SOUTH PLANNING COMMITTEE – 25 June 2019

DC/19/0521/OUT

1 April 2019
(EOT agreed until 31/07/2019)

OUTLINE

Mr S Smith

1 Holly Villas, Melton Road, IP12 1PD Melton

Erection of 1 ½ storey dwelling house with access off Daines Lane

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DC/19/0521/OUT – 1 Holly Villas, Melton Road, Melton IP12 1PD

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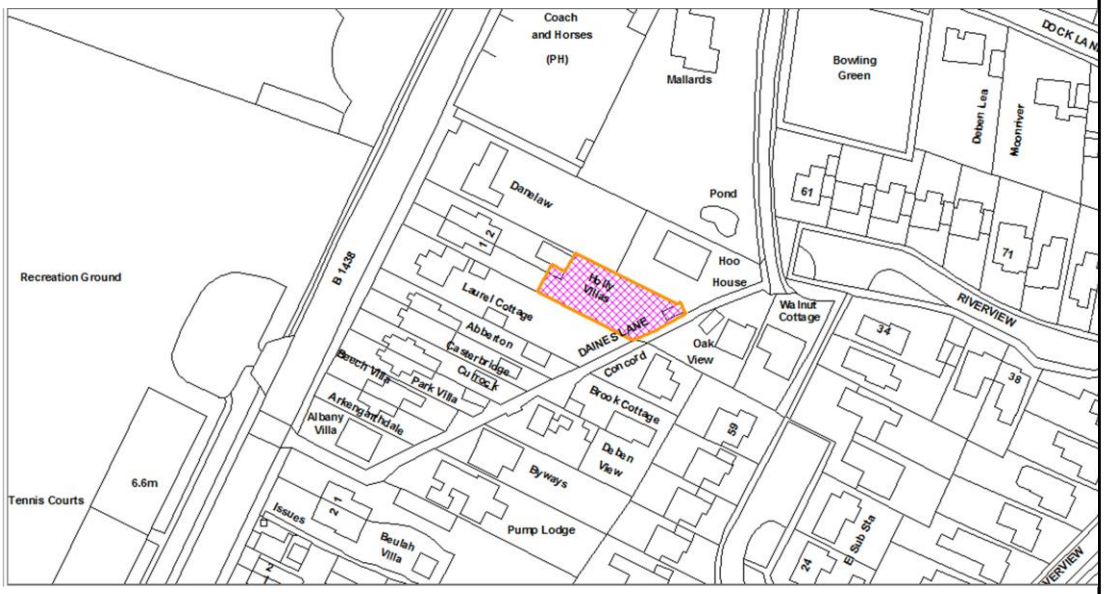

1 EXECUTIVE SUMMARY

The item was deferred from determination at the Shadow Planning Committee in April 2019 to enable a site visit to be undertaken prior to the item being taken back to Committee for determination. A site visit has been scheduled for the 25 June 2019 prior to the Committee commencing.

Outline Planning Permission is sought for the erection of a 1.5 storey dwelling with access of Daines Lane to the rear of 1 Holly Villas, Melton Road, Melton. Matters in relation to appearance, scale and design reserved for future determination. The application therefore is to consider only the principle of development and means of access.

This item has come before members because the Parish Council raised objections. The application was heard by the referral panel and who requested it came before the Planning Committee to enable all competing issues to be debated in public.

The application is considered to be policy compliant in that it is located within the settlement boundary where the presumption of additional residential development is accepted. Sufficient space exists within the application site to support a dwelling without appearing cramped or over-developed. Access to the site is acceptable and the plans demonstrate that sufficient parking can be provided on the site. Details of appearance and design are reserved for subsequent consideration.

The application is recommended for Approval. Members are advised that the RAMS payment has been received.

2 SITE DESCRIPTION

2.1 1 Holly Villas is a semi detached dwelling fronting Melton Road. It has a mature rear garden which backs onto Daines Lane, where there is an existing vehicular access and adjacent prefabricated garage.

2.2 The site falls outside the Melton Conservation Area and the nearest listed building is the Coach and Horses Public House situated due north North, but not immediately abutting the site. The site is within the Physical Limits Boundary.

2.3 The surrounding area is made up of a mixture of residential properties running along the south side of Melton Road, with some larger residential properties on the north along with the recreation ground. There is a primary school (Melton Primary School) located to the north on the other side of Dock Lane.

2.4 Melton Road is classified as a B road known as the B1438. Daines Lane is an unadopted road, laid with gravel and grass in some places. It is an access road for six properties along the southern side and offers rear access for ten properties which front Melton Road.

2.5 The application site is bounded by residential properties and lies within what is seen as an established residential area.

3 PROPOSAL

3.1 The application seeks outline planning permission for the erection of a one-and-a-half storey dwelling on part of the residential garden associated with No.1 Holly Villas, Melton Road, Melton.

3.2 Submitted alongside this application, there was a parallel application DC/19/0523/FUL which sought planning permission for vehicular access/pavement crossing and creation of 2 onsite parking spaces in the frontage of 1 Holly Villas. This was granted at officer level, in accordance with the scheme of delegation on 4 April 2019.

3.3 There is no other relevant planning history for this site.

4 CONSULTATIONS/COMMENTS

4.1 Melton Parish Council's Planning & Transport Committee: resolved to recommend refusal of the application, for the following reasons:

- Whilst the Parish Council accepts and approves some level of development in former gardens where there is both an adequate sized plot and suitable access, this is not the case with the site in question which has extremely poor access.
- This proposal represents an overdevelopment within the Melton Village Character Area contrary to Policy MEL17 of the Melton Neighbourhood Plan.
- The proposed new dwelling would compromise residential amenity contrary to (1) Policy MEL17 of the Melton Neighbourhood Plan, (2) existing Suffolk Coastal Policy DM23 and (3) the proposed Policy SCLP11.2.
- As stated above, the access is very poor, with the proposed entrance to the site at the point at which the lane becomes only a footpath. Access for modern building materials vehicles would be impossible, and any increase in vehicular traffic to a new dwelling would aggravate safety considerations in a lane primarily used as a footpath by local people.

4.2 Suffolk County Council - Highway Authority has not raised any objection to the application however they have requested that a condition relating to the storage and presentation of refuse/recycling bins to be provided for the development.

4.3 Head of Environmental Health have no objection in relation to this application, based on the information provided, however they have requested a condition be made to cover the event unexpected contamination is encountered.

4.4 Suffolk County Council – PROW Public footpath 16 is recorded adjacent to the proposed development area, whist PROW have not raised any objections to the proposals they have requested that an informative be added to any approval detailing the applicant's responsibilities.

4.5 Natural England: Have advised that this development falls within the 13 km 'zone of influence', as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy ('RAMS'). It is anticipated that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure

caused by that development. As such, we advise that a suitable contribution to the emerging Suffolk RAMS should be sought from this residential development whilst ensuring that the delivery of the RAMS remains viable.

4.6 Third Party Representations: 15 Letters of Objection have been received raising the following matters:

Access

- The proposed site is not appropriate for a dwelling based on the size of the plot and its unique position in Daines Lane as a quiet private road and footpath which restricts vehicle access.
- Construction work will cause major disruption to all residents with a risk to damaging the lane which is already fragile.
- Unsuitable access arrangements along public footpath
- Any additional vehicle movements entering and exiting from the private and unadopted Daines Lane will increase risks to users of the busy Melton Road, including pedestrians, as well as causing more conflict with users of the public footpath.
- No indication of how any new dwelling would contribute to the upkeep of Daines Lane is included in the application.
- Daines Lane is very narrow with no turning points other than onto private drives and is unsuitable for vehicles other than cars or small vans. The access to Melton Road is also very tight making egress tricky.
- It should also be remembered that Daines Lane is also a public footpath used for access to Dock Lane and the housing estate in Riverview. In addition, it is widely used by school children and parents attending the adjacent village school.
- The vehicular access part of the lane narrows to approx. 2.5m and ends at Concord with a sharp bend at Pump Lodge making it impossible, especially for delivery or contractor's vans to come down without reversing onto Melton Road or attempting to turn on private drives. The bin lorry is unable to get down here and the Postman leaves his van on Melton Road, walks down with post because it is difficult to pull out onto Melton Road due to busy flow of traffic and poor visibility caused by parked cars.

Precedent and impact on surrounding area

- It sets a bad precedent for the area for people to start exploring their green space to redevelop for property which will only result in a loss of character and an increased risk of flooding.
- Overdevelopment of Melton and negative impact on existing local resources
- Negatively impact the character and peace of the village.

Landscape and Wildlife

- Negative impact on wildlife with the loss of trees
- The large mature, and as yet, unprotected oak tree in Oak View will be a constraint, as by virtue of its aspect, it will block significant light to any new dwelling. Future pressure to 'lop' the tree's fine spreading canopy and spoil it is likely to result. The now isolated young cedar remaining at the rear of 1 Holly Villas will have little future should the proposal go ahead.
- The site was cleared of trees by the new owner before the plans went out so we have already lost the bats and song thrushes.

- The removal of water permeable garden will increase significantly the surface water problems of Daines Lane. There is no surface water drainage on Daines Lane. Existing large, mature trees mentioned in the planning application were actually felled prior to the submission of the application, resulting in increased water on the footpath. The level of the Concord property is 0.86m below the proposed development and would be adversely affected by any increased water run-off as will Daines Lane which lies 0.64m below the proposed development.
- On this boundary are two pollarded trees – an ash (T004) and a willow (T005). These were subject to protection when we built our house and so we presume they still are. Yet the developer has chosen not to show these on their plans. With the trees being shared between our properties, we would hope the developer will not show the same utter disregard for them as they did for all the other trees when they decimated what was a beautiful garden and turned it into a local 'blight' – now regularly commented on by local residents and passing walkers.
- When we built our home the whole area around these two pollarded trees had to be fenced off and avoided, yet the plans for the proposed new build show that a driveway will be laid on top of these roots. There is also a Liquid Amber/Sweet Gum(T006) tree in our garden close to the boundary whose roots will be affected by the proposed development and which also had to be protected during our development.

<u>Impact Residential amenity</u>

- Cutting off light into other properties
- Noise pollution
- The design and use of Hoo House would be compromised by any overlooking.
- Looking directly into our open plan living space of Hoo House and their open plan living area, therefore our main aspect, faces directly onto the planned building plot. This aspect has floor-to-ceiling, wall-to-wall patio Windows.
- The edge of our house is 6 metres from the boundary of the proposed development.
- The proposed new development is to the south and south west of our property and will significantly block light from our main living area. Our eco house was designed and laid out with the purpose of benefiting from as much natural sunlight as possible coming from a low angle, hence the wall-to-wall, floor-to-ceiling south facing glass and the low, extending eaves
- The proposed house will also reduce the amount of light coming into our back garden and onto our patio.
- The proposed changes to the boundary – a 1.8 metre fence – would also dramatically reduce the light that we depend upon with our low level eaves.

<u>Other matters</u>

- Concern over the position of the site notice and notification of residents along Daines Lane
- Due to the natural slope in the lane, surface water from the proposed turning area of the new property (higher than the lane) will run onto the lane and across to other properties.
- The back garden of 1Holly Villas has never to our knowledge been used by 2 cars and the asbestos shed/garage has not been used for over 30 years because it is too small for modern cars. The proposed development would concrete over the area needed

to stop rainwater flooding down the slope into the footpath and properties. The boundary is over 2 feet above the path.

- The actual house would appear too overbearing as it is on an incline, between gardens and veg patches, and would overcrowd neighbouring houses.
- Melton has a very good neighbourhood plan. The new houses in the Bloor Homes Development on Woods Lane and the plan to build more houses on the land opposite John Grose Garage should be more than adequate to fulfil housing needs in the area given the oversubscription of local schools, doctors surgeries, etc without the need to squeeze in another in an almost inaccessible garden plot at the back of 1 Holly Villas.
- The current 1 metre picket fence was built by us when we built the house so we are surprised that the developer proposes removing it having made no real effort to communicate with us at all.

5 **PUBLICITY**: East Anglian Daily Times on 21 February 2019

6 **SITE NOTICES :** General Site Notice, in the vicinity of a Public Right of Way, posted on the 20 February 2019

7 **PLANNING POLICY**

7.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 NPPF (2019)

7.3 NPPG - Section 2 – 6

7.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

- SP1a – Sustainable Development
- SP1 – Presumption in Favour of Sustainable Development
- SP19 – Settlement Policy
- SP27-Key and Local Service Centres
- SP2 – Housing numbers and distribution
- SP3 – New Homes
- DM7 – Infilling and Backland Development with Physical Limits Boundaries
- DM21 – Design Aesthetics
- DM22 – Function
- DM19 – Parking Standards
- DM23 – Residential amenity
- SP15- Landscape and Townscape
- DM27 – Biodiversity and Geodiversity

7.5 The following Policies of the Melton Neighbourhood Plan 2016 are relevant to the consideration of this application:

- MEL 17 – Character Areas

8 PLANNING CONSIDERATIONS

Principle of development and access

8.1 The proposal site falls within the settlement boundary as set out within the adopted Melton Neighbourhood Plan (NP), adopted December 2017. Policy MEL1 of the Melton Neighbourhood Plan states that development proposals within the physical limits boundary will be supported subject to compliance with policies SP19, SP26 and SP28. By virtue of the site being located within Melton's development limits and within close proximity to an extensive range of facilities and service, the site can be considered sustainable in the context of SP19 and in relation to the local character and key physical thresholds of the area referred to by SP26 and SP28.

8.2 The site is surrounded on all sides by single and two-storey residential properties including Hoo House which is adjacent the proposal site's north-eastern boundary. Hoo House was approved in 2007, is 1.5 storeys and of a contemporary design with access off Dock Lane; which is linked to Daines Lane via a short stretch of informal footway. A Public Right of Way (PROW) connects Dock Lane to Melton Road via Daines Lane.

8.3 The proposal includes the severance of part of No. 1 Holly Villas' existing garden land resulting in a new rear party boundary in-line with that of No. 2 Holly Villas existing boundary. The site for proposed development would be approximately 371 square metres which would be similar to other properties in the area including Oak View located opposite.

8.4 This is an outline application with all matters, accept access reserved. Access is proposed via Daines Lane.

8.5 Any future reserved matters application would need to include matters of the design, scale and appearance of the dwelling. Part of the assessment of that future application would seek to ensure that the proposal does not detract from the nearby properties in terms of visual or residential amenity.

8.6 The proposed parking to the front of No. 1 Holly Villas, as proposed in the sister application (DC/19/0523/FUL), would not represent a deviation from the existing pattern of development when considered against other properties along Melton Road that already enjoy such provision. Off-road parking provision in this location would also assist in alleviating the apparent congestion of parked vehicles along Melton Road and the surrounding highway network.

8.7 Daines Lane is a private road Policy MEL6 concerns parking standards and stipulates the provision of two off-road spaces for new two and three bed properties and therefore the proposed provision would be policy compliant. The Local Highway Authority has not raised any objection to the applications. It is considered that there is already a right of access to this site given that this is currently the parking provisions for No.1 Holly Villas.

8.8 As well as providing the sole means of access and frontage to at least six residential properties, Daines Lane also provides rear access to at least ten properties along Melton

Road including No.1 Holly Villas. Daines Lane is narrow, has no formal surfacing material and is accessible via Melton Road (B1438) which is a main arterial road linking Melton with Woodbridge town centre.

8.9 Local residents have raised concerns over construction traffic along Daines Lane. A condition is proposed to include a Construction Management Plan prior to commencement to ensure that the construction process can be untaken in a safe manner for local residents and members of the public using Daines Lane.

Visual amenity, street scene and landscape

8.10 Given the proximity of the proposed dwelling in relation to other existing dwellings, including Hoo House, it is the officer's opinion that a new dwelling in the location shown on submitted drawing 5328/5 would not represent overdevelopment within the immediate area, nor is the proposed dwelling considered to be obtrusive within the street scene or harmful to the visual amenity of the wider landscape as the existing character of the area appears, to be definitely urban.

8.11 There are no Tree Preservation Orders (TPOs) on the site, and a condition can be imposed to ensure that the neighbouring trees and those stated to be retained can be protected during development.

8.12 With regards to the previous loss of trees and other vegetation on the site, as the site is not within a protected area and the trees where not subject to a TPO the Local Planning Authority would have no control over the loss of trees. It is considered appropriate in this instance to add a landscape condition to replace some of the lost landscaping.

Residential Amenity

8.13 The proposal would be surrounded by existing one and two- storey residential properties on all sides, many of which already utilise Daines Lane as a primary means of vehicular access. 1 Holly Villas already enjoys rear access, via Daines Lane, to existing rear parking provision including a garage, albeit in a poor state of repair. Taken with proposals to create two additional off-road parking spaces along Melton Road for use by No.1 Holly Villas, it is considered that development of the proposed 1.5 storey dwelling is unlikely to result in the over intensification of Daines Lane and therefore a negligible impact on residential amenity in this regard is in accordance with DM23 and MEL17.

8.14 The proposed dwelling could be set back from Daines Lane and at a suitable distance from adjacent neighbouring properties, including Hoo House, Oak View and Concord, such that impacts from overlooking and loss of light would in all likelihood be negligible. Likewise the reserved matters application would need to ensure that the back-to-back distances between the proposed dwelling and Holly Villas were sufficient so as not to upset the future enjoyment of either property. Furthermore, when compared with no. 2 Holly Villas; which already has a rear garden area similar in size to that which would result if the proposed new dwelling were permitted, the severance of No. 1 Holly Villas' existing garden is not considered detrimental or contrary to DM7.

8.15 The indicative front elevation shows an asymmetrical design approach which creates a lower eaves level nearest Hoo house of 2029mm, where the roof pitches away from that shared

boundary minimising overshadowing, furthermore the site layout shows the proposed property set back from Daines Lanes, to allow access and parking for two cars to the front of the property, this effectively sets the built form further from Hoo House where any loss of light will be minimal.

Design and Layout

8.16 The submitted plans show an indicative layout and design for the proposed dwelling, however this is outline application with matters of appearance, scale and design reserved.

8.17 The indicative scale of the property at one-and-a-half storey with the asymmetrical design proposed conforms with the scale of properties in the vicinity of the site.

8.18 In addition the resultant size of both the proposed site, and the area retained for 1 Holly Villas, would also be in line with the size of sites along Daines Lane and those fronting Melton Road. As such it is considered that a property of the size and scale shown in these plans would be in line with planning policy DM21, an informative will be added to any approval granting, advising on this.

8.19 The indicative block plan demonstrates a suitably sized access with two parking spaces, the space to the front of the parking spaces is adequate to turn to allow access into and out of the site in a forward gear, a condition will be added to any approval granted to ensure this parking arrangement is retained during the reserved matters stage.

Impact on character of area

8.20 The site falls outside Melton Conservation Area and the nearest listed building is the Coach and Horses public house situated to the north along Melton Road. Given the built up character of the surrounding area including a number of residential properties and mature trees which screen the proposal site, the impact of the proposed dwelling on the closest heritage assets including the 'Coach and Horses' would be inconsequential.

RAMs

8.21 The development site falls within the 13 km ‘zone of influence’, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (‘RAMS’). It is anticipated that new housing development in this area is ‘likely to have a significant effect’, when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

8.22 Officers have undertaken an Appropriate Assessment and determined that in order to mitigate recreational impacts on Habitats Sites in zone B and to confirm to policy DM27 a fee is required. The applicants have entered into a section 111 and paid the required fee as such it is considered the proposals meet the requirements of RAMs and policy DM27.

Community Infrastructure Levy (CIL)

8.23 Suffolk Coastal District Council has adopted charging schedules to levy financial contributions from the creation of new floor space resulting from new development. CIL

payable at £150 per square metre for all new floor space is therefore attributed to the area within which the proposal site sits.

8.24 Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended) the proposed development is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

8.25 If approved the Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at http://www.suffolkcoastal.gov.uk/yourdistrict/planning/policy/cil/

9 CONCLUSION

9.1 The proposals accord with local policies SP1, SP1a, SP19, SP27 and DM7 which direct new housing to settlements which benefit from a physical limits boundary. The scale proposed is in line with other properties in the area and is not considered to represent unacceptable form of backland development.

9.2 Whilst the access is across a private road, the host dwelling currently benefits from vehicular access and parking to the rear over Daines Lane, as such it is not considered that the proposals would cause a considerable amount of vehicular movements over and above that that could currently occur at the site. Parking provisions have been made for both the proposed and host dwelling and conform to policies DM19 and MEL6.

9.3 This is an outline application where the design and scale of the property are matters to be dealt with at a later stage. However the indicative plans demonstrate a suitable building which has been designed to reduce any impact on the amenity of neighbouring properties by way of its scale, design and location within the site, it is considered that the site could accommodate a one-and-a-half storey dwelling without adversely impacting neighbouring amenity in accordance with policy DM23.

10 RECOMMENDATION

APPROVE subject to controlling conditions including the following:

1. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.

   Reason**:** This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.
   Reason**:** This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.

3. This permission is an Outline Planning Permission issued in accordance with the Town and Country Planning (General Development Procedure Order 2010) and before work on the development is begun, approval of the details of the appearance, landscaping, layout and scale [herein called the "reserved matters"], shall be obtained from the local planning authority.
   Reason**:** As provided for in the Town and Country Planning (General Development Procedure Order 2010) no such details having been given in the application.

4. The development hereby permitted shall not be carried out other than in complete accordance with the site location plan and Drawing No 5328:4 in relation to the access arrangement received on 05.02.2019

   Reason**:** For avoidance of doubt as to what has been considered and approved.

5. In the event that contamination which has not already been identified to the Local 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.

6. Prior to commencement a method of Construction Management Plan must be submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason**:** To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Daines Lane during the construction phase of the development.

7. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the existing maple tree and beech tree 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.

8. No development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

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

9. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

   Reason**:** To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

10. Two parking spaces are to be provided on site with suitable turning space to allow vehicles to enter and exist the public highway in a forward gear and shall be retained thereafter in its approved form and used for no other purpose.

    Reason: To enable vehicles to enter and exit the public highway in a forward gear in the interests of highway safety.

BACKGROUND INFORMATION: See application ref: Planning Application File Ref No DC/19/0521/OUT and DC/19/0523/FUL at www.eastsuffolk.gov.uk/public-access