



Committee Report

Planning Committee South - 23 February 2021

Application no DC/20/4630/FUL

Location

Site Adjoining 88
Bury Hill
Melton
Woodbridge
Suffolk
IP12 1JD

Expiry date 10 January 2021
Application type Full Application
Applicant Oliver Charles Developments Ltd

Parish Melton
Proposal Proposed Detached Dwelling and Car Parking
Case Officer Danielle Miller
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Danielle.miller@eastsoffolk.gov.uk

1. Summary

- 1.1. This application is before members of the Planning Committee as it was taken to the referral panel on 19th January where the panel considered the points raised by the Parish Council in relation overdevelopment and impact on street scene needed to be discussed by members.
- 1.2. Melton Parish council have recommended refusal on the following grounds:
 1. Councillors are concerned at the impact of a build in this location on the tree line between the site and Woods Lane. A tree survey / impact assessment should be provided by the applicant before this application is considered.
 2. There is also concern at the impact of a new build on the proposed site on both the residential amenity of the immediate neighbourhood and how the new dwelling would

relate to the adjoining houses. Melton Councillors feel accordingly that East Suffolk Council Local Plan policies SCLP11.1 and SCLP11.2 are engaged here, and that this proposal may well be a case of inappropriate overdevelopment of what is a very small, cramped site.

- 1.3. The site consists currently of private residential amenity associated with 88 Bury Hill, which is a semidetached property located at the end of a secondary road, off the main spine road known as Bury Hill. The site backs onto Woods Lane and there is a good amount of tree coverage between the property and the main road.
- 1.4. The application site does fall within the settlement boundary for Woodbridge noted under SCLP3.3, which is a Market Town under policy SCLP3.2, however, is located within the village of Melton. Melton itself is characterised as a Large Village. Where Melton Neighbourhood Plan dated January 2018, plays a vital part in managing development within the area.
- 1.5. The application seeks permission for the construction of a new detached dwelling and access drive off Bury Hill.
- 1.6. Officers consider that the design of the new dwelling has paid attention to the requirements of SCLP5.7; SCLP11.1 and MEL17 where the scale and design is appropriate, and attention has been paid to the existing pattern of development. As such officers consider that the principle of development is acceptable in this instance.
- 1.7. Officers consider that the matters on amenity, parking and landscaping have been addressed and can be mitigated against through conditions. RAMs payment has been received.
- 1.8. Officers recommend approval.

2. Site description

- 2.1. The site consists currently of private residential amenity associated with 88 Bury Hill, which is a semi-detached property located at the end of a secondary road, off the main spine road known as Bury Hill. The site backs onto Woods Lane and there is a good amount of tree coverage between the property and the main road.
- 2.2. The application site is generous in relation to the other properties along this terrace, it mirrors the opposite side of the road, where both end terrace plots benefit from a large side garden in addition to the rear garden. The plot is currently a well maintained garden. There is an existing access drive serving the host dwelling, which is to be retained by no.88 together with its garage.
- 2.3. The application site does fall within the settlement boundary for Woodbridge noted under SCLP3.3; which is a Market Town under policy SCLP3.2, however is located within the village of Melton. Melton itself is characterised as a Large Village. Where Melton Neighbourhood Plan dated January 2018, plays a vital part in managing development within the area.

3. Proposal

- 3.1. The application seeks permission for the construction of a new detached dwelling and access drive off Bury Hill.
- 3.2. The design is similar to that of the buildings in the surrounding area. It would be two storey with gable ends. A mix of dark brown facing brickwork on the lower half of the building and white painted render to the first floor. The property will consist of 3 bedrooms with just one first floor window on the flank elevation which provides light to the landing. The main outlook is to the front and rear of the property.

4. Consultations/comments

- 4.1. Nine letters of objection have been received. The comments are summarised below:
 - Insufficient parking: concern is raised about the loss of on-street parking.
 - Non on-site turning.
 - Insufficient drainage capacity.
 - The water pressure for the supply of clean water to the cul-de-sac and indeed the Woodbridge area is at best low and very poor, Anglian Water are undertaking a "flushing" project in December 2020.
 - Temporary disruption during construction
 - Congestion due to additional residents in the cul-de-sac.
 - The removal of the trees that border Woods Lane and shield the estate from traffic noise and fume.
 - Tree roots serve to keep the bank slipping onto Woods Lane.
 - When the Development for Woods Lane was approved the plans showed a development control line on the site of the proposed development.
 - Set a precedent for any future developments on land at the end of each of the small cul-de-sac off the main Bury Hill.
 - Loss of outlook and view.
 - Negative impact on ecology.
 - Negative impact on property value.
 - Detrimental impact on the character of the area

5. Consultees

Parish/Town Council

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| Melton Parish Council | 19 November 2020 | 17 December 2020 |
| <p>“Melton Parish Council Planning and Transport Committee considered this application at its meeting on 16 December 2020. It recommends refusal on the following grounds:</p> <ol style="list-style-type: none">1. Councillors are concerned at the impact of a build in this location on the tree line between the site and Woods Lane. A tree survey / impact assessment should be provided by the applicant before this application is considered.2. There is also concern at the impact of a new build on the proposed site on both the residential amenity of the immediate neighbourhood and how the new dwelling would relate to the adjoining houses. Melton Councillors feel accordingly that East Suffolk Council Local Plan policies SCLP11.1 and SCLP11.2 are engaged here and that this proposal may well be a case of inappropriate overdevelopment of what is a very small, cramped site.” | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|--|------------------|---------------------|
| Suffolk County Council - Highways Department | 19 November 2020 | 10 December 2020 |
| Summary of comments: No objections standard conditions requested. | | |

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| Head of Environmental Services | 19 November 2020 | 20 November 2020 |
| Summary of comments: Condition relating to unexpected contamination requested. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|------------------|---------------------|
| Landscape Team (Internal) | 30 November 2020 | 14 December 2020 |
| Summary of comments: Full details are contained within the officer's report, however the key issue in respect of this application for a new dwelling adjacent to 88 Bury Hill will be likelihood of potential impacts on adjacent trees between the site and Woods Lane. | | |

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 19 November 2020

Expiry date: 10 December 2020

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. National Planning Policy Framework (NPPF) (2019)
- 6.3. National Planning Policy Guidance (NPPG)
- 6.4. The East Suffolk Council – Suffolk Coastal Local Plan was adopted on 23 September 2020 and the following policies are considered relevant:
 - SCLP3.1 - Strategy for Growth
 - SCLP3.2 - Settlement Hierarchy
 - SCLP3.3 - Settlement Boundaries
 - SCLP5.1 - Housing Development in Large Villages
 - SCLP5.7 - Infill and Garden Development
 - SCLP11.1 - Design Quality
 - SCLP11.2 - Residential Amenity
 - SCLP10.1 - Biodiversity and Geodiversity
 - SCLP7.2 - Parking Proposals and Standards
- 6.5. The Melton Neighbourhood Plan, was ‘Made’ January 2018. The following policies are considered relevant:
 - MEL1 - Physical Limits Boundaries
 - MEL17 - Character Areas
 - MEL13 - Protection of Trees and Rural Character)

7. Planning considerations

Principle of Development

- 7.1. The principle of additional dwellings within settlement boundaries is well established, where policy SCLP5.7 Infill and Garden Development sets out the particular parameters set for ensuring development in these instances is suitable. Firstly where the scale, design and materials would not result in harm to the street scene or character of the area; the proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site; would not cause significant harm to residential amenity; have sufficient curtilage; and are within accordance with local housing policies. This approach is further supported under the Melton Neighbourhood Plan.
- 7.2. The site falls within character area (MEL17) Bury Hill and Fernhill. That plan does raise particular concern that infill development could serve to inappropriately increase the density of development and harm the character of the neighbourhood plan area. It is considered important that infill development, whilst generally acceptable within settlement boundaries, must be designed so that it sits appropriately within its surroundings. The objectives of this policy are to ensure that: infill development respects the existing street scene; and safe and attractive residential layouts are promoted. MEL17 seeks to ensure that all development protects the amenity of neighbours, and reflect the scale, mass, height and form of neighbouring properties. Development proposals must demonstrate how they contribute positively to the features of the respective character areas, as described in the Melton Character Area Assessment; these are noted as Plot widths; Building lines; visual separate; building heights; Daylight and sunlight; Parking and access arrangements; and Boundary treatment.
- 7.3. SCLP11.1 seeks to ensure that new development meets the council's high standard of design, this further supports the principle set out in SCLP5.7 in relation to scale; layout; massing and relationship between buildings. The proposed property is a detached two storey building of similar proportions to those along Bury Hill in height. The design accords with the pattern of development, where the property sits in line with neighbouring terrace block. The width of the plot matches those in the estate. The property would sit well within the street scene without causing harm; the host dwelling has significant curtilage space and retained its parking provisions. New parking provisions have been made for the additional dwelling.
- 7.4. The boundary tree line protecting the properties along Bury Hill from the noise on Woods Lane, is a key consideration. This boundary treatment helps separate the built-up areas and provides a pleasant backdrop for users of Woods Lane. The building designed is detached and reflects the style of the existing development. It is in line with the existing building line and seeks to extend the vehicular access further into the residential garden. The overall appearance of the lane will not be dramatically changed as a result of this additional property, albeit with a new parking area on the end, rather than fencing. There is currently a low-level fence in this area with a mature garden beyond. The tree line will still be visible beyond the proposed development, and those along Woods Lane will not be impacted by the development. A few smaller trees within the site would be removed, however these are located within the existing residential garden and are not protected as such could be removed at any stage without permission.

- 7.5. The design of the new dwelling has paid attention to the requirements of SCLP5.7; SCLP11.1 and MEL17 where the scale and design is appropriate and attention has been paid to the existing pattern of development. As such the principle of development is acceptable in this instance.

Amenity

- 7.6. There would be adequate amenity space for both the proposed and host dwelling. Consideration has been given to the impact to the property opposite as the new dwelling would be directly in front of their side garden. However, the existing property has a private amenity space out to the rear and the position of the access and parking area in front of the dwelling will ensure a suitable distance is retained to avoid unacceptable loss of privacy from the first floor level windows on the front elevation in this instance. There are no other first-floor windows which would cause overlooking to the neighbouring dwellings.

Landscaping

- 7.7. The submitted tree survey shows that the proposed development can be built without any direct impact on trees and their root zones, provided that protective fencing is provided as described during the construction period, which can be conditioned as part of any approval.
- 7.8. The risk of future pressure to fell trees because of the sheer proximity of them to the house and the degree of shading and falling leaf debris, has been considered. Given that the majority of these are to the north of the plot and not on land owned by the site, this pressure will be limited, not least because the trees will provide the occupants with the necessary screening and noise protection from Melton Road. However, there is an Oak to the west which would be a concern in this respect, it may be necessary to ensure that this tree is protected by condition.

Parking

- 7.9. There is a new access and parking area proposed. The parking area for the host dwelling will be retained as existing with one parking space and a single garage. The proposed dwelling will have two parking spaces and a shed is proposed for cycle storage. The Local Highway Authority has not raised any concern over the development and it is considered that the relevant parking standards have been met.
- 7.10. In terms of third-party comments in relation to on street parking, the drive is accessed from the corner of the cul-de-sac, the host dwellings drive is located to the side, where access would have need to be retained in order for the host dwelling to use their drive as such it is not considered that there will be a loss of on-street parking.

RAMS

- 7.11. Local plan policy SCLP10.1: Biodiversity and Geodiversity, seek to protect and enhance the biodiversity and geodiversity of land and buildings, ensuring new developments will not cause a direct or indirect adverse effect to the integrity of internationally and nationally designated environmental sites or other designated areas, priority habitats or protected/priority species.

- 7.12. The development site is within the recreational disturbance Zone of Influence for the following Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.
- 7.13. The Suffolk Coast RAMS provides strategic mitigation measures to address this impact. To fund this mitigation financial contributions are collected from new developments. To conclude that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites the relevant financial contribution to the strategy would be required to be secured prior to determination. An Appropriate Assessment has been undertaken and the mitigation fee has been paid by the applicants.

CIL

- 7.14. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development is chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended) because it is for the erection of a new building.

Other matters

- 7.15. Third party representations have raised concern over disruption during construction. The development of one house will cause a limited amount of disruption where there is adequate space of site to park machinery and vans.
- 7.16. In terms of the existing services, the planning process cannot be used to rectify existing problems, any new development will be responsible for ensuring that adequate services can be provided.
- 7.17. Water and Sewage connections are dealt with by Anglian Water and they have their own guidance for connection and provisions.

8. Conclusion

- 8.1. The design of the new dwelling has paid attention to the requirements of SCLP5.7; SCLP11.1 and MEL17 where the scale and design is appropriate and attention has been paid to the existing pattern of development. As such the principle of development is acceptable in this instance.
- 8.2. The matters on amenity, parking and landscaping have been addressed and can be mitigated against through conditions. RAMs payment has been received.

9. Recommendation

- 9.1. This application is recommended for Approval subject to the conditions set out below:

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:

received 16.11.2020

Design and Access Statement

6273 - 2A Proposed Plans and Elevations and Block Plan

6273 - 1 Site Plan

received 22.12.2020

LSDP 1608.01 Tree survey and landscape report

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 in writing with the local planning authority.

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

4. The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM03; and with an entrance width of 3 metres and made available for use prior to commencement of the development. 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 made available for use at an appropriate time 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 plot 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. The use shall not commence until the area(s) within the site on drawing no. 6273/1 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles and secure cycle storage 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.

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. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the retained trees shown on drawing LSDP 1608.01 has been erected 1 metre beyond the canopy of the tree(s). The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

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

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

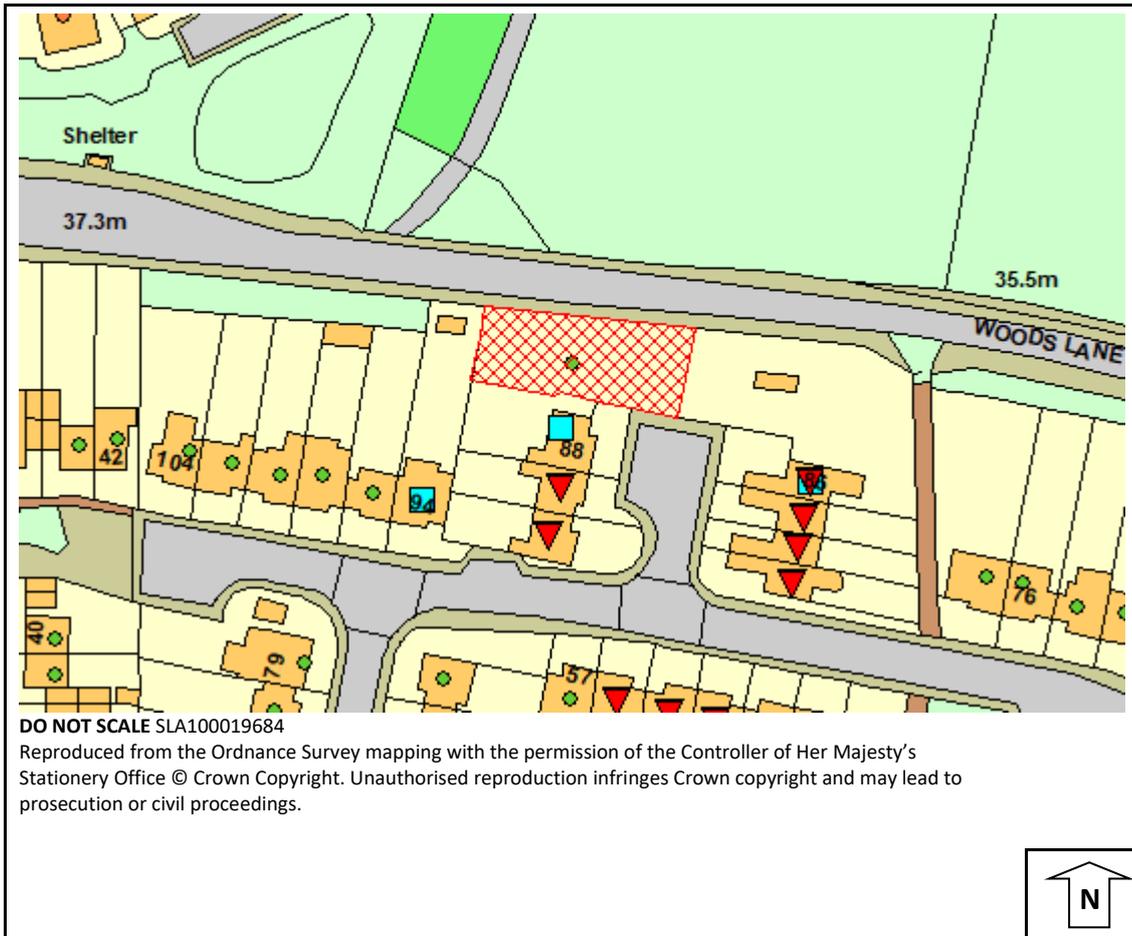
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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 County Council's East Area Manager must be contacted on Telephone: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-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.

Background information

See application reference DC/20/4630/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support