



## Committee Report

Planning Committee - 13 October 2020

Application no DC/20/2249/FUL

**Location**

Orchard Barn  
The Street  
Somerleyton  
Lowestoft  
Suffolk  
NR32 5QB

**Expiry date** 13 August 2020

**Application type** Full Application

**Applicant** Mr and Mrs Morris

**Parish** Ashby, Herringfleet And Somerleyton

**Proposal** Extension of existing outbuilding to form dwelling

**Case Officer** Matthew Gee

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### 1. Summary

- 1.1. Planning permission is sought for the change of use of an existing outbuilding and extension to form a new dwelling. The site is located within the defined settlement boundary for Somerleyton, and as such the principle for new residential development is considered appropriate. In addition, the proposal is considered to have an acceptable impact on the character and appearance of the area, amenity of neighbouring residents, and would not adversely impact on highway safety. As such it is considered that proposal adheres to national and local planning policy, and therefore it is recommended that planning permission be granted.
- 1.2. The application is referred to Planning Committee as the request of the planning referral panel due to public interest associated with the application.

## **2. Site description**

- 2.1. The site is located within the settlement boundary and Conservation Area for Somerleyton and comprises of a detached outbuilding. The site is accessed from an unmade track that runs from 'The Street' located to the north of the site. The site is bounded by residential development to the north and east, amenity land to the south and grassed area to the west.
- 2.2. Planning History:
  - DC/93/0503/OUT - Outline Application to erect two dwellings - Refused
  - DC/05/0880/FUL - Construction of detached outbuilding - Permitted

## **3. Proposal**

- 3.1. Planning permission is sought for a change of use and extension of an existing outbuilding to be used as a dwelling.
- 3.2. The proposed extension will measure 9.3m wide, 6.3m deep, 2.2m to the eaves, and 5.2m in height.

## **4. Consultations/comments**

- 4.1. Three letters raising comments only have been received raising the following points:

- Application should be viewed as new build
- Proposal would be out of character with vast majority of the village
- Access would impact on amenity of area
- Remove PD rights
- Access should be from a small area near to The Street
- What is the area edged in blue to be used for
- Protecting existing trees

- 4.2. Five letters of objection have been received raising the following points:

- Access cannot comply with SCC Highways visibility requirements
- Land ownerships queries
- Previous permission for dwellings on site was refused in 1993
- Existing building was not used for permitted purposes
- Land was sold off from Crown House once existing outbuilding was built
- Area not approved for housing
- Proposal is backland development
- Impact on character and appearance of the area
- Impact on amenity of neighbouring residents
- If approved it would set a precedent
- Proposal would not remain single storey
- Air Source Heat Pump would impact on amenity
- Impact on highway safety
- Impact on existing trees

- 4.3. Twelve letters of support have been received raising the following points:

- Decrease in crime

- Reduce vehicle movements to/from site
- New dwelling would support the village
- Access has been used for a considerable period of time
- Proposal is in keeping with the character and appearance of the area
- Good example of reuse of existing buildings
- Proposal would not adversely impact on amenity

## Consultees

### Parish/Town Council

| Consultee  | Date consulted | Date reply received |
|--|----------------|---------------------|
| Ashby, Herringfleet And Somerleyton Parish Council   | 22 June 2020   | 8 July 2020         |
| <p>Planning Application DC/20/2249/FUL Extension of Existing building to form Dwelling at Orchard Barn, The Street, Somerleyton, NR32 5QB</p> <p>Following a Meeting of the Planning Committee of the Parish Council on Thursday 2nd July 2020, Ashby Herringfleet and Somerleyton Parish Council believes that this application should be refused on the following grounds:</p> <p>In 1993 permission was refused to erect two dwellings on this site for reasons of “inadequate access and the adverse effect upon the occupiers of neighbouring properties”, amongst others. The situation has not changed in the intervening years.</p> <p>The existing building was granted planning permission in 2005 as an extension to Crown House for equestrian purposes, in the garden of which it was constructed. Mr &amp; Mrs Morris subsequently divided the site and sold Crown House, retaining the part of the site on which the building which it is proposed to extend sits. Although the land is now in two ownerships its context within the village remains a single dwelling with outbuildings and gardens.</p> <p>The Conservation Area Management Plan states:</p> <p>“Pressure for development often leads to the subdivision of larger gardens to provide space for new houses. Given the considerable contribution the well-kept gardens of Somerleyton make to the character of the conservation area and to the setting of individually designated historic assets, any further moves to build within them should be approached with considerable caution.”</p> <p>This approach is a reflection of the NPPF requirement that planning decisions should take into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens), ...” The proposal does not meet the criteria of Policy WLP 8.33 because it does not (a) provide safe access or (b) safeguard protected trees.</p> <p>(a) Safe Access: It appears that the access from the site will have insufficient visibility into The Street to be safe. Also, it appears that, given that this length of The Street has been recognised by the highways authority as being of reduced usable width (the highways authority has authorised short lengths of parking restriction in this area to help mitigate this, but not in the vicinity of the entrance to this potential development) the site will not be accessible to emergency services vehicles. The site is currently rarely accessed by motor vehicles but a change of use to a dwelling would result in regular (more than one daily) visits and departures by motor cars.</p> |                |                     |

(b) Safeguard Protected Trees: The access road crosses the root protection area of a substantial oak tree adjacent to the boundary with number 6 Morton Peto Close and regular motor vehicle traffic, especially during construction but even thereafter, will severely impact this tree situated within the Conservation Area. There is a further oak tree adjacent to number 10 Morton Peto Close which may be affected depending on the route taken by construction traffic and the location of the finished car parking area.

Errors/omissions in and comments on the application:

Application form question 11. The response incorrectly states there are no trees and hedges which will be affected by this development.

The “Existing Plans” do not indicate the mezzanine level.

The “Proposed Plans” do not indicate whether the existing mezzanine will be retained for possible future conversion to additional accommodation. The future use of the existing high level window in the south facing wall is not indicated.

Design and Access Statement page 10: Re-use of redundant or disused buildings. This building has never been used for the purpose for which it gained planning permission – stables. It has been used for residential purposes and a studio but cannot be considered redundant or disused.

Design and Access Statement page 10, Small Sites. The statement refers to the building as a “residential outbuilding” but the fact that it has been used occasionally for residential purposes as a dwelling does not change the planning permission granted in 2005.

Design and Access Statement page 11, Policy WLP 8.31 – Lifetime Design. The proposed dwelling is too large at 105m<sup>2</sup> to be considered “a small, manageable life time dwelling”.

Other comments:

The proposed dwelling is very large for a single bedroom and it appears entirely feasible that it could be easily amended to provide 4 bedrooms within the shell indicated in the proposed plans, which would be gross overdevelopment of the site and its access. Should the application for conversion to a dwelling be permitted a condition should be applied that restricts the accommodation to one bedroom.

If planning permission is granted it is recommended that permitted development rights are removed to ensure that any future amendments to the building are appropriately controlled.

### Statutory consultees

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk County - Highways Department  | 22 June 2020   | 14 July 2020        |
| Summary of comments:<br>Objections raised as access cannot meet visibility requirements, which could result in highway safety concerns. |                |                     |

## Non statutory consultees

| Consultee  | Date consulted | Date reply received |
|--|----------------|---------------------|
| Landscape Team (Internal)  | 7 July 2020    | 15 July 2020        |
| Summary of comments:<br>No objections, comments incorporated into officer considerations as part of the planning service |                |                     |

| Consultee   | Date consulted | Date reply received |
|---|----------------|---------------------|
| Environmental Protection (Internal)                         | 22 June 2020   | 29 June 2020        |
| Summary of comments:<br>No objections subject to conditions |                |                     |

| Consultee                                    | Date consulted | Date reply received |
|--|----------------|---------------------|
| Essex And Suffolk Water PLC                  | 22 June 2020   | No response         |
| Summary of comments:<br>No comments received |                |                     |

| Consultee                                    | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk Wildlife Trust                       | 22 June 2020   | No response         |
| Summary of comments:<br>No comments received |                |                     |

## 5. Publicity

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

| Category          | Published   | Expiry       | Publication                |
|-------------------|-------------|--------------|----------------------------|
| Conservation Area | 3 July 2020 | 24 July 2020 | Beccles and Bungay Journal |

| Category          | Published   | Expiry       | Publication       |
|-------------------|-------------|--------------|-------------------|
| Conservation Area | 3 July 2020 | 24 July 2020 | Lowestoft Journal |

## 6. Planning policy

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

- 6.2. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.3. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 states that, with regard to Conservation Areas, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 6.4. National Planning Policy Framework (NPPF) (2019)
- 6.5. National Planning Policy Guidance (NPPG)
- 6.6. 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
  - WLP8.29 – Design
  - WLP8.39 - Conservation Areas

## **7. Planning considerations**

### Principle

- 7.1. The site is located within the settlement boundary for Somerleyton, and as such the principle for new residential development is considered acceptable, subject to it adhering to local and national planning policy.
- 7.2. Concerns have been raised regarding the planning history for the site. Permission was granted in 2005 for the construction of an outbuilding, there are no conditions on the approval that required the building to be used for equestrian purposes only, or that it remains in the ownership of Crown House. As such from the information before me it does not appear that the building has been used for purposes outside of the approved use.

### Character and appearance

- 7.3. Policy WLP8.29 sets out that proposed development should be respectful of the character and appearance of the surrounding area, demonstrating a clear understanding of the form and character of the built, historic environment and use this understanding to complement local character and distinctiveness. In addition, Policy WLP8.39 sets out that proposed development in a Conservation Area should be high quality design and either preserves or enhances the character and appearance of the area.
- 7.4. The immediate surrounding area has a rather mixed character, with no real defined style or scale and dwellings in a mixed pattern. Development along The Street does take the form of linear development, albeit as previously noted the area has a mixed character, and development is not evenly separated or set back from the highway, creating an attractive

form of village development. The development to the east of the application site is a 1990's new build development, which whilst taking inspiration from the wider area, it does have a rather different development form compared to the wider village, with development not in a rather loser form of linear development.

- 7.5. The application site has an existing outbuilding located on it, with limited views of this building available from the public realm due to existing build development and foliage. It is not considered that the existing building adversely impact on the character and appearance of the Conservation Area. The proposed extension to the existing outbuilding is unlikely to be widely seen in the street scene, or the wider landscape area. The existing building and proposed extension are of an agricultural design, using materials that are considered to be sympathetic to the area, and that would minimise its visual intrusion.
- 7.6. In addition, it is considered that the scale of the dwelling is appropriate for the size of the curtilage, and would not result in a more built up appearance to the wider area as a result of the development given the distances to neighbouring properties. However, in order to avoid any potential impact on the character and appearance of the Conservation from more alien features such as rooflights, dormers, and PV Panels on the roof scape, it is considered necessary to restrict PD rights. It is therefore considered that the proposal would preserve the character and appearance of the Conservation Area and complies with the aims of policy WLP8.29 and WLP8.39.

#### Amenity

- 7.7. Policy WLP8.29 sets out that proposed development should not result in an adverse impact to the amenity of neighbouring residents. The proposed extension is located approximately 30m from the nearest residential dwelling, and as such it is not considered that the proposed extension would adversely impact on light to neighbouring properties. In addition, the proposal is single storey, and as such it is not considered to result in overlooking of neighbouring properties. However, given the proximity of neighbouring properties and the level of privacy of some neighbouring properties it is considered necessary to impose a condition removing PD rights to install dormers and rooflights, in order to ensure that consideration can be given to their placement.
- 7.8. Concerns have been raised regarding noise increase, both as a result of increased vehicle movements, and also increased activity on the site as a result of being occupied. The access is already in unrestricted use as such a level of noise is already likely from the access. Occupation of the dwelling is likely to result in additional vehicle movements from the site, however, given that the dwelling is only one bedroom it is unlikely that activity will be significant. Furthermore, the site is located within a residential area, and as such a level of activity is to be expected. It is therefore not considered that the proposal would result in a marked increase in noise that would significantly impact on the amenity of neighbouring residents.

#### Highways

- 7.9. Suffolk County Council Highways have objected to the proposal as appropriate visibility splays cannot be provided, and therefore they have concerns regarding highway safety. It is however noted that this is an existing access, which is currently used to access the outbuilding, and is also understood to have been used for a considerable period of time to

access the site. Visibility to the appropriate distance can be achieved to the east, but to the west it is partially blocked by build development, it is therefore acknowledged that visibility cannot be fully achieved. However, this is a relatively low speed area, given that vehicles have a tendency to park on one side of the road, and the number of existing accesses onto the road. In addition, visibility can be achieved in one direction and to the centre of the road in the western direction. As such in this instance it is not considered that the use of this existing access to serve a single bedroom dwelling would result in an adverse impact to highway safety along the road.

### Trees

- 7.10. The site contains a couple of trees either within or in close proximity of the application area which could be affected by development. The application has provided details of tree protection measures to be in place during the construction phase, and as details that the access track will be made up of gravel to reduce compaction around the T1-Oak. The Council's Landscape Officer is content with the details submitted and does not consider that the trees would be adversely impacted by the development.

### Ecology

- 7.11. The site is located within the zone of influence of nearby European Protected Sites, and as such mitigation is required due to the in-combination effect of new housing on these sites. A financial contribution to RAMS has been made, and as such it is deemed that the impacted is mitigated against.

## **8. Conclusion**

- 8.1. In conclusion, the proposal would provide a single bedroom dwelling, within the settlement boundary for Somerleyton, with a minor benefit in terms of economic and social benefits. The proposed dwelling is not considered to adversely impact on the character and appearance of the area, the amenity of neighbouring residents, or on highway safety. As such the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

## **9. Recommendation**

- 9.1. It is recommended that planning permission be granted 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:  
- Site location plan, 02 A, received 06/08/2020

- Proposed plans, 03, received 19/06/2020

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. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation ORMAS consisting of the following components has been submitted to, and approved in writing by, the local planning authority:
- a) A desk study and site reconnaissance, including:
- a detailed appraisal of the history of the site;
  - an inspection and assessment of current site conditions;
  - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
  - a conceptual site model indicating sources, pathways and receptors; and
  - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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 development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
  - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
  - proposed remediation objectives and remediation criteria; and
  - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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.

5. Prior to any occupation or use of the approved development the RMS approved under condition 4 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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.

6. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
  - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
  - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
  - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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.

7. 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.

### **Informatives:**

1. 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.
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](mailto: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](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>

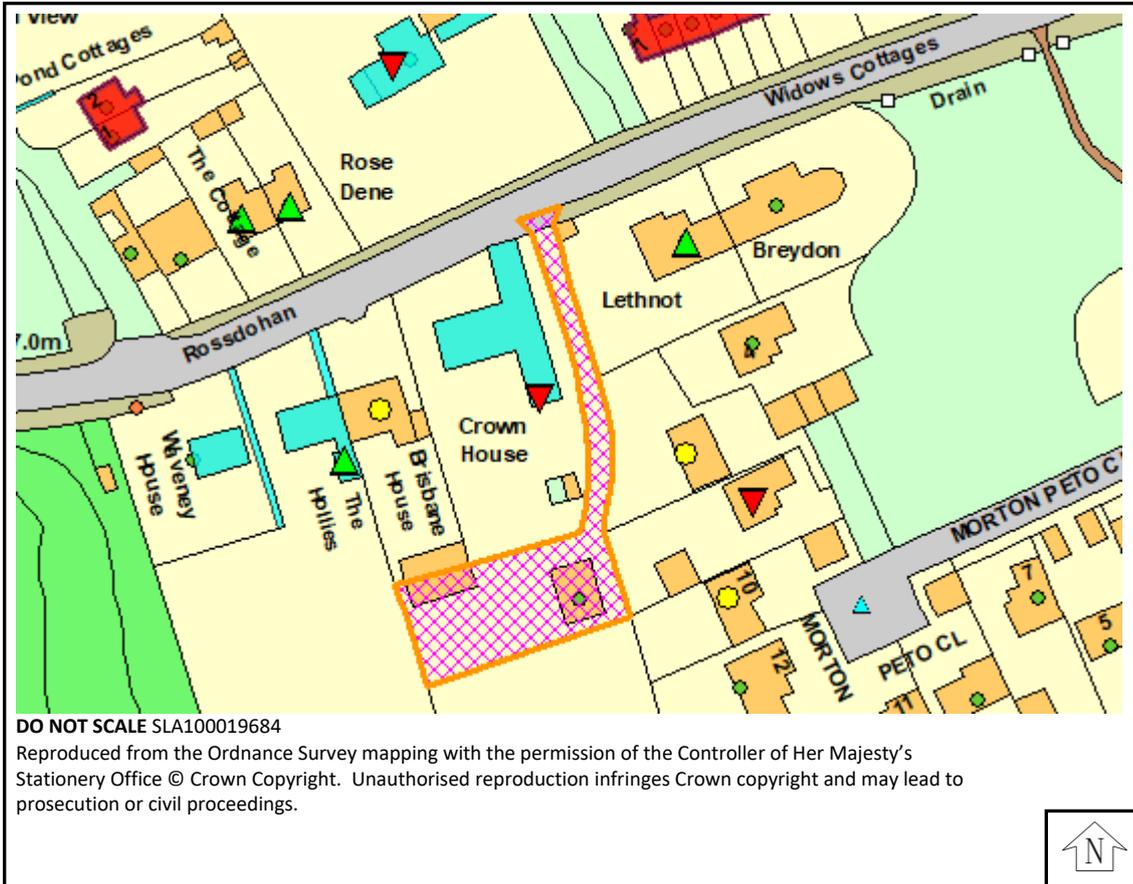
3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business 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 Papers

See application reference DC/20/2249/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QC6KAIQXKB400>

## Map



## Key

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