

Committee Report

Item No: 7A

Reference: DC/22/04127

Case Officer: Helen Noble

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Change of use of land for highway vehicular access and hard standing including Deed of Easement.

Location

Land To Front Of 16, 18, 20 And 22 Eastern Way, Elmswell, IP30 9DP

Expiry Date: 23/11/2022

Application Type: FUL - Full Planning Application

Development Type: Change of Use

Applicant: Norman Plumpton, Anthea Fisher, Jen Farmer & Michael Watkins

Agent: Mr Jason Parker

Parish: Elmswell

Site Area: 0.05 Hectares

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): No

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 land subject of this proposal is owned by Mid Suffolk District Council and the adopted Scheme of Delegation requires all applications affecting Council owned land to be brought before Development Control Committee.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Mid Suffolk Local Plan [2008]

CLASSIFICATION: Official

GP1 - Design and layout of development
H16 - Protecting existing residential amenity
T9 - Parking Standards
T10 - Highway Considerations in Development

Mid Suffolk Core Strategy [2008]

CS1 – Settlement Hierarchy
CS5 - Mid Suffolk's Environment

Mid Suffolk Core Strategy Focused Review [2012]

FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

NPPF 2021

NPPF - National Planning Policy Framework
NPPG- National Planning Policy Guidance

Section 12. Achieving well-designed places
Section 9. Promoting sustainable transport

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Elmswell Neighbourhood Plan concluded pre-submission consultation in July 2022, therefore it can only be afforded limited weight in the decision-making process at this time.

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

Parish Council (Appendix 3)

Elmswell Parish Council

Elmswell Parish Council supports this application.

County Council Responses (Appendix 4)

SCC – Highways Comments following submission of amended plans

No objection, subject to conditions to control visibility splays as per submitted drawings in perpetuity, prior to construction accesses built meet SCC standard DM03, gradient of the accesses, access bound surface material and discharge of surface water.

SCC - Fire & Rescue

No objection. There is a fire hydrant located on this site and they recommend this is identified and protected whilst construction is being carried out and is accessible for inspection and work after the development works are complete.

Internal Consultee Responses (Appendix 5)

Contract and Asset Management

No comment to make on this application. They confirm the owners do have a legal easement in respect of access and were anticipating the application.

Environmental Protection – Noise, Light, Odour

No objection, subject to conditions for construction hours of work.

B: Representations

At the time of writing this report no representations have been received. A verbal update shall be provided as necessary.

PLANNING HISTORY

None

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is a 500sqm area of flat grassed land to the front of five properties in Eastern Way, Elmswell, numbers 16-22, between the edge of the metalled carriageway and the properties' front gardens.
- 1.2. Eastern Way forms part of an established residential area built approx. 1970's within the settlement boundary of Elmswell village.
- 1.3. The site is not within a conservation area, nor special landscape area, nor has any trees with preservation orders on them. One small shrub is noted within the application site and it is proposed to be retained throughout the proposed works.

2. The Proposal

- 2.1. The proposal seeks permission for change of use of the grassed land, to allow vehicular access over and hard standing to facilitate this for properties 16, 18, 20 and 22 Eastern Way, Elmswell. It is understood that a Deed of Easement is in place to allow the movement of vehicles over the land.
- 2.2. The plans propose construction of two 4.5m shared accesses with dropped kerbs off Eastern Way. The existing tarmac footpath, which runs between the site and metalled carriageway would be lowered and finished in tarmac. It is proposed to meet current highways standards to allow a vehicle to pass over them without causing damage.
- 2.3. A portion of the existing grassed area (approx. 130sqm) would be dug to a depth of 205mm, before filling with 150mm of hardcore, followed by Geotextile, sand and topped with grasscrete (Cellpave)

40 paving grids). Finally, the grasscrete would be filled with soil and grass seeded. This would allow vehicles to pass over the land, while ensuring that it continued to appear as though it were completely grassed.

- 2.4. The application was subject to amended plans during the course of determination in order to address the holding objection raised by SCC Highways Authority. Amended plans were received on 14th October 2022; the revisions include the 43m vehicular visibility splays and confirmation the new accesses will be 4.5m in width, be constructed to SCC drawings DM03 and nothing above 600mm will obstruct the visibility splays.

3. The Principle of Development

- 3.1. As a full application for the change of use of land for highway vehicular access and hardstanding, the application is assessed under Local Plan policies GP1, H16, T9, T10 and Core Strategy Policies CS1, CS5, FC1, FC1.1 and the NPPF.
- 3.2. Key considerations will be the design of the proposed accesses, their impact on the surrounding road safety, landscape and residential amenity of neighbouring properties. The policies seek to provide safe access to and egress from the site whilst protecting the needs of pedestrians and cyclists and ensure residential amenity is maintained with consideration to the existing landscape and design of the local area.
- 3.3. Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

4. Design, Access, Parking and Highway Safety Considerations

- 4.1. NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.2. Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings.
- 4.3. The proposal would create two new shared vehicular accesses off Eastern Way, across the site and allow vehicular access to the frontages of 16, 18, 20 and 22 Eastern Way. The frontage of each property has sufficient space to accommodate a minimum of two parked cars, thus leaving the shared accessways free from parked cars. The provision of these accesses would enable occupants of the property Nos. 16-22 Eastern Way to implement electric vehicle charging at home, should they desire and would allow off-street parking for the properties involved.
- 4.4. The existing shrub on site is to be retained. The proposed finishing surface would be grasscrete. Once the grass has re-established, it would appear visually unobtrusive and similar to existing grassed area, yet sufficient to withstand regular vehicular movements without damage, avoiding unsightly indentations, ruts and bald patches.
- 4.5. The number of dwellings and cars owned by the occupants is not affected by this proposal. Due to no intensification of vehicle movements, it is considered there are no adverse impacts relating to residential amenity as a result of vehicle movements. This has been confirmed by the Highway Authority within their response to the application.

- 4.6. Due to the potential impact of noisy work effecting the nearby residents during the construction phase of the development, Officers recommend applying a condition limiting construction work hours in line with the Environmental Protection Officer's recommendation, to protect residential amenity and to ensure that noisy works do not take place at particularly sensitive times.
- 4.7. Thus, the proposal would not erode the character of the area, nor reduce the amenity of the area by means of appearance, traffic generation, nuisance or safety and accords with policies GP1 and H16 of the Local Plan.
- 4.8. By way of creating a new vehicular accessway off the highway, the proposal engages highways considerations. In respect of Policy T9 and T10 and Paragraph 111 of the NPPF, development should not adversely affect the highway network and associated safety.
- 4.9. The Highway Authority were consulted and have no objection, subject to conditions securing the access is developed to highways standard drawing DM03, with proposed visibility splays, and conditions ensuring the gradient and surface of the existing footway are safe and suitable for pedestrians and cycling access. They consider the vehicular visibility splays provided on amended plans are sufficient.
- 4.10. The road is speed limited to 30mph and affords good visibility in both directions, ensuring safe access to and egress from the site. The footpath is to remain the same width and material, ensuring the needs of pedestrians are met, in accordance with policy T10 of the Local Plan. It is also to be upgraded to allow vehicle movements over it such that the quality of the surface would not break down due to repeated vehicle crossings.
- 4.11. The site is within flood zone one with no known surface water flooding issues. This is the lowest risk of flooding. Given the proposed site surface, it is pleasing that grasscrete is proposed as it is permeable, allowing water collected on the surface to flow to the ground, and mitigates any surface water drainage issues. There is no change in the flood absorption capability of the site to deal with any surface water run off because the site remains predominantly grass and grasscrete allows the flow of water through it.
- 4.12. Therefore, Officers do not consider it justified to impose the condition requesting submission of details showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water as the application itself already provides this detail.

PART FOUR – CONCLUSION

13. Planning Balance and Conclusion

- 13.1 Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 13.2. The basket of policies identified hold full weight, of specific importance and relevance are Core Strategy policies CS5, FC1 and FC1.1 and Local Plan policies GP1, H16, T9 and T10. The proposal for change of use of land for highway vehicular access and hard standing is considered acceptable with no adverse impacts to the character of the surrounding area, residential amenity, highways

safety or flood risk. A Deed of Easement to allow the movement of vehicles over the land is in place, it does not allow for the parking of vehicles on the land.

- 13.3 The accesses are onto a 30mph road serving existing residential dwellings. There are no design concerns, and the highways team are satisfied with the accesses from a safety perspective, following the subsequently provided additional drawings of the access. The proposal offers no residential amenity concerns sufficient to warrant the refusal of the application. The proposal would ensure occupants could implement electric vehicle charging at home should they so desire and would ease on-street parking pressure within the area.
- 13.4 The application accords with relevant development plan policies and national planning guidance and permission should be granted with the added safeguards provided by the recommended conditions.

RECOMMENDATION

That Members resolve to: Delegate Authority to the Chief Planning Officer to GRANT planning permission, including the imposition of relevant conditions and informatives as summarised below and those as may be deemed necessary by the Chief Planning Officer:

Conditions:

- Standard 3 year time limit to implement permission
- Approved Plans
- Vehicular visibility splays provided as per approved plans and thereafter retained in perpetuity
- No obstruction to visibility over 0.6m high within visibility splays
- Pedestrian visibility splays to be provided
- Access to be provided in accordance with SCC standard access drawing DM03 and thereafter retained in perpetuity
- New accesses onto the highway, over the existing footways (and not the grassed area itself), to be surfaced with bound material in accordance with SCC Estate Road Specification
- Gradient of accesses to be agreed.
- Restriction on construction times during development: 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays, none at all on Sundays and Bank Holidays.

Informatives:

- Pro active working statement
- SCC Highways and Rights of Way notes