



## Committee Report

**Planning committee** - 26 November 2019

**Application no** DC/19/3662/FUL

**Location**

Land Adjacent To Mallards  
5 St Mary Way  
Westerfield  
Ipswich  
IP6 9BQ

**Expiry date** 29 November 2019

**Application type** Full Application

**Applicant** Mr & Mrs Gittins

**Parish** Westerfield

**Proposal** Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway.

**Case Officer** Natalie Webb  
01394 444275  
natalie.webb@eastsuffolk.gov.uk

### 1. Summary

- 1.1. The application seeks permission for the construction of two new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and an extension of the vehicular access driveway at Land Adjacent to Mallards 5 St Mary Way in Westerfield.
- 1.2. The application is presented to planning committee in accordance with the Constitution of East Suffolk Council as the Planning Application is, in the opinion of the Head of Planning and Coastal Management of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. In this instance the proposal is contrary to policies within the Development Framework
- 1.3. The application is recommended for approval, subject to conditions outlined below.

## **2. Site description**

- 2.1. The application site occupies an elevated position to the rear of 5 and 6 St Mary's Way and housing on Westerfield Road and Church Lane. It comprises the rearmost half of the back garden for 5 St Mary's Way and an undeveloped area of rough grassland, trees and shrubs to the rear of 6 St Mary's Way and Acorns on Westerfield Road. Access to the site is from St Mary's Way.
- 2.2. The site lies outside of, albeit immediately adjoins the physical limits boundary. The site does not affect the setting of a listed building, nor is it within any designated areas.
- 2.3. The site is abutted by residential development to the south and west, with an area of undeveloped grassland immediately north and east of the site, with agricultural fields further north. Planning permission has been granted at appeal for the erection of five dwellings to the rear of The Mount just to the east of St Mary's Way (planning reference: DC/16/2765/FUL, appeal reference APP/J3530/W/17/3167309).
- 2.4. Previous applications for residential development have been submitted and subsequently refused or withdrawn on this site as follows:
  - DC/17/5215/OUT - Erection of five dwellings  
Application refused and subsequent appeal dismissed (APP/J3530/W/18/3200488), however this appeal established that the principle of development was acceptable, subject to overcoming the impact to residential amenity (more information in Planning Considerations below and a copy of the decision is attached in Appendix 1).
  - DC/18/5206/FUL - Erection of three dwellings  
Application refused on 25 February 2019, as matters within the Inspectorate's decision had not fully been overcome.
  - DC/19/2583/FUL - Erection of three dwellings  
As above, the application had not fully overcome initial concerns about the impact to residential amenity, therefore was advised to withdraw the application and reconsider the scale and amount of units on 'plot 2.'

## **3. Proposal**

- 3.1. The application is for construction of two new dwellings (one detached chalet bungalow, referred to as Plot 1 and one detached bungalow referred to as Plot 2) with detached garages, and an extension of the vehicular access/driveway.
- 3.2. Following the earlier 2019 application, the applicant has reduced the number of dwellings to the south of the site (one instead of two) and has reduced the height of the southern unit to a single-storey dwelling.

- 3.3. The dwellings are proposed to be positioned to face one another either side of the proposed access, with the northern of the two units being the chalet bungalow, set on a similar alignment to the existing neighbouring dwelling (6 St Mary's Way).
- 3.4. Both properties are proposed to have a detached double garage and off-road parking areas for two cars in front of the garage.

#### **4. Consultations/comments**

- 4.1. A total of letters of objection have been received raising the following matters:

- Access
- Anti-social Behaviour
- Backland Development
- Boundary issues
- Building work
- Contamination
- Cumulative Development
- Design
- Density of Development
- Dominating/Overbearing
- Drainage
- Fear of Crime
- Health and Safety
- Impact on Character of Area
- Landscape impact
- Light Pollution
- Loss of Light
- Loss of open space
- Loss of outlook
- Loss of Privacy
- Loss of view
- Noise
- Over Development
- Over Shadowing
- Overlooking
- Parking
- Principle of Use
- Property value
- Scale
- Security
- Setting of precedent
- Smells
- Sustainability
- Traffic or Highways
- Trees
- Wildlife

## Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Westerfield Parish Council	27 September 2019	11 October 2019
<p><i>"This application was considered at a meeting of Westerfield Parish Council on October 9, 2019.</i></p> <p><i>Following discussion and consideration of comments by seven members of the public, the Parish Council unanimously decided to oppose the application, for the following reasons:</i></p> <p><i>Recent Site History</i></p> <p><i>In 2017 an outline planning application DC/17/5215 was lodged to build 5 houses on St Marys Way.</i></p> <p><i>Residents potentially affected by this development objected, the Parish Council objected and Suffolk Coastal refused the application. The application went to appeal and the Planning Inspector also refused the application.</i></p> <p><i>In 2018 an application DC/18/5206/OUT was lodged to build 3 houses on this site. The Parish Council considered the effect of this application on the character and community of Westerfield and the planned housing provision in the village. The District Council subsequently refused the application.</i></p> <p><i>These previous applications to develop this site have been refused on the grounds that:</i> <i>it would be obtrusive and would affect the privacy of existing dwellings. It would extend the physical boundary of the village and, would not be in accordance with the adopted Local Plan. There would appear to be no reason why these judgements should be ignored when considering further applications.</i></p> <p><i>A further planning application DC/19/2583/FUL was made in June 2019 but after discussions with the District Council this was withdrawn.</i></p> <p><i>A further planning application DC/19/3662/FUL has now been submitted for this site for two new dwellings. The cross-sections through the proposed site and access arrangements are similar to the previous application. The basis of objection for the previous applications is still applicable.</i></p> <p><i>Detailed comments on points made in planning application</i> <i>Residents have expressed concerns about the obtrusive nature the development would have on adjacent dwellings, exacerbated by the site gradient. This is particularly relevant to the occupiers of Number 6, and indeed to any future residents in No 5, but also to a number of adjacent properties including Acorns, Bewick House, Kimanda and Maaya Mela. The plan shows the erection of a two metre fence covering some distance.</i></p> <p><i>When the gradient is taken into consideration the height difference from the ground floor of some of these properties and surrounding gardens to the top of the fence appears to be more than 4 metres. We believe this is aesthetically unacceptable.</i></p>		

*The application makes reference to the recent application at the Mount. This Parish Council strongly disagreed with the decision to grant approval for this site following an appeal. It undermines the integrity of the Local Plan. Local residents objected, the Parish Council objected, and the Local Authority rejected it. This judgement should not be taken into consideration when considering subsequent developments. Each application has to be considered on its own merits, following due process. What is true for one development is not necessarily true for another.*

*The justification in this application is unconvincing. It disputes a key aspect of the Local Plan, the Site Allocations Policies, which identifies land suitable for development in the plan period. This site is not included in the Local Plan. Furthermore, Westerfield already has planning approval for developments covering the period 2010 to 2019 far in excess of targets given in the Local Plan.*

*The development is not near any retail services and one of the key issues in the village according to residents is the danger of walking on roads, with no pavements, which are subject to heavy traffic. Pedestrian access to the centre of the village such as the Church, Village Hall and local bus stop and train station is via Church Lane, a narrow lane which has no pavements and has over 4,500 vehicles travelling on it every day.*

*Residents in St Marys Way also frequently experience difficulty in accessing their property due to parked cars using the facilities in the centre of the village as the Village Hall car park only caters for 19 vehicles.*

*The bus and train services only run about every hour. There is no bus service in the evenings or Sundays and there are effectively no direct trains for journeys to and from Woodbridge and Lowestoft.*

*It is noted that there is no flooding and drainage assessment in the application and there is no assessment on the impact to wildlife. In fact there is no consideration of biodiversity.*

#### *Analysis of housing requirement in Local Plan*

*Suffolk Coastal has an adopted Local Plan, approved by central government, covering the period 2010 to 2027 which is compliant with the NPPF. According to the NPPF, Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development. Local Plan policy SP1A complies with this by stating 'Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise. The Local Plan has identified sites in Westerfield to satisfy housing needs, detailed in the Site Allocations document. This site is not included.*

*Strategic Policy SP19 in the Local Plan determines the scale of development for Local and Key Service Centres to be 17% of the total housing proposed for Suffolk Coastal during the plan period. The Site Allocations document actually allocated 61 units for Westerfield in the plan period 2010 to 2027 which is far in excess of what would be reasonably expected. The document recognised this. Since the Local Plan was issued a number of additional developments have been approved for Westerfield.*

*Since 2012 the total number of new dwellings in Westerfield that have already been built, are under construction, have recent valid planning approvals, or is a preferred site (land south of Lower Road)*

*in the current Local Plan, covering the period 2010 to 2027 is 91. This council has just been informed by the Planning Authority that it is recommending approval for an application for one of the allocated sites in Westerfield to have its number increased from 35 to 75; increasing the total number for Westerfield from 193 in 2010 to a potential 324. This is significantly more than allocated in the Site Allocations Document, which is significantly more than what would be expected in the Core Strategy requirement. This represents an increase of 57%, without any improvement or increase to services in the village. Details can be provided if requested. The Parish Council believes that Westerfield is already taking more than its fair share of new housing and there is no requirement for any additional housing in the current plan period. East Suffolk District Council have now completed a review of the Local Plan which covers housing needs up to 2036. This emerging Local Plan has been submitted to the Secretary of State for approval and has recently been the subject of an examination in Public by the Governments Inspector. If in the very near future, as expected, the new Local Plan gains approval the document states that no new housing is needed in Westerfield above and beyond what is already planned during the plan period.*

#### *Meeting requirements of Local Plan*

*The contribution to new housing allocations in Westerfield (now classified as a small village) already exceed the number expected with the current local plan up to 2027 and the emerging Local plan does not consider any further allocations are needed for the period up to 2036. It is also clear that both the existing and emerging local plans consider that for development in Small Villages “residential development will be permitted within defined Settlement Boundaries where it is: (a) A small group of dwellings of a scale appropriate to the size, location and character of the village, or (b) infill development in accordance with SCLP 5.7). The Settlement Boundary is clearly defined in the Local Plan.*

*The location of this proposed development is outside the Settlement Boundary. Westerfield has already been allocated new housing within the Settlement Boundary, so there is no requirement to build outside this boundary. The application attempts to ‘water down’ the importance of the various policies. It is quite wrong to arbitrarily apply weightings to different policies to try to justify an application. There should be no policy conflict.*

#### *Summary*

*Westerfield Parish Council considers that this application should be rejected for the following reasons:-*

- 1. The proposed development is visually detrimental to the occupiers of nearby properties and their privacy. In particular the roof lines of the proposed buildings exceed the heights of existing properties by an intrusive amount.*
- 2. The application fails to justify the development is needed. Appraisal of their assessment shows no benefit and some adverse impacts.*
- 3. The application is non-compliant with key policies in the Local Plan associated with Local Service Centres in the Current Plan and Small Villages in the emerging Plan.*
- 4. This development is not needed as Westerfield has already been allocated additional development in excess of the current Local Plan requirement.*

*Furthermore, the emerging new Draft Local Plan states that no new development is needed in Westerfield up to 2036, other than what is already planned.*

*In the event that Planning Officers are minded to approve the application, in spite of the Parish Council's opposition, the Council requests that the matter be referred to the District's full Planning Committee."*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	27 September 2019	30 September 2019
Summary of comments: No objection subject to conditions in respect of details to be submitted for refuse/recycling storage/presentation areas; access to accord with highways drawing DM01 (with an entrance width of 4.5m); vehicular access to remain 4.5m in width for 10m from the edge of the carriageway; details to prevent the discharge of surface water onto the highway; driveway gradient shall not be steeper than 1 in 20 for the first 5m, the remainder of the access driveway shall not be at a gradient steeper than 1 in 8; parking and manoeuvring to be in accordance with PW1020-PL02 Rev D.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	27 September 2019	15 October 2019
Summary of comments: Recommends conditions in respect of Site Investigation, Remediation, Validation and Unexpected Contamination.		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	27 September 2019	8 October 2019
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	27 September 2019	18 October 2019
Summary of comments: Comments received and are incorporated into the Officer's report; full comments are available on the Council's website.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	27 September 2019	No response
Summary of comments: None received.		

### **Publicity**

None

### **Site notices**

General Site Notice

Reason for site notice: New Dwelling

Date posted: 27 September 2019

Expiry date: 18 October 2019

## **5. Planning policy**

- 5.1. 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.
- 5.2. 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.
- 5.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 5.4. The Development Plan for the District 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)

- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- Policies of any relevant Neighbourhood Plan

5.5. 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))

SP3 - New Homes (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))

SP29 - The Countryside (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))

SP14 - Biodiversity and Geodiversity (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))

DM22 - Design: Function (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))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM28 - Flood Risk (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))

DM4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 5.6. 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))

- 5.7. 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](http://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). The policies that are now considered to have some weight in determining applications are not applicable to the consideration of this scheme

## **6. Planning considerations**

### Principle of Development

- 6.1. As stated above, the site lies outside of the Physical Limits Boundary, as identified within Policy SP19 and is therefore considered to be within the countryside (SP29). The site is however adjacent to the physical limits boundary, which identifies Westerfield as a Local Service Centre. The services and facilities within the village include employment sites, a public house, village hall, church, railway station and bus stops.
- 6.2. Appeal APP/J3530/W/18/3200488 in respect of refused application DC/17/5215/OUT - Erection of five dwellings, identified three main considerations:
- The impact on residential amenity; particularly 5 and 6 St Mary's Way (in regards to privacy and outlook);
  - The affect on the character and appearance of the area;
  - Whether the development was in a suitable location having regard to local and national policies relation to development in the countryside.

6.3. Paragraphs 24 and 25 of the Appeal Decision state,

*".....The proximity of the village means that the development would provide some support for local services as advocated by paragraph 78 of the NPPF.*

*Concluding on this main issue, the development would conflict with Policies SP19, SP29 and DM3 of the Core Strategy in terms of its location beyond the physical limits boundary. However, based on the site specific circumstances in terms of accessibility of services and facilities and the effect of development on the character and appearance of the area, I give limited weight to this conflict. Therefore, I consider the site would provide an appropriate location for housing having regard to local and national policies relating to the countryside."*

- 6.4. This statement is a material consideration in assessing the sustainability of the proposal. In acknowledging that the proposal would be contrary to Policies SP19, SP29 and DM3, of which Officer's had previously concluded that the development was not acceptable; in respect of the above, the application is considered to accord with SP1 and SP1a of the Core Strategy. In this instance, on the basis of the conclusions of the appeal decision, the Principle of Development is therefore found to be acceptable.

Design and Layout

- 6.5. The existing access is to be extended into the site, to provide parking and manoeuvring for both plots. The access will run centrally between the two dwellings, both of which will have an active frontage onto the carriageway; similarly to other dwellings along St Mary's Way.
- 6.6. Plot 1 is to be located adjacent to 6 St Mary's Way. It is proposed as a one and a half storey, chalet style dwelling, with four bedrooms. It is to be formed of three sections; a small hipped roof segment to the most western part of the site, the main section, with gable running parallel with the highway and a gable fronting the highway to the most eastern part of the development.
- 6.7. Plot 2 is proposed as a single-storey, three-bedroom bungalow with a detached double garage to the west of the proposed dwelling, adjacent to 5 St Mary's Way.
- 6.8. The dwellings are proposed to be constructed from red multi brick and a combination of pantiles and natural slate roof tiles (depending on section) and have grey aluminium windows. Specific material finishes are requested by condition. It is noted however that 6 St Mary's Way has been renovated and styled with a modern finish. A detached double garage is also proposed to the eastern front of the dwelling.
- 6.9. The design, form, scale and layout of the development would respect the existing development within St Mary's Way. It therefore meets the requirements of Policy DM21 (Design: Aesthetics).

Landscape, Visual Amenity and Impact on Character of the Area

- 6.10. The site is located at the end of St Mary's Way and contains various trees and shrubs to the rear of No 6 and Acorns, with lawn to the rear of No 5. The site is contained along its eastern

boundary by established vegetation. There is also considerable vegetation within the northernmost part of the site including trees. As such, the site has the character and appearance of neglected garden land, separating it from fields and open countryside to the east and north-east.

- 6.11. The proposed development would elongate the cul-de-sac form of St Mary's Way further to the north and east. While it would be distant from Church Lane and Westerfield Road and not relate particularly well to either road, the same can be said for existing development at St Mary's Way and the approved scheme at The Mount. Whilst it is noted that the ground is elevated, it would not be highly visible from either Westerfield Road or Church Lane due to intervening properties and vegetation. The level changes within the site range from 36.535 FFL (finished floor levels) at the entrance to approximately 39 FFL at the most eastern garden area of Plot 1. There is also a good degree in separation between the existing development and proposed, as shown on PW1020-PL02 Rev D.
- 6.12. Concern has been raised that the proposed development would be higher than the existing development form, however the submitted streetscenes, Plot 1's hipped roof section, is shown to be of the same height as the recently approved and constructed extension at 6 St Mary's Way. The ridge height of the proposed one and a half storey dwelling, will slightly exceed that of 6 St Mary's Way, but with additional landscaping (details to be confirmed by condition) will not look at odds with the existing streetscene. Plot two has a similar height difference with neighbouring property 5 St Mary's Way, but will be subservient to the dwellings approved under DC/16/2765/FUL to the east of the site; plot 2 essentially steps the height from the existing development on St Mary's Way and those approved to the rear of The Mount.
- 6.13. East Suffolk Council's Landscape and Arboricultural Officer offered comments on this and the previous withdrawn applications.
- 6.14. The former response raised initial concerns in respect of the proposed development in that the development would extend from the existing village edge into the sensitive rural landscape. The Suffolk Coastal Landscape Settlement Sensitivity study records the potential high sensitivity of this landscape to harm from development, but also acknowledges that the highest degree of sensitivity rests with the higher elevated land within the study area, and that the lower ground (as this is) is less sensitive to development. Nonetheless, the Study recommends that should development be permitted, a robust and suitable planting scheme should be required for any boundary against open rural landscape.
- 6.15. The proposal will see the removal of a number of trees including native hawthorn scrub. This may be harmful to local biodiversity and given that there is a requirement in the NPPF to have biodiversity nett gain from development. Unless it can be satisfactorily demonstrated that appropriate landscape planting scheme can be achieved to protect the rural edge.
- 6.16. Following receipt of the amended application, the Landscape and Arboricultural Officer confirmed that in principle these comments still apply although acknowledges that the reduced number of units will have a lesser impact and that the approved multiple unit scheme to the east will reduce the need for a vegetated boundary on the eastern side of this current proposal. As such has "no significant grounds for objection."

- 6.17. Whilst it is regretful that some of the existing planting is shown to be removed, none of this planting is protected and could be removed without consent. The applicant has suggested new planting is will be provided, further details of the proposed hard and soft landscaping are sought by condition, which should be of a standard to accord with the specifications set out within The Suffolk Coastal Landscape Settlement Sensitivity study. This provides an opportunity for the proposed landscaping to be a betterment than that the existing.
- 6.18. Therefore, there is little to suggest the development would be harmful in terms of the character and appearance of the area or that the development would be a contrived extension which would relate poorly to the existing settlement.
- 6.19. Appeal APP/J3530/W/18/3200488 paragraph 21 also concluded that the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policy SP15 of the Core Strategy which, amongst other things, seeks to preserve and enhance the character of the district's settlements and landscapes. It would also comply with paragraph 127 of the NPPF insofar as it seeks development sympathetic to local character.

#### Ecology and Biodiversity

- 6.20. The proposed development will result in the loss of a small area of trees, scrub and grassland on the edge of the village. These habitats are likely to be of some value to a range of locally occurring species, potentially including nesting birds, great crested newts and reptiles. The submitted Ecological Appraisal (Liz Lord Ecology, August 2019) includes appropriate recommendations to avoid impacts on such species during development.
- 6.21. The Appraisal also recommends that as many of the western boundary trees as possible are retained (paragraph 6.1), however from the plans provided it appears that they are all to be removed and replaced with a newly planted tree screen along the northern part of the western boundary (drawing number PW1020-PL02 Rev. D).
- 6.22. Local Plan policy DM27 requires that "all development proposals should protect the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats". Initial development will result in an adverse impact on local biodiversity and therefore the enhancement recommendations made within the Ecological Appraisal and the mitigation recommendations should be secured by condition.

#### Habitat Regulations / Recreational Avoidance Mitigation Strategy (Suffolk RAMS)

- 6.23. As recognised in the Ecological Appraisal, the site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).
- 6.24. A RAMS payment of £321.22 per dwelling (total contribution of £642.44) was paid on 4th November 2019, therefore compliant with Policies SP14 and DM27.

### Land Contamination

- 6.25. The site is currently undeveloped grassland/amenity space. A phase one contamination report was submitted with the application, which has recommended that a phase two report is undertaken. This is recommended by pre-commencement condition, in addition to conditions in respect of remediation, validation and the unexpected discovery of contamination. Overall, given the undeveloped nature of the site, it is likely that any risk of contamination is low; however, compliance with the recommended conditions will formally rule out any risk.

### Flood Risk

- 6.26. The site is not located within Flood Zone 2 or 3. The site is in Flood Zone 1, the low risk zone and therefore there are no concerns regarding flooding.

### Highway Safety, Parking and Connectivity

- 6.27. Access to the site is from an extension of St Mary's Way. Whilst this road narrows from Church Lane to the application site, the road is suitably wide enough to allow traffic to pass. St Mary's Way is also a no-through road, suggesting that road users of the cul-de-sac are residents or those visiting residents.
- 6.28. There is a footway along both sides of St Mary's Way, which runs round to the frontage of the development, adjoining Church Lane, but does not continue through the village or link to services. This aside the highways authority has not raised any objection in respect of highways safety, subject to compliance with conditions outlined above.
- 6.29. The development has also provided adequate parking provision in accordance with the Suffolk Guidance for Parking 2019, compliant with Core Strategy Policy DM19.

### Residential Amenity

- 6.30. Policy DM23 states that development will be acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development.
- 6.31. A total of 10 representations were received which objected to the proposals, a number of points were raised, which have been covered within the Officers report. One of the reoccurring concerns being the impact on residential amenity. This was also one of the main considerations of appeal APP/J3530/W/18/3200488 and was ultimately the reason for the appeal being dismissed. This is detailed in paragraph 31 which states:

*"....there would also be adverse impacts in terms of the living conditions of neighbouring occupiers, particularly at 6 St Mary's Way, and conflict with Policy DM23 of the Core Strategy. I remain unconvinced that the site could satisfactorily accommodate the proposed development without harm to privacy and outlook for occupiers of No 6 in particular, or that such matters could be adequately resolved at the reserved matters stage. As such, I attach significant weight to the adverse impacts of development."*

- 6.32. There are significant changes in the proposal from the dismissed appeal; firstly the number of dwellings proposed has been reduced from five to two, and where previously three of those dwellings fronted on to the rear garden of 6 St Mary's Way. Now one singular dwelling runs linear with no.6, removing any substantial concerns of overlooking and loss of privacy. There are also no first-floor windows immediately adjacent to no.6, with only three rooflights shown over the ground floor until the first-floor windows on the eastern gable. The additional landscaping (details to be agreed) will further protect the existing amenity of the existing dwelling.
- 6.33. The dwelling immediately behind 5 St Mary's Way was of lesser concern within the Inspectors closing statement, however, this has also been re-orientated and reduced in height, which is an improvement to the previous schemes.
- 6.34. It is also recommended that permitted development rights for both properties are removed in respect of no extensions or alterations, no works to the roof (including insertion of dormers or rooflights), no outbuildings without first seeking planning permission.
- 6.35. As such it is considered that the proposal does not cause any loss of outlook, loss of light, or increased overlooking/loss of privacy that would consider the proposal to be contrary to the aspirations of DM23. The proposed development has therefore overcome the main issues raised within the previous appeal decision.

#### Community Infrastructure Levy (CIL)

- 6.36. New development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. The site lies within the high charging zone and is currently liable for £199.18 (2019 indexed CIL rate) per square meter.

#### Planning Balance

- 6.37. There were three main reasons for refusal on the earlier application for five dwellings, as outlined by the Planning Inspectorate:
1. The impact on residential amenity; particularly 5 and 6 St Mary's Way (in regards to privacy and outlook);
  2. The effect on the character and appearance of the area;
  3. Whether the development was in a suitable location having regard to local and national policies relation to development in the countryside.
- 6.38. The Inspector has previously concluded that the second and third points were acceptable (as detailed above). Officer's consider that the amended scheme is acceptable and would not cause adverse harm in respect of loss of privacy or outlook to the residents of numbers 5 and 6 St Mary's Close. As such, has overcome all reasons for the previous appeal being dismissed. The development for the reasons outlined within this report, is therefore on balance considered acceptable.

## **7. Conclusion**

- 7.1. Whilst the proposal is contrary to development plan policies SP19, SP29 and DM3, appeal APP/J3530/W/18/3200488 determined that the site was well related to existing development and would be an appropriate location for housing, without affecting the surrounding character. Five new dwellings have also been allowed on appeal to the immediate east of the application site, to the rear of The Mount.
- 7.2. The main concern of any proposed development of the site was the impact on the residential amenity of neighbouring properties, due to the change in gradient from west to east. The proposal has re-orientated and reduced the amount of units provided to two dwellings, one north and one south of the plot, with the latter being single-storey. It is therefore considered that the impact on neighbouring residential amenity (primarily that of 5 and 6 St Mary's Way) has been reduced to an acceptable level, which accords with Core Strategy Policy DM23.
- 7.3. Additional landscaping and the removal of Permitted Development rights will further ensure that amenity of existing and future occupants is protected. Furthermore, the required financial contribution towards Suffolk RAMS has been paid.

## **8. Recommendation**

- 8.1. Recommendation to Grant Planning Permission, subject to the conditions outlined below (pre-commencement conditions have been agreed with the agent in writing).

## **9. Conditions:**

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's PW1020-PL01 REVB, PW1020-PL02 REV D, PW1020-PL03 REV C, PW1020-PL04 REV B, PW1020-PL05 REV B and OAS/17/237/TS01 REV B received on 18th September 2019.

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

3. Before the first use details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users

4. 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 Drawing No. DM01; and 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.

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

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

6. The vehicular access hereby permitted shall be a minimum width of 4.5 metres for a distance of 10 metres measures from the nearby edge of the carriageway.

Reason: To ensure vehicles can enter and leave the site in a safe manner.

7. Prior to the development hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to 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 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.

9. 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.

10. The use shall not commence until the area(s) within the site shown on Drawing No. PW1020-PL02 Rev D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

11. 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 consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

As 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.

12. 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.

13. Prior to any occupation or use of the approved development the RMS approved under condition 2 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.

14. 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.

15. 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.

16. No development shall commence until details of the roof and wall materials to be used for the new dwellings and associated garages, have been submitted to and approved by the local planning authority.

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

17. 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[s] [1], Class[es] [a, b, c and e] of Schedule 2 of the said Order shall be carried out 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 and the amenity of adjoining residents.

18. 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.

19. The mitigation measures outlined in the hereby approved Ecological Appraisal (Liz Lord Ecology, August 2019) shall be implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

20. Prior to the commencement of development, details of the enhancement measures outlined in the hereby approved Ecological Appraisal (Liz Lord Ecology, August 2019) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

#### **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. Planning Act 2008 (Part 11) and the Community Infrastructure Levy Regulations 2010 (as amended)

The proposed development referred to in this planning permission 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).

Please note: 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.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

3. Note: 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.

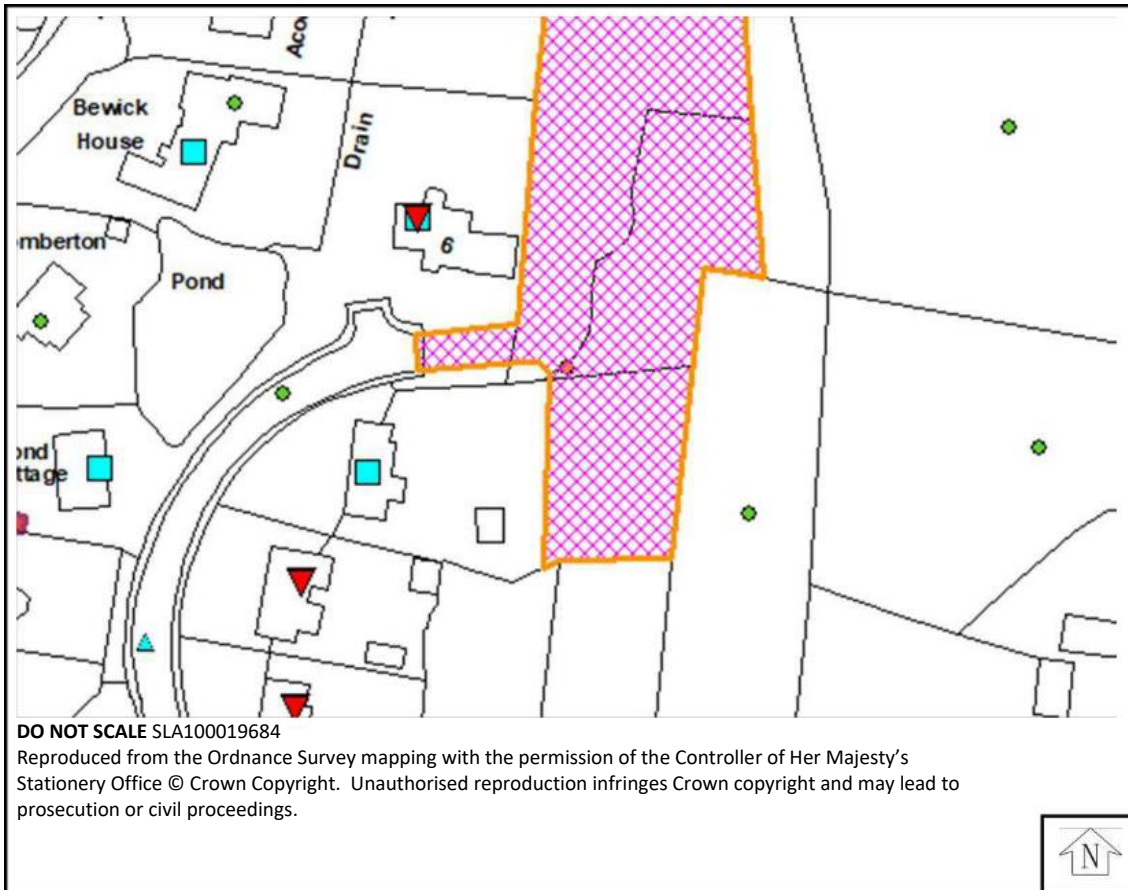
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: [www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/](http://www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/)

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/19/3662/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY0RGMQXML800>

## Map



## Key



Notified, no comments received



Objection



Representation



Support