



Committee Report

Planning Committee - 10 March 2020

Application no DC/19/4684/FUL

Location

Plot
Arboretum
Mill Lane
Barnby
Beccles
Suffolk
NR34 7PX

Expiry date 23 January 2020

Application type Full Application

Applicant Mr & Mrs R Orme

Parish Barnby

Proposal Construction of dwelling house and garaging

Case Officer Chris Green
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1. Summary

- 1.1. The proposal follows an earlier refusal on scale and is referred to members by the referral panel to enable the proposal to be fully considered by the planning committee.
- 1.2. The Parish Council object to the application on the grounds that the highway lacks capacity for further traffic.
- 1.3. There is no adverse comment from any ward Member, and County Highways note that this site is on the outside of a slight bend which enhances visibility from the access, so therefore do not object.
- 1.4. Officers consider the proposals to be acceptable in accordance with the Local Plan. The recommendation is therefore for approval with conditions.

2. Site description

Relevant Planning History

- 2.1. An application (DC/19/2981/FUL) for an unusual three storey design with low pitch mono-pitched roof elements set at various angles to one another over each element of the floor plan was refused on both aesthetic and scale grounds.
- 2.2. Before that, DC/16/5433/FUL was approved, on the adjacent vacant land belonging to "Eremue" to the south of this site permitting a two-storey dwelling. The approved drawings for DC/16/5433/FUL showed a property (of two storeys) that projected above Mill Lane by a single storey thanks to the landform. A detached garage was shown near the boundary with Arboretum and this was later altered very slightly by a non-material amendment to increase the gap to 1m. There was a linking pergola feature and fencing so that the development fills the full width of its plot, setting the context for this current proposal. This has not however been implemented but did not expire until February 2020, and a further application to renew permission for that adjacent land has now been approved (DC/19/4775/FUL) reinforcing the need to consider this proposal in context with that approval.

Site description

- 2.3. Mill Lane is a narrow-metalled road leading from the principal thoroughfare in the village, The Street, and serving residences before looping back round to join Swan Lane. To the west side and beyond this plot runs the Hundred river, a narrow stream. The landform therefore reflects this with a considerable drop (around 2m) from Mill Lane down into this plot. None of the plot is considered to be within a high-risk flood zone. The other side of Mill Lane is yet higher to a varying extent. There is a substantial and continuous hedge of around 2.4m height on the Arboretum side, and around 3m on the other side.
- 2.4. Other plots vary in size with the larger plots being on the west side and to the east generally smaller plots with the exception of Hillside.
- 2.5. Arboretum - the donor site - is one of the larger plots with a gap to its south side of around 25m to the boundary with the proposal site to take most of this. The house "Arboretum" itself is a two-storey house with single storey north end side extension and with upper storey vertical timber planked cladding and concrete tile roof set at 22 degrees pitch approximately.

3. Proposal

- 3.1. The proposed development is to construct a three-storey house with the lowest storey taking advantage of the level change to be placed below the level of Mill Lane. In this submitted design the upper floor is within a parallel triple row of 45-degree pitch ridged roofs with a linking element set at 90 degrees to these roofs. Parking to the front is accessed by an 8m wide opening across the front of the site that necessitates the removal of the hedge across the full plot width, though in this application a replanting of the hedge is proposed set back from the carriageway to produce a vision splay.

4. Consultations/comments

Four neighbour objections have been received that raise the following key concerns (inter alia):

- A three-storey property is uncharacteristic.
- The plot is too small without scope to move the building back.
- Windows will overlook directly into the bedroom (first floor) windows of the existing house immediately across the narrow Mill Lane (Hillside House) and impact on outlook.
- This application DC/19/2981/FUL was for a similar three floor house in the same place. Barnby Parish Council previously rejected the proposal, because Mill Lane is unsuitable for any further traffic and lacks pedestrian pavements.
- There is often double-parking speeding and the road is used by primary school age children, dog walkers, cyclists and horses.
- Mill Lane is a haven for wildlife.
- The design was previously considered "out of keeping with the existing housing stock in Mill Lane". The new design is a mismatch of pitched and flat roofs and exterior walls of different construction and is worse.
- The road should be widened.
- One writer said they were less opposed if the application was for a bungalow not a 3-story house.

Consultees

4.1. Parish Council

Consultee	Date consulted	Date reply received
Barnby Parish Council	3 December 2019	23 December 2019
<i>Mill Lane itself is in our opinion unsuitable for any further road traffic loading, the carriageway in question does not have pedestrian pavements for most of its length, this narrow carriageway is double parked, the road has been the subject of numerous complaints regarding traffic load, parking, and speeding concerns. Add to the forgoing that the road is used by primary school age children afoot attending the Barnby and Northcove school, dog walkers, cyclist's and horses, in addition to vehicle traffic and the potential for serious incidents is apparent. The plans appear to show a very modern, Mediterranean style development which it was felt would be out of keeping with the existing housing stock on mill Lane, the plans also seem to show that the property would be well forward on the road frontage presumably necessitating the removal of the existing hedge further exacerbating the properties impact on street scene. "5.7 Deliverability: the site is a windfall plot on the street frontage and offers a deliverable dwelling where the local authorities 5 year supply is in doubt, and offers the local authority a much needed home in this location where new dwellings are rare". The Waveney local plan has agreed the provision of 50 new dwellings in Barnby, site yet to be developed, which begs the question as to whether the 5-year supply is in doubt, or whether the provision of new dwellings is much needed. In conclusion the parish councillors present felt they were unable to support this application for the reasons given.</i>		

4.2. Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	3 December 2019	2 January 2020
Summary of comments: <u>Objection</u> , that the applicant has failed to demonstrate adequate vision splays are available or that a lower standard could be accepted.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	14 January 2020
Summary of comments: <u>No objection</u> given additional information demonstrates sufficient vision splays. Conditions suggested for access to be laid out before use; for the gradient to be no steeper than 1 in 20 for the first five metres and not steeper than 1 in 8 at any point; to be surfaced with a bound material; for the vision splays shown to be provided before use; for the areas for the purposes of manoeuvring and parking of vehicles to be provided before use and for bin storage to be made available to the drawing.		

4.3. Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	3 December 2019	12 December 2019
Summary of comments: No objection Unexpected contamination condition required.		

5. Publicity

None

6. Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 5 December 2019

Expiry date: 30 December 2019

7. Planning policy

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

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

8. Planning considerations

- 8.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle and Sustainable Development

- 8.2. The site is sustainably located within the defined physical limits of Barnby. As it does not intrude into the area near the river it will respect Policy WLP8.36 - Coalescence of Settlements of the Adopted East Suffolk (Waveney Area) Local Plan Policies

Visual Amenity, street scene and landscape

- 8.3. The proposal will be seen in the public domain, currently the site is fronted by a substantial hedge. This is to be removed but will be replanted. The three-storey height proposed will project above this feature but manifest as roofs, so that the proposal will display as a large chalet bungalow design, with the lower floor being equivalent to a basement in its relationship to the highway.
- 8.4. The proposal is for a modern form but using more traditional and conventional dual pitch roofs set in orthogonal and conventional planes to each other. This aesthetic makes a lesser departure from the current built forms locally, than that previously submitted. It is also a more broken up smaller scale design than that previously refused.
- 8.5. The character of Mill Lane will therefore become more urbanised at this point with development becoming almost continuous rather than sporadic. It is this urban form together with the form of the property to the south, as yet unbuilt, is considered to (in this revised lower form) to not depart from the character of the locality in terms of degree of development. Elsewhere and opposite on Mill Lane development is continuous, and the site is within the settlement limits.
- 8.6. There is considered no intrinsic urban design reason to wish to retain this slightly more open character at this point, although individuals living nearby regret its proposed loss. The delivery of housing and generation of economic activity does provide positive benefit. The proposal is therefore considered not to conflict in this regard with policy WLP8.29 of the Local Plan and NPPF paragraph 127 where proposals should "*establish or maintain a strong sense of place, using ...(appropriate)..., building types and materials*".
- 8.7. There is not considered to be conflict in terms of the character of the totality of the two new proposed properties as the building footprints. A partial street elevation has been provided, showing the proposal in relation to the street level, with the hedges and the outline of both the adjacent 19/4775/FUL and "Arboretum".

- 8.8. The proposal is the development of garden land and therefore needs consideration against Policy WLP8.33 - Residential Gardens and Urban Infilling where scale, design and siting should be *"in keeping with the character and density of the surrounding development and would not generate a cramped form of development"*. This revised proposal is considered compliant in that regard. The screening hedge (set back to allow some vision splay) will retain the sense of the semi-rural context and soften quantum and scale of development impact with the roof projections appearing sporadically over above the hedge-line and this is considered insufficient to mitigate this harm.

Residential Amenity

- 8.9. The upper storey features out-looking windows to the east onto and over Mill Lane. Hillside house is the nearest property to this frontage at 24m distance albeit offset in relation slightly and with a large tree in between the sites as well as the hedge. On that basis material harm is not considered to occur. Most outlook from rooms in the proposed property is contrived to the west to overlook the Hundred River, and this is by far the best vista. At the higher level, a laundry room, landing and bedroom overlooks the property to the east over Mill Lane. No windows look towards Arboretum. While this will entail a loss of "view" that benefits "Hillside" (when the tree shelter belt is without leaves), it is not considered to represent a loss of outlook, that is to say the creation of an oppressive sense of enclosure.
- 8.10. If the property with permission currently to the south were to be built (and a further renewal application for this site has recently been approved), the other permission features a three bay garage to its boundary with the proposal site so loss of outlook and light are not considered to occur and other property opposite is sufficiently distant to not suffer harms by way of outlook or light.
- 8.11. The suggested curtilage sizes are considered appropriate and sufficient both for Arboretum and that allocated to the new plot.
- 8.12. It is noted that Eremue was not consulted: This is not considered to be an omission as it is not immediately adjacent the site given the approved intermediate plot now authorised and the same agent being the author of both applications.

Highway Safety and Parking Provision

- 8.13. Parking is available for three cars in compliance with County adopted guidance. A car parked to the front would however diminish available turning space. Mill Lane is very narrow, but vehicle speeds are correspondingly low (notwithstanding claims of speeding traffic made by objectors, although the plated 30mph limit on this road would constitute unsafe driving) and, with the hedge removed, visibility will be reasonable and can be achieved as shown, within the gift of the applicant. A plan received shows that with a standard set back, very good vision is possible in both directions because the site stands on the outside of a slight bend in the road. The County have responded to this latest plan to state that, with the garage available for parking, the turning area and other spaces are now considered adequate for purpose (recommending conditions for matters that can be further resolved by this means. The proposal is therefore considered compliant in this regard with policy WLP8.29 (Design) of the Local Plan.

Other Matters

- 8.14. This proposal is in Flood Zone 1, (even with climate change) the low risk zone and there is no record of localised surface water flooding within the site, except at the western boundary. The site is not within a "source protection zone" As a single dwelling the building regulations require on site soakage so no requirement for Sustainable Drainage (SUDs) requires imposition.
- 8.15. This site is within domestic garden land where there is no record of protected flora or fauna.
- 8.16. Contaminated land: The Environmental Health Officer is content with the submitted information and requires only an unexpected contamination condition.
- 8.17. Trees and hedgerows: There are no trees with Tree Preservation Orders in the vicinity of this site and no protected hedgerows. The current garden hedge is not capable of protection through legislation, its loss is however material to the consideration of this application and its removal will generate a change in character considered to be adverse unless replanting occurs as suggested and recommended secured by condition.
- 8.18. This proposal will require a contribution to the Suffolk Recreational Avoidance Mitigation Strategy as a new dwelling is created within the mitigation zone. The form and payment has been received and therefore the proposal accords with the biodiversity and geodiversity of the Local Plan.

9. Conclusion

- 9.1. The proposal is considered to comply with policy WLP8.29 (Design) of the Local Plan and NPPF paragraph 127, in addition to policy WLP8.33 - Residential Gardens and Urban Infilling where scale and design are considered appropriate for the specific location. The proposal will provide a single new dwelling and generate building industry employment in the short term. There would be longer term modest benefit from occupant spend in the local economy.
- 9.2. Permitted development rights need to be removed with regard to roof expansion, but there is no room for side extensions so removal of rights is not considered necessary and extensions at the rear towards the Hundred River are not considered likely to be harmful.
- 9.3. On balance, therefore, officers consider the proposals to be acceptable in accordance with the objectives of the Local Plan and NPPF.

10. Recommendation

- 10.1 Approve with conditions; including the agreement of setting out level details, the removal of permitted rights and for agreement as to hedge reinstatement.

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 2463.19.3D received 15 January 2020, 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. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

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

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

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

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

4. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No DM01; with an entrance width of 3.0 metres (as shown within Drawing No. 2463.19.3D) and has been made available for use.

Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.
6. The access driveway shall be constructed at a gradient not steeper than 1 in 8.
Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.
7. Prior to the dwelling hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
8. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2463.19.3D with an X dimension of 2.4 metres and a Y dimension of 57 metres (North East of the access) and 86 metres (South West of the access) 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 over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
9. The use shall not commence until the area(s) within the site shown on Drawing No. 2463.19.3D 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 in order 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.
10. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2463.19.3D shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
11. Before site levels are established details of the setting out of the slab top level for the lower level floor shall be submitted in writing to and agreed in writing by the Local Planning Authority, the works shall accord to the agreed levels.

Reason: The impacts of the proposal in terms of scale are mitigated by the relative levels of the highway and lower ground floor, so further detail is required to ensure outcomes match the submitted proposal in this regard.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations), B (changes to the roof) or E (buildings or enclosures

within the curtilage of the house) of Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

13. Before occupation or construction of hard surfaces around the site, further details of the hedge replanting indicated on the drawings shall be submitted in writing to the Local Planning Authority and subsequently agreed by the LPA. These details shall include centres for planting the laurel replacement hedge, details of ground preparation, a schedule of the time when the work is to be carried out and details of maintenance. Any plants which die within the first five years following planting shall be replaced to the satisfaction of the Local Planning Authority.

Reason: To ensure the street-scene benefits of the mature hedging is retained.

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 the County Council or its agents at the applicant's expense.

The customer services contact number is 0345 606 6171 and Information regarding dropped kerbs is available at <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-for-a-dropped-kerb/>

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. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

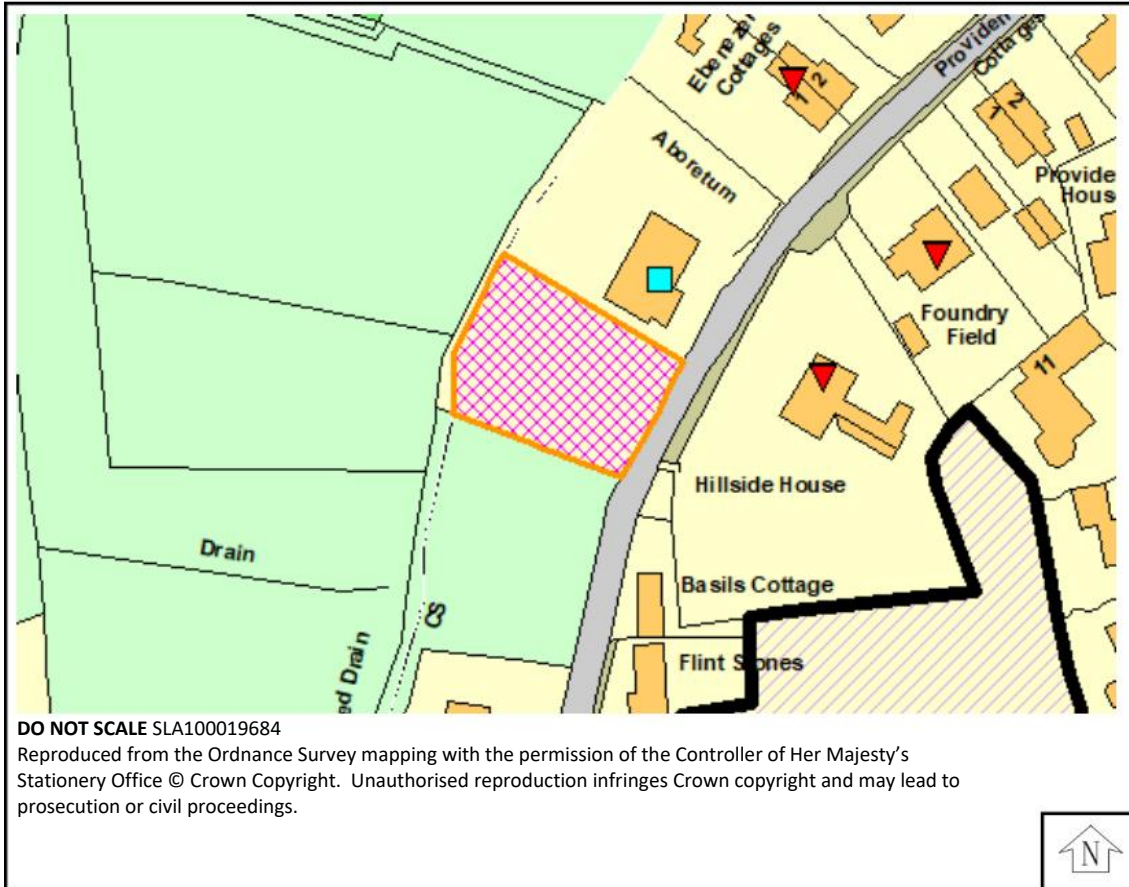
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

Background information

See application reference DC/19/4684/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1QI4GQX0JS00>

Map



Key



Notified, no comments received



Objection



Representation



Support