



Committee Report

Planning Committee South – 27 April 2021

Application no DC/20/4106/FUL

Location

Stables And Manege
Mill Road
Badingham
Suffolk

Expiry date 8 December 2020

Application type Full Application

Applicant TMH Media Ltd

Parish Badingham

Proposal Demolition of stable building and removal of boundary hedge. Erection of three new detached dwellings with new shared vehicular access from Mill Road

Case Officer Liz Beighton
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1. Summary

- 1.1. Planning permission is sought for the development of three detached on a 0.03 hectare parcel (paddock) of land at Mill Road in Badingham.

Reason for Committee

- 1.2. The application was referred to the Planning Committee at the request of the Referral Panel at its meeting on the 6 April 2021 to enable the consideration of all issues presented by the Parish Council to be heard in the Committee Chamber.

Recommendation

- 1.3. There are no technical objections to the application and whilst noting local concerns expressed, the proposal in the opinion of officers complies with the cluster policy and the recommendation is one of approval.

2. Site description

- 2.1. The parcel of land currently performs as a paddock and is located on the western side of Mill Road in Badingham. There are existing residential properties on either side of the site and immediately opposite and there is a mixture of size, scale and design of dwellings in the vicinity. The site is located outside the settlement boundary for Badingham, which is approximately 600-800m due west of the application site. Badingham is classed as a 'small village' and has amenities including a public house, village hall and church for local residents.
- 2.2. The site is not within a Conservation Area or any landscape designation. The site's boundary to the site is performed by a hedge which is proposed for removal to secure appropriate visibility splays, but is proposed to be replaced by a replacement hedge.
- 2.3. Mill Road itself is a single lane carriageway. A number of existing residential properties have accesses of the road and it is noted there is a current access serving the site.

3. Proposal

- 3.1. The proposed development is for three detached dwellings with a shared vehicular access off Mill Road. The proposed dwellings all maintain an active street frontage.
- 3.2. A new hedge would be planted within the site to replace that removed. The comments in respect of this element of the scheme from the Council's ecologist are contained in the report.

4. Consultations/comments

- 4.1. Seven local residents have objected to the proposal (it is noted that some residents have submitted multiple letters). In addition a local survey was instigated which provided five responses but these did not contain names or addresses so officers are unclear as to the origin or whether these residents had also written in separately. The issues raised in the letters are as follows:
 - Additional housing is unnecessary
 - Adversely affect the balance of old and new properties in the village
 - Extra traffic would be hazardous
 - Previous application was refused as outside the settlement boundary
 - Would not wish to look out over housing
 - Object to the removal of the hedge and trees along the boundary
 - Is more housing planned for the site?

- It is not a cluster as it would cause harm to the surrounding landscape
- Design is out of character
- Land has been sat on by speculative developers for years
- Misleading information in the application, such as dimensions not on the plans or more details of the materials
- Current owner has disregard for the site and therefore local residents
- Windows overlook 2 Myrtle Cottages
- Loss of rural character
- Lack of contextual approach
- Close to neighbouring properties
- More neighbours should have been notified
- Loss of visual amenity to those using Mill Road.

- 4.2. The assessment of the material planning considerations is considered later in the report. There are non-planning matters (loss of a private view, intention of landowner) which cannot be considered as part of this application. In addition, it is important to note that the consideration is on what is before the Council and any future development is not a matter which can be considered.
- 4.3. The plans received are accurate. Whilst the comments on lack of dimensions are noted, there is no requirement for such insofar that they are to a recognised scale.
- 4.4. In respect of the consultation, this has been undertaken in accordance with the Statement of Community Involvement in terms of letters to immediately adjoining neighbours and the posting of a site notice.

Consultees

Consultee	Date consulted	Date reply received
Badingham Parish Council	11 November 2020	19 November 2020
<p>"I write for and on behalf of Badingham Parish Council.</p> <p>In response to the minor adjustments and further consultation, Badingham Parish Council re-submits their response which is as follows:</p> <p>Badingham Parish Council Objects to the above planning application.</p> <p>The reasons for Badingham Parish Council's Objection to DC/20/4106/FUL is as follows:</p> <p>This application is for a site that is not within or abutting the physical boundary of the village. The site is approximately a mile from the physical boundary.</p> <p>This site falls into the definition of 'Housing Development in the Countryside' and subject to policy SCLP5.3.</p> <p>The D&A statement for this application refers to the site against the definition of (b), 'Cluster' within policy SCLP5.3 however this is not correct.</p> <p>The site is one that is undeveloped meadow land, there is no existing 'cluster' development,</p>		

it therefore does not have an exemption for development within policy SCLP5.3.

This application does not support **SCLP10.4-Landscape Character**.

It puts forward dwellings which are of inappropriate size, scale, form and density, and includes the use of unsympathetic materials.

East Suffolk Local Plan para 5.38 details the requirement for the Local Plan to deliver smaller size dwellings in accordance with the SHMA an increase from the 30% to 40% is recognised as minimum.

Policy **SCLP11.1 – Design and Quality** fails to be met, namely b) c) i to v. and d).

No regard is given to policy **SCLP11.2-Residential Amenity** a) overlooking of nearby dwellings and e) the resulting physical relationship with other properties.

This application does not support **SCLP7.1 – Sustainable Transport**.

The location of the site is almost a mile from the physical boundary of the village and set on a single track country lane, there is no close proximity and opportunity for safe pedestrian and cycle access to the services and facilities of the village, and it would impact negatively on the existing transport network.

This application does not support **SCLP10.1-Biodiversity and Geodiversity**.

In particular ‘Development will be supported where it can be demonstrated that it maintains, restores and enhances the existing green infrastructure. There is well established roadside indigenous hedgerow representing habitat and bio-diversity which this application will destroy and remove. This meadow land specifically is habitat for great crested newts for which this application gives no provision.

SCLP5.3- Housing Development in the Countryside sets out the circumstances where new housing in the countryside would be supported, ie a, b, c, d, e, f, or g; this application does not meet any of these.

Badingham is a village which has a Zero housing number to deliver within the East Suffolk Local Plan period and does not require exemption provision.

Badingham Parish Council concludes that their expectation is that East Suffolk will adhere to NPPF and East Suffolk Local Plan policy and thereby Refuse this application.”

Consultee	Date consulted	Date reply received
Badingham Parish Council	15 October 2020	28 October 2020

“I write for and on behalf of Badingham Parish Council.

Badingham Parish Council **Objects** to the above planning application.

The reasons for Badingham Parish Council’s Objection to DC/20/4106/FUL is as follows:

This application is for a site that is not within or abutting the physical boundary of the village. The site is approximately a mile from the physical boundary.

This site falls into the definition of 'Housing Development in the Countryside' and subject to policy SCLP5.3.

The D&A statement for this application refers to the site against the definition of (b), 'Cluster' within policy SCLP5.3 however this is not correct.

The site is one that is undeveloped meadow land, there is no existing 'cluster' development, it therefore does not have an exemption for development within policy SCLP5.3.

This application does not support **SCLP10.4-Landscape Character**.

It puts forward dwellings which are of inappropriate size, scale, form and density, and includes the use of unsympathetic materials.

East Suffolk Local Plan para 5.38 details the requirement for the Local Plan to deliver smaller size dwellings in accordance with the SHMA an increase from the 30% to 40% is recognised as minimum.

Policy **SCLP11.1 – Design and Quality** fails to be met, namely b) c) i to v. and d).

No regard is given to policy **SCLP11.2-Residential Amenity** a) overlooking of nearby dwellings and e) the resulting physical relationship with other properties.

This application does not support **SCLP7.1 – Sustainable Transport**.

The location of the site is almost a mile from the physical boundary of the village and set on a single track country lane, there is no close proximity and opportunity for safe pedestrian and cycle access to the services and facilities of the village, and it would impact negatively on the existing transport network.

This application does not support **SCLP10.1-Biodiversity and Geodiversity**.

In particular 'Development will be supported where it can be demonstrated that it maintains, restores and enhances the existing green infrastructure. There is a well established roadside indigenous hedgerow representing habitat and bio-diversity which this application will destroy and remove. This meadow land specifically is habitat for great crested newts for which this application gives no provision.

SCLP5.3- Housing Development in the Countryside sets out the circumstances where new housing in the countryside would be supported, ie a, b, c, d, e, f, or g; this application does not meet any of these.

Badingham is a village which has a Zero housing number to deliver within the East Suffolk Local Plan period and does not require exemption provision.

Badingham Parish Council concludes that their expectation is that East Suffolk will adhere to NPPF and East Suffolk Local Plan policies and thereby Refuse this application”

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Council - Highways Department	11 November 2020	23 November 2020
Summary of comments: No objection subject to conditions		

Consultee	Date consulted	Date reply received
Suffolk County Council Archaeological Unit	15 October 2020	27 October 2020
Summary of comments: No objection subject to conditions		

Consultee	Date consulted	Date reply received
Head of Environmental Services and Port Health	15 October 2020	23 October 2020
Summary of comments: No objection subject to unexpected contamination condition		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	15 October 2020	27 October 2020
Summary of comments: Require survey to be undertaken (see letter)		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

5.1. National Planning Policy Framework 2019

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

SCLP5.4 - Housing in Clusters in the Countryside

SCLP11.1 - Design Quality

SCLP11.2 - Residential Amenity

SCLP10.1 - Biodiversity and Geodiversity

6. Planning considerations

6.1. The site lies outside the defined settlement boundary of Badingham and therefore is located in a countryside location. The application has been submitted as a cluster development as contained in policy SCLP5.4 of the Suffolk Coastal Local Plan. The purpose and design of the cluster policy was to in effect allow limited housing in what is otherwise considered to be an unsustainable location to reflect and recognise the need for some rural communities to grow and support existing rural services. The policy positively acknowledges that these will be in more rural locations where there is a likely dependency on the private car for transport. In respect of scheme of up to three dwellings, the policy states the following:

Proposals for new dwellings within 'clusters' in the countryside will be supported where:

a. The proposal is for up to three dwellings within a cluster of five or more dwellings;

Or

The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;

And

b. The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;

c. The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and

d. It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape.

6.2. In terms of this policy there is existing development on three sides and although there is the presence of an existing hedge, officers consider that it does perform the function of an identified gap in the context of this policy. The proposed dwellings would be set towards the front of the site and be in line with properties either side, and therefore there would be no significant harmful intrusion to the surrounding landscape, which is noted does not

have any special policy protection. There would undoubtedly be a change of character when using Mill Road but that itself does not make any development unacceptable and it is noted that objections have already raised concern over the current state of the site. A well-developed planting scheme and well-designed dwellings would, in time, be assimilated into the wider area.

- 6.3. Whilst it is noted that objectors do not believe there is a need for more housing, this is not a consideration as the plan as a whole acknowledges, through this policy, that there is a need for more rural housing.
- 6.4. The three dwellings proposed are of differing design and size and would in the opinion of officers add variety to the existing varied urban form. Whilst no small dwellings are proposed, the size of the development is below the policy threshold requiring such.
- 6.5. It is noted that the hedge at the front is due to be removed, and this has understandably caused local concern. This has been required in order to facilitate a safe access to the site with appropriate visibility splays. A replacement hedge and planting within the site is proposed. The Council's Ecologist has looked at this matter in detail and comments as follows:

"Its regrettable that the roadside hedge won't be retained, its removal will be a net loss of UK Priority habitat in at least the short/medium term whilst new planting matures. If this scheme is approved then I'd recommend that, as well as new hedgerow planting at the front of the site, a new hedgerow is also planted along the northern boundary outside of the garden curtilages. At least then there will be a net gain in the length of hedgerow present, and in time this will lead to an overall gain."

"On the land within the blue line, can management of this area for biodiversity be secured as part of this scheme? If so there is probably sufficient land available to undertake habitat works to mitigate the loss of the application site area. Details of these works could be secured via condition."

- 6.6. Accordingly, whilst there will be a short-term impact, it is noted that with the imposition of appropriate conditions and management there will be a biodiversity net gain from the development which is considered to be a benefit. It is important also to note that the appropriate Great Crested Newt licence has been secured from Natural England.
- 6.7. The Highways Authority raise no objection subject to the imposition of appropriate conditions, which are included. Whilst noting that Mill Lane is narrow, there is no evidence before the Council that an improved access serving three dwellings would be dangerous to the flow of traffic, noting also that a number of existing properties have direct accesses off the road.
- 6.8. The impact on neighbouring residential amenity has been considered and is deemed to be acceptable. There would be no direct overlooking to sensitive rear gardens. There would be windows facing those properties opposite, but they are set some distance away and are also separated by a road. This in itself is not an uncommon or unusual relationship.

7. Recommendation

- 7.1. The application is therefore recommended for delegation to the Head of Planning and Coastal Management to determine once the RAMS contribution has been received.

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 following plans;

PW968_PL01 Rev D - Site Plan and Streetscene
PW968_PL02 Rev D - Proposed Block Plan
PW968_PL03 Rev A - Plot 1 Plans and Elevations
PW968_PL04 Rev A - Plot 2 Plans and Elevations
PW968_PL03 Rev B - Plot 3 Plans and Elevations

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. Details of all external facing and roofing materials shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

5. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 4 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SCLP11.7 of Suffolk Coastal Local Plan (2020) and the National Planning Policy Framework (2019).

6. Before the access is first used visibility splays shall be provided as shown on Drawing No.PW968_PL02 Rev. D and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (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 that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No. DM01 and with an entrance width of 4.5m and made available for use prior to occupation. 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 made available for use at an appropriate time in the interests of highway safety.

8. The use shall not commence until the area(s) within the site shown on Drawing No.PW968_PL02 Rev. D 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.

9. 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.

10. Prior to the demolition of the stable block, an asbestos survey shall be undertaken and submitted to the local planning authority for formal approval. The subsequent demolition should be undertaken by a accredited/certified contractor.

Reason: To ensure appropriate demolition in the interests of safe disposal of any asbestos.

11. Prior to the commencement of the development hereby approved, the applicant shall submit for approval a scheme for the detailed planting within the site, including the proposed frontage hedgerow. The details submitted are to include the details of the wider biodiversity proposals including a management plan to secure the required biodiversity net gain.

Any trees or landscaping approved, which dies within the first five years, shall be re-planted in the first available window.

Reason: To secure landscape and biodiversity net gain across the site.

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@eastsoffolk.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.
3. 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@eastsoffolk.gov.uk
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. These works will need to be applied for and agreed with Suffolk County Council as the Local Highway Authority.

Application form for minor works licence under Section 278 of the Highways Act 1980 can be found at the following webpage:

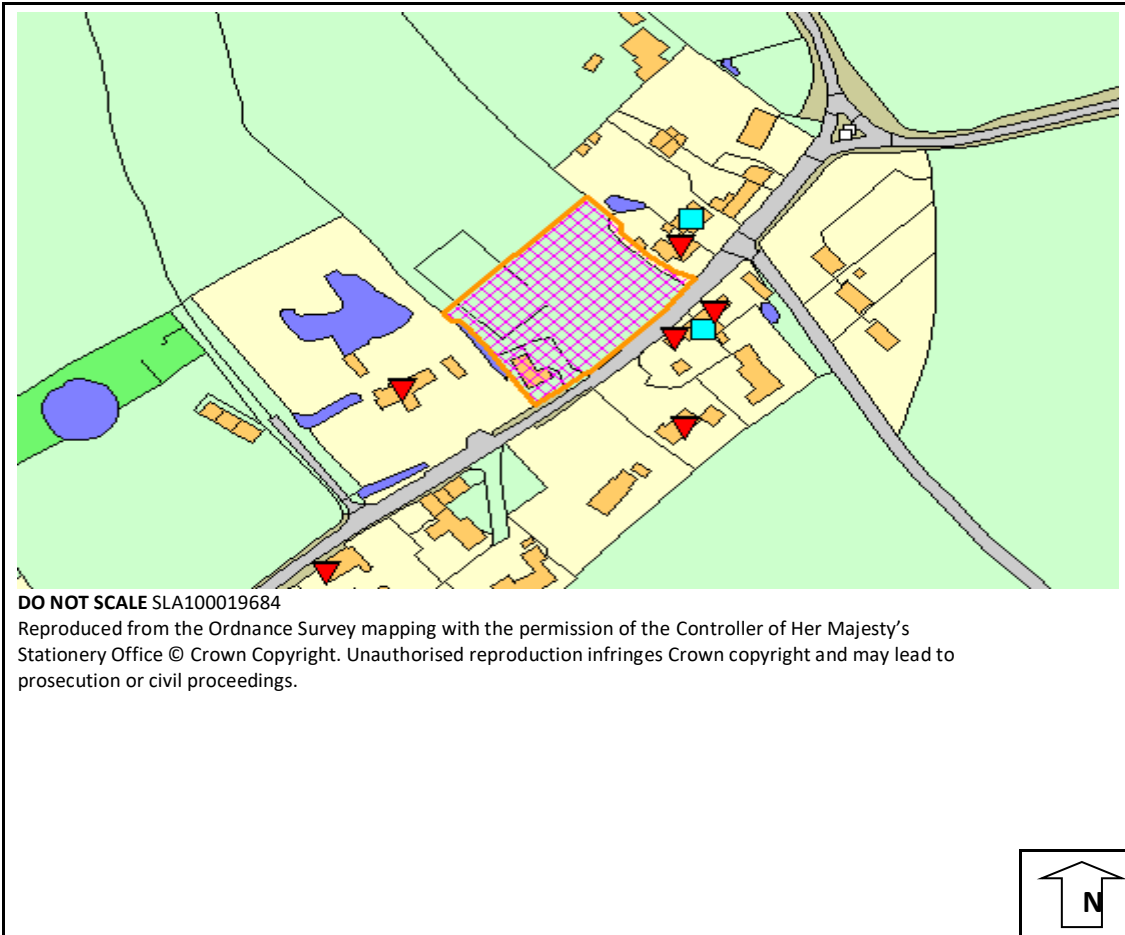
www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/

0. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.





Background information

See application reference DC/20/4106/FUL on [Public Access](#)

Map



Key

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