



Planning Advisory Panel – SOUTH (14 April 2020)

Delegated Report

Application no DC/20/0452/VOC

Location

Land To The Rear Of
The Old Post Office
The Street
Bredfield
Suffolk
IP13 6AX

Expiry date 30 March 2020

Application type Variation of Conditions

Applicant Mr & Mrs Tom & Lizzie Green

Parish Bredfield

Proposal Variation of Condition(s) 2 of Planning Permission DC/19/0244/FUL (Erection of new 5 bedroom detached dwelling with double cartlodge, served from existing vehicular access).

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Summary

The proposal seeks to vary condition 2 (Plans/drawings) of the original Planning Permission DC/19/0244/FUL for the 'Erection of new 5 bedroom detached dwelling with double cartlodge, served from existing vehicular access'.

The item is before the Planning Advisory Panel, because it was due to be considered by Planning Committee 24 March 2020, prior to the cancellation of the meeting, due to Government advisory restrictions on face to face meetings resulting from Covid-19.

The application was scheduled for Planning Committee due to the applicant being employed by East Suffolk Council, the application will therefore be required to be determined by planning committee.

The recommendation is for approval.

Site description

The proposal site is an open field bounded by mature vegetation and a fence. To the north of the site is Victory House and Mallards to the south, the current access to the site also serves Victory House and passes past Post Office House and 1 and 2 Mill House. To the east of the site is open countryside.

The proposal site is located within the Physical Limits Boundary of Bredfield, the dwelling is solely located within this area. However, the rear garden, to the east of the house would be located in countryside, as defined by Policies SP19 and SP29 of the Core Strategy, and SSP2 of the Site Allocations and Area Specific Policies document.

Proposal

The proposal seeks to vary condition 2 of the original Planning Permission DC/19/0244/FUL for the 'Erection of new 5 bedroom detached dwelling with double cartlodge, served from existing vehicular access'. Condition 2 relates to the agreed plans, this variation seeks to replace existing plan PW994_PL02 with PW994_PL02revF.

The proposed changes to the plans are small changes to the fenestration on the south-east and north-east elevations, and the change in material on the external walls of the two-storey element from cedar cladding to corrugated sheeting.

Consultations/comments

No third party representations received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Bredfield Parish Council	5 February 2020	6 February 2020
Summary of comments: "Bredfield Parish Councillors have been consulted about this application by email and no objection has been raised."		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	5 February 2020	24 February 2020

Summary of comments:
Suffolk County Council Highways have no objections.

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	5 February 2020	No response

Summary of comments:
No comments received.

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	5 February 2020	No response

Summary of comments:
No comments received.

Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building	13 February 2020	5 March 2020	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Affects Setting of Listed Building
Date posted: 6 February 2020
Expiry date: 27 February 2020

Planning policy

On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and

Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

East Suffolk Council's Development Plan, as relevant to this proposal, consists of:

- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

XSP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM7 - Infilling and Backland Development within Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM8 - Extensions to Residential Curtilages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

The relevant policies of the East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); are:

SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .

Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). There are no policies of that nature relevant to the consideration of this application.

Planning considerations

Principle:

The application site is located in a sustainable location within the physical limits boundary of a settlement. It is therefore in a location where new residential development is permitted by the housing policies within the NPPF, subject to the consideration of relevant material planning considerations.

The proposed dwelling is located within but adjacent to the Physical Limits Boundary of Bredfield, which runs along the eastern flank boundary of the proposed building. Therefore, the house would be within the physical limits boundary, but the triangular shaped garden area to the east of the house would be located outside the boundary, within the open countryside.

The Physical Limits Boundary of Bredfield is identified by Policy SP19 of the core strategy, which identifies the area as a Local Service Centre, and SSP2 of the site allocations document. Therefore Policy SP27 is to be applied to the application as the proposal is considered to be within a Local Service Centre.

This policy states that development is to be permitted within the physical limits boundary, where it is considered to be reflective of the surrounding area, and meets other policies in the Core Strategy. Therefore the principle of development accords with planning policy, subject to the consideration of other planning policies and material planning considerations.

The principle of a dwelling on this site has also already been established through the granting of DC/16/2362/FUL, which is extant until 3 August 2019 and the previous consent DC/19/0244/FUL.

Local Planning Policy DM7 permits infilling of single dwellings within physical limits boundaries of villages, where they would not result in a cramped form of development, out of character with

the streetscene, would not result in tandem or similar unsatisfactory types of development that would significantly reduce residential amenity through increased noise and loss of privacy. The policy also requires that the proposal is well related to adjacent properties and not designed in isolation, and that provision is made for an appropriate sized curtilage.

As explained above the principle of a dwelling on this site has already been established through the granting of the previous planning permission. Therefore, the approximate location of the building and the access to it has already been established, as acceptable and according with Policy DM7. The other requirements of this policy are explored below.

Although the recently submitted Local Plan has limited weight at present, this proposal would also accord with the relevant policies within that document. Bredfield is defined within SCLP3.2 (Settlement hierarchy) as a 'Small Village'. The physical limits boundary defined in emerging policy SCLP3.3 (Settlement Boundary) and the associated proposals/policies map follows the same line as the existing in the area around and across the application site. Therefore, the proposed house would be within the new boundary, with its garden area to the east laying outside the boundary, in the same manner to the existing physical limits boundary arrangement.

Emerging Planning Policy SCLP5.2 (Housing Development in Small Villages) allows for a small group of dwellings of a scale appropriate to the size, location and character of the village or infill development in accordance with Policy SCLP5.7 (Infill and Garden Development), which allows for infill residential development, with similar criteria as existing planning policy DM7.

Visual Amenity, Design and Streetscene:

The previous consent agreed that the proposed dwelling would be faced in modern materials but has a traditional barn style, with a cat slide roof and a high roof space. There are large openings and other domesticated features including roof lights that are to be proposed on the dwelling.

Due to the extent of the proposed residential curtilage and its location beyond the physical limits boundary, within the countryside, any outbuildings and other ancillary developments within the garden area to the west of the house, have the potential to have a significant visual impact upon the wider countryside. The size of the proposed curtilage would be significantly larger than that permitted under the extant permission DC/16/2362/FUL.

The proposed plan incorporates changes that have been approved previously through the non-material amendment process (Applications DC/19/2714/AME and DC/19/4685/AME), the proposed changes indicated within this application are material changes that would not adversely impact the visual character of the area or design or the proposed dwelling.

Therefore in accordance with Policy DM8, it would be reasonable to remove Permitted Development Rights within this area for ancillary buildings, structures, heating fuel tanks, walls, fencing, gates and other means of enclosure, and free standing Photovoltaics and wind turbines (Classes E and D of Part A, Class A of Part 2, and parts of Classes A and H of Part 14).

This would also be supported by emerging planning policy SCLP5.14 (Extensions to Residential Curtilages) which has similar aims and objectives as existing planning policy DM8.

Residential Amenity:

The proposed residential amenity was considered acceptable at the previous application and original application stage which commented that: "there is a single storey element to the south of

the proposal site which is to be 4.4m away from the boundary of the neighbouring property, the two storey element of the proposal is to over lap the single storey element, but is 12m away from the flank boundary, when not obscured by the single storey element".

There are four proposed windows on the first floor south facing elevation, these are to face into the amenity space of the proposed dwelling and the garage to the south of the proposal site that belongs to Mallards. These are to be at an angle and would not directly look into the garden of the neighbouring property. It is agreed that there would be some perceived overlooking from bedroom two windows, which is 19m away from the common boundary, but this is not the only window for this room. Bedroom 3 is approximately 17m away, to the common boundary, this is the only window for the room. Bedroom 2 is approximately 16m away, this is also the only window for this room. The next window along is an en-suite for bedroom 1, this would be obscurely glazed.

In regards of the overshadowing to the neighbouring property it is considered that this would be minimal as the neighbouring property is to the south of the proposal site and therefore would not create any overshadowing. The bulk of the building is also considered to be set further away from the common boundary line with the neighbouring property.

The third party comments also suggest that the other dwelling that has been permitted could be built along side the current proposal. This is not considered to be the case as the footprints of the dwellings would overlap, (as detailed on the plans that have been submitted). In theory, both the garage of the previously permitted scheme and the garage of the current application could both be constructed, as their footprints do not overlap. However, due to the locations of the two buildings, the distance between them, and the boundaries of the surrounding dwellings, if both were to be constructed the cumulative impact upon visual and residential amenity would not be sufficient to warrant refusal.

Due to the location of the proposal and the orientation of the windows it is considered that there would be minimal impact on the amenity space, both internal and external, of the neighbouring dwellings. There will be no overshadowing as the proposal is located away from the boundary of the neighbouring dwellings. Therefore the proposal is considered to be in conformity with Policy DM23 of the Core Strategy, and emerging planning policy SCLP11.2 (Residential Amenity).

Habitat Regulations Assessment (HRA)

Under the previous original application reference it was determined that the 'proposal site is located within the 13km 'zone of influence' on the European Protected sites and it is for the erection of one dwelling, therefore requiring mitigation for the protection of the European Protected sites.' However, there is already an extant planning permission on the site, which predates RAMS. Therefore, in effect this is akin to a replacement dwelling, for the purposes of RAMS, and so a mitigation payment towards RAMS is not required in this instance.

Community Infrastructure Levy (CIL):

As this proposal is for a new dwelling it would be Community Infrastructure Levy (CIL) Liable. The site is within the High Zone for CIL purposes. The proposed dwelling and garage would have a floorspace of approximately 277sqm (ground floor of dwelling 140sqm, first floor of dwelling 90sqm, garage/cartlodge 47sqm). An existing building with an approximate floorspace of 33sqm is proposed to be demolished and thus would reduce the liable floorspace. There is the potential for a self-build exception or other reduction on this, provided certain criteria have been met. At this

stage no such exemption or reduction has been sought, but this can be sought any time prior to commencement of development.

Conclusion

It is considered that the principle of a new dwelling in this location is considered to be acceptable. The principle accords with planning policy and it is acceptable as there is already an extant permission on this site.

This proposal would result in an additional dwelling within a sustainable location, within the physical limits boundary of the village of Bredfield, where its occupants could provide support to local services and facilities within the village. It also has the potential to provide towards infrastructure through the CIL process, which could be of benefit to the local community.

There would be minimal harm to the amenity of the neighbouring properties, and subject to appropriate conditions, the scheme would also be acceptable in terms of visual amenity. The scheme is also acceptable in terms of highway safety. The prior to commencement conditions have been agreed with the planning agent. The scheme is therefore recommended for approval subject to appropriate conditions.

Recommendation

Recommend for approval.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of the original permission DC/19/0244/FUL.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be brought into use until it has been completed in all respects strictly in accordance with drawings PW994_PL01 received 19th March 2019 and PW994_PL02 revision F received 4th February 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. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. The use shall not commence until the areas within the site shown on PW994_PL_01 for the purposes of manoeuvring and parking of vehicles have been provided and thereafter those areas shall be retained and used for no other purposes.

Reason: To ensure that facilities for on site parking are provided and maintained in order to reduce parking and manoeuvring within the highway.

5. Prior to the commencement of development any feature along the highway frontage and within the splays shown in red on the plan hereby approved shall be reduced to 0.6 metres above the level of the adjacent carriageway and thereafter shall be maintained at or below that height.

Reason: In the interests of highway safety in order to maintain indivisibility between highway users.

6. 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 DM02 with an entrance width of 4.5 metres. 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.

7. No building shall be occupied until the screen walls or fences as shown on the approved plans have been erected between each adjacent dwelling hereby permitted, and shall be subsequently retained; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and in order to enhance the appearance of the locality.

8. 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 five 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.

9. 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.

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in:
- Part 1, Class E (outbuildings, swimming or other pools, domestic fuel tanks etc)
 - Part 2, Class A (Fences, walls, gates and other means of enclosure)
 - Part 14, Classes A and H (domestic photovoltaics and domestic wind turbines)
- of Schedule 2 of the said Order shall be carried out on the triangular shaped area of land to the east of the hereby approved dwellinghouse, unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment. This area of residential curtilage is a significant expansion beyond the defined physical limits boundary, and the residential curtilage previously permitted. Any structures within this area have the potential to significantly expand the built form which could adversely affect the appearance of the locality in the countryside.

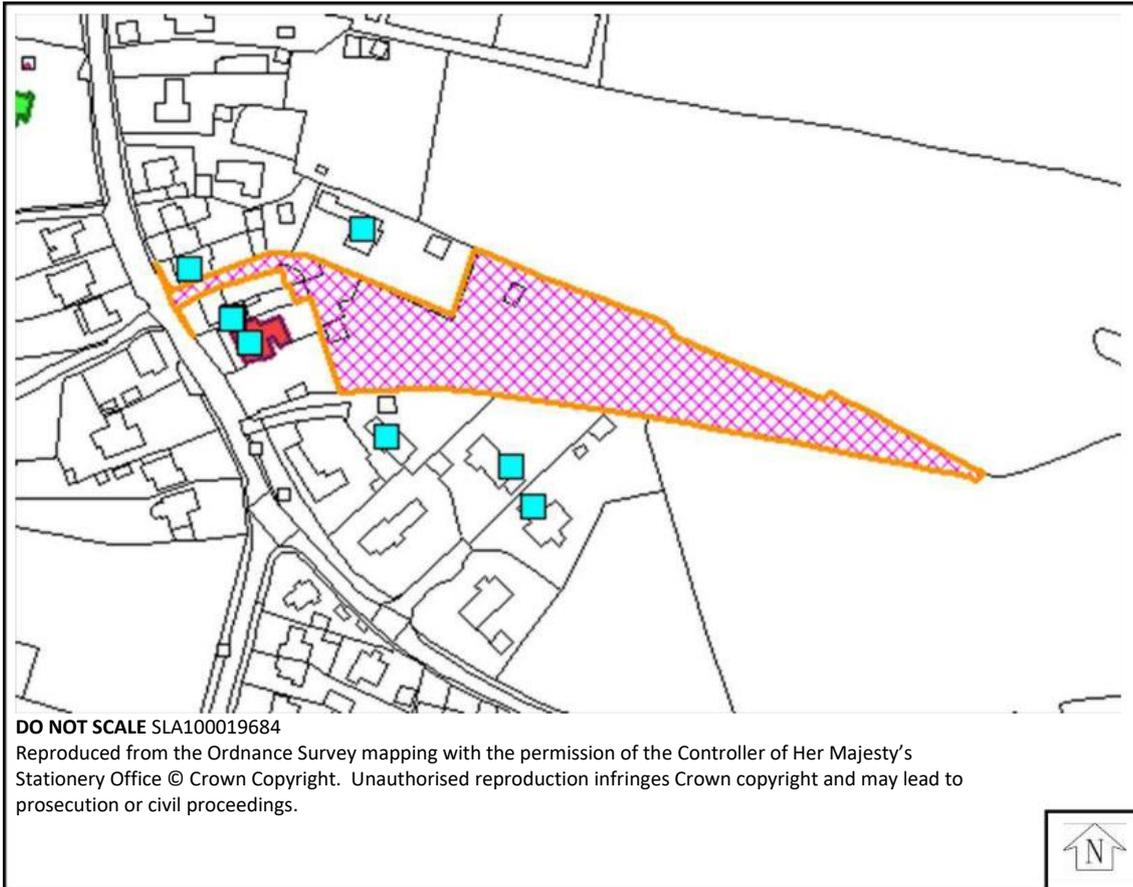
1. Informatives:

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. Background information

See application reference DC/20/0452/VOC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q56K2QQXHJ100>

Map



Key



Notified, no comments received



Objection



Representation



Support