



Committee Report

Planning Committee North – 13 December 2022

Application no DC/22/3272/FUL

Location

Land To The Rear Of 55
The Street
Carlton Colville
Suffolk

Expiry date 10 October 2022

Application type Full Application

Applicant Richden Homes Ltd

Parish Carlton Colville

Proposal Construction of residential bungalow and all associated works

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1. Summary

- 1.1. Planning permission is sought for the erection of a residential bungalow and all associated works. The proposal is considered to have an acceptable impact on the character and appearance of the area and street scene. Following submission of a Noise Impact Assessment, officers are content that the proposal would provide suitable living conditions/amenity to future residents with no likely harmful impacts from the adjacent Beer Garden. Furthermore, the proposal would not result in any adverse impacts on Highways Safety, and the appropriate RAMS contribution has been paid to mitigate the potential impacts on nearby European Protected Sites. Therefore, the proposal is considered to adhere to Local and National Planning policies.
- 1.2. The Town Council have raised concerns that the proposal would be out of character; result in the loss of parking; right of access; lack of charging points; flooding issues; and loss of allotment. These matters will be addressed in the main body of this report. Due to the contrary recommendation of the Town Council, the application was brought before the

referral panel for consideration. The Panel referred the application to Planning Committee (North) for determination.

2. Site Description

- 2.1. The site is located within the defined settlement boundary and comprises a private allotment area behind 55 and 57 The Street. The site is accessed off an existing vehicle access to the north-west. To the north of the site is the 'The Old Red House' Public House, and to the east is farmland.

3. Proposal

- 3.1. Planning permission is sought for the erection of a residential two-bedroom bungalow and associated works.

4. Consultees

Third Party Representations

- 4.1. One representation of objection has been received raising the following key concerns:

- No right of access for new dwelling
- Lack of parking for existing dwellings
- Cramped design
- Dangerous visibility
- Proximity of beer garden

- 4.2. One representation raising no objection, raising the following key point:

- The beer garden would not affect the proposed dwelling.

Parish/Town Council

Consultee	Date consulted	Date reply received
Carlton Colville Town Council	18 August 2022	9 September 2022
Summary of comments: Recommend Refusal The Town Council stand by there original comments of refusal on 3rd June 2021 despite the changes and orientation of the bungalow and the subsequent refusal from the appeal inspectors comments. This is still out of character for the heart of the village and the style of houses around its immediate proximity. There would potentially be a loss of 4 car parking spaces There is questionable right of access over Public house land No car charging point flooding issues access to concealed water way loss of allotment contrary to policies wlp8.33 wlp8.29 and wlp8.34 of East Suffolk Local Plan and		

NPPF
Parts of the land under water in winter months

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	18 August 2022	19 August 2022
Summary of comments: No objections		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	18 August 2022	31 August 2022
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	18 August 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	18 August 2022	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	18 August 2022	No response
Summary of comments: No comments received		

5. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 19 August 2022

Expiry date: 12 September 2022

6. Planning policy

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.33 - Residential Gardens and Urban Infilling (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

National Planning Policy Framework 2021

7. Planning Considerations

History

- 7.1. Planning permission for a similar form of development was previously refused under application reference DC/21/2130/FUL. The key refusal reason being:

“Policy WLP8.29 sets out that proposed development will be expected to demonstrate high quality design, which should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. Directly to the north of the application site is a Public House, with the rear grassed beer garden located directly adjacent to the dwelling. The close proximity of the Public House and in particular its rear beer garden is deemed to have an adverse impact on the amenity of future occupants and would fail to provide good standards of amenity for future occupants of the dwelling. Furthermore, the bedrooms of the proposed dwellings will have poor outlook as they will look across the proposed parking area for 5 vehicles and the access to the public house. This outlook is also likely to mean car headlights directly shine into the applications dwellings bedrooms further impact on the standard of amenity for future occupants. Finally, the proposed dwelling could harm the adjacent public houses operations particularly in regard to the beer garden usage, with outside space likely to be at more of premium in the rear future. This could adversely impact on the operations of the public house in the future. The proposed economic and social benefits through the creation of one additional three bedroom dwelling is not considered to outweigh the poor standard of amenity that future occupants of the dwelling would have, and the minor impact on the character and appearance of the street scene. The proposal is therefore contrary to East Suffolk Council - Waveney Local Plan (2019) Policies WLP8.29 and the NPPF.”

- 7.2. This decision was appealed and dismissed by the Planning Inspectorate (see appendix 1 for a copy of that appeal decision). The Inspector agreed with the Council’s reasoning in respect of amenity impact.

Principle

- 7.3. The site is located within the settlement boundary and therefore the principle of development is considered acceptable subject to the consideration of detailed development management policies. The dwelling would be constructed upon an allotment; however, these appear to be private allotments, and not for general public usage. Furthermore, they are not designated as being open space within the Local Plan, as such the principle of their loss is not contrary to policy.

Character and appearance

- 7.4. Policies WLP8.29 and WLP8.33 set out that proposed development should demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness and respond to local context and the form of surrounding buildings. The proposal seeks to build a dwelling behind existing development. The immediate area is largely characterised by linear development which fronts onto The Street, however, wider afield there are instances of development on the southern side of 'The Street' taking place behind dwellings that front the highway, but these tend to be part of more comprehensive schemes such as a Short Lane. The site is also situated adjacent to a public house with car park in the centre of the site and beer garden at the rear. Therefore, whilst the proposal would represent somewhat of a departure from the more common grain of development, a backland form of development in this location would not be completely out of character, nor would the impact on the character and appearance of the area be significant enough to warrant refusal. Furthermore, in the dismissed appeal the inspector raised no concerns with regards to impact on the character and appearance of the area. Officers consider the location of development and general layout to be in accordance with the Local Plan.
- 7.5. The proposed dwelling is unremarkable in form – a simple bungalow with a hipped roof built from brick. It is a fairly modest building of low scale and will fit within the context.

Amenity

- 7.6. Policy WLP8.29 also requires that the living conditions of proposed and existing properties are not unacceptably harmed, and that suitable amenity is provided. The proposed dwelling will be single storey and located a sufficient distance from neighbouring properties that it would not adversely impact on the amenity of neighbours through loss of privacy or light, nor would the proposed dwelling be an overbearing form of development. Furthermore, the proposed garden space for future residents would be sufficient for the size of the dwelling.
- 7.7. However, the proposal would be located adjacent to a public house, and whilst this type of relationship is not unusual, the positioning of the dwelling directly adjacent the beer garden at the rear could have adverse impact on the amenity of occupants of the dwelling because of noise and activity levels particularly during later hours in the summer months. This was the main reason for refusal in the previous application subject of the appeal, and the inspector agreed with those reasons, concluding that "*Whilst the appellant has indicated that any effects of noise could be addressed through the use of a 1.8 metre high acoustic fence along the boundary, there is no evidence before me to suggest how effective this might be in reducing noise from patrons of the Public House*".

- 7.8. In making such a conclusion on noise impact, and citing a lack of evidence, it is clear that there would be an opportunity for the applicant to seek to overcome that point through a re-submission. In this current application the applicant has provided a Noise Impact Assessment which concludes that, with a 2.4m high acoustic fence on the north-eastern side boundary, the noise levels associated with public house would be limited to such an extent so as not to harm the amenity of future residents of the proposed dwelling. Furthermore, the two bedrooms have been positioned so that they are at the points furthest from the boundary with the Public House. The Council's Environmental Protection Officers have reviewed the information submitted, and agree with the conclusion of the Noise Impact Assessment. Therefore, officers consider that previous concerns about potential for noise impact have been fully addressed, and such a refusal reason can no longer be advanced. A condition is necessary though to ensure that the acoustic fence be installed as stated and thereafter retained. A timber acoustic fence of this height, in the proposed location, will be visually acceptable and present as very similar to a normal boundary treatment in a built-up context.
- 7.9. Officers did previously raise concerns regarding the proposed outlook from the front of the new dwelling, being across the shared parking area and thus having a poor outlook. The inspector also agreed with the concerns in that regard, concluding (emphasis added): "***Due to the absence of any screening or landscaping, headlights would shine directly towards the front windows of the proposed dwelling resulting in disturbance from lighting***".
- 7.10. Again, the conclusions from the appeal decision provided the applicant with an opportunity address that concern, and this new application has included landscaping to the front of the dwelling to separate the parking area from the dwelling, and limit light impact from car headlights shining into the front windows of the dwelling. The plans show a general landscaped area, with no precise details of the planting; however, officers have recommended a condition to secure those planting details with timely implementation. With suitable planting it is deemed that the impact would be negligible, and the second part of the main refusal reason on the previous application addressed.
- 7.11. Therefore, it is considered that the previous reason for refusal has been overcome, and with no other substantive concerns raised by the Inspector in the appeal decision, the matters have been fully addressed.

Highways

- 7.12. Concerns have been raised by the Town Council regarding the loss of parking spaces for 55 and 57, who currently park four vehicles in the area. The proposal seeks to provide a single parking space for each of 55 and 57 The Street. The parking standards for these properties would be two spaces each which means there is an under provision of one space for each of the existing dwellings. However, Suffolk County Council Highways have raised no objections, and this is a sustainable location where lower parking provision can be acceptable. It is also noted that other properties in the terrace do not appear to have specific on-site parking provision, so in that context a single parking space for each dwelling (55 and 57) is acceptable. It is also noteworthy that in the appeal decision the Inspector raised no concerns in respect of parking or highways safety matters.

Ecology

- 7.13. The development site is within the recreational disturbance Zone of Influence for the following Habitats Sites (European Sites) in East Suffolk: Benacre to Easton Bavents SPA and Benacre to Easton Bavents Lagoons (SAC). Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.
- 7.14. The Suffolk Coast RAMS provides strategic mitigation measures to address this impact. To fund this mitigation, financial contributions are collected from new developments. In order to conclude that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites the relevant financial contribution to the strategy is required to be secured prior to determination. The required contribution has secured.

Other Matters

- 7.15. The site is located within Flood Zone 1, and therefore the impact from flooding is low and the site sequentially preferable for residential development.
- 7.16. Concerns have been raised by the Town Council regarding potential right of access. Rights of access are not a material planning consideration, and the access shown is deemed appropriate by officers and SCC Highways.

8. Conclusion

- 8.1. In conclusion, the proposal overcomes the concerns raised in the previous application and dismissed appeal. The design, layout, and form of the proposed development is acceptable and will make use of a site within the settlement boundary to provide a smaller home to address local housing needs. The proposal accords with the Development Plan and permission can therefore be granted.

9. Recommendation

- 9.1. Approve subject to conditions.

10. 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 be completed in all respects strictly in accordance with the:
 - Location Plan and blocks plans, 2742.21.3C, received 25/10/2022,
 - Proposed plans, 2742.21.2E, received 25/10/2022,
 - Noise Impact Assessment, IEC/4401/01/AVH, received 16/08/2022,

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 materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing 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 area(s) within the site shown on drawing no. 2742.21.2E for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

5. Prior to construction above slab level details of the infrastructure to be provided for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies.

6. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 2742.21.2E shall be provided in their entirety before the development is brought into use 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.

7. In the event that contamination is found or suspected at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of the contamination on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons 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 scheme must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include

all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 ORBH that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to the first occupation of the dwelling, hereby permitted, the 2.4m high Acoustic fence as shown on drawing 2742.21.2E, and detailed within the Noise Impact Assessment (IEC/4401/01/AVH), shall be installed, and shall thereafter be retained in this approved form.

Reason: To protect the amenity of future residents from the adjacent Public House and Beer Garden.

9. Prior to development above slab level full details of the soft landscape works, shown on drawing 2742.21.2E, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; and an implementation programme.

The approved landscaping scheme shall be completed within 6 months of the first occupation of the dwelling, hereby permitted. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

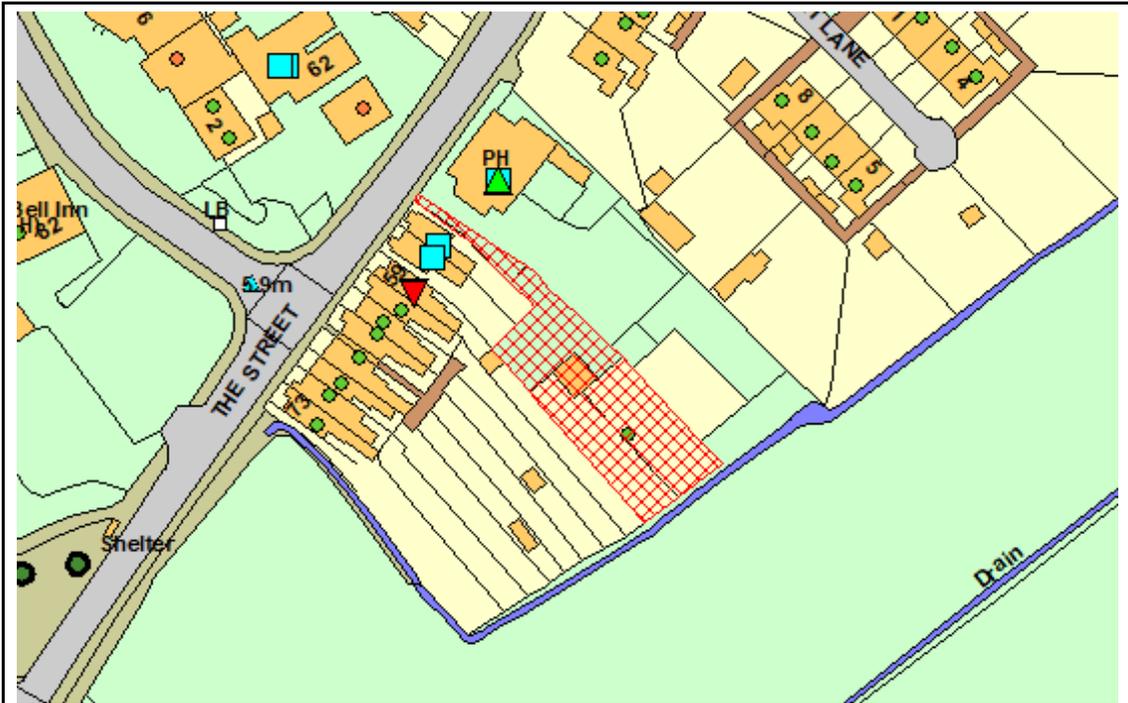
Reason: To ensure the provision of amenity afforded by appropriate landscape design, and to provide amenity benefits to future residents.

Background information

See application reference DC/22/3272/FUL on [Public Access](#)

Appendix 1: Appeal Decision Ref: APP/X3540/W/21/3279845

Map



DO NOT SCALE SLA100019684

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Key



Notified, no comments received



Objection



Representation



Support