



Committee Report

Planning Committee – 9 June 2020

Application no DC/19/5008/FUL

Location

Land Adjoining Hilltop
Carlton Road
Kelsale Cum Carlton
Suffolk

Expiry date 1 March 2020
Application type Full Application
Applicant Messrs P & A Smith & Bird

Parish Kelsale Cum Carlton
Proposal New Detached dwelling
Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsoffolk.gov.uk

1. Summary

- 1.1 Full planning permission is sought for the erection of a detached dwelling with attached garage.
- 1.2 The item has come before members because the development proposal is a departure from the local plan and the recommendation is for approval. It is a departure because the application site lies outside, but is adjoining the physical limits boundary, so the site is 'countryside' for planning purposes and none of the exceptions for a new dwelling in the countryside defined in local planning policy are met.
- 1.3 The application site has outline consent for two dwellings and garages approved 18 October 2018 (reference DC/18/2907/OUT), and previously outline consent for one dwelling allowed on appeal (reference DC/17/0994/OUT).
- 1.4 Officers consider that the principle of development on the site is established and the proposal is acceptable in all regards in accordance with the Local Plan and, therefore, approval is recommended.

2. Site description

- 2.1 The application site is outside of the defined physical limits of Kelsale-cum-Carlton and forms part of a section of undeveloped land separating the two settlement boundaries. However, the application site does abut the settlement boundary of Kelsale.
- 2.2 The application site forms part of a large grass field with a high hedgerow and ditch to the front boundary of the application site which fronts onto Carlton Road, there is no boundary to the rear where the land slopes to the south.
- 2.3 To the east of the application site is a neighbouring property Hill Top, which is single storey and detached.
- 2.4 To the west of the application site is more unoccupied grass field and a track which is a Public Right of Way with access to St Peters Church; the track is separated by a low wire fence.
- 2.5 The application site and the adjacent land to the south is identified on the proposals map within the Site Specific Policies adopted document, through Policy SSP37 (Parks and Gardens of Historic or Landscape Interest), and Supplementary Planning Guidance 6 (Historic Parks and Gardens) as part of the historic parkland 'Carlton Park'.
- 2.6 An application for one dwelling was refused by the Local Planning Authority in 2017 (reference DC/17/0994/OUT) on the basis that the principle of development was contrary to the development plan, and would be development within the historic parkland. However, that proposal was allowed at appeal stage. The inspector considered the application to be a sustainable form of development (reference APP/J3530/W/17/3187529) and a copy of that decision can be read at appendix 1.
- 2.7 A previous outline consent for two dwellings and garages was subsequently approved on 18 October reference DC/18/2907/OUT.

3. Proposal

- 3.1 The application seeks full planning permission for one detached dwelling with an attached garage, the proposed dwelling is part of a two dwelling scheme and will share the proposed access, however the other dwelling does not form part of this application.
- 3.2 The proposed dwelling would have an L-shaped ground footprint with an attached garage to the front. The dwellings would be one-and-a-half storeys in scale with single storey wings. The walls would be clad in black stained weatherboarding and the roof covered in pantiles.

4. Consultations/comments

- 4.1 No third party representations have been received.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	7 January 2020	31 January 2020
Summary of comments: Kelsale-cum-Carlton Parish Council had no objection to this planning application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	7 January 2020	7 January 2020
Summary of comments: A noise assessment should therefore be submitted to include all proposed plant and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. Also recommends standard unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	7 January 2020	14 January 2020
Summary of comments: Highways have no objections but recommend 9 standard conditions.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 January 2020	8 January 2020
Summary of comments: Requires ecological assessment and RAMs payment.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	7 January 2020	9 January 2020
Summary of comments: No objections and no further investigative work required.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Ecology (Internal)	7 January 2020	28 January 2020
Summary of comments: Requires ecological assessment and RAMs payment.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	7 January 2020	13 January 2020
Summary of comments: Objects in principle to the principle but recognises this has been established, recommends condition.		

5. Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	6 February 2020	27 February 2020	East Anglian Daily Times

Category	Published	Expiry	Publication
Archaeological Site	16 January 2020	6 February 2020	East Anglian Daily Times

6. Site notices

General Site Notice	Reason for site notice: May Affect Archaeological Site Contrary to Development Plan Date posted: 6 February 2020 Expiry date: 27 February 2020
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General Site Notice	Reason for site notice: May Affect Archaeological Site Date posted: 9 January 2020 Expiry date: 30 January 2020
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7. Planning policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning decision-taking shall be in accordance with the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies are listed below, but the East Suffolk (Suffolk Coastal) Final Draft Local Plan is at a fairly advanced stage of examination and, where relevant, emerging policies can be given some weight and will be addressed in this report.

The following are the relevant Development Plan policies:

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))

SP1 - 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))

SP14 - Biodiversity and Geodiversity (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))

SP17 - Green Space (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))

DM3 - Housing in the Countryside (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))

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

SSP37 - Parks and Gardens of Historic or Landscape Interest (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

National Planning Policy Framework

SPG6 – Historic Parks and Gardens

8. Planning considerations

Principle of Development

- 8.1 The application site forms part of an open space between Kelsale and Carlton which together form Kelsale cum Carlton, the site falls outside the defined settlement boundaries of both Kelsale and Carlton but is considered to be in close proximity to the continuous built up frontage to the east.
- 8.2 An initial application was refused by the Local Planning Authority on the grounds of housing in the countryside (DM3) and impact upon the Historic Parkland, but this was then allowed by appeal as the Planning Inspectorate found the proposal site to be a sustainable form of development abutting the physical limit boundaries which also caused insignificant to the Historic Parkland.
- 8.3 An outline planning application was subsequently approved on 18 October 2018 by the Local Planning Authority for two dwellings and garages, reference DC/18/2907/OUT.
- 8.4 Whilst the application site is outside the defined physical limits boundaries as per the settlement hierarchy (SP19), and therefore is considered to be in the countryside (SP29) where there is a presumption against development, the principle of one dwelling has been established through appeal and two dwellings through the previous application. Therefore, the current application cannot be refused on matters of principle. In any case, the site is adjacent the settlement boundary and therefore reasonably sustainable, in terms of location.

Highway Safety

- 8.5 The initially refused application for one dwelling found the application site large enough to accommodate off-street parking and highways has no objections to the visibility splays subject to condition.
- 8.6 The approved application for two dwellings again found the site suitable for the above reasons but sought details via condition in relation to surface water drainage and parking.
- 8.7 The submitted application is for one dwelling for what appears to be a two dwelling scheme with a shared access, details of which are very similar to the previously approved application and are considered to be acceptable subject to condition. The proposal is acceptable in terms of Local Plan policy DM22 and the sustainable transport objectives of NPPF Paragraph 109 and emerging Local Plan Policy SCLP7.1.

Visual Amenity and Streetscene

- 8.8 The proposal is for a one and a half storey dwelling with an attached garage; the proposal is similar to the previous applications other than the provision of a first floor. However that first floor accommodation is not considered to be out of character with the nearby surrounding properties in Kelsale and Carlton.

- 8.9 The proposed materials to be used are sympathetic and are unlikely to have any additional adverse impact upon the character of the area or historic parkland, the exact proposed materials will be confirmed via condition but the indicative external details and are suitable.
- 8.10 The proposal is good design and will not cause harm to the character and appearance of the area. Thus, the proposal accords with Local Plan policies SSP37, SP15, DM21 and emerging policy SCLP11.1.

Residential Amenity

- 8.11 This proposed application is for a one and a half storey dwelling; the dwelling is taller than the previously approved dwellings with a first floor provided, the first floor will only have windows facing to the front and rear of the plot and the windows on the side gables facing the neighbouring property and future dwelling will be high level windows that will not have any adverse impact in terms of overlooking. Given the relationship with neighbouring land uses, there is not likely to be any material adverse amenity impact arising, and no objections to the proposal have been received. The proposal accords with Local Plan policy DM23 and emerging policy SCLP11.2.
- 8.12 Environmental Protection has commented stating they would like to see a Noise Assessment due to the air source heat pumps proposed; however given the principle of dwellings on site have been considered acceptable and that heat pumps are usually permitted development, a noise assessment is considered to be unreasonable in this instance and the proposal is unlikely to result in any adverse noise impacts.

Green Space/Historic Parklands

- 8.13 The proposed dwelling and application site is to be located on the grass field that forms part of a green space identified as 'Parks and Gardens of Historic or Landscape Interest'.
- 8.14 The allowed appeal decision stated that the proposed development and its encroachment would be of a 'very limited extent' and the development south of Carlton Road has 'destroyed all parkland characteristics' as stated in the Council's Supplementary Planning Guidance 6 (Historic Parks).
- 8.15 Similar to the previous approved application; this proposed development will cause some harm to the area of Historic Park. However there is a clear fallback in place for the site to be developed for housing therefore such limited harm would not indicate permission be refused.

Ecology/RAMs

- 8.16 The proposal involves a large element of the hedgerow along the street boundary to be removed to facilitate the new proposed access, both the Council's Ecologist and Suffolk Wildlife Trust have commented stating an ecological assessment should be carried out to determine the impact. This has been carried out and the report outlines the need for further surveys in relation to Great Crested Newts (GCNs) which has been since carried out. Conditions are recommended based on the findings of those reports.

8.17 A RAMs payment has been received and the correct HRA template completed.

Community Infrastructure Levy

8.18 The application seeks full planning permission for one dwelling, it is therefore CIL liable.

9. Conclusion

9.1 Although the proposed development is contrary to the housing and countryside protection policies of the Local Plan, the principle of one dwelling on the site has already been established through the appeal decision and previously approved outline permission.

9.2 The proposed changes from the approved outline consent are not considered to cause additional harm to the Historic Parkland of character of the area, and the proposal is considered acceptable on planning balance.

9.3 The application is recommended for approval subject to conditions.

10. Recommendation

10.1 Recommendation of approval subject to conditions.

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 1997.01 & 1997.02 received 23/12/2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:
 - (i) All external materials (including external walls, roof material and windows)
 - (ii) rainwater goods (including material and colour)
 - (iii) fence and gates (on boundary with adjacent neighbours) (full details of location, height, appearance, materials and finish).

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building: the application does not include the necessary details for consideration.

4. Within 3 month(s) of commencement of development, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

5. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Suffolk County Council's Standard Access Drawing No DM01; with an entrance width of 4.5 metres and has been made available for use. 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 is brought into use before any other part of the development is commenced in the interests of highway safety

6. 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.

7. 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.

8. 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.

9. 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.

10. Before the access is first used visibility splays shall be provided as shown on Drawing No.02 with an X dimension of 2.4 metres and a Y dimension of 43 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country

Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure suitable visibility from the access site is secured.

11. 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 BS10175:2011+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 ORLB URNS 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.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Mitigation Method Statement for great crested newts (based on appropriate survey information) has been submitted to and approved by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

13. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) report (Anglian Ecology, March 2020).

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

14. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

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. 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.

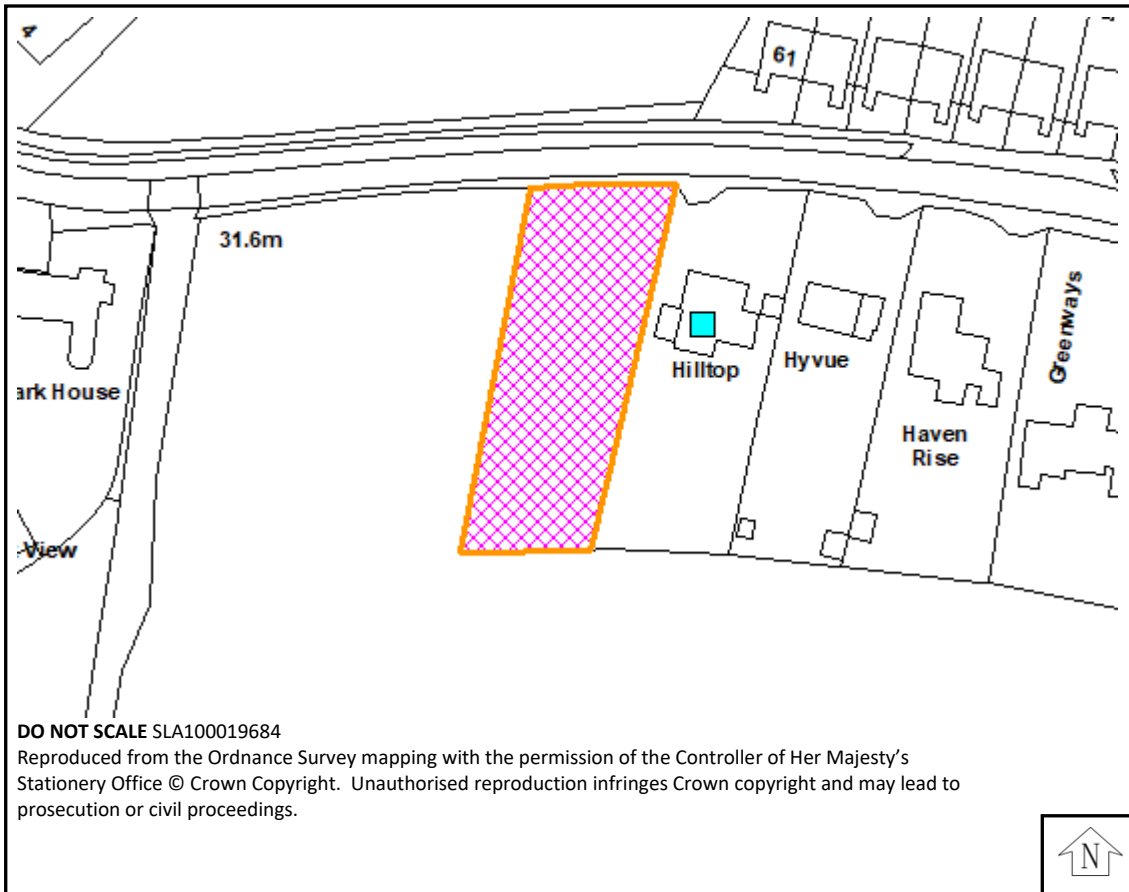
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

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 Papers

See application reference DC/19/5008/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2Z05BQXGRP00>

Map



Key

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