



Committee Report

Planning Committee South - 27 April 2021

Application no DC/21/0311/FUL

Location

Land East Of 5 And 6
St Marys Way
Westerfield
IP6 9BQ

Expiry date 18 March 2021

Application type Full Application

Applicant Mr & Mrs Gittins

Parish Westerfield

Proposal Erection of 1no. new dwelling, with detached double garage, and extension of vehicular access driveway.

Case Officer Natalie Webb
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1. Summary

- 1.1. The application seeks the erection of one dwelling on land east of 5 and 6 St Marys Way, Westerfield, IP6 9BQ.

Reason for Committee

- 1.2. The application is presented to planning committee in accordance with the Constitution of East Suffolk Council as the Planning Application is, in the opinion of the Head of Planning and Coastal Management of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect. In this instance the proposal is contrary to policies within the Development Framework

Recommendation

- 1.3. The application is recommended for approval, subject to conditions outlined below.

2. Site description

- 2.1. The application site occupies an elevated position to the east of 5 and 6 St Mary's Way and north of housing on Westerfield Road and Church Lane. The site comprises an undeveloped area of rough grassland, trees and shrubs to the east of 6 St Mary's Way. Access to the site is from St Mary's Way. The site lies outside of, albeit immediately adjoins the settlement boundary for Westerfield. The site doesn't affect the setting of a listed building, nor is it within any designated areas.
- 2.2. The site is abutted by residential development to the south and west, with an area of undeveloped grassland immediately north and east of the site, with agricultural fields further north. Planning permission has been granted at appeal for the erection of five dwellings to the rear of The Mount just to the east of St Mary's Way (planning reference: DC/16/2765/FUL, appeal reference APP/J3530/W/17/3167309).
- 2.3. Planning history for the site includes:

DC/17/5215/OUT - Erection of five dwellings

Application refused and subsequent appeal dismissed (APP/J3530/W/18/3200488), however this appeal established that the principle of development was acceptable, subject to overcoming the impact to residential amenity (more information in Planning Considerations below).

DC/18/5206/FUL - Erection of three dwellings

Application refused on 25 February 2019, as matters within the Inspectorate's decision had not fully been overcome.

DC/19/2583/FUL - Erection of three dwellings

As above, the application had not fully overcome initial concerns about the impact to residential amenity, therefore was advised to withdraw the application and reconsider the scale and amount of units on 'plot 2.'

DC/19/3662/FUL - Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway

The application was presented to the planning committee on 26 November 2019, where officers recommended approval, as it was considered that the aforementioned reasons for refusal had been overcome. However, the officers' recommendation was overturned and the application was refused by the planning committee. The development was subsequently allowed on appeal (reference APP/X3540/W/20/3244496).

3. Proposal

- 3.1. The proposal is a new application seeking approval for one dwelling on the plot of land identified as plot one by DC/19/3662/FUL. The other additional parcel of land, previously known as plot 2, is not included in this application.

- 3.2. This application is for planning permission to erect one new dwelling on land to the rear of 5 St Marys Way/to the east of 6 St Marys Way. The works will include providing a new access drive into the site as an extension of the existing access that currently serves No.6 St Marys Way. This will provide vehicular access to the new dwelling, as well as maintaining access to the existing parking area to the front of No.6.
- 3.3. The development will provide one open market dwelling, in the form of a chalet bungalow. The chalet-bungalow is a detached 4-bedroom property of approximately 238m² gross internal floor area. It will also benefit from a double garage and off-road parking spaces. The dwelling will have front and rear gardens.

4. Consultations/comments

- 4.1. One third-party objection was received which comments on the application in respect of:
- Access
 - Landscape impact
 - Loss of Privacy
 - Overlooking
 - Traffic or Highways
 - Trees
- 4.2. In summary, the comments state that: the access should be made up and adopted by the local highways authority as an extension to the existing close; landscaping between no.6 and the site to be sufficient to protect amenity; the landscaping should be protected by a tree preservation order. A copy of the full comments can be found on the council's website.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Westerfield Parish Council	4 February 2021	25 February 2021
<p>This application was considered at a meeting of Westerfield Parish Council on February 24, 2021. The Parish Council does not object to the construction plans. But it notes that the driveway extension from the existing road is included within the red line defined site, as it is also for the new bungalow site (21/0649). Does this mean that the driveway is to be subject to shared ownership by the two sites? Will it be possible for the driveway to be adopted by Suffolk Highways? The Parish Council feels this matter should be clarified at planning stage in order to avoid future problems when either property is sold on or when maintenance or access issues arise.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	4 February 2021	15 February 2021
Summary of comments: Recommends conditions as on the previous application.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Head of Housing	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	4 February 2021	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk County Council Flooding Authority	4 February 2021	24 February 2021
<p>Summary of comments: Suffolk County Council, Flood & Water Management is a statutory consultee under the Town and Country Planning Act for major applications only.</p>		

Publicity

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

Category	Published	Expiry	Publication
Departure	25 March 2021	15 April 2021	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan
Date posted:
Expiry date:

General Site Notice
Reason for site notice: General Site Notice
Date posted: 5 February 2021
Expiry date: 26 February 2021

5. Planning policy

5.1 National Planning Policy Framework 2019

5.2 East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020 policies

- SCLP3.2 - Settlement Hierarchy
- SCLP3.3 - Settlement Boundaries
- SCLP5.3 - Housing Development in the Countryside
- SCLP7.2 - Parking Proposals and Standards
- SCLP10.1 - Biodiversity and Geodiversity
- SCLP10.4 - Landscape Character
- SCLP11.1 - Design Quality
- SCLP11.2 - Residential Amenity

6. Planning considerations

- 6.1. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2. The East Suffolk, Suffolk Coastal Local Plan was adopted on 23 September 2020. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan, Core Strategy and Site Allocations and Site Specific Policies were 'Saved,' and others were superseded or abandoned.
- 6.3. It should be noted that application DC/19/3662/FUL was considered under the former Core Strategy Policies, however the allowed appeal (dated 26 October 2020) was determined under the new Local Plan Policies.
- 6.4. The application site lies outside of the Settlement Boundary for Westerfield, as identified within Policy SCLP3.2 and is therefore considered to be within the countryside for planning purposes. The site is however adjacent to the settlement boundary, which identifies Westerfield as a 'Small Village'. The services and facilities within the village include employment sites, a public house, village hall, church, railway station and bus stops.
- 6.5. Local Plan Policy SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
 - 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 development in the countryside contained in the National Planning Policy Framework.
- 6.6. The proposal does not accord with any of the above exception policies for new development in the countryside, as such is considered to be a departure from the development plan. However, given the recent appeal decision, which remains extant and could be implemented, it is considered in this instance that the principle of development is acceptable.
- 6.7. As such, this report will focus on the changes from the previously permitted scheme. This application seeks to make amendments to the dwelling known as 'plot 1'. The changes include:
 - The addition of four rooflights on the principle (south) elevation;
 - A lean-to extension to the rear (increased open living space) including a glass canopy on the rear (north) elevation);

- An increase in footprint to the single-storey side (west) elevation (increased utility room), including the insertion of a access door and two rooflights on the western elevation;
- Replacement of the access door to the utility room on the rear (south) elevation with a window;
- Two additional rooflights (four in total) on the side (eastern) elevation

6.8. The proposed materials for the development are:

- Clay pantiles to upper roof, natural slate tiles to lower roof;
- Multi red brickwork and black stained weatherboard for the walls
- Timber fascias, soffits, bargeboards - stained black;
- Gutters and downpipes black uPVC;
- Aluminium windows and doors - grey.

6.9. The appearance of the garage is as previously permitted; materials finishes will be similar to those of the main dwellinghouse. A condition was previously included for details of materials to be submitted, however these have been provided, therefore the condition will be one of compliance with the submitted details.

6.10. The above changes are considered acceptable in accordance with SCLP11.1, this is because they are not adversely different from what has previously been considered acceptable. It is also noted that permitted development rights were not restricted by the appeal decision. As such, some of the above amendments would be permitted development if undertaken after the dwelling has been built.

6.11. However, the reason for refusal of DC/19/3662/FUL related to the impact on residential amenity. The reason for refusal stated:

"The proposal sought full planning permission for the construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway at Land Adjacent to Mallards, 5 St Mary Way, Westerfield, IP6 9BQ.

Whilst the number of units and orientation had been amended from the previous applications and with additional landscaping and removal of permitted development rights, it was determined that due to the elevated position of the proposed dwellings and ground levels changes within the site and the land to the west, there would be overlooking and loss of privacy between the proposed units and the existing (nos 5 and 6 St Mary's Way). The application had not overcome the concerns raised by the Planning Inspector on appeal decision APP/J3530/W/18/3200488.

Therefore, the scheme is contrary to East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy & Development Management Development Plan Document Policy DM23 (Residential Amenity) point A: privacy/overlooking."

6.12. The Inspector states within their decision that:

"Contrary to the Council's refusal reason, I consider that the reduction from five to two dwellings, both now orientated to face onto an extended cul-de-sac and laid out so as to reflect the present spacious grain of housing on St Mary's Way, would avoid any material harm to the living conditions of any existing occupiers. On an elevated site and occupying land that is presently vacant, the two dwellings would inevitably have a visual presence in the immediate neighbourhood. However, the plot 1 chalet would broadly follow the building line and orientation of the house at no. 6 and, without windows in the adjacent end elevation and set apart a reasonable distance, cause no mutual loss of privacy or any unduly overbearing impact on outlook. Despite the relative site levels, and due to the degree of separation of the proposed chalet and the scope for intervening planting, neither would there be any harmful degree of overlooking of the garden areas at no. 6. By the same token, the plot 1 chalet would provide acceptable living conditions for its future occupiers.

I can appreciate that many existing residents in this area would prefer the site to remain undeveloped. However, the scale, siting and design of the two dwellings would secure acceptable living conditions for both future occupiers and neighbouring households, including in respect of maintaining adequate privacy and outlook, such that there would be no conflict with LP Policy SCLP11.2 in respect of any harm to residential amenity."

- 6.13. It is therefore paramount that the proposed changes would not have more impact than the previous permission.
- 6.14. With the exception of the rooflights, the changes are largely to the single-storey section of the dwelling, which are not considered to adversely impact the amenity of no.6 St Marys Way. A 2m close boarded timber fence is proposed along the western boundary. A landscaping condition was also included within the appeal decision (for both plots 1 and 2) which is still considered appropriate to ensure that there is no loss of residential amenity due to the changes in levels from the application site and no.6 St Marys Way. Whilst the removal of permitted development rights was previously considered, these were not found necessary by the Inspector. It is therefore not considered that the changes would be so significant when considered against the previously permitted scheme, that permitted development rights should be removed.
- 6.15. In respect of highways considerations, both the third-party representation and the Parish Councils response refer to the ownership of the access road for the two sites. It is noted that preference is for Suffolk County Council to adopt the access as a continuation of St Marys Way, rather than the access being within private ownership, however given the scale of the development, this is not a requirement that the Local Planning Authority can insist upon; rather would be a civil matter for the developer(s) to consider whether the access would be constructed to an adoptable level and for Suffolk County Council to consider whether it would adopt and maintain it. A condition in respect of the details of the access was included within the Inspectors decision, which is also recommended by officers.
- 6.16. All other conditions as outlined by the Inspector are also recommended to be included with any grant of permission (outlined at the base of this report).
- 6.17. The proposal has previously been considered acceptable in ecological, landscape and visual impact terms; the proposed scheme is also considered acceptable.

- 6.18. The site is within the Suffolk RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites).
- 6.19. A RAMS payment of £321.22 per dwelling (total contribution of £642.44 for both plots) was paid on 4th November 2019 for application DC/19/3662/FUL. The applicants have requested that this contribution is transferred to this application. It is therefore considered that the required contribution or mitigation has been received; the proposal therefore accords with SCLP10.1.

7. Conclusion

- 7.1. This application seeks a revised scheme for Plot 1 (chalet bungalow) of DC/19/3662/FUL which was allowed on appeal and gave consent for the "Construction of 2no. new dwellings (one detached chalet bungalow and one detached bungalow) with detached garages, and extension of vehicular access driveway." Whilst the application site lies outside of the settlement boundary and would not accord with any of the exceptions of which new development is considered acceptable, appeal APP/J3530/W/17/3167309 provides an extant consent, by which the principle of development is considered acceptable.
- 7.2. The main considerations of the previous scheme related to the impact on residential amenity to the neighbouring properties (no 5 and no.6 St Marys Way). The changes to this scheme when considered against what has previously been permitted and that permitted development rights for the property are intact, are considered acceptable. The proposed development is therefore considered to accord with SCLP7.2, SCLP10.1, SCLP10.4, SCLP11.1 and SCLP11.2 of the East Suffolk, Suffolk Coastal Local Plan (September 2020).

8. Recommendation

- 8.1. Approve planning permission.

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 plans/reports received on 22 January 2021:

PW1020-PL101
PW1020-PL102
PW1020-PL103
PW1020-PL104

PW1020-PL105

OAS/17/237/TS01 Rev B

Arboricultural Implications Assessment and Preliminary Method Statement OAS/17-237-AR01 Rev B

Phase 1 - Desk Study and Preliminary Risk Assessment 3987,DS,DESK,PC,GF,28-05-19,V1
Ecological Appraisal by Liz Lord Ecology ref:1522

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. Prior to the occupation of the dwellings hereby permitted, the areas for storage and presentation of refuse/recycling bins shall be provided in accordance with details that shall have had the prior written approval of the local planning authority. These areas shall be retained thereafter for these purposes.
Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users
5. Prior to the occupation of the dwellings hereby permitted, the new vehicular access from St Mary's Way, and the respective parking and manoeuvring areas, shall have been provided in accordance with detailed specifications that shall have had the prior written approval of the local planning authority. These shall thereafter be retained for these purposes.
Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is occupied.
6. Within 3 months of commencement of development, details of a scheme of soft landscaping shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.
7. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local

planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 48 days of the report being completed and approved in writing by the local planning authority.

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.
2. 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>

3. Note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within

the public highway shall be carried out by the County Council or its agents at the applicant's expense.

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

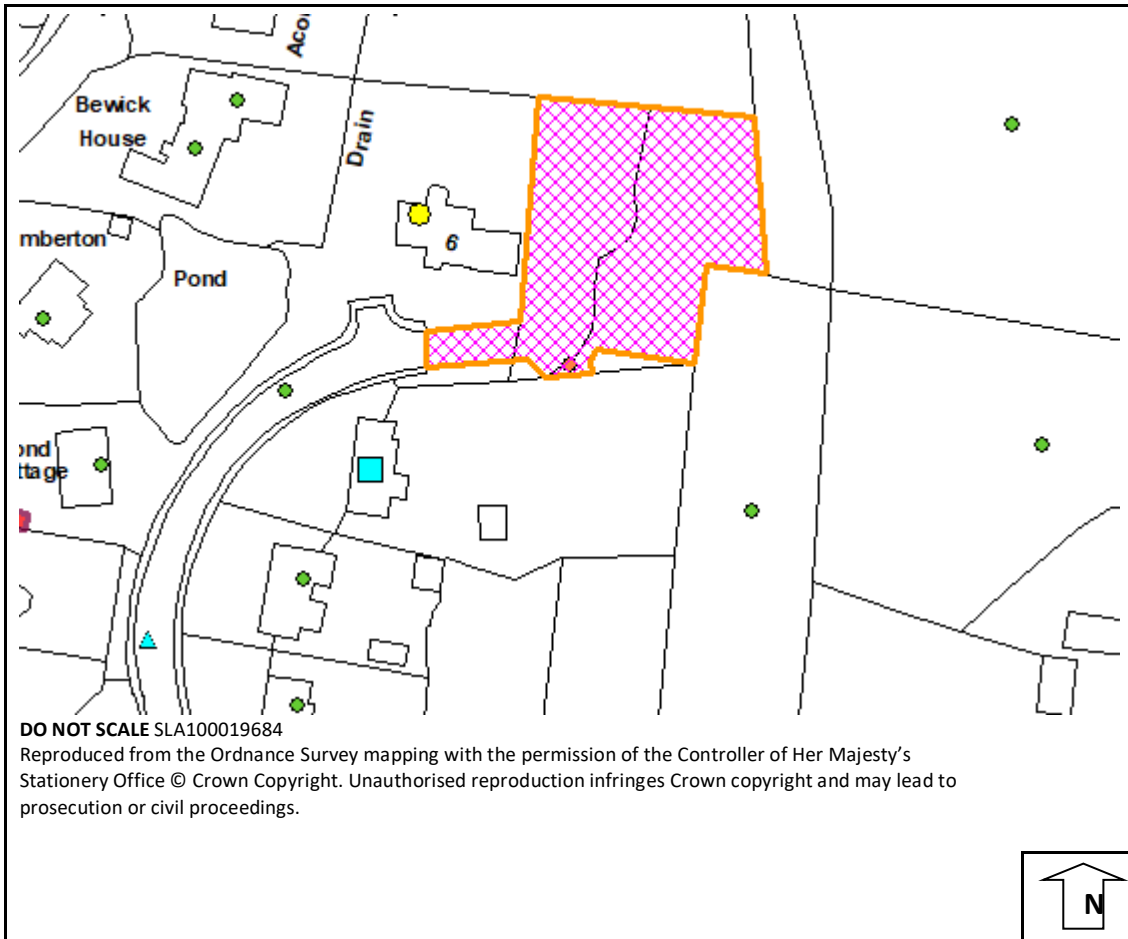
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

4. 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

Background information

See application reference DC/21/0311/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support