



Committee Report

Planning Committee North - 14 December 2021

Application no DC/21/2592/FUL

Location

Plot
Hall Lane
Blundeston
Lowestoft
Suffolk
NR32 5BL

Expiry date 8 August 2021

Application type Full Application

Applicant Mr & Mrs Downing

Parish Blundeston

Proposal Construction of a dwelling, garage, drive access, materials and fencing

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1. Summary

- 1.1. Planning permission is sought for development comprising the 'construction of a dwelling, garage, drive access, materials and fencing'. The site is situated in the countryside for planning purposes albeit adjacent to the Local Plan defined settlement boundary for Blundeston.
- 1.2. Policy WLP8.7 permits some scale residential development in the countryside subject to several criteria. This policy requires, amongst other things, a site to be a clearly identifiable gap within a built-up area of settlement in the countryside; generally, this policy seeks to allow some limited housing within those rural communities without defined settlement boundaries, and this normally means that policy compliant sites are not proximate to more sustainable settlements.
- 1.3. The application site has existing residential development on two sides (immediately adjacent to the northwest, and then the opposite side of the highway, to the west), with

only a very small gap to the south before the curtilage of another residential property. The site therefore represents a logical gap between existing residential development where a single dwelling scheme can be considered as an acceptable form of infill development.

- 1.4. The scheme would not strictly accord with WLP8.7, because existing dwellings to the northwest and west are within a defined settlement, where WLP8.7 relates to sites where surrounding development is all in the countryside.
- 1.5. However, there are several factors that weigh in favour of the scheme: the relationship of the site to a sustainable settlement, with pedestrian access from the site into the centre of Blundeston; the development would not extend further into the undeveloped countryside (it would be within a group of existing dwellings); and this is a limited gap between dwellings that will not create any future precedent for expansion of the settlement in this location. For all these reasons, officers consider that this is an exceptional case where a refusal reason due to non-compliance with policy WLP8.7 would be difficult to defend in any appeal situation. This is a unique site and proposal where a departure from WLP8.7 is considered to be acceptable because of several material considerations in combination; the absence of any significant harm arising from the scheme is also relevant to that balanced judgment.
- 1.6. The overall scale of the proposed development is considered appropriate for the area, and the design is acceptable. There are no objections from Suffolk County Highways Authority. The objections from the Parish Council are detailed in the consultations/comments section of this report.
- 1.7. Despite the conflict with policy WLP8.7, officers consider there are material considerations that indicate for a decision other than in accordance with the Development Plan, and it is therefore recommended that planning permission be granted.
- 1.8. As a departure from the Development Plan, the application has been referred direct to Planning Committee (North) to enable consideration of the application.

2. Site description

- 2.1. The site is situated in the countryside for planning purpose; however, Blundeston settlement boundary runs along the northwestern boundary of the application site, and on the opposite side of Hall lane to the west/southwest. The site is bounded by residential development to the northwest, and fronts Hall Lane to the south, with residential development on the opposite side of the highway. There is a narrow gap between the southern site boundary and a residential property at Hall Farm Bungalow. To the north of the site is agricultural land, and approximately 50m north-east of the application site is a barn complex that has recently been granted consent for conversion to a dwelling under application ref. DC/21/4342/FUL.

3. Proposal

- 3.1. Planning permission is sought for the 'construction of a dwelling, garage, drive access, materials and fencing'.

- 3.2. The proposal has been amended during the course of the application to reposition the proposed garage from the front of the site to the side of the dwelling, and minor amendments to the design of the proposed dwelling.
- 3.3. The proposed dwelling is fairly traditional in form with a dual pitched roof with a mix of catslide and dual-pitched dormers. The form is one-and-a-half storeys in scale. The dwelling would provide 3-bedrooms.
- 3.4. The dwelling would be sited fairly centrally within the plot, largely continuing the existing building line of existing development. Access would be to the south, onto Hall lane.

4. Consultations/comments

- 4.1. During the course of the initial and re-consultation, three representations of objection were received raising the following key points (inter alia):
- Outside of defined settlement boundary
 - Site is not allocated and there is already housing development in the village
 - Setting a precedent
 - Dangerous access due to bend in road
 - Amenity impacts
 - Plans do not show approved neighbouring development
 - Overlooking

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Blundeston And Flixton Parish Council	16 June 2021	23 June 2021
Summary of comments: <i>This proposed property is outside the village boundary and the Parish Councillors did not want to set a precedence by recommending this plan for approval.</i> <i>There were also concerns regarding the access to the property being on a bend in the road.</i>		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	13 August 2021	23 August 2021
Summary of comments: Following the submission of additional information no objections received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	16 June 2021	29 June 2021
Summary of comments: Concerns raised regarding lack of visibility details (see final response, above).		

Non statutory consultees

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	13 August 2021	23 June 2021
Summary of comments: No objections.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 June 2021	25 June 2021
Summary of comments: No objections subject to unexpected contamination condition.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	16 June 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	16 June 2021	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	16 June 2021	No response
Summary of comments: No comments received.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Blundeston And Flixton Parish Council	27 October 2021	8 November 2021

Summary of comments:

This application was rejected by the Parish Council due to the same reasons as before being on a sharp bend and out of keeping with the surrounding properties and also being out of the village envelope.

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	27 October 2021	No response

Summary of comments:

No comments received.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	27 October 2021	28 October 2021

Summary of comments:

No additional comments.

Consultee	Date consulted	Date reply received
SCC Fire And Rescue Service	27 October 2021	No response

Summary of comments:

No comments received.

Consultee	Date consulted	Date reply received
SCC Highways Department	27 October 2021	4 November 2021

Summary of comments:

No objections subject to conditions.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	27 October 2021	No response

Summary of comments:

No comments received.

take place. The policy states that small scale residential development in the Countryside of up to three dwellings will be permitted where:

- The site constitutes a clearly identifiable gap within a built up area of a settlement within the Countryside;
- There are existing residential properties on two sides of the site; and
- The development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.

- 7.2. The proposed application site would appear as a clearly identifiable gap within a built-up area, and would technically have residential properties on two sides, to the east and west, and on three including development on the opposite side of Hall Lane (the preamble to policy WLP8.7 acknowledges development on the other side of the highway can count toward the consideration).
- 7.3. However, the wording of the policy means that existing residential properties located within the settlement boundary, which in this case runs along the north western and site boundary, should be excluded from consideration in reference to this policy.
- 7.4. Officers have taken a consistent approach to rural infill development, across the District (and in both Local Plan areas) to treat small scale residential developments in the countryside as those sites where all existing surrounding residential development is located outside of any settlement boundary, and therefore in the countryside.
- 7.5. However, consideration also needs to be given to the detail of this proposal, the benefits of it, and the extent of any harm that would arise. The village of Blundeston has direct bus routes to larger settlements, including Lowestoft, and contains a School, Public House, and Meeting Place. The application site is directly adjacent to the settlement and would also have direct access to the footway that runs along the northern side of Hall Lane. The footway access provides direct links to the Village Hall, Public House, Bus Stop, and Playground (approximately a 3 minute walk), and the Primary School (an approximately 11 minute walk). Therefore, for the purposes of planning the site is within a sustainable edge of settlement location, and that is an important material consideration, given housing should be directed to sustainable locations.
- 7.6. Furthermore, whilst the wording of WLP8.7 may exclude existing development within the settlement boundary, the site is nonetheless located in a clear and logical gap within an otherwise built up frontage along Hall Lane/Lowestoft Road. Therefore, appropriately designed development in this location is not considered to appear out of place, nor would extend any further into the open countryside, given the existing grouping of three dwellings to the east. The recently consented barn conversion to the north east only adds to the surrounding residential context. The site is a gap that can be developed, and is then well contained by either existing residential development or the road network, meaning that there is not the likelihood of setting a precedent to extend the settlement in this location; the roads to the south/southwest provide that clear end to the village.
- 7.7. Therefore, in this instance, whilst the proposal does represent a conflict with policy WLP8.7, given several material considerations that indicate in favour of the scheme, a departure from the Development Plan (in terms of the principle of development) is found, on balance, to be acceptable. Furthermore, given the unique set of circumstances set out, it is not considered that the proposal would set a harmful precedent for consideration of

applications proposing development in the countryside. Each case must be assessed on merit and the particulars of this case indicate for the principle of development. To refuse the application purely on principle, being contrary to WLP8.7, is likely, in officers' opinion, to be a weak position in any appeal situation.

Design

- 7.8. Policy WLP8.29 sets out the general design principles of new development, and states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. In so doing proposals should:
- Demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness;
 - Respond to local context and the form of surrounding buildings in relation to:
 - the overall scale and character
 - layout
 - site coverage
 - height and massing of existing buildings
 - the relationship between buildings and spaces and the wider street scene or townscape
 - and by making use of materials and detailing appropriate to the local vernacular
- 7.9. The immediate area is characterised by a mixture of dwelling scales, designs, and forms. Although, the generalised character is one of a traditional village vernacular, with one-and-a-half storey dwellings, set within sizeable plots. However, there are examples, for instance opposite, of two storey dwellings albeit with low level roofs, and single storey development within the immediate vicinity. The proposed dwelling is of one-and-a-half storey scale, with dormers in the roof, and will be constructed of red brickwork, with red pantile/plain tile roof. The dwelling would be of similar scale, albeit it slightly taller, than the neighbouring one-and-a-half storey dwelling to the northwest. However, given the separation distance between the two dwellings and the retention of the hedge row along the front of the site, it is not considered that the scale and form dwelling would overpower the street scene, or adversely impact on the character and appearance of the area. In addition, the proposed materials and design of the dwelling relates well to the mixed character of the area.
- 7.10. The application does include the addition of a detached garage, this was initially placed at the front of the site. However, there is a general lack of garages to the front of dwellings in the immediate area, and it would have appeared significantly out of character given its proposed scale and positioning forward of the dwelling, especially given its prominence within the street scene when viewed on the approach from the east along Hall Road. This element was subsequently amended due to the concerns raised by officers, with the garage repositioned along the western boundary with the dwelling repositioned slightly to the east to create space. It is considered that site layout is appropriate for the area, maintaining an open (albeit bounded by hedging) frontage, which maintains the more rural character of the area. Therefore, given the above it is considered that the proposal responds to the local context and the form of surrounding buildings in accordance with WLP8.29.

Amenity

- 7.11. Policy WLP8.29 also sets out that proposed development should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. The proposed dwelling to the northwest, Forevermore (previously Overcombe), has several windows in close proximity to the application boundary. One east facing window closest to the boundary would be in line with the proposed garage. Given the overall scale it is not considered that the proposed would adversely impact on light through that window, and the marginal loss of outlook would not significantly impact on the enjoyment of the dwelling. Given the scale of the garage and separation distance of the proposed dwelling, it is not considered that light would be significantly interrupted through the north facing opening and high level east facing window.
- 7.12. The dwelling to the east, Hall Farm Bungalow, is, at the time of this application, constructing an extension on the west elevation, which from the development completed at the time, appears to have two openings facing west, and two opening facing north. Hall Farm Bungalow is set forward of the proposed dwelling, and as such it is not considered that the light through the existing or proposed opening in that dwelling would be adversely affected by the proposal. Furthermore, the proposed dwelling is set behind the existing dwelling of Hall Farm Bungalow, it is considered that positioning and level of the first floor windows would not directly overlook into the two new opening on the western elevation. In addition, the proposed rear elevation windows would not result in any adverse overlooking into neighbouring properties or impact on their private amenity space. The proposal includes a recessed balcony on the rear elevation, however, its overall positioning is not considered to result in any adverse level of overlooking into any private amenity areas.

Highways

- 7.13. The site will be accessed via the creation of a new access towards the south-west corner of the application site, off Hall Lane. Suffolk County Highways initially raised a concern regarding the lack of visibility details provided within the application. This information was subsequently provided by the agent, showing that sufficient levels of visibility were available before entering the highway. Following submission of this information Suffolk County Highways deemed the access to have an acceptable impact on highway safety, and therefore raised no objections subject to conditions. The application also provides sufficient on site space for the parking of at least three vehicles, which is the Suffolk Parking Guidance for a dwelling of this site.
- 7.14. As noted in above paragraphs the site is also situated within easy walking distance of several of the village facilities, including Public House, Playground, Skate Park, and School.
- 7.15. The site is therefore a sustainable location, and there are no highways safety grounds to refuse permission. The comments of the Parish Council regarding access have been considered, but the visibility splay information and SCC Highways comments indicate that the scheme is acceptable in highways safety terms.

Ecology

- 7.16. The site is located within 13km of the nearest European Protected Site, and therefore consideration needs to be given to the impact of new housing on these sites. In this instance a financial contribution for each dwelling has been made to the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This is considered to acceptably mitigate against the impact on these protected sites in accordance with WLP8.34.

8. Conclusion

- 8.1. The scheme would not strictly accord with WLP8.7, because existing dwellings to the northwest and west are within a defined settlement, where WLP8.7 relates to sites where surrounding development is all in the countryside.
- 8.2. However, there are several factors that weigh in favour of the scheme: the relationship of the site to a sustainable settlement, with pedestrian access from the site into the centre of Blundeston; the development would not extend further into the undeveloped countryside (it would be within a group of existing dwellings); and this is a limited gap between dwellings that will not create any future precedent for expansion of the settlement in this location. For all these reasons, officers consider that this is an exceptional case where a refusal reason due to non-compliance with policy WLP8.7 would be difficult to defend in any appeal situation. This is a unique site and proposal where a departure from WLP8.7 is considered to be acceptable because of several material considerations in combination; the absence of any significant harm arising from the scheme is also relevant to that balanced judgment.
- 8.3. The overall scale of the proposed development is considered appropriate for the area, and the design is acceptable. There are no objections from Suffolk County Highways Authority. The objections from the Parish Council are detailed in the consultations/comments section of this report.
- 8.4. In addition, the proposal would provide some additional, albeit minor, economic benefit through the construction phase and the addition of one dwelling to the housing stock in the district. The proposal is also considered compliant with all relevant detailed development management policies within the Local Plan.
- 8.5. For the reasons set out in this report, there are material considerations that indicate for a decision other than in accordance with the Development Plan and, therefore, it is recommended that permission be granted.

9. Recommendation

- 9.1. It is recommended that planning permission be granted subject to conditions.

10. 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 2560.19.3H, and 2560.19.4A received 22/10/2021, 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. 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. DM03; and with an entrance width of 3m and been made available for use.

Thereafter the access shall be retained in the specified form.

5. 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.

6. 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.

7. 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.

8. 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.

9. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2560.19.5 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. The use shall not commence until the area(s) within the site on dwg. no. 2560.19.3H 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

11. Before the development is commenced details of the areas to be provided for secure cycle storage and electric vehicle infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the secure storage of cycles and charging of electric vehicles in accordance with Suffolk Guidance for Parking (2019) and to promote sustainable transport methods.

12. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 2560.19.3H shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

13. The hedge along the front boundary of the site shall be retained as shown on drawings 2560.19.3H, and the proposed hedging shall be planted within first planting season following occupation of the dwelling, hereby permitted. Within the first 5 years, any dead or dying plant shall be replaced within the first planting season thereafter.

Reason: To protect the character and appearance of the area, and protect biodiversity.

14. 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. 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 BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) 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.

11. 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@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>

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@eastsuffolk.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. 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.

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

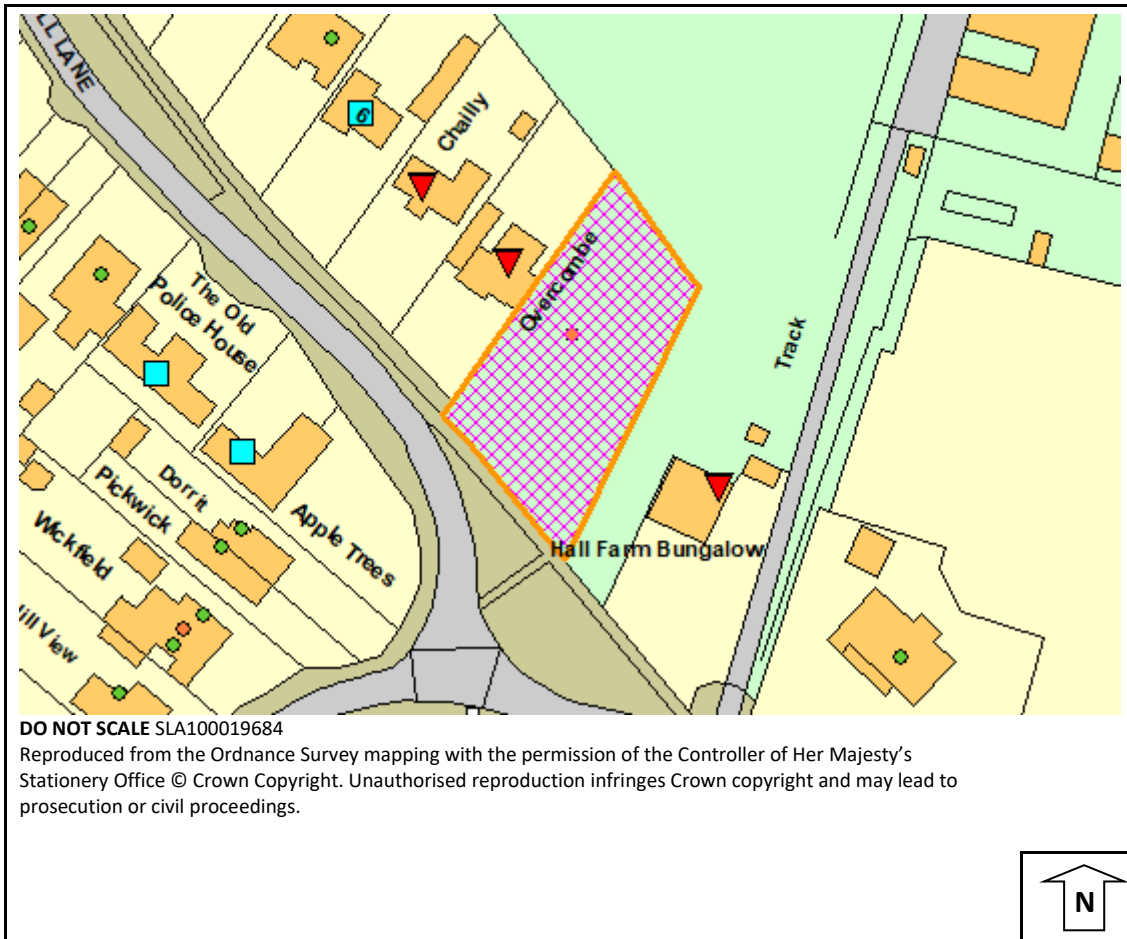
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Background Papers

See application reference DC/21/2592/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support