shows how two dwellings could be delivered with an active frontage on the streetscene; thus, the proposals would not comprise backland development.
- 7.8. The character of the site is very open and rural when compared to the more developed areas of Newbourne; with the exception of a few dwellings, village hall and former nursery site to the south, the eastern side of Mill Road is very open towards the AONB and River Deben.
- 7.9. The creation of development in this part of Newbourne would result in a more intense urbanisation of the very rural character, which is uncharacteristic of this part of Newbourne and in turn is considered to harm the character of the former Land Settlement Association Holdings area.
- 7.10. Recent appeal decision APP/X3540/W/21/3281480 on Jackson Road, Newbourne confirmed that countryside policies are applicable to development in Newbourne, due to the lack of settlement boundary.
- 7.11. Local Plan Policy SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
- a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);*
- b) Limited development within existing clusters (in accordance with Policy SCLP5.4);*
- c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;*
- d) Subdivision of an existing larger dwelling;*
- e) Conversion of an existing building (in accordance with Policy SCLP5.5);*
- f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);*

g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.

- 7.12. Criterion 'a' and 'c-g' are not applicable in this instance. As such the proposed development will be considered against criterion 'b' - development within existing clusters, in accordance with Policy SCLP5.4.
- 7.13. Clusters can vary in size, and can include those settlements in the countryside which do not have the range or amount of facilities to be classed as a Major Centre, Town, Large Village or Small Village. The geography of the former Suffolk Coastal District is such that there are many small, dispersed communities and clusters of houses outside of the Towns, Large Villages and Small Villages. Whilst they do not have the level of services and facilities to support larger scale new housing development, some locations where there are existing clusters of five or more dwellings may be suitable for a small amount of development. Such an approach will help to meet local housing needs by enabling people to stay within their communities, reflecting the aims of the Council's Housing Strategy as well as helping to sustain rural communities and the services within them.
- 7.14. The policy therefore would support up to three new dwellings in clusters of at least five existing dwellings, or up to five new dwellings in clusters of at least ten existing dwellings which are well related to services and facilities. The policy does not intend to support development which would have an adverse impact upon the natural or historic environment or the landscape, but that can integrate with an existing cluster of houses, and the scale and design of schemes will be expected to not cause harm to the character of the cluster or the surrounding landscape.
- 7.15. Alongside seeking to maintain and enhance the vitality of rural areas there is a need to protect sensitive environments and landscapes and to seek to minimise the need to travel and reliance on the private car as far as is possible. Whilst it is acknowledged that within these more rural locations there is likely to be dependency on the private car for transport, it is considered appropriate to recognise that this may be reduced in some locations which are closer to settlements with services and facilities. In accordance with SCLP5.4, 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.

- 7.16. 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.
- 7.17. The cumulative impact of proposals will also be a consideration in relation to the criteria above.
- 7.18. Before assessing the proposal against the above criteria of Policy SCLP5.4, it must first be considered whether the proposal meets the definition of a 'cluster.' 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.
- 7.19. The proposed dwellings would have the host dwelling to the south, former land settlement association holding dwellings opposite and a village hall to the north. Due to the significant amount of greenspace surrounding the existing development form, which would have formed the agricultural/horticultural holdings historically, it is not considered that the application site would form a continuous line or close group of existing dwellings as required by the above definition.
- 7.20. It is also important to note that the 'close group' of dwellings should be adjacent to each other, and not separated by extensive open areas. There may, for example, be garden space or other buildings between dwellings, however, separation by fields or open land would not constitute a close group. A lot of the land associated with the dwellings in Newbourne is not garden space, rather is in agricultural or horticultural use which is not often marked by any form of boundary treatment.
- 7.21. Had the proposal been considered to meet the definition of a cluster, it would have otherwise failed SCLP5.3 as the development would not be infilling of an identifiable gap within an existing cluster (criterion b) and would cause undue harm to the character and appearance of the surroundings (criterion d).
- 7.22. Whilst formal comments from the Council's Landscape team have not been provided as part of the application, the Principal Landscape and Arboricultural Officer has advised that the development would result in a visual intrusion into the surrounding landscape.
- 7.23. With particular regard to the emphasis on the impact to the landscape character, the Suffolk Coastal Landscape Character Assessment specifically refers to this landscape:

"Some parts of the river are associated with intact natural habitats. Newbourne Springs is a nature reserve comprising wet carr woodland, marshy meadows and broadleaf woodland cloaking the steep slopes on the east side. It is a highly scenic combination with a strong sense of time depth and naturalness. It features in the dense network of footpaths in the area with some well known walks, which bring visitors at the weekends to enjoy the relative peace and scenery and the local pubs.

The marginal valley bottom landscapes are managed less intensively than the farmland on either side, and this contributes to their more natural feel, to which people are drawn.the topography and woodland combine to contain views, and the feel is very intimate.

Overall the views are generally more confined, richer and more textured than those experienced on the plateau farmland to either side."

- 7.24. There are gaps in the roadside hedge, it being unmanaged elm with varying degrees of dutch elm disease damage, and thus there are views out to the east which contain all the features described above, including wet woodland, grazing meadows and a strong sense of time depth and naturalness.
- 7.25. Whilst the submitted tree survey shows that no trees need to be felled to achieve the indicated house positions, the land itself will of course lose its naturalness and become domestic curtilage with mown lawn, garden planting in contrived planting beds and borders, play equipment and sheds.
- 7.26. All of this will erode the critical landscape value contained in this eastward view as described in the Landscape Character Assessment. Whilst some of the fundamental landscape fabric (trees and hedges) will remain intact, their 'in combination' value and the loss of meadowland will give rise to notable harm to landscape character.
- 7.27. Therefore, the development proposal fails to protect and enhance the special qualities and features of the area, and has the potential to have a significant adverse impact on this rural river valley landscape. It also fails to protect and enhance this significant view towards a key landscape, contrary to the aspirations of Local Plan Policy SCLP5.4 (d) and SCLP10.4.
- 7.28. The Principal Landscape and Arboricultural Officer considered that there are grounds for refusal of notable harm to landscape character and a failure to protect and enhance the same.
- 7.29. The proposal would therefore be contrary to Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in with the character of their surroundings.

Highway Safety

- 7.30. Suffolk County Council as Local Highways Authority has not raised any objection in respect of the proposed development. Conditions have been recommended for:
- Access to be laid out and completed in accordance with highways drawing DM01.
 - Gradient shall not be steeper than 1 in 20.
 - First 5m of the access with the highway shall be surfaced in a bound material.
 - Visibility splays to be provided in accordance with submitted plans.
- 7.31. Details in respect of parking provision, cycle storage, etc are matters which would be considered at a reserved matters stage; however it is noted that there is ample site frontage to provide off road parking to serve the development.

Ecology & RAMS

- 7.32. The Council's Senior Ecologist initially reviewed the submitted Ecological Assessment (Parker Planning Services, February 2022) and noted the conclusions of the consultant. The report concludes that whilst the site has habitats which could support a number of protected and/or UK Priority species (including reptiles and great crested newts), no further surveys are required and only mitigation measures in relation to bats and lighting, nesting birds and hedgehogs are proposed. However, it was considered that the site does provide suitable habitat for reptiles and therefore, in accordance with the NPPF; ODPM Circular 06/2005 and Local Plan policy SCLP10.1, further surveys were required in order to determine what the likely impacts of the development will be on this species group and what mitigation measures are required to be secured.
- 7.33. The results of further surveys for reptiles and great crested newts were submitted on 27 June 2022 in support of this application. The ecologist has read the Assessment for Reptiles and Great Crested Newts report (Parker Planning Services, June 2022) and noted the conclusions of the consultant. With regard to great crested newts, it is noted that eDNA surveys of the two ponds closest to the site identified that great crested newts are likely absent. Officers therefore agree with the conclusion of the consultant that specific mitigation measures in relation to this species are not required.
- 7.34. With regards to reptiles, a small population of common lizard has been recorded at the site, although it is noted that the number of survey visits undertaken was below the number generally recommended in the published best practice guidance (five visits as opposed to seven). It is therefore considered that the size of the reptile population recorded on the site should be considered to be a lower estimate, with the potential for more animals to be present than recorded. However, given the low number of animals recorded, it is not considered that the overall impact of the proposed development on local reptile populations will be beyond that set out in the report. It is therefore considered that appropriate mitigation measures can be secured via condition, should planning permission be granted.
- 7.35. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Stour and Orwell Estuaries SPA; the Stour and Orwell Estuaries Ramsar Site; the Deben Estuary SPA; the Deben Estuary Ramsar Site; the Sandlings SPA; the Orfordness-Shingle Street SAC; the Alde-Ore Estuary SPA and the Alde-Ore Estuary Ramsar Site) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. The required contribution has been made and therefore an HRA record can be completed and filed. There is no policy conflict in respect of SCLP10.1

Residential Amenity

- 7.36. Due to the outline nature of the application, residential amenity would be considered at reserved matters stage, once detailed designs were known (SCLP11.2). Due to distances with neighbouring properties, it is likely that a scheme could be provided to accord with SCLP11.2.

8. Conclusion

- 8.1. For the reasons outlined above, the proposal is not considered to accord with SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.3, SCLP5.4, SCLP5.7 or SCLP11.9 and is therefore recommended for refusal.

9. Recommendation

- 9.1. Refuse permission for the following reason:

1. This application seeks outline planning permission with some matters reserved for the construction of up to two dwelling and access on and to the north of 18 Mill Road, Newbourne.

The proposed development would not meet any of the exemptions for new residential development in the countryside outlined by East Suffolk Council - Suffolk Coastal Local Plan (September 2020) Policy SCLP5.3, with specific regard to SCLP5.4 (Housing in Clusters in the Countryside). Furthermore, it is considered that the development would result in harm to the character of the former Land Settlement Association Holdings area identified by Local Plan Policy SCLP11.9 and Policy SCLP10.4 with regard to the impact on local landscape character as identified in The Suffolk Coastal Landscape Character Assessment.

Therefore, the development would be contrary to Local Plan Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in with the character of their surroundings.

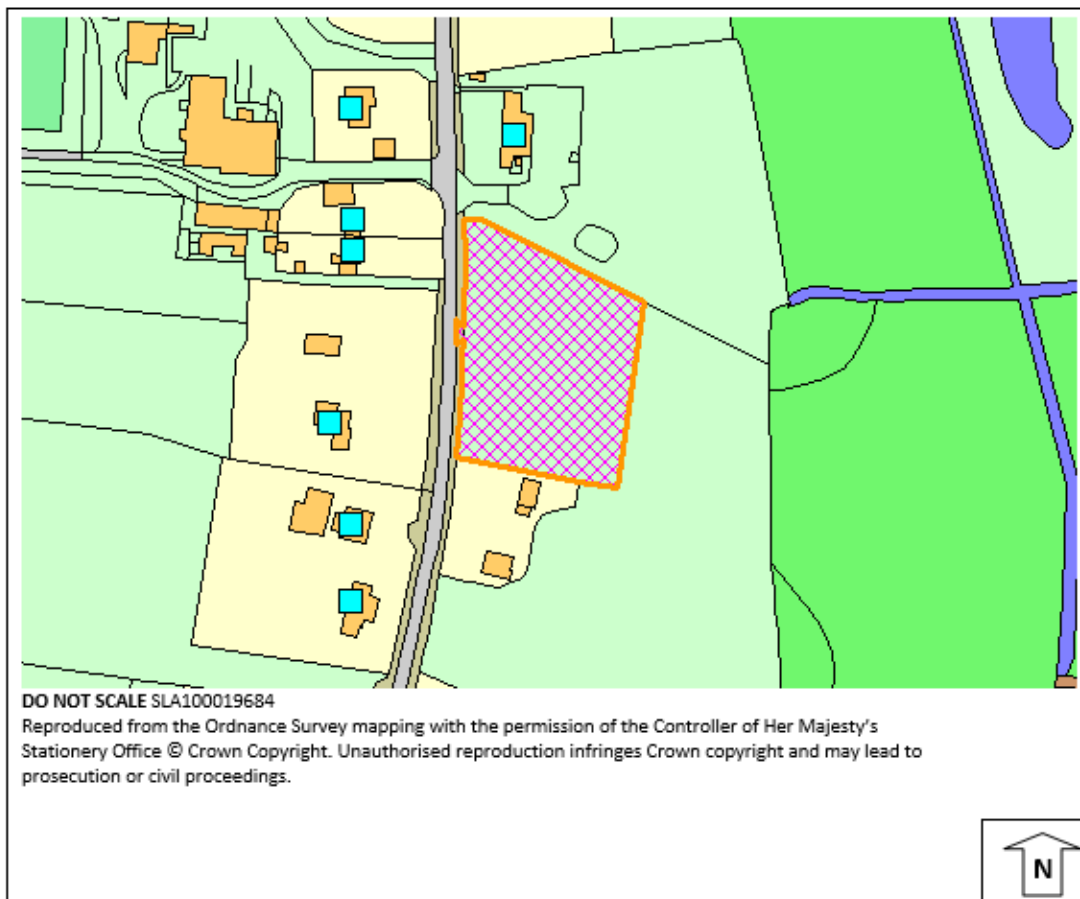
Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.
2. In determining this application the Local Planning Authority has considered Drawing Nos PPS21-3110-TD1, PPS21-3110-VBP1 and PPS21-3110-ELP1 received on 11 February 2022.





Background information

See application reference DC/22/0573/OUT on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support