

Committee Report

Item 7B

Reference: DC/20/03244

Case Officer: Alex Scott

Ward: Bacton.

Ward Member/s: Cllr Andrew Mellen.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Application under Section 73 of The Town and Country Planning Act for Planning Permission DC/20/02022 for the variation of Condition 2 (Approved Plans and Documents)

Location

Land South Of Fox Hollow, The Street, Wyverstone, Stowmarket Suffolk IP14 4SJ

Expiry Date: 29/09/2020

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Minor Dwellings

Applicant: Mr & Mrs J Prior

Agent: Mrs C Godfrey

Parish: Wyverstone

Site Area: 0.274 ha

Density of Development:

Gross Density (Total Site): 3.65 dph

Net Density (Developed Site, excluding open space and SuDs): 3.65 dph

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member (Appendix 1): Yes

Has the application been subject to Pre-Application Advice: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- The application has been called in by the Ward Member for the reasons as stated at Appendix 1.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
H13 - Design and layout of housing development
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Wyverstone Parish Council (24/08/2020):

Objects:

- Proposal would worsen the view for neighbouring properties;
- Proposal would affect further residents nearby;
- Object to the revisions to the garage, to install a shower room, gym, window and glass door;
- Consider the increase use of the garage would increase impact on neighbours;
- The proposal is outside of the village settlement boundary and would extend building into agricultural land;
- The changes proposed would push the development further back and away from the existing line of buildings fronting the street-scene.

National Consultee (Appendix 4)

Natural England (09/06/2020):

Natural England has no comments to make on this application.

County Council Responses (Appendix 5)

SCC - Highways (25/08/2020):

The proposed amendments would not have any impact on the highway network at this location. Therefore, SCC does not wish to raise an objection to DC/20/03244 under highway safety grounds.

SCC - Highways (26/06/2020):

No Objection - Subject to compliance with suggested conditions.

SCC - Fire & Rescue (19/06/2020):

The nearest fire hydrant is over 120m from the proposed build site - Recommend consideration be given to the benefits derived from the provision of an automatic fire sprinkler system.

Internal Consultee Responses (Appendix 6)

MSDC - Environmental Protection - Land Contamination (11/06/2020):

No Objection - Request the LPA are contacted in the event of unexpected ground conditions encountered during construction - The developer is advised that responsibility for safe development of the site lies with them.

Place Services - Ecology (26/06/2020):

No Objection - Subject to securing ecological mitigation and enhancement measures.

MSDC - Arboricultural Officer (05/06/2020):

No Objection - Subject to development being undertaken in accordance with measures outline in Arboricultural Report - Although a small number of trees are proposed for removal they are generally of limited amenity value and/or poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint - Arboricultural Method Statement and Tree Protection required by way of condition.

MSDC - Heritage Team (25/06/2020 & 25/08/2020):

Do not wish to comment on this application.

B: Representations

At the time of writing this report at least 2 letters/emails/online comments have been received. It is the officer opinion that this represents 2 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The proposal would move the proposed bungalow and garage directly along the back garden of a neighbouring property;
- Do not consider the proposal would bring the applicant's any benefit in terms of improved view;
- Concern with regards the loss of trees if the entrance is changed;
- The proposal would take away the view of a neighbouring property;
- The proposal would result in overlooking and loss of privacy to a neighbouring property;
- The proposed brick wall of the garage, and noise generated would impact neighbouring amenity;
- The proposal would impact the amenities of neighbours
- The boundary hedge between properties is deciduous and would make the boundary more open in autumn/winter;
- A neighbouring property was not permitted to erect a boundary fence as part of a previous planning application adjacent to the site in 2003;

- Object to the proposed dwelling being set further back in the site - understanding was that Councils try to keep properties in line with neighbouring properties.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

REF: DC/20/02022	Full Planning Application - Erection of 1no. detached single storey dwelling, detached garage and creation of vehicular access	DECISION: GTD 02.07.2020
REF: DC/19/03846	Outline Planning Application (access to be considered) - Erection of 1 No. detached dwelling.	DECISION: GTD 04.10.2019

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site is located to the east of Wyverstone Street abutting the existing Settlement Boundary of Wyverstone Street, and existing dwellings fronting both Wyverstone Street and Rectory Road, to the north.
- 1.2. The site comprises part of an existing agricultural field, with an existing agricultural building laying on land adjacent to the south.
- 1.3. The site benefits from an existing field access to Wyverstone Street, with grassed verges providing existing visibility splays. The site access does not lie specifically within the Village 30mph speed limit, however this does lie adjacent to the north.
- 1.4. A belt of TPO Trees fronts Wyverstone Street, to the south of the existing access, along the site frontage.
- 1.5. The site is within the setting of a listed building (Lodge Farmhouse - Grade II), located approximately 80 metres to the north-east.

2. History

- 2.1. The current proposal follows outline planning permission, for the erection of 1 No. detached dwelling on the site (ref: DC/19/03846), granted on 4th October 2019.
- 2.2. The application also follows full planning permission, for the erection of 1 No. detached single storey dwelling, detached garage and creation of vehicular access on the site (ref: DC/20/02022), granted on 2nd July 2020.
- 2.3. Both of the above existing planning permissions are extant and are considered to be material planning considerations in determination of the current application.

3. The Proposal

- 3.1. The current application is submitted under section 73 of the Town and Country Planning Act and seeks variations to the site layout, the siting of buildings and the design of the proposed garage building, further to that agreed under host permission reference DC/20/02022.
- 3.2. The proposed scale, form and design of the new dwelling, previously approved, is not proposed to be altered as part of this application, only its location. The proposed height (6 metres); width (18.5 metres); and depth (12.4 metres) of the dwelling would remain as previously approved, as would the proposed design and external facing materials (Painted render, above a red brick plinth, with a plain tile roof, and with timber window surrounds and fascias). The proposed internal layout would also remain the same (4no. bedrooms with kitchen, living, dining and utility areas).
- 3.3. The proposed location and design of the previously approved means of access to the site is not proposed to be altered as part of this current application.
- 3.4. The proposed dwelling would be located 36.1 metres from the fronting highway, 14 metres further back than approved under host permission ref: DC/20/02022. The proposed dwelling would be located 4.2 metres from the rear boundaries of neighbouring gardens, to the north, 0.2 metres closer than approved under host permission ref: DC/20/02022.
- 3.5. The proposed garage building would be located 25.2 metres from the fronting highway, 15.6 metres further back than approved under host permission ref: DC/20/02022. The proposed garage would be located 0.4 metres from the rear boundaries of neighbouring gardens, to the north, 0.7 metres closer than approved under host permission ref: DC/20/02022.
- 3.6. The proposed garage building would be of the same height (max ridge height of 4.5 metres and eaves height adjacent to neighbouring boundary of 1.7 metres) and depth (6.5 metres) to that previously approved under host permission ref: DC/20/02022, and would be 1 metres wider (proposed garage would be 9.4 metres in width). The proposed garage's external facing materials would remain the same, as previously approved horizontal timber weatherboard above a red brick plinth, with a plain tile roof. The proposed garage would consist of differing fenestration to its eastern elevation, with 2 no. doors and a window now proposed to replace 1 no. larger door as previously approved. Internally the garage would remain available for 2 no. covered parking spaces and now proposes a gym room and shower/WC room, in lieu of the storage areas previously approved.

4. The Principle Of Development

- 4.1. The current application follows prior planning permissions DC/19/03846 and DC/20/02022, for similar developments on the site, the latter being extant until 2nd July 2023.
- 4.2. The principle of the proposed development on the site is, therefore, considered to remain acceptable, having had regard to the extant planning permissions as a material consideration.

5. Design And Layout [Impact On Street Scene]

- 5.1. The proposed scale and appearance of the development approved would remain much the same, when viewed from the streetscene.

- 5.2. The revised layout proposed, moving the approved buildings back into the site by 15.6 metres, further away from the streetscene, is considered to benefit the character of the fronting green lane, which is for the most part undeveloped.
- 5.3. Whilst the proposed buildings would be pushed further away from the fronting highway, they are not considered to intrude significantly more into the undeveloped countryside surrounding the village, than that approved. The proposed buildings would remain within the residential garden curtilage approved by way of host permission ref: DC/20/02022, and would not extend further away from the rear of existing properties fronting The Street, to the north.

6. Site Access, Parking And Highway Safety Considerations

- 6.1. The proposed means of access and amount of on-site turning and parking would remain the same as previously approved.
- 6.2. The Local Highway Authority has been consulted on the current application, who do not wish to raise an objection to the current proposal on highway safety grounds and consider the proposed amendments would not have any impact on the highway network at this location.
- 6.3. Subject to the re-imposition of highways conditions previously imposed as part of host permission ref: DC/20/02022, therefore your officers do not consider the proposal would result in a significant impact on existing highway safety.

7. Impact On Residential Amenity

- 7.1. The application proposes 2 no. single-storey buildings, located a minimum distance of 36 metres from the nearest existing residential dwelling to the north of the site.
- 7.2. By reason of the proposed buildings' single-storey scale, the separation distance between the proposal site boundary and the nearest existing neighbouring dwelling, the proposed dwelling's separation distance from neighbouring site boundaries, the low eaves height of the proposed garage building adjacent to neighbouring boundaries, and the presence of an existing intervening building and existing high hedge to the northern site boundary, the development proposal is not considered to significantly impact the amenities currently enjoyed by occupants of neighbouring properties by reasons of dominance and oppression, loss of daylight, or overlooking and loss of privacy.
- 7.3. Concern has been raised with regards the inclusion of a gym within the proposed garage building. Such an ancillary and incidental use, in relation to the enjoyment of a residential property is not considered to result in a significant impact on the amenity of neighbouring properties in terms of noise and disturbance.
- 7.4. Concern has also been raised with regards the loss of a view from a neighbouring property. As assessed above, the proposed buildings are not considered to result in a significantly dominating or oppressive impact on existing neighbouring properties. Your officers consider that the loss of a view, noting the minimal impact does not provide sufficient planning reasons for refusal of the current application.

8. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 8.1. Your Arboricultural Officer has previously assessed the application proposal and raises no objection subject to the development being undertaken in accordance with measures outlined in the Arboricultural Report provided with the host application. Although a small number of trees are proposed for removal, your Arboricultural Officer advises that these are generally of limited amenity value and/or in poor condition and are not of sufficient arboricultural or landscape importance to warrant being a constraint on development. Approval for the proposed works to trees is, therefore, approved subject to an Arboricultural Method Statement and Tree Protection plan being secured by way of condition.
- 8.2. Your Ecology Consultants have assessed the application proposal and raise no objection subject to securing ecological mitigation and enhancement measures.

9. Land Contamination

- 9.1. Your Environmental Protection Officers have assessed the application proposal and raise no objection to the application proposal with regards potential impacts on future occupants from potential sources of land contamination. Your officers request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction. The developer is also advised that the responsibility for safe development of the site lies with them.

10. Flood Risk

- 10.1. The application site lies completely within Environment Agency Flood Zone 1, where there is the lowest probability of flood risk. The nearest Environment Agency Flood Zones 2 or 3, where there is a higher likelihood of land flooding, are located approximately 860 metres to the north-west of the site. Future occupants are, therefore, not considered to be at significant risk of flooding.

11. Parish Council Comments

- 11.1. The matters raised by Wyverstone Parish Council have been considered in the above report.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. The principle of the proposed development has been established by way of extant planning permissions DC/19/03846 and DC/20/02022, for similar developments on the site.
- 12.2. The proposal is considered to provide a significant social benefit by providing a new home, in support of local and national housing delivery expectations.
- 12.3. The proposal is considered to provide small and limited economic benefits during the construction phase of the development.
- 12.4. The proposal would result in a small and limited amount of environmental harm by reason of developing a green-field site, a small increase in vehicular traffic and small and limited impact on amenity.
- 12.5. On balance, your officers consider the social and economic benefits of the proposal would outweigh the small and limited environmental harm identified.

12.6. Overall your officers consider the proposal represents sustainable development, having had regard to the provisions of the development plan and NPPF, when taken as a whole.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to grant planning permission:

(1) That the Chief Planning Officer be authorised to Grant Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer

- Section 73 Time Limit (Development shall be begun not later than the expiration of three years from the approval date of host planning permission ref: DC/20/02022)
- Approved Plans (Plans submitted that form this application)
- Those required by the Local Highway Authority
- Those required by the Council's Arboricultural Officer
- Alternative permission (to ensure the proposed development is carried out as a replacement of, and not in addition to, other extant permissions on the site)
- Removal of Permitted Development Rights (in the interest on neighbouring and environmental amenity)