



## Committee Report

**Planning Committee North – 8 August 2023**

**Application no** DC/22/3700/FUL

**Location**

The Old School  
Toad Row  
Henstead  
Beccles  
Suffolk  
NR34 7LG

**Expiry date** 29 November 2022

**Application type** Full Application

**Applicant** Mr Joss Mullet

**Parish** Henstead With Hulver Street

**Proposal** Construction of new dwelling

**Case Officer** Iain Robertson  
07827 956946  
[iain.robertson@eastsuffolk.gov.uk](mailto:iain.robertson@eastsuffolk.gov.uk)

### 1. Summary

- 1.1. Planning permission is sought for the construction of a dwelling adjacent to Old School House, accessed from Toad Row, Henstead.
- 1.2. The proposal has been amended during the application process from the original proposal which proposed access from Benacre Road; the proposed dwelling has also been reduced in scale. The proposal is considered to be acceptable in highway safety terms and relates better to the adjacent properties, without detriment to neighbour amenity.
- 1.3. The application is presented to members as the applicant is a member of East Suffolk Council Staff, which automatically triggers referral to Planning Committee.
- 1.4. The Officer recommendation is for Approval of Planning Permission.

## 2. Site Description

- 2.1. The site is situated within the rural settlement of Henstead. Henstead does not benefit from a settlement boundary and is therefore considered to be in the countryside for planning policy purposes. The site is situated within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
- 2.2. The site is situated adjacent to Old School House, a semi-detached property of traditional character. The property is neither listed nor a Non-Designated Heritage Asset. To the east of the site is a vacant piece of land.
- 2.3. The site is situated in the side garden of Old School House between it and the vacant land to the east.
- 2.4. Planning permission was previously refused on this site Ref: DC/19/2652/FUL; those matters are considered to have been overcome with this current application.

## 3. Proposal

- 3.1. The proposal is for a two storey 3/4-bedroom property of brick and tile construction with shared access from Toad Row with the host dwelling.

## 4. Third Party Representations

- 4.1. Three objections have been received with the following comments:
  - Object to the access from Benacre Road
  - Overdevelopment of side garden
  - No services or facilities
  - Access on to Toad Row would cause conflict with the school car park and add to the traffic at school times.
  - Why have NE not been consulted as it is an AONB?
  - No real difference between this and DC/19/2652/FUL - previously refused.
  - Surface water flooding problem from school car park.
  - Would affect view/outlook from corner cottage, proposed balcony would allow overlooking.
  - Query traffic figures on survey results.

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Henstead With Hulver Street Parish Council	15 March 2023	2 April 2023
Summary of comments:		

Henstead with Hulver Street Parish Council has no objections to the revised drawings for this planning application

Consultee	Date consulted	Date reply received
Henstead With Hulver Street Parish Council	6 October 2022	14 November 2022

**Summary of comments:**

The Parish Council has no objection in principle to this application but has serious reservations about the position of the access and egress to the site.

In the opinion of the Council this area of Benacre Road is on a bend, is very narrow and has a significant number of daily traffic movements. Benacre Road is a link between the A12 and the B1127 through Hulver to Beccles.

The Parish Council commissioned a traffic survey in 2019 the results of which clearly show the number and speed of traffic movements through Hulver Street, Church Road Henstead and Toad Road. It is the opinion of the Council that traffic through Henstead has increased since this survey was carried out and that traffic speed has also increased.

The Council considers that before this application is considered a full traffic survey be undertaken to gauge the safety of adding another access way at the location of this dwelling. By comparing traffic movement on Benacre Road and Toad Road Council is of the opinion that relocating the entrance to the proposed site is much safer than approving the access specified on the previous application.

### Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	6 October 2022	11 October 2022

**Summary of comments:**

No objection subject to conditions

### Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	6 October 2022	4 November 2022

**Summary of comments:**

No objection - conditions required

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	6 October 2022	28 October 2022
Summary of comments: Internal comments included in main report		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	6 October 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	6 October 2022	No response
Summary of comments: No comment received		

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	N/A	17 October 2022
Summary of comments: General advice relating to access, firefighting facilities, water supplies and sprinkler systems.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	15 March 2023	No response
Summary of comments: No formal comment - Verbal discussion.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	6 October 2022	21 October 2022
Summary of comments: No objection – Condition required relating to nesting birds and RAMS contribution.		

## Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	22 March 2023	3 April 2023

### Summary of comments:

I am satisfied that the proposed access can be created without any adverse impact to the existing trees within the frontage of the property (Yew, Blackthorn & Holly). There is no foreseeable significant adverse impact on the local landscape amenity from the creation of the impact. I recommend that should planning consent be granted we should require details of tree protection measures to comply with BS5837:2012. This is necessary to protect retained trees on site during the construction period to ensure that they continue to contribute to local landscape amenity.

Consultee	Date consulted	Date reply received
SCC Highways Department	30 May 2023	20 June 2023

### Summary of comments:

No objection subject to conditions.

## 6. Publicity

General Site Notice

Reason for site notice:

New Dwelling

Date posted: 21 October 2022

Expiry date: 11 November 2022

## 7. Planning policy

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 7.2. The National Planning Policy Framework (NPPF) (2021) and National Planning Policy Guidance (NPPG) are material considerations.
- 7.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 - Scale and Location of Growth
  - WLP1.2 - Settlement Boundaries
  - WLP7.1 - Rural Settlement Hierarchy and Housing Growth

- WLP8.7 - Small Scale Residential Development in the Countryside
- WLP8.21 - Sustainable Transport
- WLP8.28 - Sustainable Construction
- WLP8.29 - Design
- WLP8.34 - Biodiversity and Geodiversity
- WLP8.35 - Landscape Character

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

## **8. Planning Considerations**

### Principle

- 8.1. Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail use outside of settlement boundaries.
- 8.2. The site is situated outside of settlement boundaries and is therefore within the Countryside for planning policy purposes.
- 8.3. Policy WLP7.1 - "Rural Settlement Hierarchy and Housing Growth" highlights the larger and smaller villages in the district that benefit from a settlement boundary of which Henstead does not fall within.
- 8.4. Policy WLP7.1 states that approximately 10% of the District's housing growth will take place in the rural areas.
- 8.5. Approximately 70% of new housing development in the rural areas will be in the larger villages, 20% in the smaller villages and 10% elsewhere in other rural settlements in the Countryside. The development requirements in the larger and smaller villages in the rural area will be delivered through site allocations in this Local Plan.
- 8.6. The development requirements elsewhere in other rural settlements in the Countryside such as Henstead and other smaller settlements will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of this Local Plan.
- 8.7. In this case Policy WLP8.7 "Small Scale Residential Development in the Countryside" is of most relevance, the criteria of which need to be read in conjunction with the "Housing in Clusters and Small Scale Residential Development in the Countryside" Supplementary Planning Document.
- 8.8. Policy WLP8.7 permits small scale residential development in the Countryside of up to three dwellings where the following criteria:
  - The site constitutes a clearly identifiable gap within a built up area of a settlement within the Countryside;
  - There are existing residential properties on two sides of the site; and
  - The development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.

- 8.9. For all small scale development in the Countryside the design of the scheme will need to respect and reflect the character of the settlement and existing built up frontage including:
- Housing density is reflective of the density in the village and surrounding built up area; and
  - The ratio of the building footprint to the plot area is consistent with existing properties nearby which characterise the village.
- 8.10. The accompanying SPD was developed to aid implementation of Policy WLP8.7 and SCLP5.4 in the former Suffolk Coastal Area.
- 8.11. Firstly, consideration is required to be given to whether the site is within a settlement. Although Henstead does not benefit from a settlement boundary, when considered against illustration 1 and 2 within the SPD, Henstead is considered to be a settlement.
- 8.12. It is considered that the side garden of this property does form part of an identifiable gap within a built-up area of a settlement. The site also benefits from development being on at least two sides, including the host dwelling and the properties to the south on Benacre Road. Furthermore, the site does not extend further into the countryside as it is confined by the garden curtilage.
- 8.13. Therefore, it is considered that the principle of development can be supported subject to compliance with other policies of the Local Plan and NPPF.

#### Sustainability of Location

- 8.14. It is acknowledged that this site has limited connections with everyday services and facilities through sustainable transport means. However policy WLP7.1 seeks to enable small scale development in limited circumstances as highlighted by this policy. Furthermore, paragraph 105 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.15. Cycle storage provision and EV charging will be required and therefore sustainable transport methods have been incorporated where possible in accordance with Policy WLP8.21 and the NPPF.

#### Highways

- 8.16. The initial proposal was for access to the site from Benacre Road. Although there was no objection to this proposal from SCC Highways Authority, the Parish Council recommended refusal of the application due to serious reservations about the position of the access and egress to the site due to the characteristics of the road and daily traffic movements. This objection was on the basis of a traffic survey from 2019 which was commissioned by the Parish Council; in their view traffic speeds have increased since then as well as the volume of traffic.

- 8.17. Officers had other concerns with the access being from the rear relating to the layout of the site being 'back-to-front' and the impact on the character of the area from creating further accesses onto this section of Benacre Road.
- 8.18. In 2019 a planning application was refused for a similar proposal to this, Ref: DC/19/2652/FUL. In that case, the visibility splays did not meet standard requirements for a 30mph speed limit. A speed survey was suggested; this was not provided and the application was refused.
- 8.19. Following feedback, consideration was given by the applicant to revert to access from Toad Row rather than Benacre Road. A speed survey was then commissioned to evidence the actual speed of traffic along Toad Row.
- 8.20. The speed survey provided demonstrated lower speeds than the 30mph speed limit and reduced splays were proposed; this has been accepted by SCC Highways Authority. This has also resulted in the removal of the objection to this proposal from the Parish Council.
- 8.21. It is noted that this has generated other neighbour comments which suggests that consideration has not been given to increased traffic on Toad Row in relation to the school which is said to become very congested at drop off and pick up time.
- 8.22. Notwithstanding this the visibility splays are considered to be acceptable based on the traffic survey data. It should also be noted that this proposed shared access would provide a better access to the existing property than currently exists. Although there would be some increase in intensity from an additional dwelling this in itself is not considered to result in an unacceptable impact on highway safety.
- 8.23. It is therefore considered that safe and suitable access can be gained from Toad Row without having an unacceptable risk to highway safety as required by Paragraph 111 of the NPPF.

#### Design/Layout

- 8.24. The provision of access from Toad Row has resulted in amendments to the proposal, showing the property fronting Toad Row and being orientated level with the adjacent property with a reduced projecting element.
- 8.25. Policy WLP8.29 requires development proposal to demonstrate high quality design which reflects local distinctiveness, demonstrating a clear understanding of the form and character of the built, historic and natural environment whilst responding to local context and the form of surrounding buildings.
- 8.26. The design criteria of Policy WLP8.7 are shown below.
  - Housing density is reflective of the density in the village and surrounding built up area; and
  - The ratio of the building footprint to the plot area is consistent with existing properties nearby which characterise the village.



- 8.27. There is a variety of plot sizes and building scale within the vicinity. Although the plot width is narrow it is considered that the density of development is reflective of that in the surrounding area and that the building footprint is consistent with nearby properties. The form and design of the property is of traditional character with similar gable widths to vernacular properties in the area, exact materials would be agreed by condition but details within the application show red stock bricks clay pantiles and some timber effect boarding and parapet detail to the gables.
- 8.28. The amended proposal is considered to be of an acceptable design in accordance with the aims of Policy WLP8.29, WLP8.7 and the NPPF.

#### Ecology

- 8.29. Based on the information available the application site appears to contain habitat which is potentially suitable for nesting birds, and which may be impacted by the proposed development. It is therefore recommended that a condition be used to highlight that no removal of potential habitat for nesting birds should take place within the bird nesting season.
- 8.30. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents SPA and Minsmere-Walberswick SPA/SAC/Ramsar 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 RAMS payment has been secured.
- 8.31. The proposal therefore accords with the aims of Policy WLP8.34.

#### Trees/landscape

- 8.32. Officers are satisfied that the proposed access to Toad Row can be created without any adverse impact to the existing trees within the frontage of the property (Yew, Blackthorn & Holly). There is no foreseeable significant adverse impact on the local landscape amenity from the creation of the access.
- 8.33. It is recommended that should planning consent be granted details of tree protection measures be provided in compliance with BS5837:2012. This is necessary to protect retained trees on site during the construction period to ensure that they continue to contribute to local landscape amenity.
- 8.34. It is not considered that the proposed dwelling would have any adverse impact on the Suffolk Coast and Heaths AONB.
- 8.35. The proposal is considered to be accord with Policy WLP8.35 and paragraph 176 of the NPPF which gives great weight to conserving landscape and the scenic beauty of Areas of Outstanding Natural Beauty.

## Conclusion

- 8.36. In conclusion, the proposal would provide a single residential dwelling which accords with Policy WLP8.7 and the supporting SPD "Housing in Clusters and Small Scale Residential Development in the Countryside", which seeks to deliver limited housing growth in rural settlements/clusters that do not benefit from settlement boundaries in accordance with the aims of Policy WLP7.1 "Rural Settlement Hierarchy and Housing Growth".
- 8.37. The proposal has been amended during the course of the application to address design concerns with a revised access, which satisfies the original concerns of the Parish Council and is also acceptable to the Highways Authority.
- 8.38. The design and scale of the proposal is considered suitable, which would not result in harm to the amenities of surrounding occupiers and thereby in accordance with policy WLP8.29 of the Local Plan.
- 8.39. The appropriate RAMS contribution has been received, of which the measures to protect nearby European protected sites from the in-combination effect of new residential development are set out within the RAMS Strategy and accompanying SPD.
- 8.40. The proposal is considered to accord with the Policies of the Local Plan and NPPF. Furthermore, there are minor benefits arising from the scheme in terms of the social benefits of the provision of a single dwelling and economic benefit from construction, which weigh in favour of the application also.

## **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 Drawing Nos. AB100a, AB103d; Received 14 March 2023 and Drawing No. AB102g; Received 30 March 2023 and AB101s; Received 19 June 2023, 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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences on the dwelling. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. AB101r with an X dimension of 2 metres and a Y dimension of 21 metres in the West direction and 32 metres in the East direction to the nearside edge of the carriageway and thereafter retained in the specified form. 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.

5. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01 with an entrance width of 4.5 metres for a shared access. Thereafter it shall be retained in its approved form.

Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.

6. The use shall not commence until the infrastructure within the site shown on Drawing No. AB101s for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.

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

7. The use shall not commence until the area(s) within the site shown on Drawing No. AB101s for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

8. Before the development is commenced, details of secure, lit and covered cycle storage and electric vehicle charging infrastructure 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: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

Note: As per Suffolk Guidance for Parking (2019), ducting and a suitable consumer unit to allow for the installation of one EV charging unit should be provided per Class C3 dwelling.

9. Before the development is occupied details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins 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 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.

10. No development shall take place until the existing trees on site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, have been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the tree to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason: For the avoidance of damage to protected trees included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area.

11. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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 that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Prior to occupation, evidence of how the required water efficiency standard of 110 litres per person per day will be achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason To ensure that the finished dwelling(s) comply with Policy WLP8.28 of the East Suffolk Council - Waveney Local Plan (2019) (delete as appropriate), and to ensure Building Control Officers and Independent Building Inspectors are aware of the water efficiency standard for the dwelling(s).

14. Prior to first occupation the bathroom window on the eastern elevation at first floor level shall be glazed with obscure glass, and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

### **Informatives:**

1. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense.

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to:

<https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

or;

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence/>

Suffolk County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings/>

A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

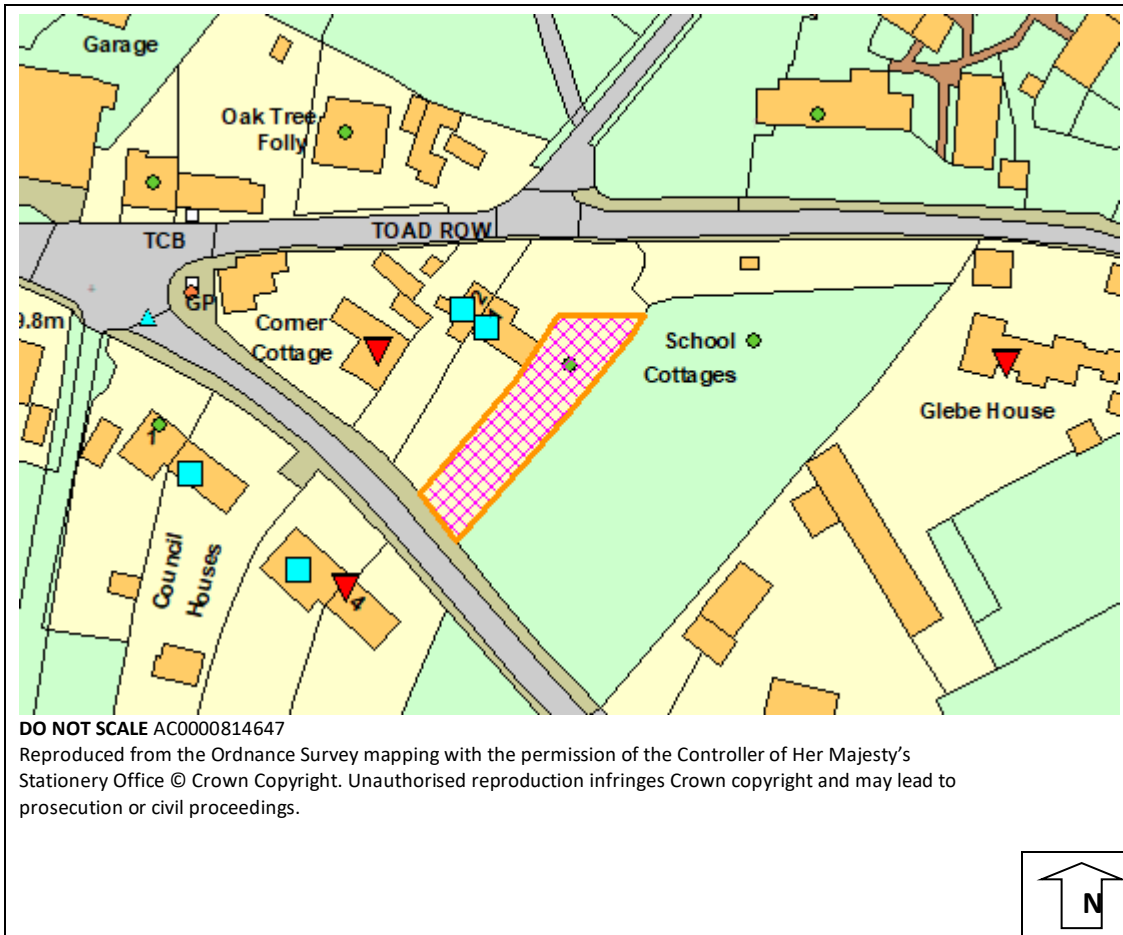
2. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan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

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website [www.eastsuffolk.gov.uk/planning/street-naming-and-numbering](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)

### **Background information**

See application reference DC/22/3700/FUL on [Public Access](#)

# Map



## Key



Notified, no comments received



Objection



Representation



Support