



Committee Report

Planning Committee North - 18 May 2021

Application no DC/21/0935/OUT

Location

Land South Of
Blackheath Road
Wenhaston With Mells Hamlet
Suffolk

Expiry date 21 April 2021

Application type Outline Application

Applicant Majestic Development

Parish Wenhaston

Proposal Proposed erection of 2no. new detached bungalows and associated garages

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1 Summary

1.1 The application seeks outline planning permission with all matters reserved, apart from access, for the proposed erection of two new detached bungalows and associated garages.

Case for Development

1.2 The application is technically a departure from the Development Plan due to the application site not being within an existing as-built cluster (five or more houses in a continuous built-up frontage); however due to a previously implemented and extant consent for another new dwelling to be built adjacent the site, with this dwelling built-out, the site would then fall within a policy compliant cluster. Officers consider that this is a key material planning consideration given significant weight in the planning balance, indicating for approval despite the conflict with the Development Plan, given that the scheme is acceptable in respect of all other detailed matters and relevant policies.

Reason for Committee

- 1.3 The application has been referred direct to the Planning Committee (North) for determination as the proposal is a departure from the Development Plan with officers recommending approval, and the scheme of delegation does not allow for such decisions to be delegated to the Head of Planning and Coastal Management.

Recommendation

- 1.4 The application is considered acceptable having due regard to relevant planning policies and material considerations and is recommended for approval subject to the imposition of appropriate conditions.

2 Site description

- 2.1 The proposed application site is located to the west of the main body of the village of Wenhaston, outside of the defined settlement boundaries. In planning terms, therefore, it is considered to be located in the countryside. Two residential properties lie to the west of the application site with a clear gap further to the west of these two properties.
- 2.2 One residential property lies to the east, and then a newly built property further to the east; the newly built property is part of two dwellings to be built on this site adjacent each other, however the other building has not started construction yet but the consent (DC/15/1034/FUL - Change of use of existing yard and warehouse, Demolition of existing structures and hardstanding, Erection of two detached houses, Siting of 7 no 2 person lodges, Siting of 1 no glamping pod, Erection of machinery store, Associated landscaping.) has been implemented by the building of the other new dwelling, approximately 20metres to the east. It therefore remains an extant permission that can be built to completion at any time.
- 2.3 The site is a rectangular site which features an open plot with no trees and a shared access onto Blackheath Road with the built property to the east; the site is also outside of the defined settlement boundaries indicated in the Wenhaston Neighbourhood Plan and does not fall within any special designated area.

3 Proposal

- 3.1 The application seeks outline planning permission with all matters reserved apart from access, for the proposed erection of two new detached bungalows and associated garages. Although only outline at this stage, the proposed scheme indicates that two residential detached dwellings will front Blackheath Road and will be set back from the streetscene into the site, the detached garages will be ahead of the dwellings in their current layout.
- 3.2 The proposal involves the provision of an access to serve the two dwellings. There is an existing access to the site which will be improved upon and meet the required visibility splays as indicated by the Highways Department. There are no trees to be removed as indicated.

4 Consultations/comments

- 4.1 Two neighbouring properties have objected to application on the basis of the previous refused application and the principle of more than one dwelling on site which they consider would have an impact upon the character and streetscene. Other concerns raised relate to overlooking, layout, drainage and design; however, a number of these points are not being considered at this stage as the application is in outline with detailed matter subject to 'Reserved Matters' application to follow, in the event outline planning permission was granted.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Wenhaston With Mells Hamlet Parish Council	3 March 2021	18 March 2021
This plot of land has previously been the subject of refused application and subsequent appeal. Ref 18/1009. There are concerns and doubts concerning continuous frontage as a result of this new proposal. The Parish Council do not support the application for the core reasons given in the original refusal and the above.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Highways Authority	3 March 2021	24 March 2021
Summary of comments: Holding objection until the visibility splays have been shown, ongoing discussions between the SCC Highways department and the agent are seeking to ensure this.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	3 March 2021	26 March 2021
Summary of comments: No objections, recommend standard contamination.		

Consultee	Date consulted	Date reply received
Suffolk County Council Local Lead Flood Authority	3 March 2021	22 March 2021
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	3 March 2021	No response
Summary of comments: No comments.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Head of Housing	3 March 2021	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
CIL (Internal)	3 March 2021	12 March 2021
Summary of comments: No objections.		

5 Publicity

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

Category	Published	Expiry	Publication
Departure	15 April 2021	6 May 2021	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 14 April 2021 Expiry date: 6 May 2021
General Site Notice	Reason for site notice: General Site Notice Date posted: 10 March 2021 Expiry date: 31 March 2021

6 Planning Policy

6.1 National Planning Policy Framework 2019 (NPPF)

6.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

- SCLP3.1 - Strategy for Growth
- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP5.3 - Housing Development in the Countryside
- SCLP5.4 - Housing in Clusters in the Countryside
- SCLP5.8 - Housing Mix
- SCLP9.2 - Sustainable Construction
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity

6.3 Wenhaston with Mells Hamlet Neighbourhood Plan (2018) policies:

- WwMP1 – Residential Development Management
- WwMP5 – Environment and Landscape
- WwMP6 – Biodiversity

7 Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decision-taking to be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises those documents and policies listed above, with the NPPF being a material consideration.

Planning History

7.2 The application site was also subject to a previous application: DC/18/1009/FUL (Erection of single three-bedroom bungalow with detached double cart-lodge and driveway). This was refused as the principle was considered contrary to Local Plan policy at that time (which have since been superseded by the Local Plan adopted in 2020).

7.3 The application site was also subject to a previous Appeal (Reference - APP/J3530/W/18/3207314). The appeal decision found the site was an unsustainable location and the proposal would be contrary to the Council's spatial strategy set out in Policy SP19 of the Local Plan, to Policies SP1, SP1A, SP27, SP29, DM3, and DM4 of the Local Plan and to Policy SSP2 of the Site Allocations and Area Specific Policies Development Plan Document (January 2017) (the DPD) and policy WwMP1 of the NP. The appeal was subsequently dismissed.

Principle of Development

7.4 The application site lies outside the defined Wenhaston Settlement Boundary and is therefore within the countryside for planning purposes as defined in the Local Plan and Neighbourhood Plan. Outside of the defined Settlement Boundaries and within the countryside, Local Plan Policy SCLP5.3 states that 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.

7.5 The proposal is not proposing affordable housing to meet an identified local need on an exception site (nor well related to a settlement boundary); the proposal is not a replacement dwelling, nor the subdivision of a larger dwelling; it does not seek the conversion of an existing building or the erection of an agricultural workers dwelling; and is not proposed as a paragraph 79 (of the NPPF) dwelling. However, the proposal is seeking to provide new residential development within an existing cluster group of dwellings as outlined by SCLP5.4.

7.6 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. 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. This is the clear intent of SCLP5.4 and represents a more positive approach to countryside housing development when compared to the old Development Management Core Strategy under which the previous refused application was tested.

- 7.7 A 'cluster' in the context of Policy SCLP5.4 consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway and contains five or more dwellings.
- 7.8 A close group of dwellings adjacent to an existing highway, is one where the dwellings are considered to be adjacent to each other, and not separated by extensive open areas such as extended gardens. There may be garden space or other buildings between dwellings however separation by fields or open land would not constitute a close group, which is relevant in this application. The criterion (c) in Policy SCLP5.4 sets out policy regarding the characteristics of the location of sites in relation to surrounding development, the adjacent development on two sides must extend along the entirety of the proposed site which applies here.
- 7.9 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.
- 7.10 Whilst the application site is likely to meet at least four dwellings in close proximity adjacent an existing highway; the property to the west is considered to be separated by its own extended garden curtilage which would constitute a 'clear identifiable gap' and would separate the cluster; this has been disputed by the applicant's agent within the submitted Planning Statement.
- 7.11 To the east there is a smaller identifiable gap; the gap however is subject to planning permission as part of a new two build residential scheme, of which one dwelling is built (and considered to form the last dwelling within a possible new cluster). The plot of land currently is unbuilt on, but the planning permission is implemented due to the other dwelling being built and complete. It is therefore considered that the dwelling is very likely to be built in the near future, and this is a key material planning consideration. The result of this dwelling being built-out is that, in addition to existing dwellings, there would be the

minimum five dwellings required for a cluster and the application site would fall within that in a manner envisaged by SCLP5.4. On planning balance, although the dwelling is not yet built, significant weight can be given to the implemented two build residential scheme to the east. Officers consider that it would be unreasonable to wait until the dwelling has been completed to allow this cluster development to be considered acceptable. It is therefore considered that a 'departure' from policy would be acceptable, in this particular case, and the principle of development can therefore be supported.

Highways Safety and Access

- 7.12 The proposed outline application involves the provision of an access to facilitate the two new dwellings; an existing access onto the site exists but the proposal seeks to upgrade the existing access and achieve the required visibility splays set by Suffolk County Council Highways. The agent has provided information in relation to concerns initially raised by the Highways Authority; this information shows the maximum proposed visibility splays achievable and additional traffic survey information. Suffolk County Council Highways have confirmed the information addresses any stated previous concerns and recommend approval with conditions. The conditions relating to providing a plan showing a bin storage area and cycle provision have not been included as there is a reasonable amount of space on the plot. Other conditions are recommended in respect of highways matters, and with those conditions and the further information that has been provided, the scheme is acceptable in highways safety terms in accordance with the objectives of the Local Plan and NPPF.

Impact on Character and Appearance of the Area

- 7.13 The proposed outline application seeks to infill the existing application site with two detached residential dwellings; the current character of the area is a mix of detached bungalows and an on-going pair of detached dwellings to the east. The proposal for a pair of detached dwellings, in principle, is not considered to result in an adverse impact upon the existing character of the site. The application site is not considered to contribute to Wenhaston's rural local character and the provision of two dwellings on this plot is well-related to the modest developments that exist along Blackheath Road. The loss of the small opening/gap as existing will not harm the character of the area. WwMP5 of the Wenhaston Neighbourhood Plan seeks to ensure the Neighbourhood Plan protects from significant development impacts; the proposed outline development will infill into the existing gap without harming the wider character of the rural area in accordance with the Wenhaston Neighbourhood Plan. There would be no conflict with the design and landscape character objectives of SCLP10.4 and SCLP11.1.

Residential Amenity

- 7.14 The proposed development is in outline with detailed matters reserved, therefore it is difficult to fully appraise specific amenity impacts of the proposals. That being said, the site is large enough to reasonably accommodate two dwellings with sufficient spacing from neighbouring residents. The proposed access would be safe in highways terms and will not cause harm to local living conditions. Whilst development of the site will represent a change in character and appearance of the site, there is unlikely to be such significant visual impacts arising to unacceptably harm local living conditions. Subject to the appropriate detailed

scheme at reserved matters stage, officers consider that the development of the site for two dwellings would be acceptable in amenity terms in accordance with SCLP11.2.

Ecology/RAMS

- 7.15 The site lies within the recreational disturbance Zone of Influence for Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), the applicant is therefore required to make a financial contribution to fund the Suffolk RAMS for each residential dwelling proposed. The mitigation payment has been received and therefore officers consider that recreational impacts on affected European Sites can be properly mitigated in accordance with SCLP10.1.

8 Conclusion

- 8.1 The proposed development, although a departure from the local planning policies SCLP5.3 and SCLP5.4, is considered to be acceptable given the key material planning considerations mentioned - critically the implementation of the second new build property which, when complete, will sit with existing properties to form the required five dwellings for a cluster, within which the application site would then fall. Officers consider that to refuse the application at this stage, on solely matters of principle, would be unreasonable and not a reason the Council could substantiate at any appeal. The proposed development is otherwise acceptable in terms of highways safety, residential amenity, and character and appearance of the area.
- 8.2 The proposed development will provide short term benefits of construction jobs whilst the dwellings are built and will provide two high quality dwellings where residents will likely spend in the local economy.
- 8.3 Therefore, on balance, this is case where a departure from policy is acceptable, and the application is recommended for approval.

9 Recommendation

- 9.1 APPROVE with conditions as set out in section 10, below.

10. Conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then
- b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance, and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing No. 104/2021/101 P1, received 26 April 2021, 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.

4. 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: In the interest of potential contamination on the application site and ensuring safe development on suitable land.

5. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 4.5m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

6. 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.

7. 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.

8. Prior to the dwellings 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 an approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

9. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

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

10. Before the access is first used visibility splays shall be provided as shown on Drawing No. 104/2021/101 Rev. P1 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.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

11. The use shall not commence until the area(s) within the site on dwg. no. OUT1001 Rev. A 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

12. Before the development is commenced details of the areas to be provided for electric vehicle 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 promote sustainable transport choices.

Informatives:

1. 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 or email llpg@eastsuffolk.gov.uk
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. 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:

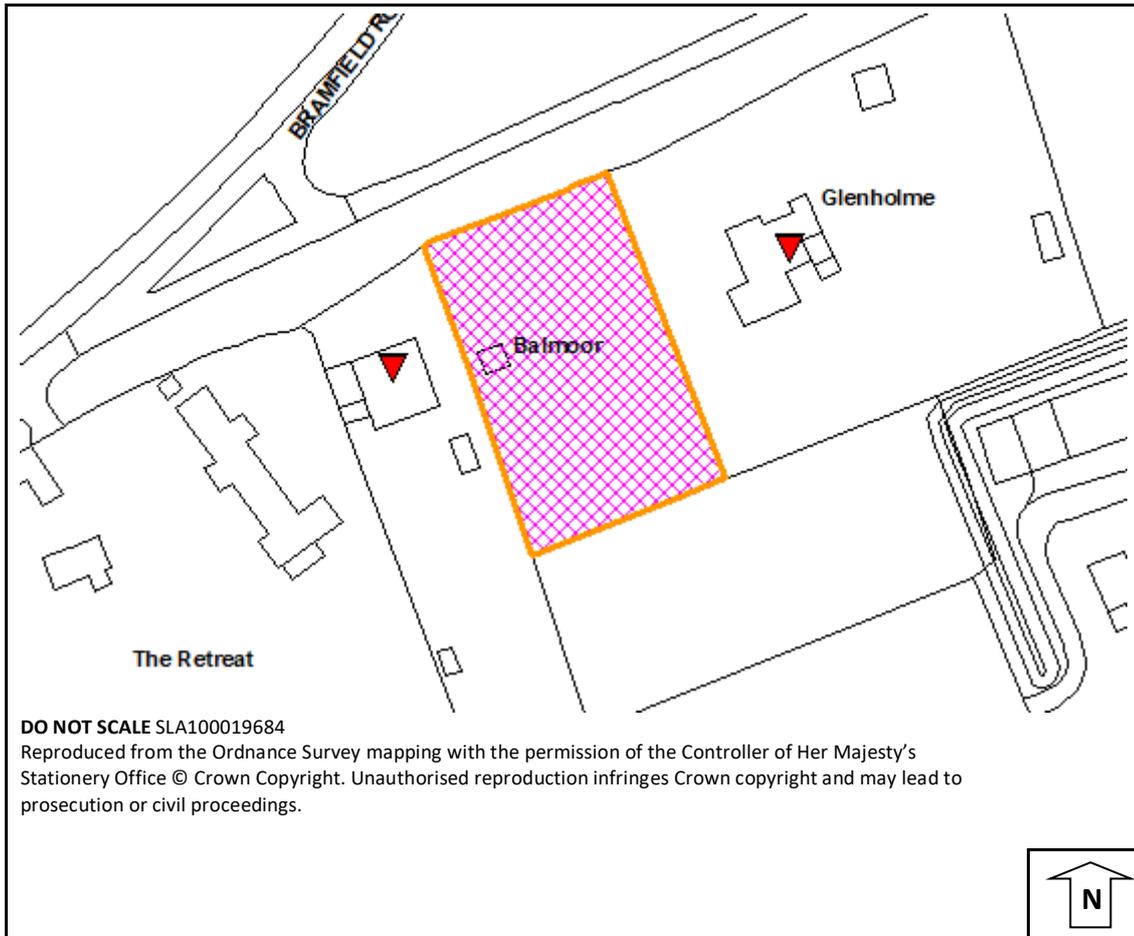
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

Background Papers

See application reference DC/21/0935/OUT on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support