



## Committee Report

Planning Committee - 8 September 2020

Application no DC/20/1837/FUL

**Location**

York's Tenement  
Station Road  
Yoxford  
Saxmundham  
Suffolk  
IP17 3LA

**Expiry date** 14 July 2020

**Application type** Full Application

**Applicant** Mr & Mrs Christopher & Doris Richardson

**Parish** Yoxford

**Proposal** Change of use and sub-division of an existing dwelling to form two dwellings with associated alterations and works.

**Case Officer** Charlie Bixby  
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### 1 Summary

- 1.1 The proposal is for sub-division of the existing dwelling to form two smaller dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division.
- 1.2 The application is a departure from the existing local plan with the planning officer recommending approval and is therefore required to be determined by the Planning Committee.
- 1.3 The recommendation is for approval subject to the necessary RAMs mitigation payment.

## **2 Site description**

2.1 The application property is a two storey detached Grade II listed building dating from late C16th or early C17th in origin; the dwelling is set back from the busy A12 and well screened by high dense vegetation, to the north lies a detached barn building with access and parking and to the south lies a new access onto Station Road. The site itself is outside the physical limits boundary of Yoxford and is therefore considered to be the countryside (SP29).

2.2 The listing of the building reads as:

*"Farmhouse. Late C16/early C17, the north end probably earlier. Timber framed and plastered, north gable weatherboarded, south gable red brick; pantiled roof. 2 storeys and attic. A single long range. 4 window range, casements, mostly with diamond leaded panes, one ground floor window with diagonal leadwork with a centre cross, 4 windows coupled together to left hand side; 4-panel entrance door, the upper 2 panels glazed, frieze, cornice on console brackets; 4-panel raised and fielded door to right hand side (now blocked), half-glazed door to workshop on left hand side. At first floor level on the right-hand side are 2 bands of pargetting, to the same running honeysuckle design as on 2 houses at Theberton and Hemp Green, Sibton. 2 internal stacks, the main one rebuilt mid C20. Good interior with original newel stairs, many original internal doors, 2 4-centre arched brick fireplaces with rusticated surrounds and a blocked first floor 3-light mullion window with its original glass."*

2.3 Previous pre-application advice has been given in relation to this proposal under application reference DC/PREAPP/18/4789; it was considered at the time that the application would be refused on principle grounds due to the non-compliance with local planning policy DM3 as the 'local need' element of any sub-division had not been demonstrated. The application also considered the Heritage Impact upon the existing local building as a result of the internal works needed to facilitate the sub-division.

## **3 Proposal**

3.1 The proposal is for sub-division of the existing dwelling to form two smaller dwellings with the necessary associated internal alterations and boundary works to facilitate the sub-division.

## **4 Consultations/comments**

4.1 No third party representations received

## **5 Consultees**

**Parish Council**

Consultee	Date consulted	Date reply received
Yoxford Parish Council	21 May 2020	8 June 2020
Summary of comments: Yoxford Parish Council support the application.		

### Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	21 May 2020	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	21 May 2020	27 May 2020
Summary of comments: No objections, recommends standard discovery of unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	21 May 2020	9 June 2020
Summary of comments: No objections, recommends two conditions.		

### Non statutory consultees

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	21 May 2020	No response
Summary of comments: No comments made on the full application.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	21 May 2020	No response
Summary of comments: No comments.		

## 6 Publicity

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Listed Building	16 July 2020	6 August 2020	East Anglian Daily Times

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Listed Building	28 May 2020	18 June 2020	East Anglian Daily Times

### Site notices

General Site Notice	Reason for site notice: Listed Building Contrary to Development Plan Date posted: Expiry date:
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## 7 Planning policy

National Planning Policy Framework 2019

The following policies from the adopted Suffolk Coastal Local Plan:

- 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))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 – Settlement Policy (East Suffolk Council – Suffolk Coast 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))

The following policies from the emerging Suffolk Coastal (East Suffolk) Local Plan:

- SCLP5.3 (Housing in the Countryside) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)
- SCLP11.1 (Design Quality) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)
- SCLP11.2 (Residential Amenity) – East Suffolk (Suffolk Coastal) Final Draft Local Plan (2019)

## **8 Planning considerations**

### Principle

- 8.1 The application site is located outside the defined settlement boundary of Yoxford (A Key Service centre) and is therefore considered the countryside (SP29); The proposal is located within the countryside where in accordance with the NPPF, Policies SP1, SP1A, SP19 and SP29 of the Local Plan, and Policy MAR1, there is a general presumption against residential development unless the proposal accords with the one of the exceptions set out in the NPPF, and Local Plan Policies DM1, DM3, DM4 or DM13.
- 8.2 If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 8.3 Section 66(1) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.4 DM3 (Housing in the Countryside) is as follows:

- (a) Replacement dwellings on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced;
- (b) The sub-division of an existing larger dwelling where this would meet a local need;
- (c) Affordable housing on 'exception' sites in accordance with Policy DM1;
- (d) Conversions of existing buildings subject to certain controls (Policy DM13);
- (e) Minor infilling within clusters of dwellings well related to existing sustainable settlements (Policy DM4); or
- (f) Development which would otherwise accord with the special circumstances outlined in paragraph 55 (Now Paragraph 79) of the National Planning Policy Framework.

8.5 The proposal is for the sub-division of an existing larger dwelling which could be considered only under part (a) and no other points within DM3, part (a) also mentions sub-division of a larger dwelling has to meet a local need. There is no demonstration that the proposal meets any local need which has not been identified by the applicant or in any previous application decisions. The proposal is therefore not considered to meet the existing local planning policy DM3.

8.6 Emerging local planning policy SCLP5.3 is similar to DM3 but the requirements differ slightly, SCLP5.3 is as follows:

- a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);
- b) Limited development within existing clusters (in accordance with Policy SCLP5.4);
- c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;
- d) Subdivision of an existing larger dwelling;
- e) Conversion of an existing building (in accordance with Policy SCLP5.5);
- f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);
- g) Other residential development consistent with policy on residential.

8.7 The development is for sub-division of an existing larger dwelling and therefore can be considered under SCLP5.3 part (d) which unlike the current existing policy does not require the applicant to demonstrate a 'local need' which can be difficult to provide evidence for and identify.

8.8 The proposal under the new emerging local planning policy can be considered acceptable as it meets the requirements for sub-division of an existing larger policy, however the emerging local plan is not yet adopted and carries less weight than the previous policy.

8.9 The application site is in an area which has since recent residential development in the lifetime of the current local plan with development being allowed and considered acceptable under exceptional policies outlined in DM3, inspectors have considered the area immediately adjacent this existing dwelling as sustainable given its very close proximity to the existing settlement boundary of Yoxford.

8.10 Overall on planning balance it is considered that the proposal through sub-division; although not currently acceptable under the existing local planning policy DM3 due to the need to identify and meet a local need, would prove acceptable under SCLP5.3 part (d) as

the requirement to meet a local need has been removed. The application site area is considered to be sustainable and within walking distance of the key facilities the key service centre of Yoxford provides, and on planning balance the application principle is considered to be acceptable through departure.

#### Visual Amenity and Streetscene

- 8.11 The proposal overall will result in no external changes due to the sub-division nature of the application; there is therefore considered to be no visual or streetscene impact upon the dwelling or its elevations, the only proposed external works that can be commented on are the provision of the rear boundary fence and hedgerow.
- 8.12 The existing rear garden will be split to provide the new dwelling with a suitably sized rear garden which will be divided from the existing dwellings large parcel of land/garden by a 6ft/1.8m high woven fence, it was advised at pre-application stage that a woven fence with hedgerow would look more visually appealing than a standard wooden fence and it is pleasing to see this has been taken on board by the applicant. The proposed boundaries are considered to be acceptable and no further details are required of the fence or hedgerow which has been stated to be no taller than the proposed fence, overall the proposal is considered to be compliant with DM21 - Aesthetics.

#### Residential Amenity

- 8.13 The proposed sub-division will split the existing immediate rear garden into two reasonably sized amenity spaces; the proposed new dwelling will feature a smaller residential garden however the size is still suitable in relation to the dwelling size, the proposal will not feature any new windows and therefore there is considered to be no additional residential amenity impact onto either new dwelling. The overall residential amenity impact is considered to be minimal given the location of the windows and the overall impact of overlooking upon each of the dwelling's amenity space will be minimal overall. The proposal is considered to raise no adverse concerns in terms of residential amenity and is considered to be compliant with DM23.

#### Access/Parking

- 8.14 The application property has an existing access to the south as well as to the north; the property has provided two parking spaces to the north of the adjacent converted barn, the parking area will feature 6 car parking spaces (two for each property in the immediate area) with suitable space to turn on site.
- 8.15 Suffolk County Highways have no objections to the application and recommend two conditions, one of the conditions requiring suitable turning space on site is not considered necessary given the existing converted barn and proposed new barn to the north of the parking spaces use the space as existing and there is clearly enough room to turn vehicles around and leave the site in a forward gear. The other also recommends a condition to ensure suitable visibility splays however the access is in current use and therefore the condition is not considered to be applicable either.

## Ecology

- 8.16 The application site is within 13km of European Protected sites, so is within the Zone of Influence of these sites. Therefore an appropriate assessment has been undertaken, which concluded that a financial contribution to the Recreational Avoidance Mitigation Scheme (RAMS) would be an appropriate form of mitigation for this scheme as on site mitigation is not feasible. At the time of drafting this report, this RAMS payment was yet to be received, therefore the recommendation is one of authority to approve subject to receipt of this payment.

## **9 Conclusion**

- 9.1 Whilst the principle of this proposed dwelling is contrary to the current adopted planning policy as it would result in a dwelling outside of the defined settlement boundary not in accordance with the exceptional planning policy DM3, it would represent a sustainable form of development, which would be considered acceptable under the emerging local planning policy SCLP5.3. The proposal would also be on a site which would not result in expansion of the built form into the wider countryside, and subject to the receipt of appropriate RAMS mitigation, the scheme is acceptable in terms of all other material planning considerations. It should therefore be supported.

## **Recommendation**

Recommend for approval subject to the necessary RAMs mitigation payment. Alternatively if the RAMS payment is not received refuse on grounds that the HRA cannot be achieved

## **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 00F, 11H, 12C, 13C, 14F, 15F, 16A & 17A received 20/5/2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. 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.

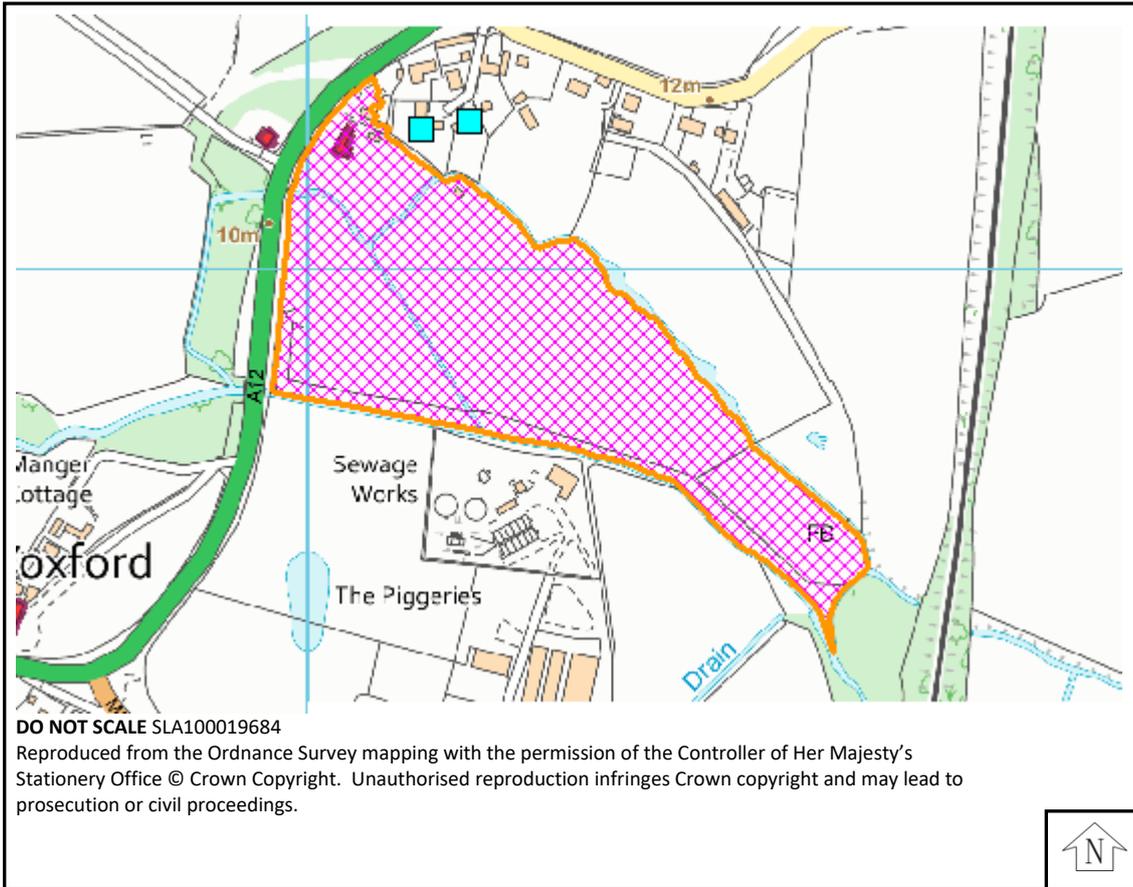
#### **Informatives:**

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.

#### **Background information**

See application reference DC/20/1837/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAMB95QXJNK00>

# Map



## Key

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