



Committee Report

Planning Committee North - 13 April 2021

Application no DC/21/0565/FUL

Location

Plot 2 Adjacent To Spindles
Carlton Road
Kelsale
Suffolk
IP17 2NP

Expiry date 1 April 2021

Application type Full Application

Applicant Mr Andrew Bird

Parish Kelsale Cum Carlton

Proposal Construction of a single dwelling

Case Officer Mark Brands
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1. Summary

1.1 Full planning permission is sought for erection of a detached dwelling with attached garage.

Reason for Committee

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.

Case for Development

1.3 The application site has outline consent for two dwellings and garages approved 18/10/2018 (reference DC/18/2907/OUT), and previously outline consent for one dwelling allowed through appeal reference APP/081/2017.

1.4 Plot 1 to the East was approved by the planning committee last year (under DC/19/5008/FUL) for a new detached dwelling. The proposed application would have a shared access with plot

1, as showed on the proposed plans, and also those plans for plot 1 under the recently approved permission.

1.5 It should be noted that the outline permission remains extant; as such, had the applicant submitted this detailed scheme as a reserved matters application pursuant to that outline permission, this would not be contrary to the Local Plan as the principle of development has already been established. But, as this is a standalone full planning application again addressing the principle of development, as a technicality, this is contrary to the Local Plan.

1.6 However, the key material consideration is the extant outline permission for housing development on the site, and the fallback position that the detail shown within this scheme is acceptable and, in the view of officers, could have been approved under a reserved matters application if that had been applied for.

1.7 Thus, there are clear reasons to depart from the Local Plan and grant planning permission.

2. Site description

2.1 Since permission has been granted for plot 1 (under DC/19/5008/FUL) the Local Planning Authority has adopted a new local development plan ("The Local Plan"). The new plan does not include the site within the settlement boundary, as such this site would still fall within the countryside, for which the proposed development would be contrary to the Local Plan spatial strategy which generally directs housing to settlement boundaries, or other limited exceptions for countryside housing where in accordance with specific policies of the Local Plan.

2.2 The application site is outside of the defined physical limits of Kelsale cum Carlton and forms part of a parcel of land separating the two settlement boundaries.

2.3 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.

2.4 To the east of the application site the dwelling as approved under DC/19/5008/FUL is progressing at an advanced stage with the dwelling erected and, at the time of putting up the site notice, the majority of the roofing material was in place.

2.5 The application site and the adjacent land to the south forms part of Carlton Park, an historic park of plan-area wide significance which has been identified as a non-designated heritage asset.

2.6 An application for one dwelling was refused by officers in 2017 (reference DC/17/0994/OUT) on the basis that the principle of development was contrary to the development plan; however the permission was allowed at appeal stage (reference APP/081/2017) in which the inspector considered the application to be a sustainable form of development (Appendix 1).

2.7 A previous outline consent for two dwellings and garages was approved via committee on 18/10/2018 (reference DC/18/2907/OUT).

2.8 Full planning permission for the adjacent plot to the East (plot 1) was approved by the planning committee under DC/19/5008/FUL for a new detached dwelling. The current

application is for plot 2, as a standalone full planning permission. However, the principle of two dwellings on the site has been established with the approval of the outline planning permission.

3. Proposal

3.1 The proposal is for a detached dwelling with an attached garage. The proposed dwelling is part of a larger, two-dwelling scheme, which will have a shared access.

4. Consultations/comments

4.1 No third-party representations received; consultation period has expired.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kelsale-cum-Carlton Parish Council	12 February 2021	26 February 2021
Kelsale-cum-Carlton have no comment to make about this application.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	12 February 2021	9 March 2021
Summary of comments: No objections subject to conditions.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	12 February 2021	15 February 2021
Summary of comments: Conditions recommended.		

Consultee	Date consulted	Date reply received
National Amenity Societies	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 February 2021	No response
Summary of comments: No response received, consultation period has expired.		

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	12 February 2021	24 February 2021
Summary of comments: Internal planning consultee; see planning considerations section of this report.		

6. Publicity

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

Category	Published	Expiry	Publication
Departure	18 February 2021	11 March 2021	East Anglian Daily Times

7. Site notices

General Site Notice

Reason for site notice: Contrary to Development Plan
Date posted: 15 February 2021
Expiry date: 8 March 2021

8. Planning policy

- 8.1 National Planning Policy Framework 2019
- 8.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies:

- SCLP3.1 - Strategy for Growth
- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP7.2 - Parking Proposals and Standards
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity
- SCLP11.8 - Parks and Gardens of Historic or Landscape Interest
- SCLP5.3 - Housing Development in the Countryside

9. Planning considerations

- 9.1 Planning decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The policies of the Local Plan listed in section eight, above, are therefore the starting point for determining this application.

Principle

- 9.2 The site falls outside the defined settlement boundaries of both Kelsale and Carlton but is considered to be in close proximity.
- 9.3 The application site is an open field of 0.15 Hectares and is located in an elevated position at the end of a ribbon of houses along the South side of Carlton road mostly built around the mid-20th century. These houses comprise a mix of single and two storey dwellings with post war local authority housing development on the other side of the road.
- 9.4 An initial application was refused by the Local Planning Authority on the grounds of housing in the countryside contrary to policy (DM3) and impact upon the Historic Parkland under reference DC/17/0994/OUT, but this was then allowed by appeal (APP/J3530/W/17/3187529) as the Planning Inspectorate found the application a sustainable form of development abutting the physical limit boundaries which also caused insignificant harm upon the Historic Parkland.
- 9.5 An application was approved on 18 October 2018 via planning committee for two dwellings and garages, (application reference DC/18/2907/OUT refers).
- 9.6 The principle of two dwellings on the whole site has therefore been accepted under the outline permission with regards to its sustainability and spatial acceptability in relation to the existing settlement; these are material considerations, particularly when the three year time limit to submit a reserved matters application has not yet lapsed. The site has since been sold

as separate plots, which likely explains the now standalone application for the plot that has been submitted.

Design, Amenity and Highways Safety

- 9.7 The adjacent scheme (plot 1) is well underway. The proposed design for the one and a half storey dwelling with attached garage for plot 2 accords with the design with plot 1 with some modest variations between them, including: plot 2 having the garage parking to be entered from the front rather than to the side; more fenestration and slight variation of design on the rear; and some changes in proportions - but the overall vernacular, scale, form and materials palette (black cladding on brick plinth, terracotta tiles, dark grey fenestration and grey composite board) is similar. The proposal is of a visually good and distinct design and corresponds with the adjacent plot as a pair with a good use of materials that is considered appropriate given the context of the adjacent scheme and location, with fenestration details arranged to mitigate impact to neighbouring amenity. There would be a good level of amenity space for future occupants and acceptable spacing arrangement with the neighbouring property. As such the proposed dwelling is considered to accord with policies SCLP11.1 and SCLP11.2 and paragraph 127 of the NPPF.
- 9.8 Officers within the Environmental Health Team have 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, once a dwelling is built and occupied, a noise assessment is considered to be unreasonable in this instance. In any case the proposal is unlikely to result in any adverse noise impacts (and also such a condition was not included regarding the adjacent consented property).
- 9.9 Suffolk County Council Highways Authority have recommended a number of conditions; most are recommended. However, the cycle storage and bin storage conditions are not considered proportionate. There is a proposed cart lodge for storage and ability to put in power charging points in the future, and there is no PD rights removal recommended; as such should there be a need for separate incidental storage for bikes etc then this can be provided on the site through those PD allowances. Additionally, there is sufficient space between the house and highway as such there is not a concern over storage of bins etc, as such these conditions are not considered proportionate or necessary. The scheme is acceptable in highways safety terms in accordance with the Local Plan and NPPF paragraph 108.

Green Space/Historic Parkland

- 9.10 The proposed dwelling and application site is to be located on the grass field that formed part of a green space identified as Parks and Gardens of Historic or Landscape Interest.
- 9.11 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).
- 9.12 Similar to the previous approved application, this proposed development will cause some harm to the area of Historic Park; however given the precedent set by the allowed appeal the

proposal, on planning balance, is considered to be acceptable. The extant outline permission as a material consideration would outweigh any conflict with the objectives of SCLP11.8.

Ecology

9.13 The site lies within the 13km Zone of Influence of protected European and 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 contribution has been made and therefore it can be concluded that there would be no likely significant effect on these protected sites. The same ecology conditions are to be applied to this plot as per plot 1 approval, as the PEA details covers both, and requires a separate method statement. With RAMS payment secured and conditions as recommended, the scheme would accord with Local Plan policy SCLP10.1.

10. Conclusion

10.1 While plot 1 was approved (DC/19/5008/FUL) under the previous Suffolk Coastal Core Strategy, there is an extant outline permission for housing on the site and the principle is well-established, therefore.

10.2 As such while this standalone full application would represent a departure from the policies in the recently adopted Local Plan which sets out development in the countryside should only be in the form of infilling in clusters (or other limited exceptions) rather than extending the built form and resulting in settlement coalescence, it is accepted that the principle of development on this land has already been established through the appeal decision and previously approved outline permission. This is the material consideration that indicates for a decision other than in accordance with the Local Plan.

10.3 The proposed changes from the approved outline consent are not considered to cause additional harm to the Historic Parkland, and the design detail of the proposal is acceptable and well-related to the adjacent plot that has been constructed. On balance, therefore, the application can be supported and is recommended for approval subject to conditions.

11. Recommendation

11.1 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 the application form, design and access statement, Preliminary Ecological Appraisal (Anglian Ecology, March 2020) and drawing numbers GFD2101-0101 P01, GFD2101-0102 P02 received 5th February 2021.

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. The approved landscaping scheme shall be implemented at the first planting season following commencement of the development.

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 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. 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.

7. 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.

8. Prior to the dwelling 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. GFD2101-0101 P01 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 2015 (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 vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

10. 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.

11. The use shall not commence until the area(s) within the site on GFD2101-0101 P01 & GFD2101-0102 P02 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 enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

12. 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 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

13. 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 in writing by the local planning authority.

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

14. 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.

15. 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>

4. 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: 0345 6066171. Further information can be found at: <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-for-a-dropped-kerb/>

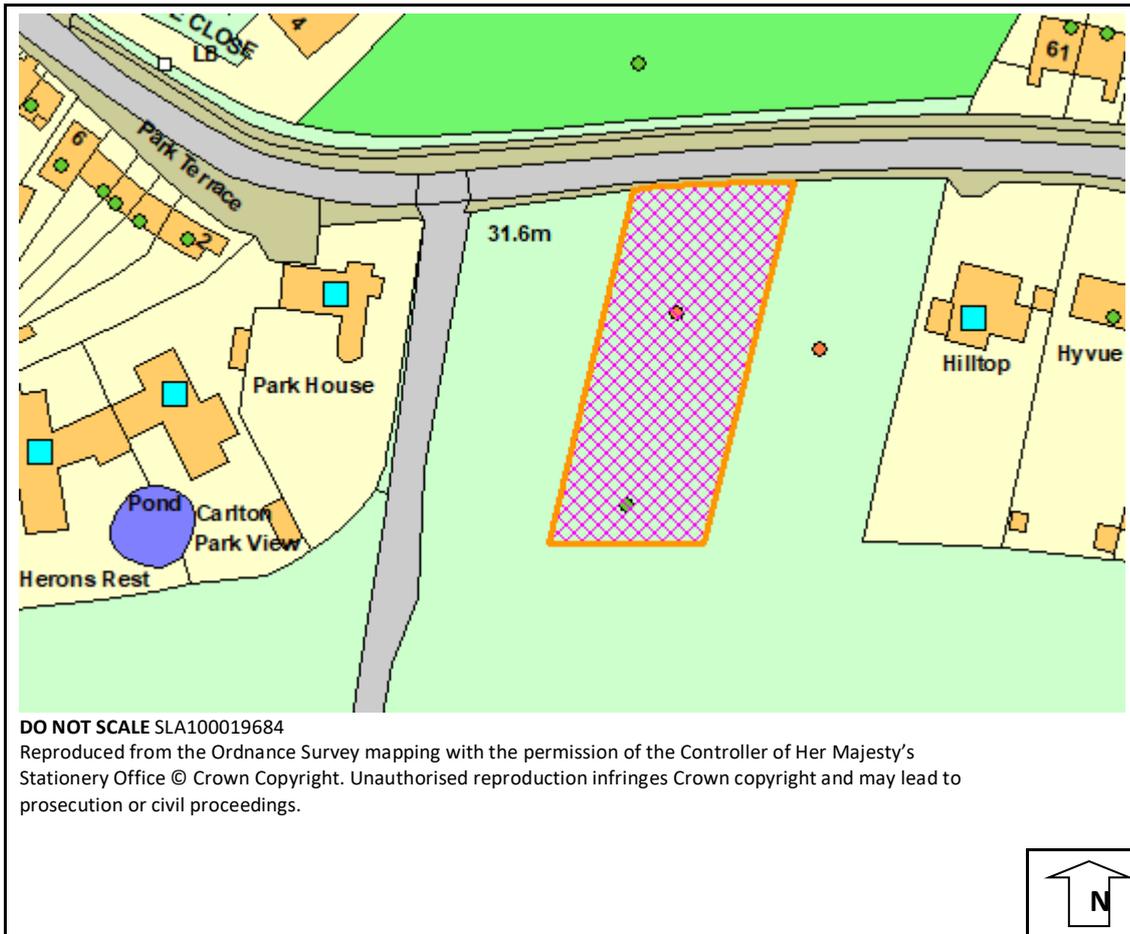
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Background Papers

See application reference DC/21/0565/FUL on [Public Access](#)

Appendix 1: Appeal Decision Ref: APP/J3530/W/17/3187529

Map



Key



Notified, no comments received



Objection



Representation



Support