



## Committee Report

**Planning Committee** - 12 November 2019

**Application no** DC/19/2333/ARM

**Location**

Part Side Garden  
2 Abbey Road  
Leiston  
Suffolk

**Expiry date** 4 August 2019  
EOT agreed until 15 November 2019

**Application type** Approval of Reserved Matters

**Applicant** Mr & Mrs Libardi

**Parish** Leiston Cum Sizewell

**Proposal** Approval of Reserved Matters of DC/16/5035/OUT - Use of Land for Erection of two dwellings - Approval of access, appearance, landscaping, layout and scale

**Case Officer** Steve Milligan  
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### 1. Summary

- 1.1. This application is the submission of Reserved Matters to Outline Planning Permission DC/16/5035/OUT.
- 1.2. The application site received outline planning permission under application DC/16/5035/OUT with all matters reserved. At the time of the consideration of the outline application an illustrated plan was submitted which showed a vehicular access on the northern side of a pair of dwellings which would have provided access to a parking and turning area to the rear of the properties. DC/16/5035/OUT was submitted for the erection of two houses, bedroom numbers 'unknown'.

- 1.3. The site lies on the eastern side of Abbey Road, adjacent to the Sizewell railway line and crossing. The existing site has hedging and fencing on the boundary to Abbey Road but drops quite significantly in level behind this hedging.
- 1.4. The current application proposes three storey three bedroomed semi-detached dwellings with a central vehicular access serving a single car parking space for each dwelling. Turn tables are illustrated to enable cars to enter and leave the site in forward gear.
- 1.5. The scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 of the Leiston Neighbourhood Plan and Suffolk Guidance for Parking.
- 1.6. Given the recommendation from the Highway Authority of No Objection, it is considered appropriate to relax the standards/policy requirement in this instance. The application is recommended for approval.
- 1.7. The application is for consideration by Planning Committee because it is a departure to the Leiston Neighbourhood Plan (Policy TM3).

## **2. Site description**

- 2.1. The application site received outline planning permission under application DC/16/5035/OUT with all matters reserved. At the time of the consideration of the outline application an illustrated plan was submitted which showed a vehicular access on the northern side of a pair of dwellings which would have provided access to a parking and turning area to the rear of the properties.
- 2.2. DC/16/5035/OUT was submitted for the erection of two houses, bedroom numbers 'unknown'.
- 2.3. The site lies on the eastern side of Abbey Road, adjacent to the railway line and crossing. There are residential properties adjacent and opposite. The existing site has hedging and fencing on the boundary to Abbey Road but drops quite significantly in level behind this hedging. The site itself is set down below the level of the railway line and the adjacent dwellings on Abbey Road.
- 2.4. The application site is triangular in shape, with the outline indicative plan dated 13 April 2017 demonstrating a pair of semi-detached dwellings constructed in line with Nos 2 and 4 Abbey Road and with a vehicular access to the north eastern point of the site with visibility splays provided for.

## **3. Proposal**

- 3.1. The current application proposes three storey three bedroomed semi-detached dwellings some 5.6m back from Abbey Road with a central vehicular access serving a single car

parking space for each dwelling. Turn tables are proposed to enable cars to enter and leave the site in forward gear.

- 3.2. The houses are designed to appear two storey from Abbey Road with the car parking and turn tables above lower ground floor living rooms.
- 3.3. The houses are designed with the character of 19th century houses to reflect the prevailing character of the area.

#### **4. Consultations/comments**

- 4.1 One letter of Objection have been received raising the following material planning considerations:
  - o the access is a hazard in its relationship to the level crossing.

#### **Consultees**

Consultee	Date consulted	Date reply received
Leiston Town Council	14 June 2019	3 July 2019

#### **4.2 Leiston cum Sizewell Town Council "RECOMMEND REFUSAL.**

*The specialist reports to support the parking layout and road access still do not reflect the actual day to day experience of residents in that vicinity. This Council has regularly had to engage with residents in the vicinity of the crossing due to accidents and the East Area Highways department have worked with Leiston over the last 7 years to try and alleviate the problem. The Town Council and the Highways department are currently looking at a scheme to try and alleviate the problems associated with this crossing and have reacted to complaints in the past by residents close to the crossing (including 2 Abbey Road). Residents in that area reported regular speeding traffic and lobbied the Council to put in speed warning signs. The speed survey shows, as was suspected, that the speeding (i.e over 30mph) was a perceived issue but this is because the cars were still going too fast for the conditions and road layout as they approached the crossing. This problem remains.*

*The assertion that there is available on-street parking in Carr Avenue and Westward Ho is technically correct but the Neighbourhood Plan was brought forward by the community because there was not enough parking in this area, or elsewhere in the town, for residents to find a space without inconsiderate parking and the unacceptable increase in risk to road users that this causes. TM3 must be rigidly applied in areas like this as the on street parking has reached capacity and just cannot be compromised further. I would not expect the Highways department to change their recommendation and the Town Council are adamant that the parking has to be sufficient (4 off road spaces) and workable before these reserved matters are approved. The access in the drawings supplied with DC/16/5035/OUT indicated a driveway to the rear of the proposed dwellings but this new layout is dangerous, the turntables considered unworkable and the proposal is clearly 2 spaces short of the required minimum.*

*Finally, we would like to address Locus Planning’s assumptions leading to their assertion about “the reliance of future occupiers on private vehicular transport being reduced”. The Inspector for the Neighbourhood Plan accepted that Leiston has poor transport links for employment after 5pm and was therefore, from that respect, like rural areas. Residents were dependent on private transport for work. This supported TM3 and, again, for the future amenity of any occupiers of these premises, and their neighbours, sufficient parking must be provided. The Town Council would support any comment made by the County Council regarding the safety and suitability of the proposed access onto the main highway.*

*Currently, the plans must be robustly refused.”*

### **Statutory consultees**

Consultee	Date consulted	Date reply received
4.3 <u>Suffolk County - Highways Department</u>	14 June 2019	26 June 2019

This proposal provides 2 vehicle spaces to accommodate two three-bedroom dwellings (one per dwelling). Suffolk Guidance for Parking (SGP) 2015 states that a minimum of 2 vehicle parking spaces should be associated with a Class C3 dwelling with 3 bedrooms (2 per dwelling), illustrating that the proposed vehicle parking does not meet the minimum outlined. However, this development is within a town centre location where there is access to alternative forms of transport, local amenities, parking restrictions and educational institutions. Therefore, the reduction is considered as acceptable on this occasion. Visibility is based upon the 23.9mph 85th percentile speed evidenced through a 7-day ATC speed survey. Conditions are recommended in respect of access specification, surfacing of access, visibility, parking and manoeuvring and bin storage.

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
4.4 Suffolk Fire And Rescue Service	14 June 2019	11 July 2019

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations. No additional water supply for fire fighting purposes is required in respect of this planning application. Suffolk Fire and Rescue Service recommends use of an automatic fire sprinkler system.

Consultee	Date consulted	Date reply received
4.5 <u>East Suffolk Council – Head of Environmental Services</u>	14 June 2019	17 June 2019

No comments received

## 5. **Publicity**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	15 August 2019	6 September 2019	East Anglian Daily Times

### **Site notices**

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 13 August 2019  
Expiry date: 4 September 2019

General Site Notice  
Reason for site notice: New Dwelling  
Date posted: 21 June 2019  
Expiry date: 12 July 2019

## 6. **Planning policy**

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. The Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document has been adopted and forms part of the Development Plan. It was adopted in July 2013. Upon its adoption a number of the policies within the pre-existing Suffolk Coastal Local Plan were 'Saved,' and others were superseded or abandoned.
- 6.4. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
  - East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);

- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- The Great Bealings Neighbourhood Plan (‘Made’ March 2017).

6.5. The Relevant Policies of the East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) consist of:

- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP24 - Leiston (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

6.6. The relevant Policies of the Leiston Neighbourhood Plan are:

- PL1: Leiston Town Physical Limits Boundary (Leiston Neighbourhood Plan - 'Made' March 2017)
- H3: Residential Density and Design (Leiston Neighbourhood Plan - 'Made' March 2017)
- TM3 - Residential Parking Standards (Leiston Neighbourhood Plan - 'Made' March 2017)

- 6.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: [www.eastsuffolk.gov.uk/localplanexamination](http://www.eastsuffolk.gov.uk/localplanexamination) . Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019). The policies which are now considered to have some weight in determining applications are not applicable to the determination of this application.

## **7. Planning considerations**

### Principle

- 7.1. The development plan for the area consists of Suffolk Coastal District Local Plan Core Strategy and Development Management Policies (Local Plan) and the Leiston cum Sizewell Neighbourhood Plan (Neighbourhood Plan). The site is within the development limits of Leiston (as defined in policy PL1 of the Neighbourhood Plan) and is not within any protected areas.
- 7.2. The relevant policies are Local Plan policies DM19 Parking Standards, DM21 Design: Aesthetics and DM23 Residential Amenity; and Leiston Neighbourhood Plan policy TM3 Residential Parking Standards.
- 7.3. Outline planning permission has been given for the erection of two dwellings. Therefore the principle has been established.

### Visual amenity

- 7.4. The current application is the submission of details of two three bedroomed dwellings. From an aesthetic point of view the design has similarity with 2 and 4 Abbey Road and has a satisfactory appearance which will add positively to the street scene and the prevailing character of the area. The scale, appearance and density of the development is acceptable and in compliance with policy DM21 and neighbourhood policy H3

### Parking and Highway Safety

- 7.5. The scale/layout of the development has implications for parking provision under the terms of Leiston Neighbourhood Plan policy TM3 and the Suffolk Advisory Parking Standards, which have introduced minimum parking standards for residential properties. The policy requires the provision of two car parking spaces for a three bedroomed dwelling.
- 7.6. The proposed layout has vehicular access centrally within the site and single car parking spaces served by turn tables. Plans have been received which confirms the operation of the turntables and the scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 and Suffolk Guidance for Parking.

- 7.7. The Highway Authority has agreed to a relaxation of the parking standards because of the proximity to the centre of Leiston and the availability of car parking on street in Carr Avenue, Buller Road and Westward Ho!
- 7.8. Access visibility is accepted because a road speed survey has been undertaken and which confirms road speeds are less than the 30mph limit.
- 7.9. The proposal is situated approximately 220m from the town centre, with footways providing safe pedestrian access to the town centre. The proposal is located with good access to the full range of services and facilities within Leiston by foot and cycle. As such, the reliance of future occupiers upon cars is considered to be reduced.
- 7.10. On-street parking is available on both Carr Avenue and Westward Ho, within 100m of the proposal site. There remains an opportunity for additional cars associated with the occupation of the proposed dwellings to be parked safely and conveniently.
- 7.11. Whilst the level of parking provision is below the minimum standards specified within the Suffolk Advisory Parking Standards and that specified within Leiston Neighbourhood Plan policy TM3, given the recommendation from the Highway Authority it is considered appropriate to relax the standards/policy requirement in this instance. The application has been advertised as a departure to the Neighbourhood Plan (Policy TM3).

#### Residential Amenity

- 7.12. The existing railway line and therefore level crossing are not currently in use. The line is a spur line from Saxmundham to Sizewell, there is no passenger rail service and the last commercial use (other than testing the line) was several years ago. There are propositions for it to be used during the construction of Sizewell C however, there is nothing to assess potential impact from noise and vibration of the railway line on future occupiers. The Environmental Health team do not recommend any special measures to be incorporated into the detailed designs of the dwellings.
- 7.13. The proposed dwellings are also acceptable in terms of their relationship the existing dwellings to the north in terms of privacy, as the only windows on the northern elevation facing the existing neighbour are proposed to be a living room window which would be below the ground level on the adjoining plot, a wc window on the upper ground floor and a dressing room window on the first floor. There are windows on the southern side elevation of the existing property to the north but these would not be inline with the proposed WC and dressing room windows and therefore any views from the new property towards these windows would be at an obtuse angle resulting in very limited views towards/into the existing window.
- 7.14. The proposed layout and scale of the dwellings would also mean there would not be a significant impact upon light to the rear garden of the existing dwelling to the north. Whilst there may be some reduction in light to the windows on the southern elevation of the existing dwelling to the north, as these are secondary windows to those rooms, it would be insufficient to sustain a refusal.



- 7.15. Therefore for the reasons outlined above, the scheme is acceptable in terms of residential amenity and would comply with policy DM23.

Community Infrastructure Levy (CIL)

- 7.16. The development will be subject of CIL with the dwellings comprising 204 sqm floor area. Leiston is in the Low Zone where total CIL will be £13,543.56 (25% to Leiston Town Council).

Planning Balance

- 7.17. The principal of two dwellings on the site was agreed at outline stage. The design of the dwellings is considered satisfactory in terms of aesthetic considerations. Given the proximity of the town centre and on street car parking close to the site it is considered that a departure to policy TM3 of the Neighbourhood Plan can be agreed in this instance. The planning balance is weighed in favour of the approval of this reserved matters application.

**8. Conclusion**

- 8.1. The design of the dwellings reflects the prevailing 19th century character of the town and is considered to be acceptable in context and in compliance with policy DM21 of the Local Plan.
- 8.2. The scheme will provide parking and manoeuvring for a single vehicle with each property which represents a shortfall of two parking spaces in total when considered against the parking standard set out in policy TM3 of the Leiston Neighbourhood Plan and Suffolk Guidance for Parking.
- 8.3. The Highway Authority has agreed to a relaxation of the parking standards because of the proximity to the centre of Leiston and the availability of on street car parking in the locality.
- 8.4. Given the recommendation from the Highway Authority it is considered appropriate to relax the standards/policy requirement in this instance. The application is recommended for approval.

**9. Recommendation**

Approve.

**Conditions:**

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drg No NS-3942-50 Rev C received 09.08.2019 and Drg No NS-3942-200 Rev A received 10.06.2019 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.

2. 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; 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.

3. Prior to the development 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.

4. Before the access is first used visibility splays shall be provided as shown on Drawing No. NS-3942-50 with an X dimension of 2.4 metres and a Y dimension of 43 metres (North) and 31 metres (South) 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: In the interest of highway safety on order to maintain intervisibility between highway users.

5. The use shall not commence until the area(s) within the site shown on Drawing No. NS-3942-50 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage, 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.

6. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number Drawing No. NS-3942-200 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.

#### **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

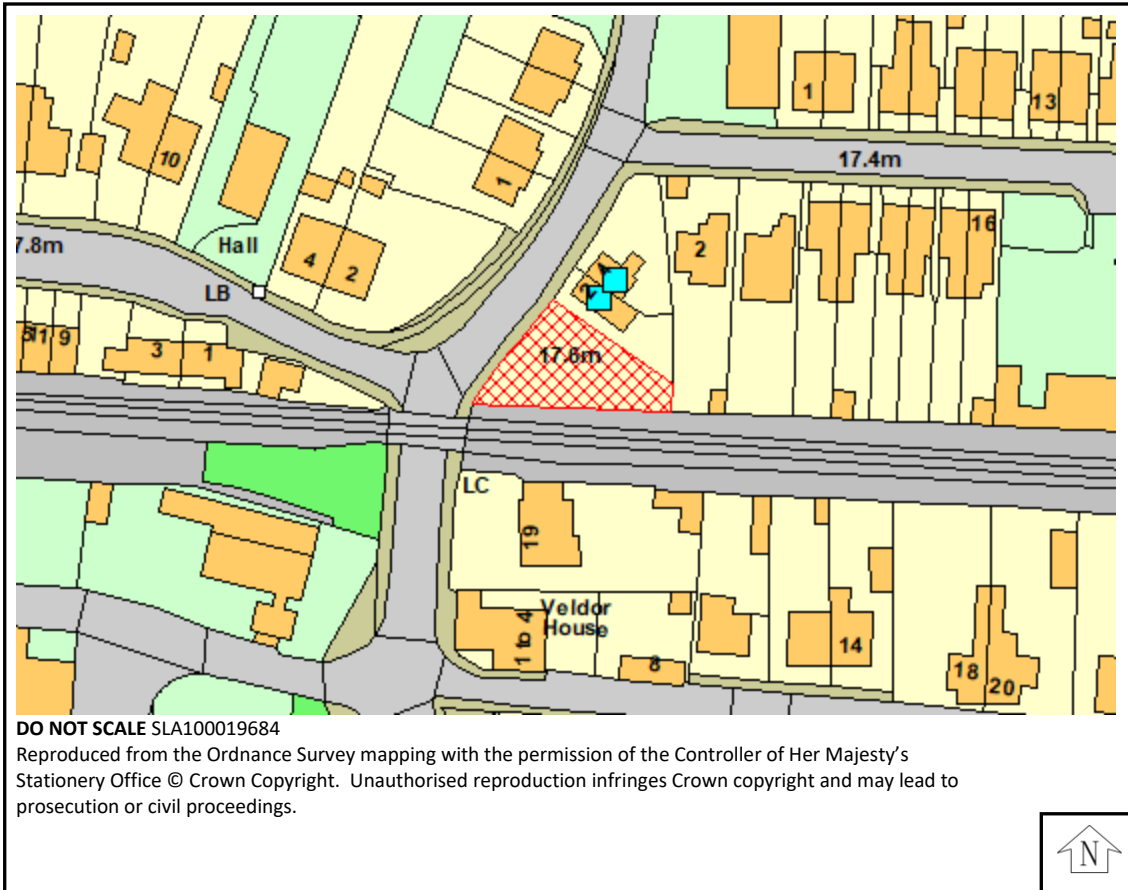
Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. 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 customer services contact number is 0345 606 6171 and Information regarding dropped kerbs is available at <https://www.suffolk.gov.uk/roads-and-transport/parking/apply-and-pay-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 information**

See application reference DC/19/2333/ARM at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PSW49WQXKKF00>

# Map



## Key

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