



Committee Report

Planning Committee South - 27 October 2020

Application no DC/20/2772/FUL

Location

Land Adjacent To Peeler
Elmham Drive
Foxhall
Suffolk

Expiry date 17 September 2020 (Extension of time agreed until 3 November 2020)

Application type Full Application

Applicant Mr Aiden Mayhew

Parish Foxhall

Proposal Proposed erection of two detached houses with associated parking and landscaping

Case Officer Grant Heal
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Authorising Officer Katherine Scott, Development Management Team Leader – South Team

1. Summary

- 1.1. Full planning permission is sought for the erection of two new two-storey detached dwellings with associated parking and landscaping at land adjacent to Peeler, Elmham Drive, Foxhall.
- 1.2. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the Suffolk Coastal Local Plan.
- 1.3. Notwithstanding, the referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Planning Officer is contrary to the Parish Council's recommendation to refuse the application.

- 1.4. The application was therefore presented to the referral panel on Tuesday 6 October 2020 where members concluded that the proposal's potential to impact on the local character of Elmham Drive should be debated at a planning committee.

2. Site description

- 2.1. The site comprises a large parcel of private amenity land associated with Peeler; a two-storey semi-detached property positioned to the east. The site's northern boundary abuts Elmham Drive, from which vehicular access is gained, while the rear boundary is party to dwellings fronting Felixstowe Road further south. The western boundary is party to that of a recent detached dwelling (Lavenham House) permitted 20 March 2018 by DC/18/0347/FUL.
- 2.2. The wider area is characterised by a mix of one and two-storey semi-detached and detached dwellings in a mix of architectural styles set within relative plot sizes.

Planning history:

- 2.3. The application site has been the subject of the following relevant planning applications/appeals:
 - DC/20/1641/FUL: Construction of two three-bedroomed detached houses with associated detached garages and parking and landscaping at Land Adjacent To Peeler, Elmham Drive, Foxhall - Withdrawn 30 June 2020;
 - DC/17/5145/FUL: Erection of two dwellings at Peeler, Elmham Drive, Foxhall - Refused 22 January 2018 for the following reason:

'The development of two dwellings on land adjacent Peeler, by virtue of the spacing between buildings and depth of the two dwellings, represents over-development of the site and is harmful to the special character of Elmham Drive which is characterised by dwellings within spacious plots with a good level of separation between buildings. The proposal is therefore contrary to Policies SP15, DM21 and DM7 of the Local Plan (Core Strategy) 2013'
 - The decision to refuse permission DC/17/5145/FUL was subsequently dismissed at appeal (APP/J3530/W/18/3198534) on 13 February 2019. The inspector identified harm arising from the depth of the proposed footprint of the houses, and their siting, and concluded that the development would have a harmful effect on the character and appearance of the appeal site and the surrounding area;
 - DC/15/4030/FUL: Part severance of side garden and erection of new two-storey dwelling at Peeler, Elmham Drive, Foxhall - permitted 15th January 2016.

3. Proposal

- 3.1. This application is a resubmission following the withdrawal of DC/20/1641/FUL on 30 June 2020. It seeks consent for the erection of two new two-storey three-bedroom detached dwellings with associated frontage parking and landscaping on land to the east of Peeler,

Elmham Drive, Foxhall. Both dwellings would mirror one another's form, layout and elevational treatments, including the use of antique red brick, red roof tiles and white UPVC fenestration. They would be set back from the road behind two vehicle parking spaces. Spacious private rear amenity areas would also be provided.

4. Consultations/comments

- 4.1. One third-party representation has been received in support of the application raising the following material planning considerations:
- Will fit in well with the other properties in the lane,
 - Will provide the opportunity for the community to expand.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Foxhall Parish Council	29 July 2020	13 August 2020
<i>"The Parish Council objects to this application as we consider that the building of two such dwellings will lead to a higher density of development than the surrounding properties and an unacceptable change to the existing street scene".</i>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 July 2020	13 August 2020
Summary of comments: Recommend conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 July 2020	30 July 2020
Summary of comments: Internal consultation - recommend condition.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 July 2020	13 August 2020
Summary of comments: Internal consultation - recommend condition.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted:

Expiry date:

5. Planning policy

- 5.1. 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.
- 5.2. East Suffolk Council's Development Plan, as relevant to this proposal, consists of Suffolk Coastal Local Plan, Adopted September 2020. There is no Neighbourhood Plan relating to this area of the district.
- 5.3. The relevant policies of the Suffolk Coastal Local Plan, Adopted September 2020 are:
- Policy SCLP3.3 - Settlement Boundaries (Suffolk Coastal Local Plan, Adopted September 2020)
 - Policy SCLP3.2 - Settlement Hierarchy (Suffolk Coastal Local Plan, Adopted September 2020)
 - Policy SCLP3.1 - Strategy for Growth (Suffolk Coastal Local Plan, Adopted September 2020)
 - Policy SCLP5.3 - Housing Development in the Countryside (Suffolk Coastal Local Plan, Adopted September 2020)
 - Policy SCLP5.4 - Housing in Clusters in the Countryside (Suffolk Coastal Local Plan, Adopted September 2020)
 - Policy SCLP5.7 - Infill and Garden Development (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.1 - Design Quality (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP7.2 - Parking Proposals and Standards (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP11.2 - Residential Amenity (Suffolk Coastal Local Plan, Adopted September 2020)

Policy SCLP10.1 - Biodiversity and Geodiversity (Suffolk Coastal Local Plan, Adopted September 2020)

6. Planning considerations

Principle:

- 6.1. The site falls outside of a defined Settlement Boundary (SCLP3.3); and is therefore located within the 'Countryside' as categorised within the Settlement Hierarchy (SCLP3.2) of the Suffolk Coastal Local Plan. Policy SCLP3.3 (Settlement Boundaries) states that proposals for new residential development outside of the Settlement Boundaries and outside of land which is allocated for development will be carefully managed in accordance with national planning policy guidance and the strategy for the Countryside.
- 6.2. SCLP3.1 (Strategy for Growth) allows for appropriate growth in rural areas that will help to support and sustain existing communities. SCLP3.2 notes that the development requirements of the countryside will come forward through windfall sites in accordance with other policies of the Local Plan, including SCLP5.3 (Housing development in the countryside) and SCLP5.4 (New housing within clusters of existing dwellings).
- 6.3. With relevance to this proposal, SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
 - Development within existing clusters (in accordance with Policy SCLP5.4);
 - Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.
- 6.4. SCLP5.4 refers to a 'cluster' as a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway. The cluster must contain five or more dwellings.
- 6.5. Considered against SCLP5.4, the proposed dwellings would be situated within a clearly identifiable gap within a continuous built up frontage of seven existing dwellings adjacent a highway. Further, the development would not represent an extension into the surrounding countryside or beyond the existing built up area.
- 6.6. Subject to a satisfactory assessment of the dwelling's impact on the character and appearance of the cluster (see below), the proposal would thus meet the requirements of SCLP5.4. The planning principle is therefore deemed acceptable.

Visual amenity:

- 6.7. The proposed dwellings take design cues from the recently constructed Lavenham House through the use of reflective forms and materials which work in tandem to complement the established aesthetic. While marginally taller than the host dwelling (Peeler), the new dwellings would have lower ridges than Lavenham House, thereby providing a sympathetic response between the variation in existing building heights along the southern side of Elmham Drive.
- 6.8. The proposed siting of the new dwellings would be set back from the original building line (as established by both Peeler and Malverton; positioned to the east of Lavenham House), thereby enabling these older dwellings to retain their prominence and identity as the dominant forms within the street scene. Equally, the depth of the proposed dwellings footprint would respond appropriately to neighbouring built form through their alignment with the host dwelling's (Peeler) rear elevation. The proposal also ensures a suitable degree of separation is retained between dwellings (similar to the spacing evident between Malverton and Lavenham House), while providing sizeable front and rear private amenity areas, including appropriate hard and soft landscaping provision, in the spirit of the wider area.
- 6.9. While it is otherwise appreciated that the proposal represents the introduction of two smaller detached dwellings onto a street predominantly characterised by either larger detached properties or smaller semi-detached homes, given the mixed form of development evident within the wider area, it is considered that any such harm arising would be negligible.
- 6.10. With the above in-mind, the proposal is thus deemed broadly sympathetic to the existing street scene and local pattern of development. Indeed, it would result in the creation of two new market dwellings in an area of otherwise mixed forms and dwelling sizes, with any harm outweighed by the efficient use of land that this application represents. It is therefore judged that, on balance, the application does not undermine the requirements of the NPPF and SCLP5.7 (Infill and Garden Development) and SCLP11.1 (Design Quality) of the Suffolk Coastal Local Plan.

Parking and highway safety:

- 6.11. Considered against the NPPF (para.109), the introduction of two additional three-bedroom dwellings onto Elmham Drive is deemed unlikely to severely undermine existing levels of highway safety. Further, the Highway Authority have raised no objections and the proposed level of parking/manoeuvring provision is deemed adequate when considered against SCLP7.2 (Parking proposals and standards).

Residential amenity:

- 6.12. The proposed dwellings ground floor rear elevation would follow the building line of a similar lean-to rear extension evident on the host dwelling (Peeler), while first-floor elevations would be set back to restrict overlooking of Peeler's main sitting out area.
- 6.13. While the outlook from a single upper-storey window evident on Peeler's west-facing elevation would change as a result of the development, this window is understood to serve a stairwell and therefore, as a transient space, the proposal would not restrict light to windows serving Peeler's main living/sleeping areas.

- 6.14. The rear elevation of recently constructed Lavenham House (west) would be set back further than that of the proposed dwellings and, as such, the potential for mutual overlooking between main sitting out areas would be suitably mitigated. A back-to-back distance of approximately 60 metres would also be retained between the proposed dwellings and the rear elevation of existing properties fronting Felixstowe Road.
- 6.15. A single upper-storey window evident on each new dwelling's side elevation would be obscure glazed, similar to two existing first-floor windows evident on Lavenham Houses' east-facing elevation (as amended by DC/18/2666/AME), thereby ensuring privacy between properties is maintained.
- 6.16. It is therefore judged that the proposal does not hold the potential to undermine existing or future neighbouring amenity unduly, when considered against the provisions of SCLP5.7 (Infill and Garden Development) and SCLP11.2 (Residential amenity).

Contributions:

- 6.17. In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's Community Infrastructure Levy (CIL), it is noted that the site is situated within the 13km protection zone of European Designated Sites, as set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
- 6.18. The strategy, which aligns with Policy SCLP10.1 (Biodiversity and geodiversity), seeks to support Article 6(3) of the Habitats Directive and requires certain developments, including new dwelling's, that could have a direct or indirect adverse effect on the integrity of internationally and nationally designated areas to mitigate and, where appropriate, compensate in order to reduce net impacts of the development to a level below that which would outweigh the benefits of development.
- 6.19. As such, East Suffolk Council are obliged to seek a proportionate financial contribution in relation to the proposed new dwellings, which would be sited within Zone B of the adopted charging schedule.
- 6.20. With the above in mind, it is confirmed that the applicant has provided £321.22 per dwelling, along with the accompanying payment forms. The Planning Officer has also undertaken the necessary appropriate assessment.

7. Conclusion

- 7.1. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and relevant policies of the Suffolk Coastal Local Plan.

8. Recommendation

- 8.1. Approve subject to the following conditions.

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 the following approved drawing(s):
 - Drawing no. P/004 Site location plan (Received 24 July 2020);
 - Drawing no. P/003/Rev A - Plot 2 Plans and Elevations (Received 21 September 2020);
 - Drawing no. P/002/Rev A - Plot 1 Plans and Elevations (Received 21 September 2020);
 - Drawing no. P/001 Site layout plan (Received 24 July 2020);
 - Drawing no. P/005 Site layout - setting out (Received 24 July 2020);
 - Drawing no. P/006 Street scene (Received 24 July 2020);
 - Drawing no. P/009 Block plan (Received 24 July 2020).

Reason: For 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 by 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.

5. Before the development is commenced details of the areas to be provided for presentation of Refuse/Recycling bins shall be submitted to and approved 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 unless otherwise agreed by the Local Planning Authority.

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

6. The use shall not commence until the area(s) within the site shown on approved Drawing no. P/005 Site layout - setting out (Received 24 July 2020) 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.

7. No development shall commence until precise details of a scheme of landscaping works (which term shall include tree and shrub planting, grass, earthworks driveway construction, parking areas patios, hard surfaces, boundary treatments, fencing etc, and other operations as appropriate) at a scale not less than 1:200 have been 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.

Informatives:

1. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

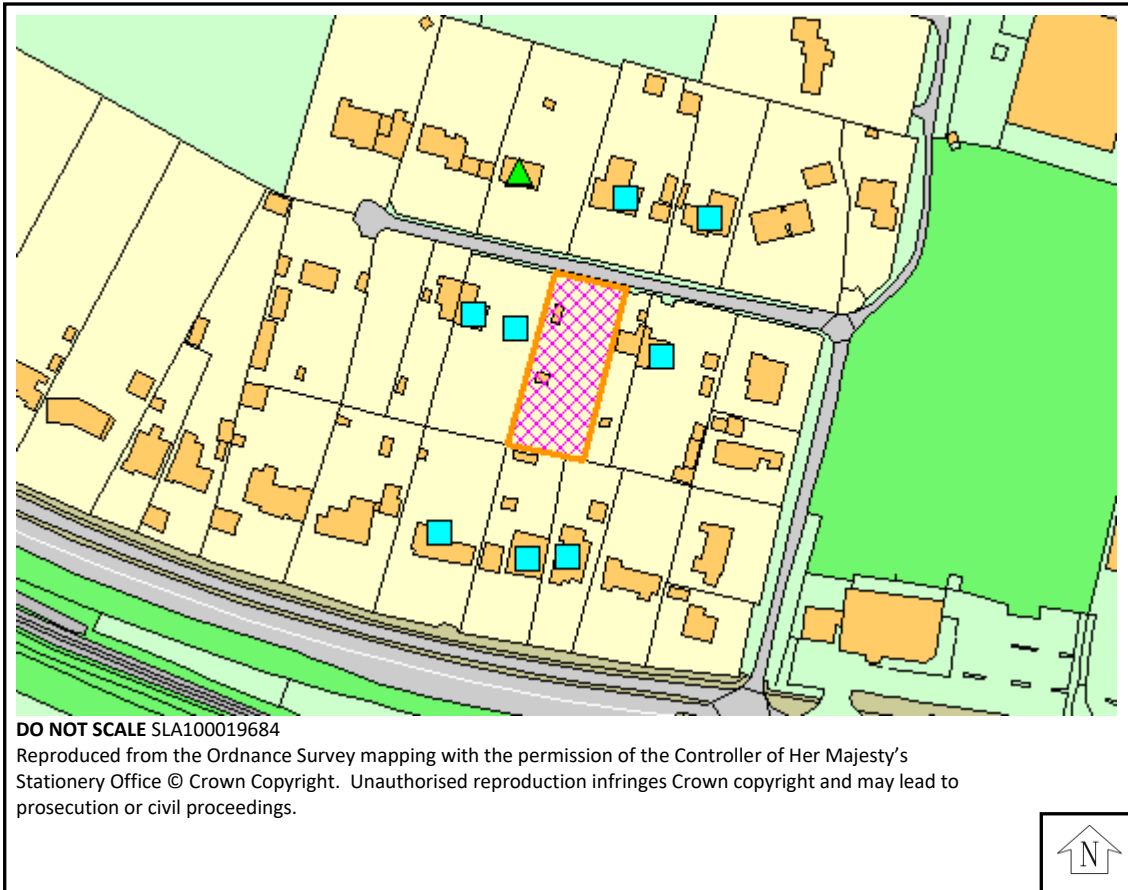
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

2. 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/20/2772/FUL on [Public Access](#)

Map



Key

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