



Committee Report

Planning Committee South - 28 September 2021

Application no DC/21/2863/FUL

Location

38 Hall Farm Road
Melton
Suffolk
IP12 1PJ

Expiry date 22 August 2021

Application type Full Application

Applicant Williamson

Parish Melton

Proposal Proposed erection of 1no. detached bungalow and attached single garage

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1. Summary

- 1.1. The proposed development seeks permission to erect a single bungalow within the rear garden of 38 Hall Farm Road, connecting onto the previously approved three house development at Land To Rear Of No.36 Hall Farm Road And Accessed via Nightingales Close.
- 1.2. The application site lies within the defined physical limits boundary for Melton where the principle of residential development is acceptable, the design is considered acceptable and there would be no substantial harm to trees, residential amenity or highway safety. The application is therefore recommended for approval.
- 1.3. The application is presented to the Planning Committee due to applicant being employed by East Suffolk Council indirectly through Norse. The Officers recommendation of Approval is contrary to the Parish Councils objection.

2. Site description

- 2.1. 38 Hall Farm Road is a two-storey, semi-detached dwelling within the settlement boundary of Melton as set out in the Melton Neighbourhood Plan. The site currently forms part of the garden of 38 Hall Farm Road which backs onto Nightingale Close, a relatively recent residential development to the west.
- 2.2. To the north of the site is another recently approved development scheme (ref. DC/20/3204/FUL) for three bungalows forming a cul-de-sac connecting onto Nightingale Close. This has not yet commenced. Although the proposed dwelling will connect onto the approved cul-de-sac, the ownership of the land and the applicant are different from the previous application and therefore this scheme is not considered as a further phase of the already approved scheme.

3. Proposal

- 3.1. The application proposes the erection of a single-storey bungalow at the rear garden of 38 Hall Farm Close, with vehicular access from Nightingale Close, via the shared access which has been approved to serve the three dwellings approved but yet to be constructed on the land to the north (DC/20/3204/FUL).
- 3.2. The bungalow would be of a similar size and form as the previously approved bungalows from application ref. DC/20/3204/FUL, being single-storey and comprising of two bedrooms, kitchen/dining/sitting area and an attached garage.

4. Consultations/comments

- 4.1. Seven representations of Objection raising the following material planning considerations:
 - Sewage - Concerns over where the foul water sewage will be connected to. Sewage drainage from Nightingale Close can often be problematic.
 - Trees - A number of trees have already been felled at the site of 36 Hall Road and there are concerns further trees will be removed.
 - Non-affordable Housing - Melton does not need more houses which aren't affordable.
 - Loss of Garden/Greenspace - The development of part of a garden will lead to the loss of green space.
 - Contrary to Neighbourhood Plan - The proposal does not comply with the neighbourhood Plan and would change the shape of the village.
 - Flood Risk - The area suffers from poor surface water drainage and the application has failed to provide sufficient information around this.
 - Noise - Concerns are raised over the noise the construction would cause to neighbours.

- Wear and Tear of Nightingales Close - The additional wear and tear of the roads which are currently used by the residents of Nightingale Close.

4.2. Two representations of Support raising the following material planning considerations:

- Design - The design is in keeping with the approved dwellings.
- Amenity - The Proposal would not have a negative impact on neighbouring properties.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Melton Parish Council	2 July 2021	23 July 2021
<p>"Melton Parish Council Planning and Transport Committee considered the above application at its meeting on 21 July and recommends refusal on the following grounds:</p> <ul style="list-style-type: none"> • Whilst Melton Councillors are generally supportive of smaller more affordable housing units being constructed on suitable sites, and indeed recommended approval of the previous application for 3 bungalows on an adjoining site, they consider that this proposal represents an overdevelopment which will lead to a cramped result in a location which already has constrained access. • Whilst the NPPF expects planning decisions to make efficient use of land, it also acknowledges the importance of securing well-designed, attractive and healthy places (para 122). • East Suffolk Council's Local Plan (Policy SCLP11.1) emphasises the need to protect the amenity of the wider environment and (Policy SCLP11.2) the need for development not to cause an unacceptable loss of residential amenity to the neighbourhood, which Councillors feel will be the case here if this application is allowed. " 		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	2 July 2021	14 July 2021
<p>Summary of comments: No objections with standard conditions relating to the creation and retention of parking and turning areas, the provision of secure cycle storage and storage areas for bins.</p>		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	2 July 2021	No response
<p>Summary of comments: No comments received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	2 July 2021	2 July 2021
Summary of comments: No objection with standard condition relating to unexpected contamination.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	2 July 2021	12 July 2021
Summary of comments: Internal Planning Services Consultee, so the comments included within officers considerations.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	2 July 2021	No response
Summary of comments: No comments received.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 9 July 2021

Expiry date: 30 July 2021

6. Planning policy

National Planning Policy Framework 2021

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.1 - Housing Development in Large Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.8 - Housing Mix (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.10 - Affordable Housing on Residential Developments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

MEL1 - Physical Limits Boundaries (Melton Neighbourhood Plan - 'Made' January 2018)

MEL17 - Character Areas (Melton Neighbourhood Plan - 'Made' January 2018)

7. Planning considerations

Principle

- 7.1. The site is located within the physical limits boundary of Melton as defined by the Melton Neighbourhood Plan (MEL1). The principle of residential development is in accordance with this policy and with the strategy for Large Villages as set out in Policy SCLP5.1 of the Local Plan.
- 7.2. The site forms part of an existing residential garden and therefore the proposal should be in accordance with SCLP5.7 which relates to Infill and Garden Development and MEL17 which relates to the designated Character Areas in the Neighbourhood Plan. These policies seek to ensure that the visual impact of the development would be in keeping with its surroundings, it would not harm the character of the area and there would be a suitable relationship between the development site and its immediate surroundings. These requirements are considered to be met and therefore subject to the proposal meeting all other relevant policies, the scheme is considered acceptable in principle.

Visual Amenity, Street Scene and Landscape

- 7.3. The scale of the proposed development would be a single-storey dwelling. Although the majority of the surrounding buildings are two-storey in scale, the proposed lower scale of development on this site would ensure that the proposed development was less visually intrusive and would also contribute to the mix of housing types in the area and complying with SCLP5.8 which requires the provision of smaller dwellings (1 and 2 bed) and dwellings to meet the needs of older people.
- 7.4. The design of the bungalow, with the use of brick and vertical cladding would also be in keeping with the new dwellings approved within the cul-de-sac and the larger dwellings on Nightingale Close. The garden area of the site is currently well-kept with the area closest to

Nightingale Close left more overgrown. Whilst this would be cut back as a result of the development, the proposed design and layout would retain the large oak tree, a green space to the front of the dwelling and the property would have its own garden to the rear. The proposal would not cause any substantial harm to the street scene or the character of the area which is already built up. The scheme will retain the appealing visual amenity of the area and the proposal is therefore considered to be in compliance with SCLP11.1.

Residential Amenity

- 7.5. The proposed bungalow will be located at the far end of the garden facing north onto the cul-de-sac. The rear windows will face south into the garden area which will be positioned adjacent to the end of the garden at No. 40 Hall Farm Road. Due to the single storey nature of the building, there would be no overlooking from any windows and therefore no loss to privacy of any neighbours. The dwelling is positioned central on the plot and therefore would not cause any significant loss of light to neighbours or excessive shadowing. The structure would not be of an oppressive size and would not cause a sense of overbearing. The proposal therefore complies with policy SCLP11.2 in terms of its impact on the neighbours residential amenity.

Flooding

- 7.6. The proposed site falls within flood zone 1 with the lowest risk of flooding. The surface water mapping system from the government website also shows a low level risk of surface water flooding at the address while the visual map illustrates that in the unlikely event that a one in one thousand year event were to occur, the ditch at the rear of the site would be seen to flood however this is what would be expected as it is what the ditch is there for. As the proposal is for one dwelling, it would be unreasonable to ask for a surface water drainage scheme as it is only a minor development and as the site does not fall within flood zones 2 or 3, we can neither ask for a full flood risk assessment, nor does the Local Planning Authority deem it necessary. The surface water drainage will be designed in accordance with the SuD's principles and will be dealt with at the building regulations stage.

Landscaping/Trees

- 7.7. The site is just outside of an area covered by a woodland Tree Preservation Order. The application for three bungalows showed the Ash were mostly showing signs of ash dieback disease. The trees along the southern boundary will be protected using the described 'no-dig' construction methods for the indicated parking bays, but otherwise the poor health and condition of the trees, and their limited amenity value suggested that they did not warrant special protection measures.
- 7.8. A tree survey has been submitted with the current application which indicates a single further tree that is proposed to be removed however the mature oak on the site will be retained. The Councils Arboriculture Manager has reviewed the submitted tree survey and advises that the proposed tree to be removed is of limited stature and amenity value. It is concluded that overall, there are insufficient grounds for refusal for reasons related to impact on trees.

Parking and Highway Safety

- 7.9. The site has an acceptable access and the highways authority has no objection to the proposal. The two-bed dwelling would have at least three parking spaces which is ample

for a dwelling of this size. This complies with Neighbourhood Plan Policy MEL6: Parking Standards and the Suffolk County Councils Parking Guidance.

Ecology

- 7.10. The application is for a single dwelling within the existing rear garden or an existing residential dwelling. Due to the nature of the development being minor, a full ecological appraisal is not necessary in this instance, and it would be considered unlikely that the development would cause any substantial harm to the ecology of the area. However as this proposal could be considered part of the wider development area for the additional three dwellings to the north which did provide a ecological appraisal, the recommended Avoidance/Precautionary Methods to protect the ecology of the area have been added onto this application through a condition in order to protect any wildlife on the site. The East Suffolk Ecologist was consulted however did not comment on the application.

Noise

- 7.11. Concern has been raised from local residents regarding noise and disruption during construction. It is therefore considered that it would be prudent to impose a condition requiring that the same Construction Management Plan approved on the attached development also be applied to this application to ensure that any impact on the users of Nightingale Close was minimised.

Affordable Housing

- 7.12. While the size of the development does not have a requirement for affordable housing, the remainder of the housing accessed off Nightingale Close did require affordable housing provision and the Nightingale Close development was considered as two phases of the same development where the affordable housing requirement was required cumulatively. Although this site would also be accessed off Nightingale Close, it is not considered to be a further phase of this development as the site currently forms part of a rear garden of a property fronting Hall Farm Close and is not directly related to the Nightingale Close development site, nor was it a vacant site as the Nightingale Close development was. No affordable housing provision is therefore required.

RAMS

- 7.13. Any new residential development within the 13km Zone of Influence of protected European sites requires consideration of the potential recreational pressure on these sites as a result of increased visitor disturbance. As set out in the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), Local policy SCLP10.1 seeks to support Article 6(3) of the Habitats Directive where proposals that would cause a direct or indirect adverse effect (alone or combined with other plans or projects) to the integrity of internationally and nationally designated areas will not be permitted unless prevention, mitigation and where appropriate compensation measures are provided such that net impacts are reduced to a level below which the impacts no longer outweigh the benefits of development. As such, the Council will require a proportionate financial contribution of £321.22 per dwelling to RAMS. This payment has been made and S111 form received. It can therefore be concluded that there would be no likely significant effect on protected sites as a result of increased recreational disturbance.

8. Conclusion

- 8.1. The proposal will provide a further dwelling attached to an already approved scheme within the settlement boundary of Melton. It is of a similar size and scale to the already approved dwellings and does not appear cramped or as over development. The design is acceptable and as noted above there is no significant impact on neighbour's amenity. The proposal is not considered to cause any substantial harm to the landscape or ecology of the area while the risk of flooding is considered low. The development is therefore considered to comply with the policies listed above and is judged to be acceptable.

9. Recommendation

- 9.1. The application is recommended for 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 PL1001C and PL1002 received 15/06/2021, 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. The use shall not commence until the area(s) within the site on dwg. no. 0484 PL 1001 Rev. C for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

5. Prior to occupation, electric vehicle charging infrastructure shall be installed and made accessible from within the driveway. It shall then be retained and maintained unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision and long term maintenance of an electric vehicle charging station to promote sustainable transport methods.

6. Prior to commencement an arboricultural method statement based on the draft version should be submitted to and approved by the local Planning Authority.

The development shall then be undertaken in full accordance with the approved arboricultural method statement.

Reason: To ensure the continuity of amenity afforded by existing trees.

7. 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.

8. Any clearance works to the trees, shrubs, ditch banks or bramble should be carried out outside of the bird nesting season (March to August inclusive), to avoid infringing legislation which protects all nesting birds (WCA 1981). If this is not possible clearance works must be preceded by a nesting bird survey, if an active nest is identified, there will be a delay in this area (and an exclusion zone, as recommended by the project ecologist), until all young birds have left the nest.

To minimise risk of disturbance to potential foraging and commuting bats, during and post development, any external lighting should be minimised as follows:

- Any task lighting (during construction) or security lighting on the new building, should not be directed at boundary vegetation or mature trees.
- Any necessary security lighting should be set on short timers and be sensitive to large moving objects only.
- Other lighting around the site should be kept to the minimal feasible level and be directed downward and shielded to minimise light spillage.
- Hoods, cowls or directional lighting should be used to avoid light directed at the sky or towards boundary vegetation or ditches.
- Lighting times should be limited, to provide dark periods.
- Low pressure sodium security lights with glass glazing are recommended, as these produce the least amount of UV light. Avoid white and blue wavelengths of the light spectrum. The brightness of the lamps should be kept as low as feasibly possible (ILE/BCT, 2007; BCT interim guidance 2014).

Due to potential for hedgehogs (and other mammals) in the area, any foundations, holes or deep pits which are left overnight should have a secured plank, or other means of escape for mammals, made available.

In the event a non-native invasive species is identified during the works they should be removed from the site/disposed/destroyed of at an approved facility, to avoid spread of WCA Schedule 9 species.

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

9. The development will be adhered to throughout the construction of the development in accordance with the submitted Construction Management Plan approved by, the Local Planning Authority. This contains information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties and set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during construction.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements.

10. 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. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk
3. 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:

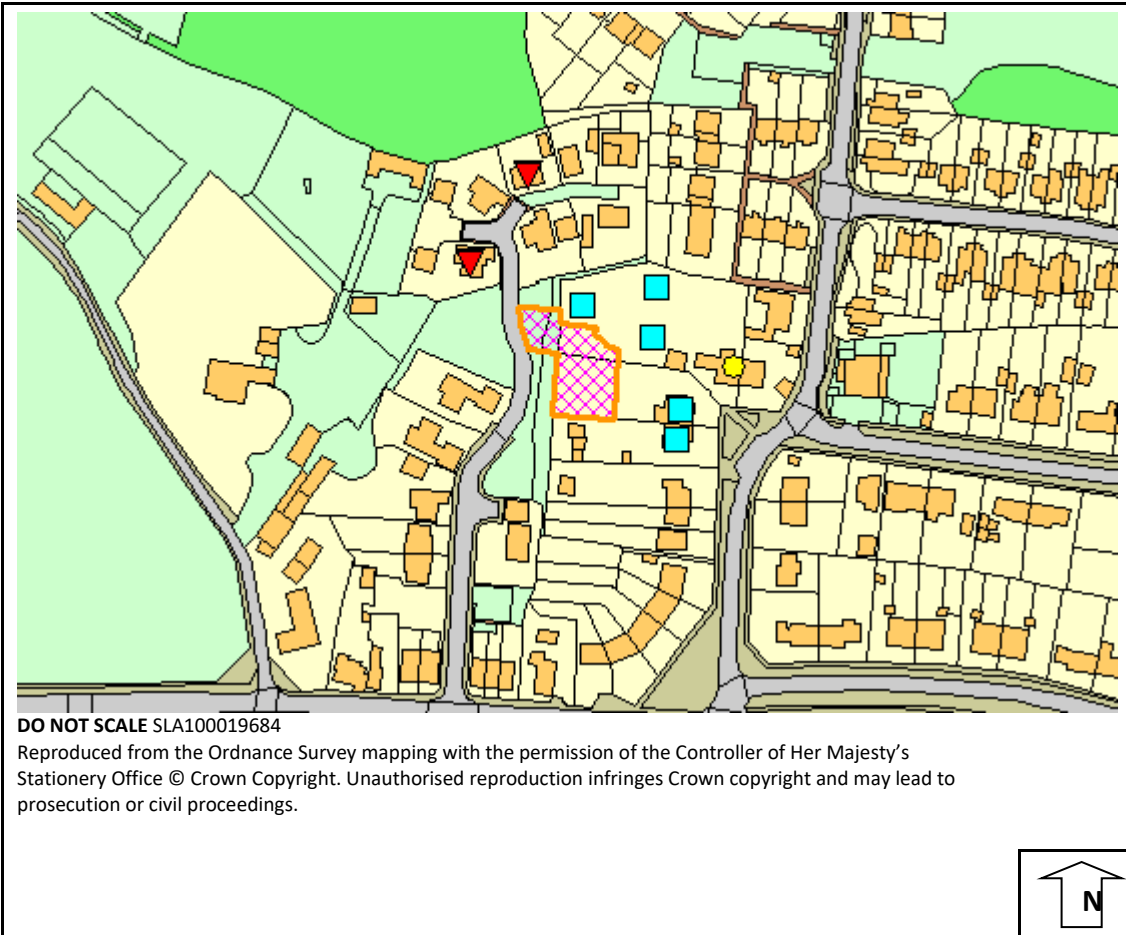
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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

Background information

See application reference DC/21/2863/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support