



**East Suffolk House, Riduna Park, Station Road,
Melton, Woodbridge, Suffolk, IP12 1RT**

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Stuart Bird (Vice-Chairman)
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Tom Daly
Councillor Mike Deacon
Councillor Colin Hedgley
Councillor Mark Newton
Councillor Kay Yule

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 28 February 2023 at 2.00pm.**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtu.be/Idi7Tkp9S10>.

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

Members and Officers are invited to make any declarations of interests, and the nature of that interest, that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.

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| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 24 January 2023 | 1 - 17 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1468
Report of the Head of Planning and Coastal Management | 18 - 34 |
| 6 | DC/22/1146/FUL - Land Adjacent to 3 Pine Grove, Grundisburgh, IP13 6UL ES/1470
Report of the Head of Planning and Coastal Management | 35 - 50 |
| 7 | DC/22/2984/FUL - Woodside, Martlesham Road, Little Bealings, Woodbridge, IP13 6LX ES/1471
Report of the Head of Planning and Coastal Management | 51 - 66 |
| 8 | DC/22/2515/FUL - Badgers Bank, Priory Road, Snape, Saxmundham, IP17 1SE ES/1469
Report of the Head of Planning and Coastal Management | 67 - 77 |

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Chris Bally, Chief Executive

Speaking at Planning Committee Meetings

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting.

To register to speak at a Planning Committee, please visit <https://www.eastsuffolk.gov.uk/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

If you are registered to speak, can we please ask that you arrive at the meeting **prior to its start time (as detailed on the agenda)** and make yourself known to the Committee Clerk, as the agenda may be re-ordered by the Chairman to bring forward items with public speaking and the item you have registered to speak on could be heard by the Committee earlier than planned.

Please note that any illustrative material you wish to have displayed at the meeting, or any further supporting information you wish to have circulated to the Committee, must be submitted to the Planning team **at least 24 hours** before the meeting.

For more information, please refer to the Code of Good Practice for Planning and Rights of Way, which is contained in the East Suffolk Council Constitution (<http://www.eastsuffolk.gov.uk/assets/Your-Council/East-Suffolk-Council-Constitution.pdf>).

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 24 January 2023 at 2.00pm.**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tom Daly, Councillor Colin Hedgley, Councillor Mark Newton

Other Members present:

Councillor David Beavan, Councillor Peter Byatt, Councillor Linda Coulam, Councillor Lydia Freeman, Councillor Carol Poulter, Councillor David Ritchie

Officers present:

Ben Bix (Democratic Services Officer (Regulatory)), Marianna Hall (Principal Planner), Matt Makin (Democratic Services Officer (Regulatory)), James Meyer (Senior Ecologist), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Michelle Stimpson (Environmental Health Officer), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillors Tony Cooper, Mike Deacon, Debbie McCallum, and Kay Yule. Councillors Peter Byatt, Linda Coulam and David Beavan attended as substitutes for Councillors Deacon, McCallum and Yule respectively.

Councillor Stuart Bird, Vice-Chairman of the Committee, chaired the meeting in the absence of Councillor McCallum, the Chairman of the Committee.

2 Declarations of Interest

Councillor Stuart Bird declared a Non-Registerable Interest in item 6 of the agenda, as the speaker registered to represent Campsea Ashe Parish Council was known to him.

Councillor Bird declared an Other Registerable Interest in item 7 of the agenda, as a member of Felixstowe Town Council and Chairman of that authority's Planning and Environment Committee.

Councillor Mark Newton declared an Other Registerable Interest in item 6 of the agenda, as a member of the British Horse Society. Councillor Newton stated that he had come to the view that a fair minded and reasonable observer could consider he

was biased towards the application and declared that he would not take part in or vote on the item and would leave the meeting room for its duration.

3 Declarations of Lobbying and Responses to Lobbying

Councillors Stuart Bird, Tom Daly, Colin Hedgley and Mark Newton all declared they had been lobbied by email on item 6 of the agenda and had not responded to any correspondence received.

Councillor Chris Blundell declared he had been lobbied by email on item 6 of the agenda; he had not responded to any correspondence received but had forwarded one email to the case officer as it contained a question on a factual matter.

4 Minutes

On the proposition of Councillor Hedgley, seconded by Councillor Blundell, it was by a majority vote

RESOLVED

That the Minutes of the Meeting held on 20 December 2022 be agreed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1423** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers up until 16 December 2022. At that time there were 17 such cases.

The Vice-Chairman invited the Assistant Enforcement Officer to comment on the report, who advised that following the publication of the report a compliance visit had taken place to 297 High Street, Walton, and it had been confirmed that the compliance notice had been achieved. The Committee was advised that a closure notice would be issued shortly to all parties.

There being no questions to the officers it was on the proposition of Councillor Hedgley, seconded by Councillor Newton and by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 16 December 2022 be noted.

NOTE: Councillor Byatt arrived at the meeting during this item (at 2.10pm) and therefore did not take part in or vote on the item.

6 DC/21/4896/FUL - Part Land Opposite Ashe Green Farm, Ivy Lodge Road, Campsea Ashe

NOTE: Councillor Newton did not take part in or vote on this item and left the Deben Conference Room for its duration.

The Committee received report **ES/1386** of the Head of Planning and Coastal Management, which related to planning application DC/21/4896/FUL.

The application sought to introduce a new equestrian business into a countryside location in the parish of Campsea Ashe. It was proposed as the relocation of an existing business, whose tenancy within the district (Iken) was coming to an end; the applicant wished to maintain a local business and maintain an existing riding school and livery customers whilst continuing to provide these equestrian uses for the local area.

Due to the significant level of public interest in the application the Head of Planning and Coastal Management, in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, had requested that it be determined by the Committee.

The Committee received a presentation from the Planning Manager (Development Management, Major Sites and Infrastructure), who was the case officer for the application, who summarised the changes made to the scheme during the course of the application along with the information contained in the update sheet published on 23 January 2023. The Planning Manager noted that several members of the Committee had visited the application site earlier in the day.

The site's location was outlined and the Planning Manager identified its relationship with Ivy Lodge Road to the east; the site was surrounded on its other boundaries by a public right of way (PRoW) and bridleways. The Committee's attention was drawn to the site's proximity to the Grade II listed Ashe Green Farm and the Grade II* listed Campsea Ashe Parkland to the north, and the dwellings to the south that had originally been gatehouses to the Rendlesham Parkland.

An aerial photograph of the site was displayed and the Planning Manager summarised its relationship with the arable and woodland surroundings. The Planning Manager highlighted the preparatory works undertaken on the site, including the access from Ivy Lodge Road and hardstanding in the centre of the site.

The proposed block plan was displayed and the site layout arrangements were outlined. The Planning Manager noted the entire site would be surrounded by a three-bar railing fence, with temporary electric fencing internally for the paddocks. The Committee was advised that an isolation stable would be located in the north-western corner of the site.

The Committee was advised that the site's historic setting was to be taken into consideration; the Planning Manager reiterated its proximity to Grade II* listed historic parkland and explained that the site had historically been known as Ashe Green and used for grazing. The Planning Manager confirmed that the land did not benefit from common status, the woodland belt around the site had been there for a significant period of time and the eastern boundary had historically an open setting.

The Planning Manager identified that the applicant was relocating part of their business from Iken, displaying a map showing the business's current location, due to the tenancy ending and had purchased the site to continue running the business. The Committee was reminded that the purchase of and preparatory works on the site were not material planning considerations, but weight should be given to the continuation of the business in the district. The Planning Manager summarised an extract from the submitted Design and Access Statement relating to the existing business provision in Iken.

The relationship between the site and both the PRoW and the bridleway network was outlined; the Planning Manager confirmed that the PRoW would not be used for horse riding.

The Committee received photographs of the site demonstrating views from the vehicle access from Ivy Lodge Road, looking into the site from the vehicle access (towards the hardstanding area), from within the site looking out of the vehicle access point towards Ashe Green Farm, from the access looking south along the eastern boundary, from the south-east corner of the site looking north, street views looking east towards Ashe Green Farm, the north-east corner of the site towards the historic parkland, and from the historic parkland looking south along Ivy Lodge Road.

The Planning Manager displayed extracts from the Landscape Assessment submitted with the application, which included several images from various viewpoints setting out the existing situation on the site, the proposed position of the building, and boundary planting. The Committee was advised there would be a significant change to the landscape due to the full extent of the development proposed.

The proposed floor plans were displayed; the Planning Manager noted that despite the provision of the stables, it was the applicant's intention to keep animals in the paddocks for much of the time. The Committee was also shown a visualisation image for the stables building, along with the proposed elevations for this building and the isolation stable.

The Planning Manager highlighted the cover of the Design & Access Statement and noted that the proposed planting along the eastern boundary had been removed.

The Committee was advised of the proposed materials to be used for the buildings, fencing, riding arena surface and jump equipment. The Planning Manager outlined the land improvement works already undertaken on the site to install drainage east to west across the site and to excavate the drainage ditch on the western boundary. It was noted that larger drains had been installed at the southern boundary of the site.

Detailed drawings for the proposed vehicle access, showing the improvements to be made to the existing access, were shown to the Committee.

The key issues and material planning considerations were summarised as heritage, landscape, policy support (policy SCLP4.5 of the Suffolk Coastal Local Plan (Economic Development in Rural Areas) and paragraphs 84-85 of the National Planning Policy Framework), and the public benefits.

The recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management was outlined to the Committee.

The Vice-Chairman invited questions to the officers. The site was confirmed to be 8.6 hectares in size. The Planning Manager advised that a Heritage Impact Assessment had been completed; the site had been recognised as a pasture in the past and would have had community links through grazing use and had since the latter 20th century been used as an arable field. This assessment had been reviewed by the Council's Senior Ecologist, who had not objected to the application. It was confirmed that the proposed floodlighting for the riding area had been removed from the proposals to protect nearby bats.

In response to a question from Councillor Beavan, the Planning Manager explained that all consultees are notified of changes made to planning applications and are re-consulted and able to comment on the revised proposals at each stage.

The Planning Manager stated that there had been no requirement to consult the Environment Agency for flood purposes on this application and that drainage works were able to be completed without planning permission, adding that no flooding concerns had been raised by statutory consultees.

The Vice-Chairman invited Mr Spencer, representing objectors to the application, to address the Committee. Mr Spencer hoped that the site meeting earlier in the day had given Members a better idea of the size and scale of what was proposed and noted that after a significant period of time officers had concluded the application was finely balanced and had recommended approval; Mr Spencer said this was despite the quality and content of the application and the wide-ranging concerns raised by objectors.

Mr Spencer highlighted Council policies to protect historic parkland and expressed concerns about the application causing the spread of equestrianism in the area. Mr Spencer quoted policies from the Local Plan about keeping the agricultural setting of the historic parkland and said that these areas should be protected from harm. Mr Spencer questioned the public benefits that would be brought by the development, noting similar facilities in the local area.

Mr Spencer noted the concerns of the Council's Landscape Officer and queried if the suggested benefits would outweigh the harm would cause to its surroundings, noting that there appeared to be no mitigation for the impact it would have on the landscape and that there had been no assessment of the harm that would be caused to nearby heritage assets.

Mr Spencer concluded that there were many equestrian sites in the district but not many historic parkland sites and urged the Committee to protect them and refuse the application.

The Vice-Chairman invited questions to Mr Spencer. Mr Spencer clarified that his concern about the spread of equestrianism in the area related to the Character Assessment completed in 2018. Mr Spencer said that the site dated back to 1433 and had been known as Ashe Green, and the woodland demarcating the boundary being a

unique feature. Mr Spencer considered the site to be rare and that it should be protected.

The Vice-Chairman invited Councillor Reid, representing Campsea Ashe Parish Council, to address the Committee. Councillor Reid said the Parish Council was concerned about the development of the site on the place and setting of the local area and supported concerns raised by other objectors. Councillor Reid said the Parish Council was also concerned about the impact of additional traffic on Ivy Lodge Road, especially when considering other developments near Rendlesham and how the site would link with the wider highway network.

Councillor Reid expressed unease about the viability of the business, stating that the applicant was only moving 50% of their business from the site in Iken and that the land was owned by a third party. Councillor Reid said that the public benefit of the development had not been fully evaluated against the harm it would cause and said the Parish Council considered robust testing was needed.

Councillor Reid was of the view that the applicant had played down the importance of the site to the community and concluded that the application had recognisable shortfalls and would cause harm with no mitigation which was not outweighed by the public benefit. Councillor Reid urged the Committee to refuse the application.

The Vice-Chairman invited questions to Councillor Reid. Councillor Reid stated that the nearest riding school was approximately one mile away from the application site. In response to a question on the importance of the site to the community, Councillor Reid said that residents can walk through the field, and this was good for their mental health.

When asked a further question about the use of the field for walking, given its use as an arable field, Councillor Reid said that locals would walk on the PRow and bridleways at the edge of the field. Councillor Reid said that the development of the field would change the character of those walking routes.

Councillor Reid advised that there had been three major vehicle accidents on Ivy Lodge Road in the last year, noting one incident where a vehicle flipped into the field when swerving to avoid a deer in the road.

Councillor Reid said the Parish Council was concerned about the future use of the site for housing should the business fail, reiterating her comments that only 50% of the applicant's business was being moved from Iken and questioning the profitability and viability of what would be operating on the application site.

The Vice-Chairman invited Mr Price, agent for the applicant, to address the Committee. Mr Price was accompanied by Ms Kelly, the applicant, who was available to answer any questions of the Committee. Mr Price confirmed that the end of the tenancy on the Iken site was forcing the applicant to relocate their business, which had seen an increase in custom since the COVID-19 pandemic.

Mr Price described the proposed operation as a countryside business and considered that equestrian activities were appropriate in rural locations. Mr Price said the officer's

report noted the potential impact of the development and that the case officer's decision had been reached by balancing the low-level landscape impacts against the public benefits of the business.

Mr Price stated he had been surprised by the level of local objections to the application as pre-application engagement had suggested minimal concerns in the community. Mr Price highlighted that the applicant had made several amendments to the proposals in response to concerns raised by objectors and officers.

Mr Price said there was a misconception amongst objectors that the site was a village green or common land and that information to clear this up had been supplied to officers. Mr Price said the applicant was committed to the site as it provided several benefits to their business, including a direct connection to the bridleway network.

Mr Price concluded that the benefits of the scheme outweighed the harm and questioned that if this site was not suitable for the proposed use, what site would be.

The Vice-Chairman invited questions to Mr Price and Ms Kelly. Mr Price said that a condition to prevent housing development would be acceptable but was of the view it was very unlikely that planning permission would be granted for housing development on the site.

Ms Kelly was able to advise that horses would not be ridden on the highway, only on the bridleways, and that vehicle movement details had previously been submitted to officers. Mr Price noted the two elements of the proposed business, the livery and the riding school, and did not expect significant vehicle movements for the latter as it would principally be cars transporting students to and from lessons.

Mr Price considered that users of the livery would not be arriving and leaving at the same time and the number of vehicles associated with that side of the business would be low. Mr Price highlighted that the Highways Authority had not objected to the application; he was able to state that the all-day traffic increase on the low-traffic highway was between 4.3% and 7.1%, with the maximum figure based on an assumption that users all arrive and leave at the same time.

Ms Kelly said that lessons were for one to two riders at a time and the livery was serviced so users would only be attending to ride their horses. Ms Kelly only expected two to three vehicle movements per day after dark, which would be staff vehicles.

Ms Kelly said that planting would be dictated by the planting plan required by condition; Mr Price added that planting would not take place on the eastern boundary to maintain an open character and that planting would be outside of the arena and adjacent to the woodland. Mr Price concurred with the comments in the report that the change of use on the site would increase its biodiversity.

Ms Kelly confirmed that three people would be employed on the site, one full-time and two part-time, with operating hours being between 9.00am and 3.30pm. Ms Kelly said that many of her customers post COVID-19 had been attending for wellbeing reasons.

Mr Price explained that the only night-time lighting would be for security purposes and to walk safely across the developed part of the site, with it primarily being motion-activated and as minimum as necessary. Mr Price said this lighting would be designed to be as eco-friendly as possible to retain the rural amenity of the area and noted that a proposed condition would require the submission and approval of a lighting strategy.

The Vice-Chairman invited Councillor Poulter, Ward Member for Campsea Ashe, to address the Committee. Councillor Poulter said she did not often attend Committee meetings to speak as a ward member as she usually agreed with officer recommendations and defended them in her Ward when necessary. Councillor Poulter said she could not agree with the recommendations for this application and had objected to it at all stages of consultation.

Councillor Poulter explained she objected to the application for a variety of reasons and shared the concerns of local objectors and Campsea Ashe Parish Council. Councillor Poulter considered that the site was a Non-Designated Heritage Asset (NDHA) and that this had not been made completely clear; Councillor Poulter said that the NDHA should be protected. Councillor Poulter referenced the comments of the Gardens Trust and the Suffolk Preservation Society that supported protecting the site.

Councillor Poulter expressed concerns about the mitigation proposed and the lack of an ecological assessment, asking if the latter had been completed as there could be protected species on the site. Councillor Poulter considered that the development would completely change the area and was of the view that lighting would be required for the riding arena.

Councillor Poulter said she remained very concerned about the application despite the amendments that had been made, stating that these amendments had not satisfied her that this was a suitable development. Councillor Poulter advised the Committee that councillors were there to represent their residents and make sure they are protected, concluding that there was no evidence of any public benefit given the proximity of other, similar sites. Councillor Poulter requested that the Committee reject the application.

The Vice-Chairman sought clarity from officers on Councillor Poulter's comments regarding the site being a NDHA. The Planning Manager noted that this was covered in paragraph 7.29 of the report and outlined that NDHAs were recognised nationally as heritage criteria and referred to in the NPPF. The Planning Manager explained that the criteria to meet the definition of a NDHA was set out in the Local Plan at paragraph 11.37, and that the Suffolk Preservation Society considered the site met one of the criteria set out in the Local Plan. The Committee was advised that the site did not meet the minimum of two criteria set out in the Local Plan to be defined as a NDHA and that this also applied to buildings, not places or landscapes.

The Vice-Chairman also sought clarity on whether an ecological assessment had been completed. The Senior Ecologist commented that the site was predominantly an arable field with low biodiversity and therefore an ecological assessment had not been required. The Senior Ecologist stated that his initial appraisal of the application was that lighting, particularly floodlighting for the riding arena, would have a significant

impact on the bat colony adjacent to the site, and this concern had been resolved by the removal of the floodlighting to the proposals.

The Vice-Chairman invited questions to Councillor Poulter. Councillor Poulter defined that her principal objection was that the proposed development would cause harm to the landscape and change the character of the area.

The Vice-Chairman invited the Planning Manager to clarify points raised regarding viability. The Planning Manager noted that the proposed on-site residential dwelling had been removed from the application and advised that the viability of the existing business was not a material consideration for the Committee when making its decision. The Planning Manager confirmed that the number of riding schools in the area was three and not ten, as had been suggested earlier in the meeting, and that several of the facilities referred to were only liveries and did not incorporate a riding school.

The Vice-Chairman invited the Committee to debate the application that was before it. Several members of the Committee expressed concerns about the application, noting other livery stables in the area, the change to the character of the area, and the impact on traffic in the local area. Councillor Hedgley indicated he was not in favour of the application but wanted to hear from other Members before coming to a decision. Councillor Byatt highlighted the accident record at Ivy Lodge Road and was concerned that additional accidents could occur with the increased traffic that the development would bring.

Other members of the Committee were supportive of the application, considering the impact on both the character of the area and traffic on Ivy Lodge Road would be minimal, and that the proposed use was acceptable in a rural setting. Councillor Daly was of the view that the change of use would be beneficial for those using the site for recreation and health reasons and would be an improvement from its current use as an arable field. Councillor Beavan concurred with these statements and highlighted that the change of use would increase the biodiversity of the site.

Councillor Coulam noted that there had been more letters of support than objection and said it would be disappointing to see a business shut down due to not being able to find a site.

Councillor Blundell concurred with the comments made in support of the application and said that in his experience as Chairman of the former Suffolk Coastal District Council, he had seen first-hand the benefit such operations can bring.

Councillor Bird concluded the debate, acknowledging that although there would be some impact on the landscape this would be screened to an extent and considered there were no material planning grounds on which to refuse the application. Councillor Bird noted that the right to walk the boundary of the site via the PRow and bridleways would continue and the proposed change of use was an evolution of the site.

There being no further debate, the Vice-Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report.

On the proposition of Councillor Blundell, seconded by Councillor Coulam, it was by a majority vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to the conditions below and there being no changes as result of consultation responses received in the two days following the meeting.

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 shall be carried out in accordance with the drawings and plans (to be listed) received 8 February 2022 and 22 December 2022 and the site location plan received 26 October 2021

3. The permission to undertake this development shall be personal to the applicant as the relocation of an existing business only. Following the completed construction of the stables, the business shall not be sold or operated by another individual for a period of three years.

After that period there shall be no restriction on the owner/operator (final wording to be agreed)

Reason: To ensure the material considerations of the relocation of an existing business endure in the delivery and use of this development.

4. In using the site, there shall be no operation of the livery part of the business without the active presence and use of a minimum of five riding school horses/ponies. In the event that there is no riding school element of the site, the livery use shall cease within 6 months of the last use of the site for a riding school of a minimum of five horse/ponies. There shall be no more than 12 livery ponies/horses on the site at any time and the livery stabling shall be limited to that on the approved drawing. All riding school stables on that drawing shall only be used for the stabling of riding school ponies/horses.

Reason: To ensure that the material consideration applied to the benefit of the riding school use remains the leading use of the site and that the benefits of the use are maintained for its importance in justifying this consent.

5. External storage of feed, hay, straw, jumps and associated equestrian paraphernalia shall be limited only to the areas in the stable yard and the fenced area to the rear of the stables.

There shall be no storage of jumps or other paraphernalia within the paddock area other than in daytime hours and no such items shall be left in the paddock areas overnight. No towable or temporary field shelters or structures are permitted to be placed anywhere within the site unless planning permission has been obtained. There shall be no temporary siting of any mobile home or portkabins on the site during the construction period.

Reason: to protect and control the character and appearance of the landscape.

6. Removal of permitted development rights for permanent fences walls and enclosures.

7. No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed in all respects in accordance with drawing labelled Highways Plan on the planning portal dated 21.12.2021. Thereafter it shall be retained in its approved form.

*Reason: To ensure the access is laid out and completed to an acceptable design in the interests of the safety of persons using the access and users of the highway. *This needs to be a pre-commencement condition because access for general construction traffic is not otherwise achievable safely.*

8. Before the access is first used visibility splays shall be provided as shown on Drawing labelled Highways Plan on the planning portal dated 21.12.2021. with an X dimension of 2.4 metres and a Y dimension of 120 metres [tangential to the nearside edge of the carriageway] 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

9. Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials

- c) piling techniques (if applicable)
- d) storage of plant and materials and storage structures
- e) provision and use of wheel washing facilities
- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
- g) site working and delivery times
- h) a communications plan to inform local residents of the program of works
- i) provision of boundary hoarding and lighting
- j) details of proposed means of dust suppression
- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms.
- n) Details of deliveries times to the site during construction phase.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Construction Management Plan must be in place at the outset of the development.

10. 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, 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.

11. Prior to commencement, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

12. Details of the proposed foul drainage treatment plant to be installed shall be agreed in writing and installed in accordance with plans prior to the use of the restroom facilities first commencing.

Reason: To ensure that suitable foul drainage is installed noting that connection to the public sewer is not proposed, in the interests of the local environment.

13. Prior to the commencement of development, details of surface water/roof water drainage shall be submitted and agreed along with details of water efficiency measures to enable rain water to be used on the site.

Reason: To ensure surface water is appropriately managed and water efficiency measures are implemented in the interests of sustainable development.

14. Stable waste and manure shall be stored within the indicated trailer on the approved drawing and shall be removed from the site whenever full. There shall be no stable waste or manure storage anywhere else on the site. There shall be no burning of stable waste, straw or manure anywhere on the site at any time.

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including

cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

16. The landscaping scheme shall be completed within the first planting season following the commencement of the stable building, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which are diseased, die or are removed during the first 5 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

17. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use first commences. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and the appearance of the locality.

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. As the development involves the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended). The water must not be used before it has been assessed by the Local Authority.

3. In order to operate these premises a licence may be required under Animal Welfare Licensing legislation. An application form may be obtained from the Environmental Protection Team. The issue of the licence will be subject to inspection and a fee being paid. For further details please contact the Environmental Protection Team e-mail at environment@eastssuffolk.gov.uk.

NOTE: following the conclusion of this item, the Vice-Chairman adjourned the meeting for a short break. The meeting was adjourned at 3.48pm and was reconvened at 3.52pm.

7 DC/22/3493/FUL - 54 Looe Road, Felixstowe, IP11 9QB

NOTE: Councillor Newton returned to the meeting for this item.

The Committee received report **ES/1424** of the Head of Planning and Coastal Management, which related to planning application DC/22/3493/FUL.

The application sought planning permission for the construction of a two-storey side and rear extension and a single-storey rear extension to 54 Looe Road, Felixstowe. As the officer's recommendation of approval was contrary to the recommendation of refusal by Felixstowe Town Council, the application was considered by the Referral Panel on 20 December 2022, where it was referred to the Committee for determination.

The Committee received a presentation from the Principal Planner, on behalf of the case officer for the application. The site's location was outlined and the Committee's attention was drawn to the public right of way (PRoW) at the rear of the site. The Principal Planner displayed the existing and proposed elevations and floor plans, noting that the internal measurements of the existing garage were below the current minimum parking standards.

The Committee was shown an aerial photograph of the site and the proposed block plan. The Principal Planner stated that the space in front of the existing garage was not large enough to accommodate a car and was not used for parking.

The Committee received photographs of the site demonstrating views of the front and rear of the host dwelling, looking towards neighbouring properties from the host dwelling's rear garden, and from the rear of the host dwelling towards the rear of the garden.

The material planning considerations and key issues were summarised as the design and impact on the streetscene, residential amenity, and parking and highway safety.

The recommendation to approve the application was outlined to the Committee.

The Vice-Chairman invited questions to the officers. The Principal Planner confirmed there was a mixture of properties in Looe Road with similar lean-to garages, which did not need planning permission to convert into a habitable room, and others without garages and a few with more substantial arrangements.

The Vice-Chairman asked if it was reasonable to expect that an occupied four-bedroom dwelling would only use public transport. The Principal Planner confirmed this was the justification provided in the response from the Highways Authority (who had not objected to the application) and reiterated that the garage and front parking space on the site were not currently in use, and that the existing garage could be converted into a habitable room without planning permission. The Principal Planner concluded there was no significant impact on highway safety that provided grounds to refuse the application.

The Vice-Chairman invited Councillor Smith, representing Felixstowe Town Council, to address the Committee. Councillor Smith said that although the Town Council acknowledged that, in principle, the proposals were well-designed and attractive, it remained concerned about the parking issues. Councillor Smith noted that there was

already no off-road parking at the site and considered that some cars would be able to fit into the existing garage.

Councillor Smith highlighted the comments of the Highways Authority and pointed out that its own parking standards required three parking spaces for a four-bedroom dwelling. Councillor Smith acknowledged the parking standards were guidance but countered that the Town Council was experienced of the application of such guidance to planning applications.

Councillor Smith said that for a car-free development to be acceptable there needed to be good public transport links and services in walking distance; Councillor Smith said that although there were bus stops in walking distance, the service in the area was so infrequent it could not be considered good. Councillor Smith added that beyond one SPAR shop, all other services were in the town centre, which he considered was not in walking distance of the site. Councillor Smith concluded that the Town Council considered the balance of the application was such that it should be refused.

The Vice-Chairman invited questions to Councillor Smith. When asked if the proposals would make the highways situation worse Councillor Smith said it was an intensity of use.

The Chairman invited the Committee to debate the application that was before it. Several members of the Committee spoke in favour of the application, noting the existing garage was not suitable for modern vehicles and could be converted to a habitable room without planning permission.

Councillor Beavan said he had been convinced by the arguments of Felixstowe Town Council and was concerned that the intensification would cause highway issues.

There being no further debate, the Vice-Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Hedgley, seconded by Councillor Coulam, it was by a majority vote

RESOLVED

That the application be **APPROVED** subject to the conditions below.

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 carried out in all respects strictly in accordance

with the following approved plans and documents for which permission is hereby granted:

- Application Form received on 5 September 2022.
- Drawing no. 22/07/0070 received on 5 September 2022.
- Drawing no. 22/07/0071 Revision B received on 6 December 2022.

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. The two-storey extension shall not be brought into use until the area within the site shown on drawing no. 22/07/0071 Revision B for the purposes of secure cycle storage has been provided and thereafter the area shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

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.

The meeting concluded at 4.13pm.

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Chairman



Planning Committee South

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

28 February 2023

Report Author and Tel No

Mia Glass

01502 523081

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 30 January 2023. At present there are 18 such cases.

Information on all cases has been updated at the time of preparing the report such that the last row in the table for each item shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

The cases are organised into categories based upon current status:

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing. *5 current cases*

- B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal. *8 current cases*
- C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period. *No current cases*
- D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action. *1 current cases*
- E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action. *2 current cases*
- F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway. *1 current case*
- G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue. *1 current cases*

RECOMMENDATION

That the outstanding enforcement matters up to 30 January 2023 be noted.

A. Cases on which a formal enforcement notice has been served, and the compliance period is still ongoing.

A.1

LPA Enforcement Case Reference	ENF/2016/0292
Location / Address	Houseboat Friendship, New Quay Lane, Melton
North or South Area	South
Date of Report of Breach	16.08.2016
<u>Nature of Breach:</u> Change of use of land	
<u>Summary timeline of actions on case</u> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. 20/10/2016 - Enforcement Notice served. Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024).	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	24/11/2024

A.2

LPA Enforcement Case Reference	ENF/21/0027/USE
Location / Address	18 The Esplanade, Lowestoft
North or South Area	North
Date of Report of Breach	25.01.2021
<u>Nature of Breach:</u> Mobile homes for residential use	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. 18/07/2022 – Enforcement Notice came into effect. 4 months for compliance, of 09/07/2022 - 1 caravan has been removed and 1 remains in place. Agreed to extend compliance from 18/11/2022 to 18/02/2023 for the 2 nd caravan to be removed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	18/02/2023

A.3

LPA Enforcement Case Reference	ENF/21/0074/SIGN
Location / Address	297 High Street, Walton
North or South Area	South
Date of Report of Breach	23.02.2021
<u>Nature of Breach:</u> Partial change of use of shop to residential accommodation	
<u>Summary timeline of actions on case</u> 25/08/2022 – Enforcement Notice served. Comes into effect on the 26/09/2022. 3 months for compliance 10/01/2023 - Site Visit to confirm compliance. Case will be closed.	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	26/12/2022

A.4

LPA Enforcement Case Reference	ENF/20/0404/USE
Location / Address	200 Bridge Road, Lowestoft
North or South Area	North
Date of Report of Breach	24.09.2020
<u>Nature of Breach:</u> Change of use of land for the storage of building materials	

<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/06/2023

A.5

LPA Enforcement Case Reference	ENF/21/0290/USE
Location / Address	141 Kirton Road, Trimley St Martin
North or South Area	South
Date of Report of Breach	17.06.2021
<u>Nature of Breach:</u> Change of use of cartlodge to a shop.	
<u>Summary timeline of actions on case</u> 19/01/2023 –Enforcement Notice served. Comes into effect on the 20/02/2023	
<u>Current Status/Position</u> In compliance period.	
Date by which Compliance expected (or prosecution date)	20/05/2023

B. Cases on which a formal enforcement notice has been served and is now the subject of an appeal

B.1

LPA Enforcement Case Reference	ENF/2018/0543/DEV
Location / Address	Land at North Denes Caravan Park, The Ravine, Lowestoft
North or South Area	North
Date of Report of Breach	21.12.2018
<u>Nature of Breach:</u> Without planning permission operational development involving the laying of caravan bases, the construction of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	
<u>Summary timeline of actions on case</u> 02/05/2019 - Temporary Stop Notice Served and ceased 30/05/2019 24/05/2019 - Enforcement Notice served, came into effect on 28/06/2019 25/05/2019 - Stop Notice Served comes into effect 28/05/2019. 08/06/2020 – Appeal process started. Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 02/02/2021 – Appeal Hearing date. Hearing adjourned until 09/03/2021. Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. 18/05/2021 - Appeal dismissed and partial costs to the Council 18/08/2021 - Compliance with Notice required 31/10/2021 - Extension of time granted for compliance until 31/10/21. 15/11/2021 - Further extension of time granted for compliance until 15/11/2021. 18/11/2021 - Site visited, no works undertaken, case to be referred to legal department for further action to be considered. 20/12/2021 - Certificate of Lawful Use (Proposed) application submitted (reference DC/21/5671/CLP) 12/04/2022 - Certificate of Lawful Use (proposed) refused. 25/05/2022 - Appeal in relation to Certificate of Lawful Use (proposed) refusal started. Hearing process. PINS Reference APP/X3540/X/22/3299754 08/07/2022 – Appeal statement submitted 29/07/2022 – Final date for comments on statements 11/01/2023 – Council applied to the High Court for an Injunction. 30/01/2023 - Case adjourned for legal reasons, awaiting new court date.	
<u>Current Status/Position</u> Appeal submitted in relation to Certificate of Lawful Use (proposed) refusal. Awaiting appeal decision and court outcome.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision and court outcome.

B.2

LPA Enforcement Case Reference	ENF/2019/0307/COND
Location / Address	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon
North or South Area	North
Date of Report of Breach	16.07.2019
Nature of Breach: Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	
<u>Summary timeline of actions on case</u> 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a scheme of landscaping within 3 months. 07/12/2021 - Appeal started. Written Representations Process. PINS Reference APP/X3540/C/21/3287645 21/01/2022 - Statements submitted to Planning Inspectorate by 21/01/2022. 01/02/2022 – final comments date for comments on Appeal	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.3

LPA Enforcement Case Reference	ENF/20/0131/LISTL
Location / Address	6 Upper Olland Street, Bungay
North or South Area	North
Date of Report of Breach	15.04.2020
Nature of Breach: Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	
<u>Summary timeline of actions on case</u> 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. 19/04/2022 - Appeal start date. Written Representations Procedure PINS Reference APP/X3540/F/22/3297116 07/06/2022 – Statement submitted 28/06/2022 – final comments due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Appeal Decision	

Date by which Compliance expected (or prosecution date)	Dependant upon date and outcome of Appeal Decision
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B.4

LPA Enforcement Case Reference	ENF/21/0003/DEV
Location / Address	26 Highland Drive, Worlingham
North or South Area	North
Date of Report of Breach	30.12.2020
<u>Nature of Breach:</u> High fence adjacent to highway.	
<u>Summary timeline of actions on case</u> 07/04/2022 - Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. 25/05/2022 - Appeal start date. Written Representations Procedure. PINS Reference APP/X3540/C/22/3297741 23/06/2022 – Statements submitted 21/07/2022 – target date for comments on statement of case.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.5

LPA Enforcement Case Reference	ENF/21/0411/COND
Location / Address	Paddock 2, The Street, Lound
North or South Area	North
Date of Report of Breach	17.09.2021
<u>Nature of Breach:</u> Change of use of land for residential use and stationing of mobile home	
<u>Summary timeline of actions on case</u> 16/06/2022 – Enforcement Notice served. Took effect on 18/07/2022. 4 months for compliance 26/08/2022 – Appeal Start Date. Written Representations Procedure PINS Reference APP/X3540/C/22/3303066 07/10/2022 – Appeal statement submitted. 28/10/2022 – any final comments on appeal due.	
<u>Current Status/Position</u> Awaiting Planning Inspectorate Decision	

Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision
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B.6

LPA Enforcement Case Reference	ENF/21/0121/USE
Location / Address	The Pastures, The Street, North Cove
North or South Area	North
Date of Report of Breach	17.03.2021
Nature of Breach: Material change of use of Land to a storage use, including the stationing of static and touring caravans for residential use and the storage of vehicles, lorry backs, and other items.	
Summary timeline of actions on case	
03/11/2022 – Enforcement Notice served. Comes into effect on the 05/12/2022. 4 months for compliance 14/11/2022 - Pre-start letter from Planning Inspectorate 14/12/2022 - Appeal started. Written Representations Process, statement due by 6 th February 2023. PINS Reference APP/X3540/C/22/3312353	
Current Status/Position	
Awaiting Planning Inspectorate Decision.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.7

LPA Enforcement Case Reference	ENF/21/0201/DEV
Location / Address	39 Foxglove End, Leiston
North or South Area	North
Date of Report of Breach	26.04.2021
Nature of Breach: Artificial hedge, support structure and fencing which is over 2m in height	
Summary timeline of actions on case	
28/11/2022 – Enforcement Notice served. Comes into effect on the 06/01/2023. 2 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
Current Status/Position	
Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

B.8

LPA Enforcement Case Reference	ENF/22/0158/DEV
Location / Address	11 Wharton Street, Bungay
North or South Area	North
Date of Report of Breach	20.05.2022
Nature of Breach: Without Listed Building Consent the unauthorised installation of an exterior glazed door located in front of the front door.	
<u>Summary timeline of actions on case</u> 28/11/2022 – Listed Building Enforcement Notice served. Comes into effect on the 06/01/2023.3 months for compliance 09/01/2023 - Pre-start letter from Planning Inspectorate	
<u>Current Status/Position</u> Awaiting start date from Planning Inspectorate.	
Date by which Compliance expected (or prosecution date)	Dependent upon date and outcome of Appeal Decision

C. Cases on which a formal enforcement notice has been served, upheld on appeal, and is now within a compliance period

There are currently no cases at this stage.

D. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and is currently the subject of court action.

D.1

LPA Enforcement Case Reference	ENF/21/0051/USE
Location / Address	Land West Of Guildhall Lane, Wrentham
North or South Area	North
Date of Report of Breach	10.02.2021
<u>Nature of Breach:</u> Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential use /erection of structures and laying of hardstanding)	
<u>Summary timeline of actions on case</u> 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 25/08/2022 - Site visit to check for compliance with Notices. File has been passed to the Legal Dept for further action. 19/12/2022 – Court date set following non compliance at Ipswich magistrates for 30 th January 2023. 30/01/2023 - Court over listed and therefore case relisted for 27 th March 2023.	
<u>Current Status/Position</u> Site visit completed; file has been passed to the Legal Dept for further action.	
Date by which Compliance expected (or prosecution date)	legal process dependant.

E. Cases on which a formal enforcement notice has been served, upheld on appeal/no appeal submitted and now in the period for compliance following court action

E.1

LPA Enforcement Case Reference	ENF/2017/0170/USE
Location / Address	Land Adj to Oak Spring, The Street, Darsham
North or South Area	North
Date of Report of Breach	11.05.2017
<u>Nature of Breach:</u> Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	
<u>Summary timeline of actions on case</u> 16/11/2017 – Authorisation given to serve Enforcement Notice. 22/02/2018 – Enforcement Notice issued. Notice came into effect on 30/03/2018 and had a 4 month compliance period. An Appeal was then submitted. 17/10/2019 – Appeal Decision issued by PINS. Enforcement Notice relating to the Use of the land quashed and to be re-issued as soon as possible, Notice relating to the operational development was upheld with an amendment. 13/11/2019 – Enforcement Notice served in relation to the residential use of the site. Compliance by 13/04/2020. Appeal then received in relation to the Enforcement Notice for the residential use 16/06/2020 – Submission of Appeal Statement 11/08/2020 - Appeal dismissed with some amendments. 11/12/2020 - Compliance with notice required. Site visit subsequently undertaken. Enforcement Notices had not been complied with so case then pass to Legal Department for further action. 25/03/2021 – Further site visit undertaken. Notices not complied with, file passed to Legal services for further action. 2022 - Application for an Injunction has been made to the High Court. 06/10/2022 - Hearing in the High Court granted and injunction with 5 months for compliance and costs of £8000 awarded.	
<u>Current Status/Position</u> In compliance period of High Court Injunction	
Date by which Compliance expected (or prosecution date)	06/03/2023

E.2

LPA Enforcement Case Reference	ENF/21/0441/SEC215
Location / Address	28 Brick Kiln Avenue, Beccles
North or South Area	North
Date of Report of Breach	29.09.2021
Nature of Breach: Untidy site	
<u>Summary timeline of actions on case</u> 07/02/2022 - S215 (Land adversely affecting amenity of Neighbourhood) Notice served - compliance due by 11/06/2022 17/06/2022 - Site visit undertaken to check compliance. Site remains untidy. Internal discussion to be held regarding further action. File passed to Legal Department for further action. 21/11/2022 –Attended court, defendant plead guilty, fined £120 and ordered to pay £640 costs and £48 victim surcharge. A Total of £808. Has until 24 th February 2023 to comply with notice.	
<u>Current Status/Position</u>	
In compliance period	
Date by which Compliance expected (or prosecution date)	24/02/2023

F. Cases on which a formal enforcement notice has been served, upheld on appeal, and the period for compliance following court action has now expired, so further legal proceedings are being considered and/or are underway.

F.1

LPA Enforcement Case Reference	EN08/0264 & ENF/2013/0191
Location / Address	Pine Lodge Caravan Park, Hazels Lane, Hinton
North or South Area	North
Date of Report of Breach	20.10.2008
<u>Nature of Breach:</u> Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	
<p> 15/10/2010 – Enforcement Notice served 08/02/2010 - Appeal received 10/11/2010 - Appeal dismissed 25/06/2013 - Three Planning applications received 06/11/2013 – The three applications refused at Planning Committee. 13/12/2013 - Appeal Lodged 21/03/2014 – Enforcement Notices served and became effective on 24/04/2014 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. 10/11/2015 – Informal hearing held 01/03/2016 – Planning Appeal dismissed 04/08/2016 – Site re-visited three of four Notices have not been complied with. 21/04/2017 - Trial date. Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. 21/11/2017 – Mobile home and steps removed from site. Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. </p>	

<p>11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018).</p> <p>01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. Injunction granted. Three months given for compliance with Enforcement Notices served in 2010.</p> <p>13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action.</p> <p>04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018</p> <p>26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee</p> <p>27/03/2019 - High Court hearing, the case was adjourned until the 03/04/2019</p> <p>03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the non-attendance as was required in the Order of 27/03/2019.</p> <p>11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019.</p> <p>07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019.</p> <p>05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. Court date arranged for 28/11/2019.</p> <p>28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020</p>	
<p><u>Current Status/Position</u></p> <p>Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs.</p>	
<p>Date by which Compliance expected (or prosecution date)</p>	<p>Dependent upon potential Legal Process</p>

G. Cases on which a formal enforcement action has been placed on hold or where it is not currently expedient to pursue

G.1

LPA Enforcement Case Reference	ENF/2015/0279/DEV
Location / Address	Land at Dam Lane Kessingland
North or South Area	North
Date of Report of Breach	22/09/2015
<u>Nature of Breach:</u> Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	
<u>Summary timeline of actions on case</u> 22/09/2015 - Initial complaint logged by parish. 08/12/2016 - Case was reopened following further information 01/03/2017 - Retrospective app received. Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. 05/09/2018 - Notice served by recorded delivery. 18/06/2019 - Appeal started. PINS Reference APP/T3535/C/18/3211982 24/07/2019 – Appeal Statement Submitted 05/02/2020 - Appeal dismissed. Compliance with both Notices by 05/08/2020 03/03/2021 - Court hearing in relation to structures and fencing/gates Case adjourned until 05/07/2021 for trial. Further visit due after 30/04/21 to check for compliance with steps relating to lake removal. 30/04/2021 - Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. 04/05/2021 - Further visit conducted to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs 12/07/2021 – Letter sent to owner giving until the 10 th August 2021 for the structures to be removed 13/08/2021 - Site visited and all structures had removed from the site, but lake remains	
<u>Current Status/Position</u> On Hold. Ongoing consideration is taking place in respect of the compliance with the enforcement notice for removal of the lake. This is due to the possible presence of protected species and formation of protected habitat. Consideration is also required in respect of the hydrological implications of removal of the lake. At present, with the removal of structures and no harmful use taking place, the lake removal is not an immediately urgent action.	

Date by which Compliance expected (or prosecution date)	31/12/2023
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Committee Report

Planning Committee South – 28 February 2023

Application no DC/22/1146/FUL

Location

Land Adjacent To 3
Pine Grove
Grundisburgh
Suffolk
IP13 6UL

Expiry date 3 March 2023

Application type Full Application

Applicant Mr Michael Hill

Parish Grundisburgh

Proposal Construction of detached bungalow

Case Officer Grant Heal
01394 444779
grant.heal@eastssuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for the construction of a detached bungalow on land adjacent to no.3 Pine Grove, Grundisburgh.
- 1.2. Considered against all relevant material planning matters, the application is deemed sustainable and therefore recommended for approval in accordance with the NPPF and the relevant policies of the adopted development plan.
- 1.3. Reviewed against the Council's adopted scheme of delegation, the applicant is not an elected member, member of staff or close relative. Nor is the land owned by the District Council. Notwithstanding, the referral process was triggered in accordance with the Council's scheme of delegation because the 'minded to' decision of the Case Officer is contrary to the Parish Council's recommendation to refuse the application.

- 1.4. The application is at committee following its presentation to the referral panel on Tuesday 31 January 2023 where the Chairs and Vice-chairs concluded that the merits of the proposal warrants further debate at full planning committee.

2. Site Description

- 2.1. The site comprises an open area of grass positioned between no.3 Pine Grove and Lower Road; from which vehicular access is gained via a private track serving four dwellings, including that most recently permitted by DC/20/4891/VOC (since completed and occupied).
- 2.2. Lower Road sits at a notably lower level adjacent the site's northern boundary and Pine Grove climbs steadily from an entrance point further west towards the host dwelling which effectively sits at the brow of a hill.
- 2.3. Established vegetation, including several notable tree specimens, screen the site from Lower Road and in views from the east and west. The rear garden boundaries of Brook Cottages (a terrace of three dwellings) are party to the site's eastern boundary.
- 2.4. Further west lies a large parcel of land subject to Local Plan Policy allocation SCLP12.51 (Land to the West of Chapel Road, Grundisburgh) which establishes the planning principle for approximately 70 dwellings.

3. Proposal

- 3.1. This application seeks planning permission for the construction of a detached bungalow on land adjacent to no.3 Pine Grove, Grundisburgh.
- 3.2. The two-bedroom market dwelling would have a L-shaped plan and would benefit from private front and rear amenity areas, along with parking for approx. three vehicles and access off Pine Grove.
- 3.3. This application has been received in-light of pre-application advice provided by the Council which concluded that the proposed development has the potential to be found in compliance with the relevant provisions of the NPPF and policies of the adopted Local Plan.

4. Third Party Representations

- 4.1. Four third-party representations of objection have been received which raise concerns relating to the following material planning matters:
 - The potential for increased traffic to undermine highway safety.
 - The unsuitability of Pine Grove for pedestrians;
 - The impact of construction traffic experienced by residents.
- 4.2. Legal rights of way over Pine Grove have also been raised but this is a civil matter and therefore not material to the consideration of this planning application.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Grundisburgh Parish Council	29 March 2022	5 November 2022
<p>Summary of comments:</p> <p><u>Received 5 November 2022:</u></p> <p>The recent inclusion of a very detailed Arboricultural Report does not change the Parish Council in principle objections to this application.</p> <p>Grundisburgh and Culpho Parish Council strongly object to the construction of a dwelling in this position on Pine Grove in the countryside outside the defined settlement boundary of Grundisburgh.</p> <p>Suffolk Coastal Local Plan Adopted September 2020 states Policy SCLP5.1: Housing Development in Large Villages Residential development will be permitted within defined Settlement Boundaries. This site is located in the countryside, a significant distance from the defined Settlement Boundary. Access to the school, doctors' surgery, shops, post office, pub, church and Village Green is along narrow country lanes without pavements, the proposal would result in increased trips by private car.</p> <p>Policy SCLP5.4: Housing in Clusters in the Countryside This policy is not applicable to this proposal, as the application site does not meet the definition of a cluster. The site is not fronting a highway, it is in an isolated position, in front of a private driveway containing 4 properties.</p> <p>It would result in a cramped form of development out of character with the area and would significantly reduce residential amenity.</p> <p>The dwelling opposite the application site was allowed on appeal after being refused by SCDC in 2015 reference DC/15/0469/OUT appeal reference APP/G530/W/15/3051126. The local authority had acknowledged that it could not demonstrate a 5 year supply of deliverable housing land at that time.</p> <p>Suffolk Coastal Local Plan Adopted September 2020 allocated site Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh. The application DC/20/3362/FUL was approved on appeal APP/X3540/W/21/3280171 Dec 21st 2021 for the erection of 70 dwellings, including affordable dwellings, together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure. There is no demonstrative need for more housing in the village, and particularly on a site outside the defined settlement boundary of the village.</p> <p>The village has been experiencing severe traffic problems on the narrow lanes in the area, partly as a result of construction vehicles accessing the building site on Chapel Field. There have also been numerous road closures, for varying reasons, on the B1079 and the C323, the main route through</p>		

the centre of the village. The alternative routes through the village are the narrow lanes, Park Road, Chapel Road, Meeting Lane, and Lower Road the result is chaos, with vehicles being unable to manoeuvre in the narrow spaces.

The proposed dwelling is within the countryside, outside the physical limits boundary of Grundisburgh. It is a significant distance from the nearest services and facilities, accessed along narrow roads without pavements. The Parish Council trusts East Suffolk will refuse this application.

Received 15 April 2022:

Grundisburgh and Culpho Parish Council object to the construction of a dwelling in the countryside outside the defined settlement boundary of Grundisburgh.

Suffolk Coastal Local Plan Adopted September 2020 states:

Policy SCLP5.1: Housing Development in Large Villages

Residential development will be permitted within defined Settlement Boundaries.

This site is located in the countryside, a significant distance from the defined Settlement Boundary. Access to the school, doctor's surgery, shops, post office, pub, church and Village Green is along narrow country lanes without pavements, the proposal would result in increased trips by private car.

Policy SCLP5.4: Housing in Clusters in the Countryside

This policy is not applicable to this proposal, as the application site does not meet the definition of a cluster. The site is not fronting a highway, it is in an isolated position, in front of a private driveway containing 4 properties.

It would result in a cramped form of development out of character with the area and would significantly reduce residential amenity.

The dwelling nearing completion opposite the application site was allowed on appeal after being refused by SCDC in 2015 reference DC/15/0469/OUT appeal reference APP/G530/W/15/3051126. The local authority had acknowledged that it could not demonstrate a 5year supply of deliverable housing land.

Suffolk Coastal Local Plan Adopted September 2020 allocated site Policy SCLP12.51: Land to the West of Chapel Road, Grundisburgh. The application DC/20/3362/FUL was approved on appeal APP/X3540/W/21/3280171 Dec 21st 2021 for the erection of 70 dwellings, including affordable dwellings, together with public open space, roads, accesses, parking, garages, drainage and associated infrastructure. There is therefore no demonstrative need for more housing in the village, and particularly on a site outside the defined settlement boundary of the village.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	29 March 2022	31 March 2022

Summary of comments:
No objection - conditions proposed.

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	20 September 2022	6 October 2022
Summary of comments: Internal consultation - see below.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	29 March 2022	8 April 2022
Summary of comments: Internal consultation - condition proposed.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	29 March 2022	No response
Summary of comments: Internal consultation - no comment received.		

Site notices

General Site Notice

Reason for site notice: New Dwelling
Date posted: 31 March 2022
Expiry date: 25 April 2022

6. Planning policy

National Planning Policy Framework 2021

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.2 - Visitor Management of European Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Housing in Clusters and Small Scale Residential Development in the Countryside
Supplementary Planning Document (East Suffolk Council, Adopted November 2022)

7. Planning Considerations

Planning history:

- 7.1. DC/20/4891/VOC: (adjacent site) Variation of Condition No.5 of DC/20/2660/VOC - Variation of Condition 5 of DC/20/1388/VOC - (Variation of Condition 1 of DC/17/1031/ARM - approval of Reserved Matters of DC/15/0469/OUT - Demolition of existing outbuilding and erection of detached dwelling - approval of details in respect of layout, scale, landscaping and appearance of dwelling). - Alterations to approved drawings at 3 Pine Grove, Lower Road, Grundisburgh - Permitted 18 February 2021.

Planning principle:

- 7.2. The proposal site lies outside a defined 'Settlement Boundary' (SCLP3.3) and therefore falls within 'The Countryside'; as defined by the 'Settlement Hierarchy' (SCLP3.2) of the adopted Local Plan.
- 7.3. Development outside settlement boundaries is generally limited to that which necessitates a countryside location, or otherwise accords with the relevant provisions of the NPPF and/or relevant housing policies of the adopted development plan.

- 7.4. Policy SCLP5.3 (Housing Development in the Countryside) limits new residential development outside of defined settlement boundaries unless, with relevance to this application, such development would accord with the provisions of SCLP5.4 (Housing in Clusters in the Countryside).
- 7.5. While specific 'clusters' are not identified within the Local Plan, policy preamble and published supplementary planning guidance makes clear that clusters can vary in size and include those smaller settlements in the countryside which do not have the range or number of facilities to be classed as a major centre, town or large/small village.
- 7.6. It is therefore important to distinguish that 'clusters' are without defined settlement boundaries. The policy wording of SCLP5.4 is as follows:

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

Where more than three dwellings are proposed under criterion b) above, applicants must be able to demonstrate that meaningful and effective community engagement has taken place in the development of the scheme and that the mix of dwellings proposed would meet locally identified needs.

Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas and the Area of Outstanding Natural Beauty. Consideration will also need to be given to the features of Landscape Character Areas in accordance with Policy SCLP10.4.

The cumulative impact of proposals will be a consideration in relation to the criteria above.

A 'cluster' in the context of this policy:

**Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and*

**Contains 5 or more dwellings'.*

- 7.7. Considered within the context of SCLP5.4 and the associated Supplementary Planning Document ('Housing in Clusters and Small Scale Residential Development in the Countryside'), the proposal represents a development of one dwelling within a site bound on two sides by a close group of approximately seven existing dwellings adjacent a

highway. The site is also considered to sit within a clearly identifiable gap and its development would not represent an extension into the surrounding countryside given its enclosed position between Pine Grove and Lower Road.

- 7.8. While the site is somewhat elevated relative to Lower Road, its vegetated boundaries would provide some level of screening which, when combined with the dwelling's considered siting and single-storey height, would be unlikely to result in any meaningful visual intrusion within the Lower Road street scene or the wider countryside setting (see visual amenity section below).
- 7.9. For these reasons, the proposal is considered to meet the relevant provisions of the NPPF and Local Plan policies SCLP5.3 and SCLP5.4 of the adopted Local Plan and the 'Housing in Clusters and Small Scale Residential Development in the Countryside' Supplementary Planning Document (2022).

Visual amenity:

- 7.10. The dwelling's position within the plot would be appropriate and its orientation would not undermine that recently completed under DC/20/4891/VOC. A proportionate curtilage area would be provided and the dwelling's position away from the site's northern boundary would, along with its single storey height, minimise its impact on Lower Road's semi-rural character.
- 7.11. The scale of the proposal would not represent an overdevelopment of the site and, while the existing dwellings along Pine Grove are two-storey, the mixed character and heights of dwellings evident with the wider area, such as those along Lower Road, means the proposal would not appear incongruent with the mixed character of development within the area.
- 7.12. While the final palette of materials will be agreed by condition, the submitted elevations demonstrate a suitable arrangement that would be reflective of the recently constructed dwelling adjacent.
- 7.13. As noted elsewhere in this report, the site is sloping and set at a higher level than Lower Road. Unfortunately, the application submission is lacking and details of proposed finished floor, eaves or ridge levels for the dwelling or any indication of any levelling of the ground that may take place to enable construction. Whilst officers are satisfied that a single-storey dwelling of the footprint proposed can comfortably be accommodated on this site, such details of levels need to be provided prior to the commencement of works on site, so that it can be ensured that the building sits at a comfortable level visually and the scheme is constructed entirely in accordance with what is agreed. In theory on such a sloping site, without such level details the potential enforcement of compliance with the plans could become difficult. Therefore a pre-commencement condition will be required on any consent to ensure the required levels information is supplied prior to commencement and thereafter accorded with.
- 7.14. Due to the significant change in ground levels between the application site and Lower Road, and the proposed layout of the site with the dwelling fronting Pine Grove, any enclosure of the rear garden /private amenity space and any outbuildings within the garden are likely to be highly prominent and could potentially have a significant adverse

impact upon those views and the character of the area. Therefore, any consent should be subject to conditions removing Permitted Development Rights for such features.

- 7.15. It is thus concluded that subject to appropriate conditions the proposal fulfils the relevant requirements of the NPPF, as well as SCLP5.4, SCLP5.7 (Infilling and garden development) and SCLP11.1 (Design Quality) of the adopted development plan.

Trees and landscape:

- 7.16. In response to the submitted Tree Survey and Arboricultural Implications Assessment, the following was received in consultation with the Council's Arboricultural and Landscape team:

'I have reviewed the submitted Arboricultural Impact Assessment (AIA) and agree with the conclusions and recommendations. The arboricultural impact of the proposal has been sufficiently demonstrated to be low and I am satisfied that no significant harm will result from the granting of planning permission subject to full adherence to the tree protection measures and working methods set out in the AIA. I therefore have no objections...'

- 7.17. With the above in-mind, the proposal accords with the relevant policies of the NPPF and SCLP10.4 (Landscape Character) of the adopted Local Plan.

On-site Ecology

- 7.18. Whilst the application did not include the submission of any ecological surveys or assessments, it is considered that this proposal would be unlikely to have a significant impact in this respect, because the site is currently predominantly short cut grass and bare earth, with the shrubs and trees located towards the edges, which as outlined above would be subject to low impact. Therefore, the scheme accords with Local Plan SCLP10.1 (Biodiversity and Geodiversity) in terms of on-site ecological matters.

Highway safety and parking:

- 7.19. In consultation with Suffolk County Council Highway Authority, it is found that subject to the suggested conditions as reasonable to secure a properly planned development the proposed development could be achieved without reducing highway safety to a level that could be found 'severe' when judged against the relevant provisions of the NPPF.
- 7.20. Further, adequate access, parking and manoeuvring provision is also achievable as required by SCLP7.2 (Parking proposals and standards) of the adopted Local Plan.

Residential amenity:

- 7.21. Given the proximity of existing neighbouring dwellings in relation to the proposed dwelling and the ground floor position of proposed glazing, it is considered unlikely that an unacceptable impact on residential amenity would result from loss of light or privacy, when judged against the provisions of SCLP11.2 (Residential Amenity).

- 7.22. While the outlook of occupants residing in properties opposite would be altered as a result of the proposal, the modest scale and height of the building and its sympathetic position would ensure that any such impacts would remain within the realm of acceptability.
- 7.23. The modest height of the proposed roofspace would make its conversion with the addition of dormers impractical. Therefore it is not considered reasonable to remove such Permitted Development Rights to safeguard the amenity/privacy of any adjoining properties.
- 7.24. The proposal is not therefore considered to hold the potential to undermine existing levels of neighbouring amenity unduly, when judged against the provisions of the NPPF and SCLP11.2 (Residential Amenity) of the adopted Local Plan.

Contributions and Habitats Requirements:

- 7.25. In addition to the proposed creation of a new dwelling being liable for contributions attributed to the Council's adopted Community Infrastructure Levy (CIL), the Case Officer notes that the site is situated within the 13km protection zone of European Designated Sites, as set out in the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As such, policy SCLP10.1 (Biodiversity and geodiversity) and SCLP10.2 (Visitor Management of European Sites) seek to support Article 6(3) of the Habitats Directive concerning development, including the creation of new dwellings, which have the potential to cause direct or indirect recreational pressures on internationally and nationally designated areas.
- 7.26. The Council have the right to seek payments to facilitate the prevention, mitigation and, where appropriate, compensation to reduce net impacts to a level below which such impacts no longer present the potential to outweigh the other benefits of development.
- 7.27. For this proposal, it is considered that sufficient compensation could be achieved by making a proportionate financial contribution towards appropriate mitigation for the creation of dwellings sited within Zone B of the adopted charging schedule.
- 7.28. The applicant has therefore provided the appropriate forms and submitted a payment of £321.22 for the new dwelling in-line with the Council's adopted requirements.

Pre-commencement conditions:

- 7.29. In the interest of ensuring a properly planned and sustainable development, the applicant has confirmed their agreement to the pre-commencement conditions concerning the submission of information relating to proposed finishing materials, secure cycle storage and construction management methodology. The details of the condition relating to proposed levels was shared with them at the time this referral report was drafted. Confirmation of their agreement will be sought prior to the issuing of any decision.
- 7.30. A condition relating to the submission of information allied to electric vehicle charging apparatus is not required as this will be provided in accordance with the relevant building regulations.

8. Conclusion

- 8.1. As per the above assessment, this application accords with the NPPF and all relevant policies of the adopted development plan, the relevant Supplementary Planning Document and all other material planning considerations.

9. Recommendation

- 9.1. Approval subject to the following conditions.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):
- 2021-03/201 (Proposed plans and elevations) received 23 March 2022;
 - 2021-03/200 Rev. A (Site plan) received 20 September 2022;
 - 2021-03/202 (Site location plan) received 23 March 2022.
 - Arboricultural Impact Assessment (Ref: 9691) received 20 September 2022;
 - Tree Protection Plan (Ref: 9691-D-AIA) received 20 September 2022.

Reason: For avoidance of doubt as to what has been considered and approved.

3. No development shall commence until details of the materials to be used for the approved dwelling's walls, roof, fenestration and rainwater goods have been submitted to and approved by the local planning authority. Thereafter, the development shall be constructed using only the approved materials unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development in the interest of visual amenity.

4. The use shall not commence until the area(s) within the site shown on Drawing No. 2021-03/200 REV A 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 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.

5. Before the development is commenced details of the areas to be provided for the secure, covered and lit cycle storage 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 promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019.

6. Before the development is commenced details of the areas to be provided for the storage and presentation of refuse and recycling bins 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 for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

7. 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, 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.

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate

measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

9. The Arboricultural Impact Assessment (Ref - 9691), containing the Arboricultural Method Statement (Section 5.0) and Tree Protection Plan (Ref - 9691-D-AIA), submitted in support of the application shall be adhered to in full, unless otherwise agreed upon in writing by the Local Planning Authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity. to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Local Plan Policy SCLP10.4

10. None of the trees or hedges shown to be retained on the approved plan shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the Local Planning Authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

Reason: To safeguard the contribution to the character of the locality provided by the trees and hedgerow.

11. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

12. The approved landscaping and planting works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the Local Planning Authority may allow) and shall thereafter be retained and maintained. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the next available planting season and shall thereafter be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

13. No development shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. This statement shall set out hours of construction/activity on site, the location of parking areas for construction vehicles and delivery hours for materials and equipment to the site before and during

construction. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in this area of Pine Grove and Lower Road during the construction phase of the development.

14. No development shall commence until full details of the proposed finished ground, floor, eaves and ridge levels, have been submitted to and approved by the Local Planning Authority. These details shall be submitted in the form of spot heights on a block plan and on at least one cross section through the site and proposed dwelling. Thereafter the development shall be constructed in its entirety in accordance with the approved levels. (see informative 5)

Reason: To ensure a satisfactory relationship between the proposal, the existing ground levels, the existing dwellings, and Lower Road in the interests of visual amenity.

15. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order re-enacting the Order with or without modification), no fences, gates or walls shall be erected unless otherwise agreed with the local planning authority.

Reason: To enable the Local Planning Authority to retain control over such features in the interests of preserving the verdant nature of the locality. Due to the change in ground levels, any solid means of enclosure has the potential to be very prominent and negatively impact the visual amenity of the area, especially in views from Lower Road.

16. Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order re-enacting the Order with or without modification), no outbuildings, enclosures, swimming or other pools or containers for domestic heating purposes shall be erected unless otherwise agreed with the local planning authority.

Reason: To enable the Local Planning Authority to retain control over such features in the interests of preserving the verdant nature of the locality. Due to the change in ground levels, any solid means of enclosure has the potential to be very prominent and negatively impact the visual amenity of the area, especially in views from Lower Road.

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. 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

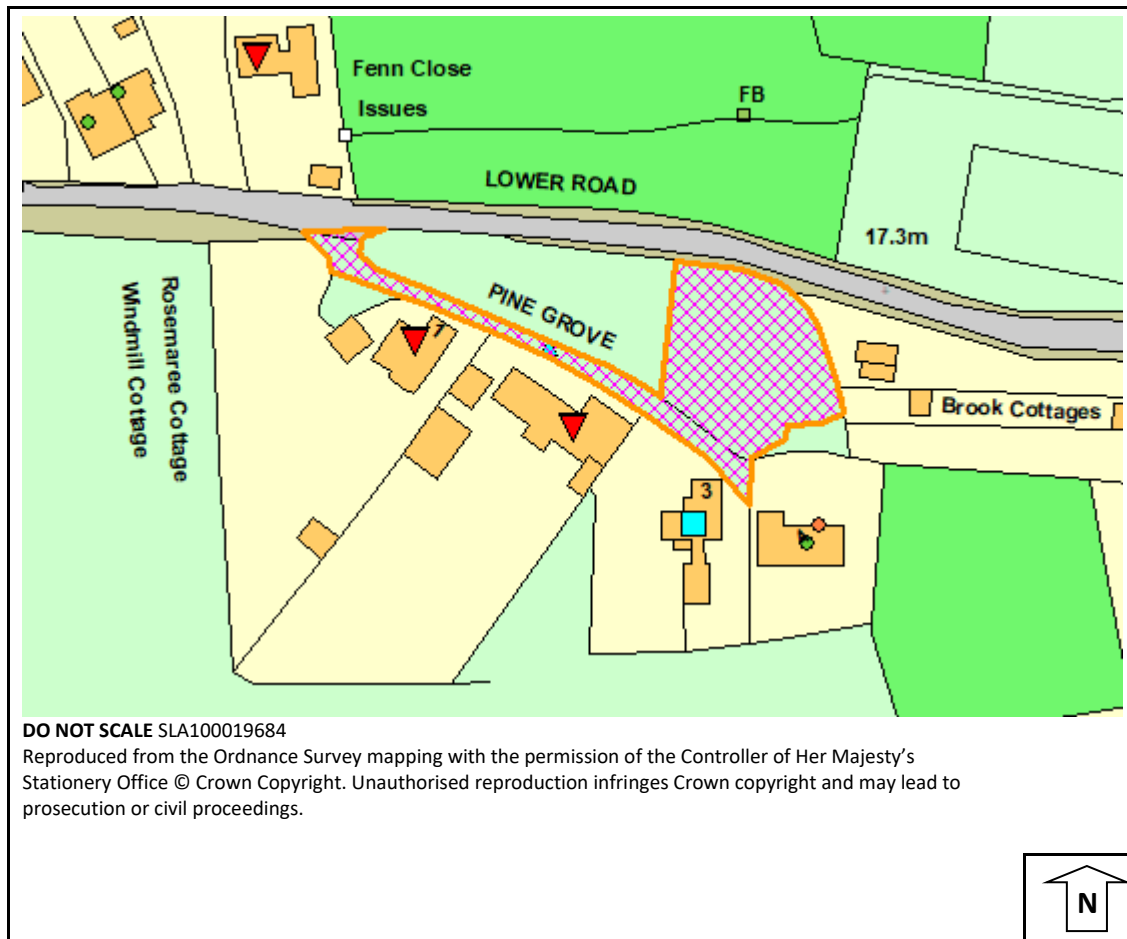
please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk

3. The application site and/or adjacent land is sloping ground. As set out in the NPPF, the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. Although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability. It has been a material planning consideration of the Local Planning Authority in determining this application, however it does not imply that the requirements of any other controlling authority would be satisfied; in particular, the granting of this planning permission does not give a warranty of support or stability.
4. The applicant is advised, that it is expected that the boundary around the rear garden/amenity space will be a planted boundary treatment, given the character of the locality. Such details could form part of the submission to discharge condition 11.
5. The applicant is advised that it is expected that the details of levels required by Condition 14, are detailed relative to a recognised datum (i.e. OS Datum Newlyn) or to at least two relatively fixed points nearby that are unlikely to alter significantly during construction (e.g. the centre line of the carriageway on Lower Road).

Background information

See application reference DC/22/1146/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 28 February 2023

Application no DC/22/2984/FUL

Location

Woodside
Martlesham Road
Little Bealings
Woodbridge
Suffolk
IP13 6LX

Expiry date 4 October 2022

Application type Full Application

Applicant Mr V Leparvlo

Parish Little Bealings

Proposal Construction of one detached dwelling and garage.

Case Officer Natalie Webb
07825 754344
natalie.webb@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks construction of one detached dwelling and garage at Woodside, Martlesham Road, Little Bealings, IP13 6LX.
- 1.2. This application was presented to the referral panel as officers are 'minded to approve' the application, contrary to Little Bealings Parish Council's objection. There have been no other objections from statutory consultees. The application is considered to accord with Local and National Policies and is therefore recommended for approval. The referral panel concluded that there were material planning considerations which warrant further discussion by the planning committee; the application is therefore presented to members for consideration.

2. Site Description

- 2.1 Woodside is located on the northern side of Martlesham Road. It is a detached, one and a half-storey dwelling, set within a large plot. The existing property has previously been

altered and extended over time. Consent was recently given under DC/21/4162/FUL for considerable extensions and alterations to this property. An application for the retention of the detached cartlodge with studio above as built, rather than in accordance with the plans permitted under DC/17/3824/FUL was also recently approved under DC/22/1162/FUL.

- 2.2 The site has some screening on the boundaries by existing vegetation, although glimpses of neighbouring properties on Martlesham Road and Beacon Lane to the north are visible. The site is adjacent to land which has trees protected by preservation orders, however these are not affected by the proposed development. The site is not within any designated areas nor affects the setting of a listed building. Little Bealings does not have a settlement boundary and is therefore the site is considered to be in the countryside for planning purposes.

3. Planning History

- 3.1 This application follows application DC/22/1662/FUL which sought consent for two dwellings was refused for the following reasons:

1. "This application seeks the construction of two detached single-storey dwellings at Woodside, Martlesham Road, Little Bealings, IP13 6LX. The site is located in the countryside for planning purposes, where it would not accord with any of the exemptions for residential development in the countryside; as such, the proposal does not constitute sustainable development. The proposal is therefore contrary to SCLP3.2, SCLP3.3, SCLP5.3, and SCLP5.4. The proposed development would not otherwise accord with other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework."

2. "The development falls within the recreational disturbance Zone of Influence for the following Habitats Sites (European designated sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Local Plan policy SCLP10.1 seeks to support regulation 63 of the Conservation of Habitats and Species Regulations (2017) (as amended) where proposals that would cause a direct or indirect adverse effect on the integrity of Habitats Sites (either alone or in-combination with other plans or projects) will not be permitted."

The applicant has failed to submit relevant information in relation to the potential disturbance caused by additional visitors to Habitats Sites as a result of the development and measures required to mitigate this. It therefore cannot be concluded that the development will not result in an adverse effect on the integrity of Habitats Sites and therefore the proposals are considered contrary to Suffolk Coastal District Local Plan (covering the former Suffolk Coastal Local Planning Authority area) policy SCLP10.1 and Section 15 of the NPPF."

4. Proposal

- 4.1 The proposed development seeks a one and a half-storey detached dwelling, with detached two bay garage (with store) located to the front of the dwelling. The dwelling will provide six bedrooms, two with ensuite, an open plan living space as well as a separate living room. Material finishes include timber cladding and render, with artificial slate roof tiles and PPC aluminium fenestration. The dwelling will have front, side and rear amenity space. Access to

the site will be provided by a new access point onto Martlesham Road, which will be constructed in accordance with the County Council's specification.

- 4.2 Revised plans were received during the application which altered the appearance of the dwelling and relocated the access point from Beacon Lane onto Martlesham Road.

5. Third Party Representations

- 5.1 One representation was received on the original layout and design (which included the access onto Beacon Lane) which objects to the application on the following grounds;

- Access
- Boundary issues
- Building work
- Dominating/Overbearing
- Landscape impact
- Light Pollution
- Loss of open space
- Loss of outlook
- Loss of Privacy
- Loss of view
- Noise
- Over Development
- Overlooking
- Parking
- Traffic or Highways
- Trees
- Wildlife
- The proposed new entrance to the planning of a new bungalow would be opposite the boundary of another property which is already being encroached by the number of cars, large lorries and construction vehicles using the lane. A new vehicle access into the Lane would encourage people to try to pass each other on that stretch of Lane encroaching our bank more than ever. There is also a mains electric cable running along the bank in that boundary for which the owners (the neighbours) are paid wayleave from Eastern Electric that is why they say they moved their fence in leaving a grass bank the other side if this bank is encroached any more this will cause the cable to be exposed causing dangerous consequences. The owners of Woodside have already taken out a large part of the hedge at the rear of the land and are using this as access for their construction vehicles, they have put down a hardcore base.

6. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	22 August 2022	13 September 2022
The Council considered the application at a recent meeting and after discussion it resolved to		

object to the application on the grounds that:

o the development was not sustainable

o the site was not a clearly identifiable gap in the Martlesham Road highway, but involved the creation of a new access on to private land, contrary to SCLP 5.4

o there would be an adverse impact on the streetscene and the character of the area, contrary to SCLP 5.7.

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	22 August 2022	6 September 2022
Summary of comments: No objection subject to the inclusion of conditions in respect of - parking provision in accordance with the submitted plans - details for secure and lit cycle storage to be submitted - details of EV charging to be submitted - refuse areas to be provided in accordance with the submitted plans		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 August 2022	No response
Summary of comments: No response received.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	22 August 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	22 August 2022	14 September 2022
Summary of comments: There is insufficient information in relation to arboricultural or landscape matters to be able to make an assessment of the proposal. There appears to be a number of trees marked on the		

proposed block plan and the dashed outline indicates they are to be removed. There are no statutory protections in place for these trees, however, if any of these trees are thought to be important in the local landscape then it is recommended that the below information is requested as a minimum.

Existing and proposed site plan:

The position of all trees within the site with a stem diameter of 75mm or more (measured at 1.5 metres above ground level), and any such trees adjacent to the application site within a distance of up to 12 times their estimated stem diameter;

The crown spreads and Root Protection Areas (RPAs) for any individual trees, and/or the overall extent of canopy and average RPAs for woodlands or substantial tree groups;

All trees that are to be removed and/or retained clearly marked;

Indicative or finalised soft landscaping/tree replacement details.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	22 August 2022	26 August 2022
Summary of comments: Recommends a condition for the unexpected discovery of contamination.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	5 December 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Planning Enforcement Team	5 December 2022	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	5 December 2022	6 December 2022
Summary of comments: The comments in my response dated 26th August 2022 still apply. I have no further comments to make in respect of this application.		

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	5 December 2022	10 January 2023
<p>Summary of comments:</p> <p>The PC considered this application at a recent meeting and resolved to maintain object to the application on the grounds that:</p> <ul style="list-style-type: none"> o the development was not sustainable o there would still be an adverse impact on the streetscene and the character of the area, contrary to SCLP 5.7. 		

Consultee	Date consulted	Date reply received
SCC Highways Department	5 December 2022	14 December 2022
<p>Summary of comments:</p> <p>Following the change in position of the access, further information is required in respect of the visibility splays for the access. Holding objection until further information is received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	5 December 2022	19 December 2022
<p>Summary of comments:</p> <p>Further to my previous consultation response, I have reviewed the most recent submissions and there remains a notable lack of information in relation to trees and hedges. The revised layout appears to have repositioned the access from Beacons Lane to Martlesham Road. The southern site boundary currently hosts a line of dense scrub/hedging vegetation which is of limited quality but does contribute to the rural character of Martlesham Road. The plans do not show what volume vegetation is to be removed to facilitate the access, and this may be substantial in order to obtain the necessary visibility splays. The Visualisation drawing '3005_700A' indicates that the whole of the southern boundary is to be cleared and, without significant mitigatory planting, this will render the erection of the new dwelling to be visually stark. Whilst it would be desirable to have minimal vegetation clearance, new planting of trees and hedging could quickly replace any lost value and help to integrate the new dwelling into the surroundings.</p> <p>It is recommended that any planning permission should include a condition to secure soft landscaping plans.</p>		

Consultee	Date consulted	Date reply received
SCC Highways Department	21 December 2022	13 January 2023
<p>Summary of comments:</p> <p>Following the submission of visibility splays, no objection subject to the inclusion of the following</p>		

conditions:

- access laid out to DM01 and surfaced in bound material for at least the first 5m from the highway
- gradients in accordance with highways specifications
- visibility splays in accordance with submitted details and removal of permitted development rights for obstructions over 0.6m in height within the splays
- details to be provided for parking provision/turning areas, cycle storage, EV charging, refuse storage and presentation areas and means to prevent surface water entering the highway

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 August 2022

Expiry date: 14 September 2022

7. Planning policy

National Planning Policy Framework 2021

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.3 - Housing Development in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.4 - Housing in Clusters in the Countryside (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (East Suffolk Council, Adopted May 2021)

8. Planning Considerations

- 8.1 This part of the parish of Little Bealings does not have a settlement boundary and is therefore considered to be in the countryside for planning purposes. Local Plan Policy SCLP5.3 outlines where new residential development may be acceptable outside of the defined settlement boundaries. In this instance the application seeks to accord with SCLP5.3 criterion b; 'limited development within existing clusters (in accordance with Policy SCLP5.4)'.
- 8.2 Clusters can vary in size, and can include those settlements in the countryside which do not have the range or amount of facilities to be classed as a Major Centre, Town, Large Village or Small Village. The geography of the former Suffolk Coastal District is such that there are many small, dispersed communities and clusters of houses outside of the Towns, Large Villages and Small Villages. Whilst they do not have the level of services and facilities to support larger scale new housing development, some locations where there are existing clusters of five or more dwellings may be suitable for a small amount of development. The policy does not intend to support development which would have an adverse impact upon the natural or historic environment or the landscape, but that can integrate with an existing cluster of houses, and the scale and design of schemes will be expected to not cause harm to the character of the cluster or the surrounding landscape. As the policy is intended to support limited new development in clusters, it is important that consideration is given to cumulative impacts. In this respect, consideration will be given to whether there is an extant permission or completed development permitted under this policy, and the cumulative impact on the character.
- 8.3 In accordance with SCLP5.4, 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.*
- Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas and the Area of Outstanding Natural Beauty. Consideration will also need to be given to the features of Landscape Character Areas in accordance with Policy SCLP10.4. The cumulative impact of proposals will be a consideration in relation to the criteria above."*

- 8.4 The proposal is for one dwelling in a cluster of five or more dwellings. Before considering the proposal against the above criteria, it must be established whether the site forms part of a 'cluster'. A 'cluster' in the context of this policy consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and contains 5 or more dwellings. It was established in the refused application that the site would meet this definition, as it is located within a continuous line and group of more than five existing dwellings. The dwelling would comprise of infilling within a continuous built up frontage, in a clearly identifiable gap within an existing cluster and is otherwise located adjacent to existing development on more than two sides.
- 8.5 The development would not represent an extension of the built-up area as it is already surrounded by residential development. One dwelling is proposed within a single plot depth, which has an active frontage onto Martlesham Road and amenity space which is comparable to neighbouring plots is not considered to cause harm to the character and appearance of the cluster.
- 8.6 The dwelling has been revised to be a one and a half storey dwelling which is more in-keeping with the form of development immediate to the east and west of the site. The material finishes are considered acceptable and reflective of recently approved contemporary development within close proximity to the site (DC/22/0598/VOC).
- 8.7 The development would not result in harmful visual intrusion into the surrounding landscape. In considering the aforementioned approved development and the development proposed under this application, cumulatively the impact of these permissions is also not considered to be detrimental to the local and wider character of development.
- 8.8 The council's arboricultural officer has noted that the removal of the vegetation along the southern boundary (along Martlesham Road) to provide the access and visibility splays is unfortunate; whilst the vegetation is of limited quality it does contribute to the rural character of the area. It is noted that the visibility splays largely cover the frontage of the site, where the highways authority have recommended the removal of permitted development rights for any obstructions over 0.6m in height within these splays. The proposed development does however provide the opportunity for replacement planting behind these splays which would be of a better quality than the current planting. A landscaping condition has therefore been included, for details of an appropriate planting scheme to be submitted.
- 8.9 The site is located on higher land than properties to the north on Beacon Lane, however the dwelling is positioned to follow the building line of Woodside, towards the front of the site, therefore reducing any potential impact to these dwellings in terms of overlooking or loss of light. The elevation towards woodside is single-storey, with two rooflights proposed at a high level in the roof and will not provide any overlooking. To the rear (north of the dwelling) there are dormer windows on the first-floor and a glazed gable end on the single-storey section; neither of these are considered to result in adverse amenity concern, with the windows being located in a similar position to those on Woodside and a good distance from the northern boundary.
- 8.10 There were two windows proposed on the eastern gable at first-floor level serving bedrooms. The dwelling would be set behind the building line of 68 Martlesham Road, therefore these windows would be directed towards the rear amenity space of no.68.

Officers therefore requested that these windows were omitted from the proposed development, to which the plans were revised on 18 January 2023.

- 8.11 The development is not considered to adversely impact residential amenity and therefore accords with SCLP11.2. Officers have recommended the removal of permitted development rights to ensure that the amenity of neighbouring properties is protected.
- 8.12 Suffolk County Council as Local Highways Authority (LHA) have not objected to the development, provided that the conditions included at the base of this report form any grant of permission. The site provides a safe access, sufficient parking (in bay and garage form) and has space to provide the other mitigation sought by the LHA. In this respect officers consider that the proposal accords with SCLP7.2.
- 8.13 The development site is within the recreational disturbance Zone of Influence for Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.
- 8.14 The Suffolk Coast RAMS provides strategic mitigation measures to address this impact. To fund this mitigation financial contributions are collected from new developments. In order to conclude that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites the relevant financial contribution to the strategy is required to be secured prior to determination. Subject to securing the required contribution, it is considered that the proposal will accord with SCLP10.1.

9. Conclusion

- 9.1 For the reasons given above and subject to conditions as recommended by consultees, it is considered that the development accords with local plan policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4, SCLP7.2, SCLP10.1, SCLP10.4, SCLP11.1 and SCLP11.2.

10. Recommendation

- 10.1 Approve Planning Permission, subject to the conditions outlined below:

Conditions:

- 1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 3005_050A, 3005-200A, received 18 January 2023,

3005_055A, 3005_056A received 09 January 2023, 3005-100A, 3005-101A, 3005-102A, 3005-300A, 3005-700A, 3005-701A, 3005-702A and 3005-703A received 30 November 2022.

Reason: For 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 by 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 hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 3 metres. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

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 County 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 any development above slab level is commenced details showing an adequate car turning space within the site 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 avoid unacceptable safety risk from vehicles reversing on highway by enabling vehicles to enter and exit the public highway in forward gear. This is a pre-commencement condition because it must be demonstrated that the development can accommodate sufficient turning space within the site before any construction makes this prohibitive and in the interests of highway safety.

10. Before any development above slab level is commenced details of the areas to be provided for the secure, covered and lit cycle storage including electric assisted cycles and details of the infrastructure to be provided for electric vehicle charging points 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 promote sustainable travel by ensuring the provision at an appropriate time and long term maintenance of adequate on-site areas and infrastructure for the storage of cycles and charging of electrically assisted cycles in accordance with Suffolk Guidance for Parking (2019) and in the interests of sustainable travel provision and compliance with Local Plan Sustainable Transport Policies

11. Before the access is first used visibility splays shall be provided as shown on the drawing named 'Visual Splays' with an X dimension of 2.4 metres and a Y dimension of 59 metres [tangential to the nearside edge of the carriageway] 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

12. 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, 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.

13. No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

14. Within 3 month(s) of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

15. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, AA, B, C, D, E and Part 2, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

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@eastsuffolk.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. Note: 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.

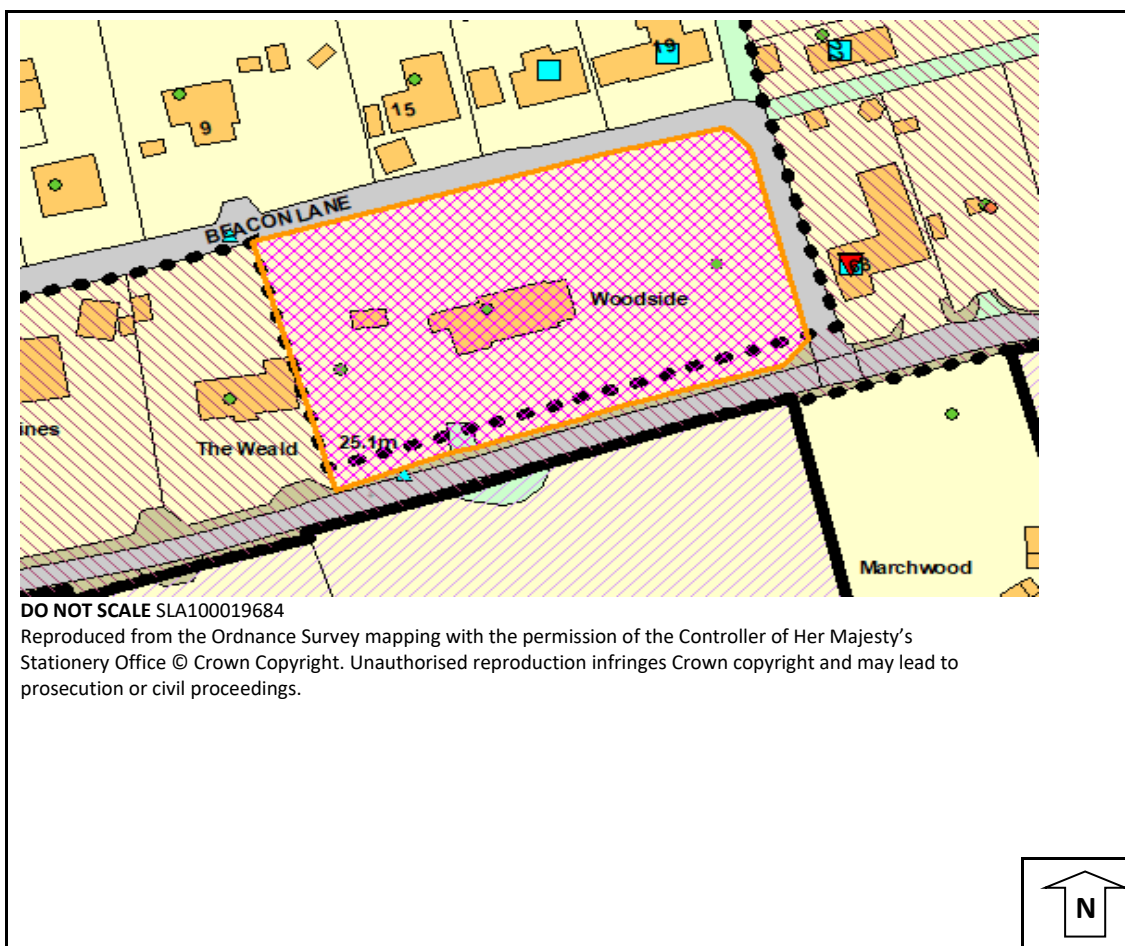
The County Council's East Area Manager must be contacted on Telephone: 01728 652400. Further information can be found at: www.suffolk.gov.uk/environment-and-transport/highways/dropped-kerbs-vehicular-accesses/

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/22/2984/FUL on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 28 February 2023

Application no DC/22/2515/FUL

Location

Badgers Bank
Priory Road
Snape
Saxmundham
Suffolk
IP17 1SE

Expiry date 17 August 2022

Application type Full Application

Applicant Mrs J Kennedy

Parish Snape

Proposal Internal alterations and ground floor and first floor extension to rear of the property. 1st floor extension over garage

Case Officer Eleanor Attwood
eleanor.attwood@eastsoffolk.gov.uk

1. Summary

- 1.1 This application seeks approval for extensions to the rear of the property, first floor extension over garage and external alterations at Badgers Bank, Priory Road, Snape.
- 1.2 The officer recommendation of approval is contrary to Snape Parish Council's objection. The application was subject to consideration by the Referral Panel on 23 January 2023 with a recommendation that the application be determined under delegated powers. The Panel recommended that the application be referred to Planning Committee South for determination.

2. Site Description

- 2.1 The subject property is a detached, two storey dwelling situated within the settlement boundary of Snape. The property is situated on the south side of Priory Road and shares an access onto the road with The Hedges. The site features an attached garage on the side of

the dwelling. The site shares a boundary with The Hedges and Hawthorn Cottage. To the rear, the site backs onto a field.

2.2 The site is not within the setting of a listed building, nor within a conservation area but it is within the AONB.

2.3 The site is located within Flood Zone 3b.

3. Proposal

3.1 The application proposes two-storey extensions at the rear, a first-floor extension over the garage and a new front porch.

3.2 The external walls of the dwelling would be finished in Prefalz aluminium standing seam and acrylic render. The roof would be Prefalz aluminium standing seam and windows and doors would be PPC aluminium frame.

4. Third Party Representations

4.1 One neutral representation has been received which raises the following concerns:

- Loss of view
- Metal cladding out of keeping with area.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Snape Parish Council	28 July 2022	28 August 2022
<p>Summary of comments:</p> <p>"Snape Parish Council objects to this application as is currently stands.</p> <p>Whilst the Parish Council has no objections to changes being made to Badger's Bank, we would concur with the views of both the resident of 1, Drury Park and the Planning Officer in the pre-application advice that the proposal as set out would be out of character for the area, both locally and wider. Not only would it be detrimental to the existing street scene but would be inappropriate considering it is in the Area of Outstanding Natural Beauty.</p> <p>As part of the Design and Access statement, the applicant points to other properties in the wider vicinity that are of a more modern design. We would point out, although these other properties are more modern in appearance, all are fully or partly clad in wood, which is more appropriate to the area.</p>		

For the above reasons, we would ask that the application in its current form, be denied."

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Flooding Authority	8 August 2022	15 August 2022
Summary of comments: No comment to make as this is a minor application.		

Consultee	Date consulted	Date reply received
SCC Highways Department	28 July 2022	No response
Summary of comments: No response.		

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	28 July 2022	8 August 2022
Summary of comments: No concern in regard to the proposed scale or materials of the works. Have expressed concern in regard to glazing and recommend that this is reduced or broken up.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	28 July 2022	No response
Summary of comments: No response.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	8 August 2022	25 August 2022
Summary of comments: No objection. Comments included in report.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	13 September 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
SCC Coasts And Heaths Project	13 September 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	13 September 2022	20 September 2022

Summary of comments:

No comment to make as this is a minor application.

Consultee	Date consulted	Date reply received
SCC Highways Department	13 September 2022	No response

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
Snape Parish Council	13 September 2022	No response.

Summary of comments:

No response.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	13 September 2022	28 September 2022

Summary of comments:

No change to previous comments.

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	20 December 2022	12 January 2023
Summary of comments: No objection, and advice provided.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	20 December 2022	4 January 2023
Summary of comments: No comment.		

Consultee	Date consulted	Date reply received
Snape Parish Council		10 January 2023
<p>Summary of comments:</p> <p>“Snape Parish Council objects to this application as is currently stands.</p> <p>Whilst the Parish Council has no objections to changes being made to Badger’s Bank, we would concur with the views of both the resident of 1, Drury Park and the Planning Officer in the pre-application advice that the proposal as set out would be out of character for the area, both locally and wider. Not only would it be detrimental to the existing street scene but would be inappropriate considering it is in the Area of Outstanding Natural Beauty.</p> <p>As part of the Design and Access statement, the applicant points to other properties in the wider vicinity that are of a more modern design. We would point out, although these other properties are more modern in appearance, all are fully or partly clad in wood, which is more appropriate to the area.</p> <p>For the above reasons, we would ask that the application in its current form, be denied”</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 5 August 2022

Expiry date: 26 August 2022

6. Planning Policy

National Planning Policy Framework 2021

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Design and Visual Amenity

- 7.1 The proposals will result in a small increase to the footprint of the dwelling. The first-floor side extension will be set lower than the ridgeline of the host dwelling and set back from the front wall of the original dwelling. As such it is considered that the side extension will appear sufficiently subordinate in scale to the host dwelling. The extensions to the rear will largely not be visible from public views and will be sufficiently subordinate in scale to the host dwelling.
- 7.2 The new external materials will result in a different visual appearance of the property. The application initially proposed to clad the entire front elevation in the aluminium standing seam, this has now been amended to include a mixture of aluminium standing seam and acrylic render. Render is a common external material within the local area. However, it does not appear that metal cladding is common to the area. There are contemporary properties within the area, but these have tended to use timber cladding or other more traditional materials. Although, the use of metal cladding will alter the character and appearance of the property, it does not necessarily follow that this will result in harm to the character of the area. The dwelling is within the AONB and the AONB team have commented on this application, stating that "the materials being proposed for the extension although modern are considered appropriate and will enable the extension to sit sympathetically within the landscape and AONB". Therefore, there is no objection to the use of these materials in respect of AONB impact.
- 7.3 In regard to the residential character of the area, the local streetscene is not considered to have a distinct or particularly special character. The proposal will introduce a contemporary palette of materials, but the use of render will retain a link to the more traditionally finished properties. On balance, it is not considered that the application will result in significant harm to the streetscene and character of the area which would warrant refusal on this basis.
- 7.4 For the above reasons, the application is considered to comply with policies SCLP10.4 and SCLP11.1 of the local plan.

Residential Amenity

- 7.5 The application proposes a first-floor extension over the existing garage, which is located close to the boundary shared with The Hedges. The Hedges does have one window on the side elevation, this is obscure glazed and does not appear to serve a habitable room and the proposed first-floor extension will not be directly west of the window. It is judged that the first-floor side extension is located at a sufficient distance from the neighbouring dwelling and will not have a detrimental impact on existing levels of amenity through loss of daylight/sunlight. The extensions to the rear of the dwelling and the front porch are also deemed to be at a sufficient distance from both neighbouring properties, and it is not considered that it would result in significant impact on amenity through loss of daylight/sunlight. The extensions are not considered to be harmful to amenity through overbearing impact. The application does include one first-floor window on the side elevation, serving the piano room. It appears that this window is high level, but it is recommended that a condition be applied to any grant of approval which requires the window to be obscure glazed.
- 7.6 One representation has been received from 1 Drury Park which raises loss of view/change of view as a reason for objection. The loss of views is not considered to be a material planning consideration, although loss of outlook is. In respect of loss of outlook from 1 Drury Park, the proposed development is located on the opposite side of Priory Road from the dwelling at 1 Drury Lane, at a distance of over 30 metres. It is deemed that the proposed works will not have harmful impact on the amenity of 1 Drury Park through overbearing effect or undue intrusion to windows. Therefore, it is not considered that the proposal will have detrimental impact on 1 Drury Park through loss of outlook.
- 7.7 For the above reasons, the application is considered to comply with policy SCLP11.2 of the local plan.

Light Spill

- 7.8 The application will result in an increase in glazing on the property, it has been noted that there is offsite tree and scrub cover to the south of the site which is considered to offer a useful degree of screening. Pre-application advice was sought on this scheme prior to the submission of the full application. Following the advice that was given, the glazing on the scheme has been reduced in order to address this issue. On balance, it is not considered that there are sufficient grounds for objection on this basis. Whilst the AONB team have made recommendations for the glazing to be reduced or broken up, they have not objected to the scheme.
- 7.9 For the above reasons, the application is considered to comply with policy SCLP10.4 of the local plan.

Flood Risk

- 7.10 The site is within Flood Zone 3b and a Flood Risk Assessment (2211-757, 15.12.2022) has been provided. The Flood Risk Assessment (FRA) states that the site is *"exposed to risk of flooding in extreme events in its current state and an extension into the floodplain a minor increase of flood risk elsewhere, if not mitigated"*.

- 7.11 The initial Flood Risk Assessment produced for this application did not satisfy the national flood risk standing advice and the Environment Agency responded stating *“The application is ‘more vulnerable’ and therefore is not appropriate in flood zone 3b. I also note that in the FRA, the applicant has stated that the development will increase flood risk elsewhere. Planning applications should not increase flood risk elsewhere- there is also other properties in the area, and no review has been done to show the impact, if the surrounding other properties would be at an increased flood risk”*. Following this a new Flood Risk Assessment was produced including mitigation recommendations.
- 7.12 To provide mitigation the FRA proposes a localised depression in the rear garden to compensate for the loss of floodplain. The depression would be 160mm deep with a channel to the south to allow for easy ingress and egress for the flood waters. The total volume of the depression would equate to 4.84m³. Safe refuge is available on the first floor of the property and advice has been provided for the property occupier with regards to Flood Warnings and where information can be found to produce a Flood Plan including an evacuation strategy. Furthermore, the FRA states that the proposed alterations will lift the Finished Floor Level (FFL) to a level of 2.48m AOD, matching the maximum FFL of the existing dwelling.
- 7.13 The Environment Agency have again been consulted on the application. Their response of 12/01/2023 has stated that they have no objection to the application. The EA have advised that in this instance it would not be appropriate to consider the proposals as inappropriate development within FZ3b. In regard to the compensatory storage (depression) proposed, the EA has advised that they do not routinely require compensatory storage for tidal flood risk (the exception being if it is in a tidally defended flood cell that would function independently from the North Sea), and that if the proposed compensatory storage scheme did not function as intended, the flood risk impact to the surrounding tidal floodplain would increase the flood level by roughly 0.001 millimetres, which would be considered as insignificant.
- 7.14 Therefore, it is considered that flood risk has been suitably addressed within this application. The FRA has proposed mitigation methods and advice for the owners. The FRA will be included in the approved scheme of documents and conditions will be applied in relation to proposed mitigation. Therefore, it is considered that the proposal complies with the NPPF and local policy SCLP9.5.

8. Conclusion

- 8.1 The proposal will result in a visual change to the property and the introduction of new external materials to the local area. It is not considered that the design and materials will result in significant adverse impact to the character of the local area, or to the special qualities of the AONB.
- 8.2 The application is considered to be acceptable in respect of design, amenity, landscape and flood risk impacts. Therefore, the scheme is considered to be compliant with local policies SCLP9.5, SCLP10.4, SCLP11.1 and SCLP11.2 of the local plan.
- 8.3 Approval is recommended.

9. Recommendation

Approve

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 PW1239 PL02 Rev F and PW1239 PL10 received 21/09/2022, Design and Access Statement received 23/06/2022, and Flood Risk Assessment (2211-757, 15.12.2022) received 16/12/2022 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. The window on the west elevation at first-floor level shall be fitted with obscured glass, which shall have an obscurity of level 3 on the Pilkington obscured glazing range (or equivalent by an alternative manufacturer) and shall be retained in that condition, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the amenity of adjacent property.

5. The hereby approved development shall only be carried out in accordance with the mitigation methods detailed within the Flood Risk Assessment (2211-757, 15.12.2022). The electrical sockets in the extension shall be no lower than the sockets in the adjacent room in the existing dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application site lies within an area at risk from flooding. These measures are required to ensure the proposal is at no greater risk than the existing dwelling.

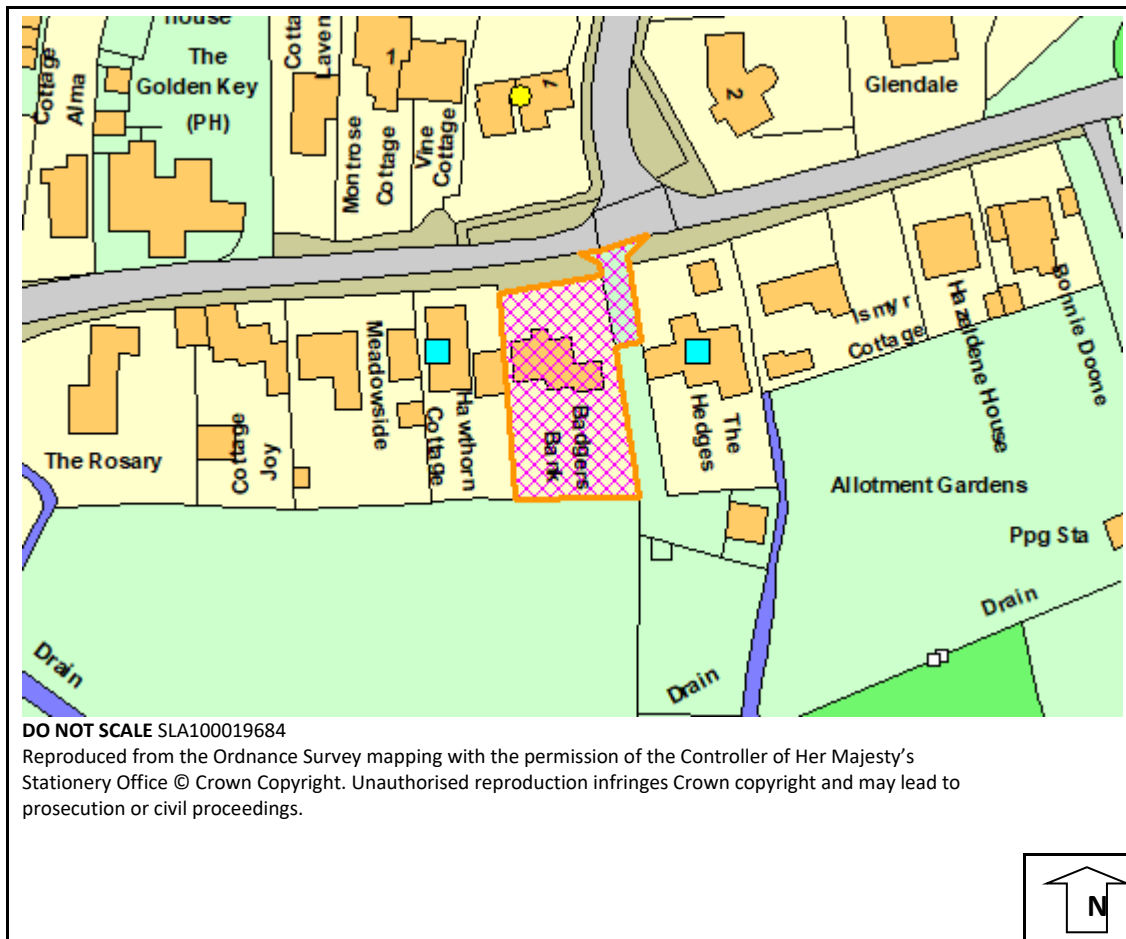
Informatives:

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.

Background information

See application reference DC/22/2515/FUL on [Public Access](#)

Map



Key



Notified, no comments received



Objection



Representation



Support