



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

Planning Committee South

Members:

Councillor Debbie McCallum (Chairman)
Councillor Tony Fryatt (Vice-Chairman)
Councillor Melissa Allen
Councillor Stuart Bird
Councillor Chris Blundell
Councillor Tony Cooper
Councillor Mike Deacon
Councillor Colin Hedgley
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 January 2020 at 2.00 pm**

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 Disclosable Pecuniary or Local Non-Pecuniary Interests 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.

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 17 December 2019	1 - 18
5	Quality of Place Awards 2019 To receive a short presentation on the 2019 Quality of Place Awards from the Design and Conservation Officer	
6	East Suffolk Enforcement Action - Case Update ES/0265 Report of the Head of Planning and Coastal Management	19 - 35
7	DC/19/4322/FUL - 102 Main Road, Kesgrave, IP5 1BL ES/0275 Report of the Head of Planning and Coastal Management	36 - 46
8	DC/19/4258/FUL - Pettistree, Castle Green, Orford, IP12 2NF ES/0276 Report of the Head of Planning and Coastal Management	47 - 58
9	DC/19/4471/ROC - Cowpasture Farm, Gulpher Road, Felixstowe, IP11 9RD ES/0277 Report of the Head of Planning and Coastal Management	59 - 64
10	DC/19/4406/FUL - 41 Wacker Field Road, Rendlesham, IP12 2UT ES/0278 Report of the Head of Planning and Coastal Management	65 - 69

Part Two – Exempt/Confidential

There are no Exempt or Confidential items for this Agenda.

Close



Stephen Baker, 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/planning/planning-applications/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.

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Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 17 December 2019 at 2.00 pm**

Members of the Committee present:

Councillor Melissa Allen, Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tony Cooper, Councillor Mike Deacon, Councillor Tony Fryatt, Councillor Colin Hedgley, Councillor Debbie McCallum

Officers present:

Joe Blackmore (Development Management Team Leader), Rachel Lambert (Planning Officer (Major Sites)), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Development Management Team Leader)

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Kay Yule. Councillor David Beavan acted as her Substitute.

2 Declarations of Interest

Councillor Hedgley declared a Local Non-Pecuniary Interest in item 6 of the agenda as the Ward Member for Carlford and Fynn Valley.

Councillor McCallum declared a Local Non-Pecuniary Interest in item 6 of the agenda as both the Ward Member for Kesgrave and as the business owner was known to her.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Hedgley declared that he had been lobbied verbally on item 6 of the agenda by Little Bealings Parish Council.

4 Minutes - 22 October 2019

RESOLVED

That the Minutes of the Meeting held on 22 October 2019 be confirmed as a correct record and signed by the Chairman.

5 Minutes - 26 November 2019

RESOLVED

That the Minutes of the Meeting held on 26 November 2019 be confirmed as a correct record and signed by the Chairman.

6 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0221** of the Head of Planning and Coastal Management. The report was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had been sanctioned under delegated powers up until 2 December 2019.

The Chairman invited questions to the officers.

A member of the Committee highlighted an enforcement case at Chestnuts, Martlesham Road, Little Bealings, and asked if it had been brought to officer's attention as he had sent an email about it some weeks previously. The Head of Planning and Coastal Management assured the Member that he would take the matter forward.

RESOLVED

That the report concerning outstanding enforcement matters up to 2 December 2019 be received and noted.

7 DC/19/2666/FUL - Kesgrave Quarry, Sinks Pit, Kesgrave, IP5 2PE

The Committee received report **ES/0222** of the Head of Planning and Coastal Management, which related to planning application DC/19/2666/FUL.

Planning Permission was sought for the erection of a new headquarters building for a vehicular hire business. The building was proposed to contain offices and a workshop for the vehicles and storage. The site was towards the western end of the former gravel extraction pit, on an area of land to the west of building and associated land operated by Tru7group (granted under DC/15/4908/FUL).

The current application site was approved for the 'Fork Rent' Headquarters Building in February 2014 (DC/13/3408/FUL). That consent was not implemented and had therefore lapsed.

The application was before the Committee as it had been advertised as a departure from policy, due to its proposed non-rural related employment and its location outside any physical limits boundary in the countryside and outside any designated employment site.

The Committee received a presentation on the application from the Development Management Team Leader.

The site location map was displayed, which denoted the red line for the application site and marked out in blue the boundary of the land owned by the applicant. The site was described as a former quarry and exited on to Main Road in Kesgrave. The Development Management Team Leader stated that the nearest residential properties, as the crow flies, were in Playford Road.

The Committee was shown a site context map which outlined the site's proximity to the boundary of Playford, the main site in Little Bealings, the exit into Kesgrave, and the relationship to the SSP2 boundary.

The Development Management Team Leader summarised the responses from Little Bealings Parish Council, Playford Parish Council, and Kesgrave Town Council, as set out in the report. She also highlighted the comments from the Environment Agency that were contained in the update sheet, and further comments from Natural England were still awaited.

Site photographs were displayed which demonstrated views of the access road and footpath, the site entrance and footpath, the localised and glimpsed views from the footpath, the view to the northern and north-western boundaries from the footpath, and views of the site from private land that was owned by the applicant.

It was noted that the application site was not part of the main quarry site that had been subject to a restoration plan.

The details of the previously consented scheme were outlined. The Development Management Team Leader confirmed that the proposed scheme was very similar in terms of the nature of the use, and therefore the principle of development was established by the previously consented application.

The proposed block was displayed; it was confirmed that the proposed buildings would look similar to those on the neighbouring development. The proposed floors plans and elevations were also displayed.

The key issues were summarised as the principle and sustainability of development, employment and economic considerations, transport, highway safety and parking provision, potential for noise and disturbance, external appearance and visual impact upon the landscape, external lighting, impact upon trees, and ecological biodiversity.

The Development Management Team Leader acknowledged that further drainage information was still required but that an update on that situation was detailed in the update sheet.

The Chairman invited questions to the officers.

A member of the Committee referred to paragraph 7.44 of the report, relating to objections on the grounds of noise and disturbance and impacts upon residential amenity, from residents in Playford Road. He sought confirmation that this issue had been ongoing for the last three years. The Development Management Team Leader confirmed that this was the case; some of the complaints related to the site operated by the applicant and the remainder to the Suffolk County Council (SCC) site adjacent. It was noted that SCC had applied to install an acoustic bund at the top of the site and that it was the determining authority for such planning applications.

The Committee was advised that the existing noise concerns could not be addressed as part of the application that was before it, but that it could seek to ensure that the noise

issue did not increase. The Development Management Team Leader noted that conditions had been included in the recommendation in order to achieve this.

It was confirmed that the operating hours of the site could be controlled through conditions. A member of the Committee queried allowing HGVs to operate from 5.30 am as the start of the operating hours was 7.00 am. The Development Management Team Leader said that this was to allow larger vehicles to be removed from the site before the start of operations and that there would be a limit on the number of vehicle movements permitted between 5.30 am and 7.00 am.

Another member of the Committee noted the noise concerns that specifically referred to the sound of reversing indicators and asked what could be done about this. The Chairman considered that the complaints could only be monitored through their submission to Environmental Health and it was highlighted by the Development Management Team Leader that the Council's Environmental Health team had not objected to the application and had recommended conditions.

The Head of Planning and Coastal Management informed the Committee that the application previously consented on the site had proposed the same operating hours and stated that it needed to question if anything was materially different compared to the last application if it wished to come to a different conclusion; it was the opinion of Planning Officers that there had not been a materially different change.

On the request from a member of the Committee, the site context map was displayed and the relationship of the site to Kesgrave Hall was demonstrated.

The Chairman invited Ms Saagi, representing Little Bealings Parish Council, to address the Committee.

Ms Saagi advised that Little Bealings Parish Council had discussed the application at its meeting on 22 July 2019 and then, as now, had not objected to the application subject to conditions, which had been included in the recommendation. She said that this position had been adopted at the meeting in the knowledge that SCC would be applying to install an acoustic bund, which had now happened.

It was the wish of Little Bealings Parish Council that the noise levels were kept to a minimum as much as possible. Ms Saagi noted that the noise from reversing indicators could be heard from Playford Road; surveys on light and noise pollution were requested as it was considered that light and noise pollution was already getting worse.

Ms Saagi acknowledged that the acoustic bund, if installed, may overcome some of the noise issues being experienced. She suggested that the operating hours should not be changed as the proposed changes would impact negatively on residential amenity.

The Chairman invited questions to Ms Saagi.

Ms Saagi described the impact of noise on residential amenity as being low level noise that became irritating over a period of time. She said it was not a single continuous sound, but rather a variety of different noises. Ms Saagi stated that Little Bealings

Parish Council would be content with the application being approved providing that the conditions were adhered to and they were signposted about who to make any complaints to regarding noise impacting on residential amenity.

It was confirmed that the reversing indicator sounds were a health and safety requirement.

A member of the Committee asked Ms Saagi if most residents of Playford Road had complained at one time or another, regarding the noise. The Chairman noted that only complaints received could be considered but allowed Ms Saagi to answer the question. Ms Saagi said there is a group in the area that were in contact with one another and reported concerns on a regular basis. This group also met with the site operators on a regular basis and that this relationship was beginning to improve.

The Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was Ward Member for Carlford and Fynn Valley, noted that he was not opposed to the application and supported it. He said that he had attended meetings with the site operators who had been sympathetic to noise concerns in the past but highlighted that concerns remained. He considered that the types of noises emanating from the site could be very annoying.

Another member of the Committee noted that the advice from officers was that a majority of the noise had been coming from the SCC site, which the application did not relate to. He stressed the importance of not looking at the application that was before the Committee.

The Chairman said that it was important that the original issues that had arisen from the site, such as traffic problems, and dirt and debris accumulating on roads, were not exacerbated by the new application, considering that this would be achieved in part through good communications and working between the site operators and the local community. She noted that the expansion of the site would create employment opportunities within the district. She was of the view that, providing the drainage issues were satisfactorily resolved, there was no reason to refuse the application.

During the debate, it was confirmed that the new buildings would be related to the maintenance of vehicles. The Development Management Team Leader highlighted that condition 5 of the recommendation addressed any noise concerns that could arise from maintenance activities.

The Vice-Chairman recalled the concerns raised before the approval of the previous application on the site. He said that the application that was now before the Committee was being treated sympathetically by the three parish/town councils consulted and was reassured that a realistic view was being taken. He said it was important to ensure that the Council did not let these town/parish councils down.

It was noted that the application could increase the HGV traffic on the A12.

There being no further debate the Chairman moved to the recommendation to delegate authority to approve the application, as set out in the report.

On the proposition of Councillor Cooper, seconded by Councillor McCallum it was by unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management, subject to:

- the withdrawal of the holding objection from Natural England, and
- the inclusion of the following conditions on the planning permission:

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:

Documents received 3 July 2019:

- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement & Tree Protection Plan – Project no 4780
- Transport Statement – Project no 49809
- Preliminary Ecological Appraisal
- Planning Statement Ref: 4578-PS1 Rev P1
- Phase One Desk Study Report & Data Review – Project no 49809
- Materials Schedule Ref: 4578-PS1 Rev P1
- Landscape & Visual Assessment for Proposed Commercial Development
- Existing & Proposed Site Plan – Drawing No 7480-D-AIA,
- Block Plan – Drawing No 4578-PL1 Rev P3
- Unit 1 Floor Plans – Drawing No 4578-PL2 Rev P2
- Unit 2 Floor Plans – Drawing No 4578-PL3 Rev P2
- Unit 1 Elevations – Drawing No 4578-PL4 Rev P2
- Unit 2 Elevations – Drawing No 4578-PL5 Rev P2
- Typical Coloured Elevations – Drawing No 4578-PL6 Rev P2
- Unit 1 Roof Plan – Drawing No 4578-PL7 Rev P2
- Unit 2 Roof Plan – Drawing No 4578-PL8 Rev P2
- Design and Access Statement
- 49809/PP/002 Rev A (block plan showing drainage details) received 25 November 2019
- Flow Calculation Sheets (relating to drainage) received 25 November 2019

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. The building and site herein referred to, shall be used as a depot, office, vehicle workshop and ancillary functions for the supply, hire and sale of plant and equipment, heavy machinery, diggers and vans etc as a single planning unit and for no other purpose (including any other purposes in Class B1 (Offices), B2 (General Industry) or B8 (Warehousing and Distribution) of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended), or any order revoking or re-enacting the said Order.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

5. All machinery and vehicle repairs shall only take place within the hereby approved building(s). There shall be no outside working relating to vehicle and machinery repairs, apart from the washing of vehicles, within designated areas in accordance with details to be approved as part of the drainage strategy.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity and the protection of the local environment.

6. The working hours in connection with the use/buildings hereby permitted, shall not be other than between 7am and 7:30pm Monday to Friday and between 7am and 1pm on Saturdays; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed by the local planning authority.

Reason: In the interests of amenity and the protection of the local environment.

7. No more than 12 Heavy Good Vehicle (HGV) movements shall take place on Monday to Friday during the hours of 5:30am and 7:00am or between 6:00am to 7:00 am on Saturdays (a maximum of 12 movements each day), unless otherwise agreed by the Local Planning Authority. Between 7am and the close of the HGV working hours set out condition 6, there is no restriction on the maximum number of HGV movements that can take place.

Reason: In the interests of residential amenity.

8. Heavy Good Vehicle (HGV) movements shall only take place between the hours of 5:30am and 7:30pm Monday to Friday, and between 6:00am and 1:00pm on Saturdays, with no HGV movements on Sundays or Bank Holidays (subject to the numbers restriction during early mornings outlined in condition 5), unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity

9. Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter.

Reason: In the interests of residential amenity and protection of the local environment.

10. Any ventilation, air conditioning or similar plant/equipment shall only be switched on between 7am to 7:30pm Monday to Friday, or between 7am and 1pm on Saturdays. They shall be switched off at all other times including overnight, and on Sundays and Bank Holidays, when the site is not operational, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of residential amenity and protection of the local environment.

11. The use shall not commence until the area(s) within the site on Drawing Number 4578-PL1 Rev P3 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that there are adequate parking facilities to serve the development. To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety

12. Prior to either of the hereby approved buildings being first occupied, full and precise details of the areas/structures to be provided for secure covered cycle storage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in its entirety before either of the hereby approved buildings are brought into use. The secure cycle storage shall be retained thereafter and used for no other purpose.

Reason: To enable employees and visitors to have access to safe and secure storage for cycles in the interest of assisting in the use of this sustainable form of transport.

13. 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, 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.

14. 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.

15. The mitigation measures outlined in the hereby approved “Preliminary Ecological Appraisal (Applied Ecology, June 2019)” shall be implemented in their entirety.

Reason: To safeguard biodiversity and protected species in accordance with SP14 and DM27 of the Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (2013) and the National Planning Policy Framework (2012).

16. Prior to the commencement of development details of an external lighting scheme for the construction phase (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels, and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed, apart from that agreed under condition 17.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

17. Prior to the use commencing, details of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, the luminance levels and hours of use) shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and no additional external lighting shall be installed.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

18. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

19. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

20. The development hereby permitted shall not be occupied until details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

21. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

22. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

23. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- 1. A site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment. An options appraisal and remediation strategy, based on these results, must give full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

24. Prior to any part of the development scheme being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

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. This planning permission contains condition precedent matters that must be discharged before the development approved is commenced, or any activities that are directly associated with it. If development commences without compliance with the relevant conditions(s) you will not be able to implement the planning permission & your development will be deemed unauthorised. An application under Section 73 of the Town & Country Planning Act 1990 will be required to amend the relevant condition(s) before development continues. You are strongly recommended to comply with all conditions that require action before the commencement of development.

3. The applicant is advised that the granting of planning permission for the hereby approved development does not override any other legislation, private access rights or land ownership issues which may exist. The onus rests with the owner of the property to ensure they comply with all the necessary legislation (e.g. building regulations and acts relating to environmental protection) and it is the applicants/developers responsibility to ensure that comply with all the necessary legislative requirements, and obtain all the necessary consents/permits.

4. The applicant is advised that a public right of way crosses the application site or adjoins the application site (Footpaths 2 and 14) and nothing in this permission shall authorise the stopping up, diversion or obstruction of that right of way. The applicants should apply to East Suffolk Council if they want the public right of way to be diverted or stopped up. It is an offence under the Highways Act 1980 to obstruct the route or damage/alter the surface of the right of way without the prior written consent of the Highway Authority, either during the construction of the development or beyond. If any development work conflicts with the safe passage of pedestrians or other users of the right of way, the applicants will need to apply to the Highway Authority for a temporary closure of the right of way. In that event you are advised to contact the East Area Rights of Way Officer, Environment & Transport, County Buildings, Street Farm Road, Saxmundham, Suffolk, IP17 1AL. Tel: 01728 403079

5. 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.

6. 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

7. The trees adjacent to and overhanging the access road are protected by Tree Preservation Order ESCC No 20 (1950). It is an offence to undertake works to the trees without prior written consent from the Local Planning Authority. Consent is required prior to the trees being lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed, damaged or removed.

8. It is recommended that the operators of the site, seek to direct all drivers eastwards from the site along the A1214 to join the main road network, and only direct west along the A1214 if they are travelling to sites in East Ipswich, Kesgrave or Rushmere St Andrew.

9. It is requested that the operators of the site encourage staff to car share, use public transport, cycling and walking to get to the site, wherever possible in order to improve the sustainability of the site and its impact upon greenhouse gas production.

10. The applicant's attention is drawn to the comments in Fire and Rescue Service Letter regarding Fire Hydrant Provision, sprinkler systems, hardstanding for appliances, and requirements of building Regulations, and these features are incorporated where possible.

11. The applicant is advised that the application site lies in close proximity to the Sinks Pit Site of Special Scientific Interest (SSSI). Care should be taken during construction to ensure that machinery and materials do not enter that area.

12. The applicant is advised that fascia advertisements fixed to the building and any other advertisements on and/or around the premises may require advertisement consent under the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) (as amended). Informal guidance on the possible need for consent can be sought via the 'Interactive Terrace' at https://www.planningportal.co.uk/info/200125/do_you_need_permission or from the Local Planning Authority by submitting an application for 'pre-application advice', details of which can be obtained via <http://www.eastsuffolk.gov.uk/planning/planning-applications/pre-application-planning-advice/>

13. The applicant is advised that the bunding and vegetation which lie to the north and northwest of the application were required as part of the restoration works on a previous planning permission relating to Sinks Pit and were controlled by conditions on that consent (C97/1501). These areas lie beyond the boundaries of the current application site and therefore this consent does not authorise any works to those areas.

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

15. Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.

16. Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.

8 DC/19/3650/FUL - 59-61 College Road, Framlingham, IP13 9EU

The Committee received report **ES/0223** of the Head of Planning and Coastal Management, which related to planning application DC/19/3650/FUL.

Planning permission was sought for the change of use and alterations to facilitate the conversion in part of an existing building formerly used as an office associated with the existing residential units within the remainder of the building. The ancillary office suite was formally used by a housing association for the management of the existing residential units on site and elsewhere. It was proposed to provide a two-bedroom residential unit.

As the 'minded to' decision of the planning officer was contrary to the comments received (within the 21-day consultation period) from Framlingham Town Council, the above application was referred to the Referral Panel on Tuesday 19 November. The outcome of the panel was for the application to be decided by the Committee as concerns were raised regarding the departure from the car parking standards and the subsequent pressure on parking within the town.

The Committee received a presentation on the application from the Planning Officer. The site context map was displayed and the site was shown to be on the corner of College Road and Mount Pleasant, to the north-west of Framlingham town centre. The site location plan was also shown.

The Committee was shown the transport links information from the Framlingham Neighbourhood Plan, which identified a pedestrian walkway route that was accessed to the south-west of the site. The Planning Officer also noted the highway pinchpoint at the corner of College Road and Mount Pleasant.

The proposed block plan was demonstrated. The Planning Officer referred to the rearrangements to parking, cycle storage and bin storage in the site.

The proposed floor plans and elevations were displayed. It was proposed to reduce the fenestration at the front of the building to two windows and to install new painted render.

The Committee was shown street view photography from Google Maps as well as various views of the site from College Road.

It was noted that the scheme did not meet the parking requirements as set out by the Highways Authority and that Framlingham Town Council had raised that one parking space was subject to a covenant. The Planning Officer confirmed that each unit would have one parking space and that there would a space for visitor parking as well as cycle and bin storage. The development would not impede on the pedestrian walkway to the south-west of the site and a condition within the recommendation for a lighting strategy would ensure that the route remained safe and accessible.

The recommendation, as set out in the report, was outlined to the Committee.

The Chairman invited questions to the Planning officers.

The Planning Officer confirmed that the development would rearrange the internal floor space of the existing building and that there would be no change to the building's footprint.

In relation to a question on how the development accorded with the Framlingham Neighbourhood Plan, the Committee was advised that the Plan identified a need for smaller housing units, which the development met. There was already a residential element to the building and the changes were being made to the former office area at the front of the building.

There were double yellow lines immediately outside the site to prevent on-street parking, along with nearby layby parking.

The Chairman invited Mr Tanner, agent for the applicant, to address the Committee.

Mr Tanner thanked the Planning Officer for clearly presenting the proposals. He noted that the building was unoccupied and had previously been used for sheltered and social housing and considered that the application was only before the Committee as Framlingham Town Council had objected to the application.

The site was said to have no delineated parking and Mr Tanner highlighted that the current scheme ensured that eight spaces would be provided. He acknowledged that this did not meet the standards set by the Highways Authority but noted that it had not objected to the application.

Mr Tanner considered that the site's proximity to Framlingham town centre would be a selling point to potential buyers, as residents would not have to be dependent on private vehicles. He stated that part of the building was currently for office use which required parking and that the modifications proposed reduced the parking already required at the site.

Mr Tanner described the proposals as a really good chance to provide smaller dwellings at an affordable level near the town centre, where such housing was required. He asked the Committee to support the application.

The Chairman invited questions to Mr Tanner.

A member of the Committee noted the comments from Framlingham Town Council regarding a covenant for a parking space and asked if this would be preserved. Mr Tanner stated that this was incorrect and that the Town Council's comments had been based on anecdotal evidence. He informed the Committee that there were no legal documents to covenant a parking space. The Chairman reminded the Committee that covenants were a civil issue and not a planning matter.

The Chairman invited the Committee to debate the application that was before it.

Members of the Committee noted that the application met a need for smaller units in a town centre location, as identified by the Town Council. Several Members were supportive of the application, considering that the lack of parking was by one space and was also outweighed by the good walking and public transport links to the town centre.

One member of the Committee noted that although residents would not be dependent on private vehicles to access the town centre, this might not be the case for travelling to and from employment if they did not work in the local area.

It was confirmed that the nearby car park was pay and display and that season tickets could be purchased.

There being no further debate the Chairman moved to the recommendation to approve the application, as set out in the report.

On the proposition of Councillor Deacon, seconded by Councillor Hedgley it was by unanimous vote

RESOLVED

That the application be **APPROVED** subject to conditions:

1. The development hereby permitted shall begin no later than 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 drawings, received on 18 September 2019:

- Site location plan (19152 5);
- Proposed block plan (19152 4); and
- Proposed ground floor and first floor plans (19152 1D).

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. Before the development is commenced details of the area to be provided for the secure 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 ensure that the minimum cycle storage provision outlined within Suffolk Guidance for Parking (2019) is achieved and to promote sustainable transport.

5. The use shall not commence until the area within the site shown on Drawing No. 1952 4 for the purposes of manoeuvring and parking of vehicles, and secure cycle storage, has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the onsite parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

6. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No.1952 4 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

7. Appropriate lighting should be provided to illuminate the car parking area and walkway steps, the precise details of which shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be installed within one month of occupation of the residential units.

Reason: In the interests on residential amenity and highways safety.

8. Within three 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.

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 will require approval under Building Regulations (2010). Any amendments to the hereby permitted scheme that may be necessary to comply with Building Regulations (2010) must also be approved in writing by the local planning authority in order that any planning implications arising from those amendments may be properly considered.

3. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act (2008) and the CIL Regulations (2010) (as amended).

Note: The Council will issue a Liability Notice for the development once liability has been assumed. Liability must be assumed prior to the commencement of development. Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action and the liable party will lose the right to pay by instalments. Full details of the process for the payment of CIL can be found at <http://www.eastsuffolk.gov.uk/planning/community-infrastructure-levy/>

4. The development included (or appears to include) one or more of the following:

- a. Works to an existing wall or structure shared with another property;
- b. The construction of a wall or building on or close to a property boundary;
and/or
- c. Excavations near a neighbouring building.

You are advised that the provision of the Party Wall Act (1996) may apply to this development. An explanatory booklet concerning the implications of this Act is available from the Department for Communities and Local Government - www.gov.uk/party-wall-etc-act-1996-guidance.

The meeting concluded at 2.53 pm

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Chairman



PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

28 January 2020

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 27 December 2019. At present there are 17 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column 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.

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 27 December 2019 be received.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	North	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. • Meeting with Legal 25th November 2019 advised that due to the time passed the Council will not take action on the notice, however the Notice will remain in place. 	Following Legal advice, the notice remains in force though due to the time that has passed a decision has been made not to take any action in respect of the notice.

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN08/0264 & ENF/2013/0191	15/01/2010	North	Pine Lodge Caravan Park, Hazels Lane, Hinton	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.	<ul style="list-style-type: none"> • 15/10/2010 - EN 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 – EN's served and become 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 	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • 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. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 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 being 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. 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). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>remedy sought. Verbal update to be given.</p> <ul style="list-style-type: none"> • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 –Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 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- 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 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. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 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 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
EN/09/0305	18/07/2013	South	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans re-moved but 20 still in situ. Advice to be sought. 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
ENF/2014/0104	16/08/2016	South	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement 	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Notice. Case to be referred to Legal Department for further action.</p> <ul style="list-style-type: none"> • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>days for the site to be cleared before the Notice is served.</p> <ul style="list-style-type: none"> • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. • Start date has now been received, Statements are due by 12/12/2019. 	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> • 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. • Enforcement Notice to be drafted • Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	North	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> • EN served on 21/12/2016 • Notice becomes effective on 25/01/2017 • Start date has been received. Public Inquiry to be held on 08/11/2017 	31/01/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). Site visit to be conducted once compliance period has finished. 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to Legal Services for further action. Site visit due on 07/01/2019. 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. 26/02/2019 – Update to be given at Committee. Awaiting update from Legal. 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>owner is required to comply with the Injunction by 03/09/2019</p> <ul style="list-style-type: none"> • 05/09/2019 – Site visit undertaken, case file passed to Legal Department for further action. • Court date arranged for 28/11/2019 • 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. 	
ENF/2017/0170	21/07/2017	North	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. 	17/02/2020 13/04/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> 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 – EN served in relation to the residential use of the site. Compliance by 13/04/2020 	
ENF/2015/0279 /DEV	05/09/2018	North	Land at Dam Lane Kessingland	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.	<ul style="list-style-type: none"> Initial complaint logged by parish on 22/09/2015 Case was reopened following further information on the 08/12/2016/ Retrospective app received 01/03/2017. 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. 	29/02/2019

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	
ENF/2018/0057	15/11/2018	North	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> • Enforcement Notices served on 10/12/2018 • Notice effective on 24/01/2019 • 3 months given for compliance • Appeal submitted awaiting Start Date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	29/02/2020
ENF/2018/0276	23/11/2018	North	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> • Breach of Condition Notice served • Application received to Discharge Conditions • Application pending decision 	31/12/2019
ENF/2018/0330 /LISTM	17/05/2019	North	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> • Listed Building Enforcement Notice served on 17/05/2019. • Notice takes effect on 20/06/2019. Three months for compliance 	29/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Appeal has been submitted, awaiting a start date. • Start date now received by the Council, Statements due by 12/12/2019 	
ENF/2018/0543 /DEV	24/05/2019	North	Land at North Denes Caravan Park The Ravine Lowestoft	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.	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. 	29/02/2020
ENF/2018/0385 /COND	01/08/2019	North	28 Beverley Close Lowestoft	Breach of condition 2 & 3 of DC/15/2586/FUL	<ul style="list-style-type: none"> • Breach of Condition Notice served 01/08/2019. 	01/02/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0272 /DEV	16/08/2019	South	Rosery Cottage Barn, Lodge Road, Great Bealings	Change of use of a building	<ul style="list-style-type: none"> Enforcement Notice served 16/08/2019. Appeal submitted, awaiting start letter. 	29/02/2020
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	<ul style="list-style-type: none"> Notice served 26/11/2019 	27/03/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	<ul style="list-style-type: none"> Enforcement Notice served 05/12/2019 	10/05/2020
ENF/2018/0090 /DEV	10/12/2019	South	Dairy Farm Cottage, Sutton Hoo	Erection of a summer house	<ul style="list-style-type: none"> Enforcement Notice served 10/12/2019 	17/03/2020

Committee Report

Planning committee - 28 January 2019

Application no DC/19/4322/FUL

Location

102 Main Road
Kesgrave
Suffolk
IP5 1BL

Expiry date 1 January 2020

Application type Full Application

Applicant Webena Homes Limited

Parish Kesgrave

Proposal Replacement Dwelling

Case Officer Rachel Smith
01394 444628

rachel.smith@eastsuffolk.gov.uk

1. Summary

- 1.1. The application site is located on the northern side of Main Road, Kesgrave and in planning terms is in the countryside. The application seeks to replace the existing bungalow with a larger property located in a different position within the site.
- 1.2. The application was presented to the referral panel on 23rd December 2019. At this meeting it was decided that the application should be determined by Committee so that they could give full consideration to whether the proposal was 'more visually intrusive in the countryside', particularly with regard to the increased footprint in relation to Policy DM3.
- 1.3. The application is recommended for approval as the proposed replacement dwelling is considered to be no more visually intrusive in the countryside than the building to be replaced, when seen in the context of the adjacent buildings to the north, and therefore compliant with Policy DM3.

2. Site description

- 2.1. The site lies to the north of Main Road, Kesgrave on the junction with Doctor Watson's Lane and is outside of the physical limits boundary. The site therefore lies within the countryside. The existing property is a modest bungalow, located in close proximity to the highway junction, however the site curtilage extends approximately a further 30 metres to the east and 30 metres back from Main Road.
- 2.2. To the east of the site, there is a wooded area including a number of mature trees, but these are not covered by any designation. To the north of the site is an Electricity substation and BT Telephone Exchange. The main built up area of Kesgrave lies to the south of the site on the opposite side of Main Road.

3. Proposal

- 3.1. The proposal involves the demolition of the existing property and its replacement with a new, detached property. Access to the plot would be off Doctor Watson's Lane in the location of the existing bungalow. The driveway would lead into the larger part of the site and provide an ample parking area adjacent to the southern site boundary with Main Road. The proposed dwelling would be located immediately to the north of this and the main private garden area would be located to the north and west of the property.
- 3.2. The proposed dwelling would be single storey in scale however have a significantly larger footprint than the existing dwelling. The property has been designed such that it would have two 'blocks' of accommodation linked by an entrance porch/hall. The property would be set further back on the site than the existing and have two gables fronting Main Road. would also be an attached double garage to the west of the property.

4. Consultations/comments

- 4.1. No third party representations have been received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Kesgrave Town Council	21 November 2019	No response
<p>Summary of comments:</p> <p>Refuse - voting was unanimous. The committee believe this is contrary to policy DM21 - not in keeping with the street scene. The height of the fence is excessive for a front garden, which has resulted in vehicles having restricted visibility driving into and out of the car parking area. The Committee are also very concerned that where the fence has been erected includes the 1-meter service strip which runs along the footpath and around this property. They therefore believe the property has included land within their boundary, which they do not own.</p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	N/A	17 December 2019
Summary of comments: No objection subject to conditions		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	21 November 2019	No response
Summary of comments: Object due to a lack of information regarding the potential impacts upon protected and/or UK Priority species.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	21 November 2019	22 November 2019
Summary of comments: Suggests full suite of contaminated land conditions		

Consultee	Date consulted	Date reply received
Ecology (Internal)	5 December 2019	20 December 2019
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	N/A	30 December 2019
Summary of comments: No objections subject to condition		

5. Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 25 November 2019

Expiry date: 16 December 2019

6. Planning policy

- 6.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 6.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 6.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 6.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP29 - The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 6.5. The relevant policies of the Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017) are:

SSP2 – Physical Limits Boundaries - Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017)

- 6.6. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .
- 6.7. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).
- 6.8. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined

under paragraph 48 of the NPPF. There are no policies of that nature relevant to the consideration of this application.

7. Planning considerations

Principle

- 7.1. Policy DM3 is relevant to this application and permits the replacement of existing dwellings in the countryside on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced. An application earlier this year proposed a replacement dwelling however this application was withdrawn following concerns raised regarding the proposed scale of the replacement dwelling not complying with the policy (DC/19/0094/FUL).
- 7.2. The existing property is a modest, single-storey building located close to the corner of the Main Road and Doctor Watson's Lane junction. The current proposal involves the erection of a new single storey dwelling on a substantially larger footprint than the existing property. The existing property has a footprint of approximately 65 square metres whereas the proposed dwelling would have a footprint of approximately 246 square metres including the attached double garage. The existing dwelling has a ridge height of 4.2 metres whereas the proposed dwelling would have a maximum ridge height of 4.85 metres.
- 7.3. The requirements of DM3 are that the proposed replacement dwelling would be "no more visually intrusive in the countryside than the building to be replaced". As the site is located outside of the defined physical limits boundary of Kesgrave, it is located in the countryside however its location close to the development to the south and with it being bordered by both an electricity sub-station and Telephone Exchange buildings, it is not in a remote, rural location where undeveloped farmland dominates the landscape.
- 7.4. Although the proposed dwelling would be slightly higher, it remains a low scale and given the design and orientation of proposed dwelling with gables fronting main road, the bulk of the property would not be visible from this elevation. Similarly, the property would have a significantly larger footprint than the existing dwelling however the site is large enough to accommodate this and retain sufficient curtilage space to serve the dwelling. The proposed dwelling would also be located further from the site boundaries and therefore in a less prominent location on the site such that existing boundary vegetation would serve to partially screen the proposed dwelling.
- 7.5. There is an existing wooded area to the east of the site and a BT Telephone Exchange to the rear. The proposed dwelling would therefore be screened from the east and be seen against the backdrop of this telephone exchange to the north. Despite its larger footprint, the proposed scale of dwelling is therefore not considered to result in a property that would have an intrusive visual appearance on the countryside and is therefore considered to be compliant with the aims of DM3.

Design

- 7.6. The proposed dwelling would be simple in form and design with the two front gables being the most dominant view from public view points. The property would be constructed in a Suffolk Red Brick and render with concrete pantile roof and aluminium doors and

windows. The proposed dwelling has no particular design characteristics or qualities and although it is considered that this site has the potential for a more uniquely designed dwelling to be accommodated, the design proposed is not out of keeping with the character of properties elsewhere in Kesgrave.

Residential Amenity

- 7.7. There are no other residential dwellings immediately adjoining the site and given the single-storey scale of the proposed dwelling, it is unlikely there would be any impact on residential amenity.

Highways

- 7.8. The Highways Authority does not raise any concerns with the proposal for the replacement dwelling however suggests conditions requiring a certain design and layout of the access.

Ecology

- 7.9. Suffolk Wildlife Trust object due to the lack of report on protected species. The Council's Ecologist has considered the characteristics of the site and does not consider that the site houses particularly good habitats for protected or priority species. An ecological survey has now also been submitted in respect of the application and this concludes that the site does not contain similar habitats to the nearby Sinks Valley SSSI and is therefore unlikely to support species of interest. It also states that the erection of one dwelling is unlikely to cause significant disturbance to important/nationally scarce species using these habitats. It does however suggest that precautionary steps should be taken during construction which can be a condition if planning permission were granted.

Other Matters

- 7.10. The Town Council are concerned about potential health impacts of the potential occupants given the proximity to the BT telephone exchange. The principle of a residential dwelling on the site is long established and although the proposed dwelling would be slightly closer to the exchange, there is no known evidence that this would harm the health of residents.

8. Conclusion

- 8.1 The proposed dwelling would have a noticeably larger footprint than the existing dwelling on the site however its height and scale of building would be similar to the existing, it would be located in a less prominent location on the site and it is not considered to result in a visually intrusive impact on the wider countryside. There would be no harm to residential amenity, ecology or highway safety and therefore the proposal is considered to be acceptable.

9. Recommendation

9.1 Approve, 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 be completed in all respects strictly in accordance with Site Location Plan received 7 November 2019, Drawing Nos. 181019 and 191019 received 5 November 2019 and Ecology Report received 18 November 2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.
Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. No other part of the development 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. 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.
Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.
6. Before the development is commenced details shall be submitted to and approved by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
Reason: To prevent hazards caused by flowing water or ice on the highway.
7. Prior to occupation of the dwelling hereby permitted, precise details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.

8. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within Preliminary Ecological Appraisal (PEA) (Abrehart Ecology, December 2019).

Reason: In order that there will no harm to any protected or priority species on the site.

9. No development, demolition, site clearance (including clearance of vegetation) or earth moving shall take place, or material or machinery be brought onto the site, until a plan detailing Reasonable Avoidance Measures (RAMS) for how ecological receptors (particularly protected and UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))) will be protected during site clearance has been submitted to and approved in writing by the local planning authority. All site clearance (including clearance of vegetation) shall be undertaken in accordance with the approved plan.

Reason: In order that there will no harm to any protected or priority species on the site.

10. No development shall commence or any materials, plant or machinery be brought on to the site until fencing to protect the trees along the eastern site boundary has been erected 1 metre beyond the canopy of the trees. The protective fencing shall comply with BS.5837 and be retained throughout the period of construction unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/hedgerow during the course of development in the interest of visual amenity.

11. No development shall commence on the construction of the hereby approved replacement dwelling, until the existing dwelling (known as '102 Main Road') has been demolished in its entirety, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that there would be no more than 1 dwelling on the site, in the interests of residential amenity and because the site lies within the countryside, where additional dwellinghouses are only permitted in exceptional circumstances.

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. Unless agreed in writing by the LPA 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 BS 10175:2011+A1:2013 and CLR11) 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.

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:

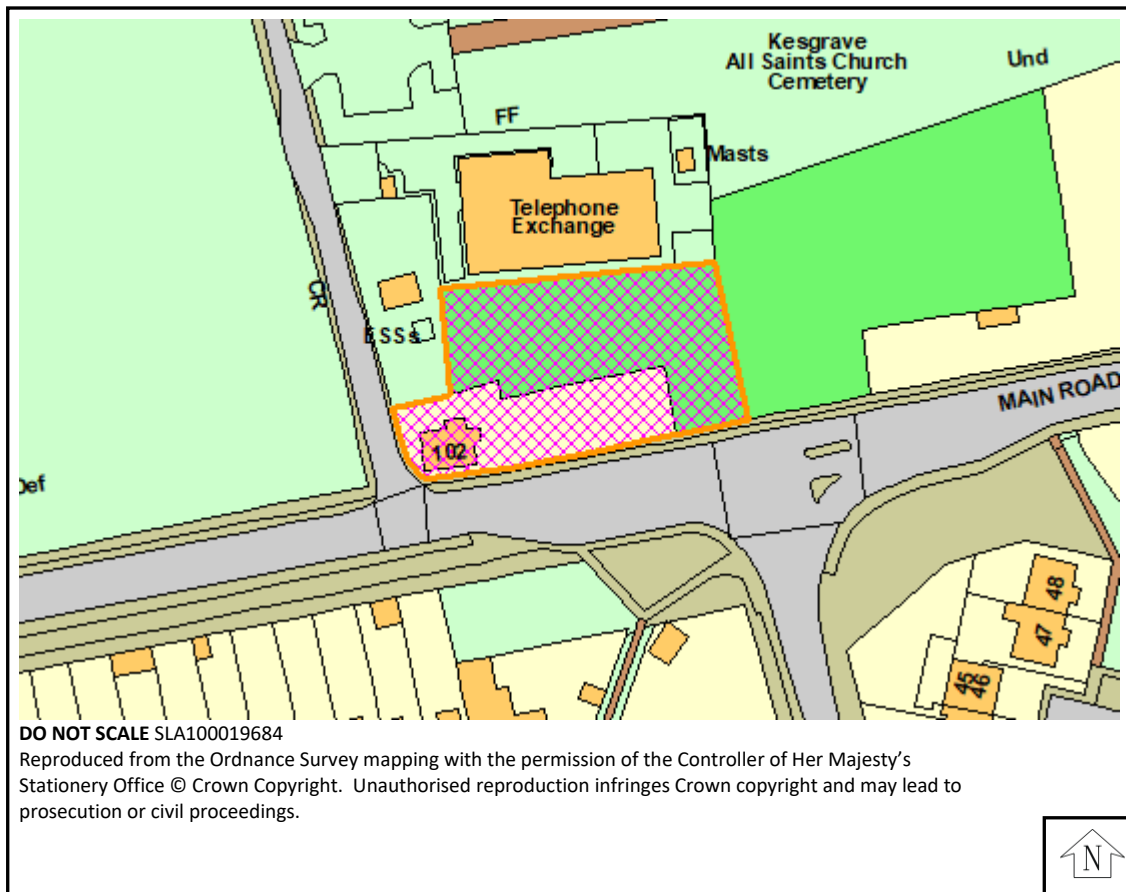
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>





Background information

See application reference DC/19/4322/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0HKP1QXFUF00>

Map



Key

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

Committee Report

Planning committee - 28 January 2020

Application no DC/19/4258/FUL

Location

Pettistree
Castle Green
Orford
IP12 2NF

Expiry date 25 December 2019

Application type Full Application

Applicant Mr & Mrs Pearce

Parish Orford

Proposal Proposed extension and extensive internal and external alterations to an existing dwelling.

Case Officer Rachel Smith
01394 444628
rachel.smith@eastssuffolk.gov.uk

1. Summary

- 1.1. The application seeks alterations and extensions to Pettistree, a detached bungalow located within the physical limits boundary of Orford, the Orford Conservation Area and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. It is located adjacent to Orford Castle, a Grade I Listed Building and Scheduled Monument.
- 1.2. The application is at Committee because the Head of Planning and Coastal Management has requested that it be determined by Members given the strong objection made by Historic England and Officer recommendation of approval. The referral process was not triggered as the Historic England comments were received outside of the formal consultation period.
- 1.3. Officers consider that the proposed design and resulting dwelling would conserve and enhance the property as a Non-Designated Heritage Asset as well as the wider Orford

Conservation Area and that it would not detract from the setting of Orford Castle or other nearby Listed Buildings.

- 1.4. The application is recommended for approval.

2. Site description

- 2.1. The development site is located within the physical limits boundary of Orford and is also within the Orford Conservation Area and Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The property is located immediately south of Orford Castle and is accessed via a right of way over the castle carpark. The castle is a Grade 1 Listed Building and Scheduled Monument, the curtilage of which crosses within the site boundary.
- 2.2. The property is a detached bungalow constructed in red brick with a clay pantile roof. The Orford Conservation Area appraisal (2010; updated) identifies Pettistree Cottage as a positive unlisted building although its significance is not amplified due to restricted access/visibility. It is located towards the south of the site. It is linear in form however it is clear that a number of alterations and additions have been made to the property, some in an unsympathetic form. To the south of the site are further residential properties: The Dunns and Old Well House both of which are relatively modern, chalet style properties. To the east of the site is Castle Hill, a row of terrace cottages and to the north is Orford Castle.
- 2.3. The property itself is mainly hidden from public view except when viewed from an elevated position within the castle or castle grounds.

3. Proposal

- 3.1. The proposals are for alterations to the existing dwelling, demolition of outbuildings, and the addition of new extensions to the principal dwelling. The design intent is to bring together the existing buildings currently separated across the site. It would also alter the proposed main entrance and access to the dwelling bringing this further north, closer to the vehicular access and create more defined and useable garden spaces.
- 3.2. The area of existing property to be refurbished is 133 square metres, 59 square metres would be demolished and there would be 96 square metres of new build. This would result in a net increase in overall building footprint of 37 square metres.

4. Consultations/comments

- 4.1. 11 letters of support have been received commenting how the design is attractive and wouldn't harm the setting of the castle or the Conservation Area. They also raise non-material considerations regarding the applicants personal situation.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Orford Parish Council	4 November 2019	14 November 2019
Summary of comments: Orford Parish Council has no objection to this proposal. One concern is the skips and builders vehicles, could these be kept from the highway if possible		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	4 November 2019	4 December 2019
Summary of comments: Suggest conditions requiring archaeological investigation and monitoring		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	4 November 2019	25 November 2019
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	4 November 2019	28 November 2019
Summary of comments: Comments included in report		

Publicity

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

Category	Published	Expiry	Publication
Ancient Monument	7 November 2019	28 November 2019	East Anglian Daily Times

Site notices

General Site Notice Reason for site notice: Scheduled Ancient Monument

Affects Setting of Listed Building
Conservation Area
May Affect Archaeological Site
Date posted: 6 November 2019
Expiry date: 27 November 2019

5. Planning policy

- 5.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 5.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 5.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 5.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 5.5. The following East Suffolk Council Suffolk Coastal District Local Plan - Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:

Orford - Conservation area appraisal (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Document)

- 5.6. The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.7. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link:
www.eastsuffolk.gov.uk/localplanexamination .
- 5.8. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).
- 5.9. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined under paragraph 48 of the NPPF. There are no policies of that nature relevant to the consideration of this application.

6. Planning considerations

- 6.1. This application has been made following detailed pre-application advice commencing in 2016 during which time the applicant has worked with their Agents, the local planning authority and Historic England in order to seek all the necessary views on achieving the most appropriate design solution for the property, its site and the wider context. The extent of this pre-application advice was necessitated by the nature of the proposals which required careful and detailed consideration in terms of impacts derived from the site's very close proximity to the Scheduled Monument and Grade I listed building that is Orford Castle. A separate Scheduled Monument Consent application has been submitted in relation to the works that fall within the boundary of the Scheduled Monument.
- 6.2. The current application includes a further iteration of the design that the local planning authority had not previously seen however detailed advice and guidance had been provided and the scheme that has now been submitted for consideration is considered to be of a high quality and well considered, mindful of heritage impacts and creative in its combined approach to an existing heritage asset and the desire to make an attractive rehabilitated dwelling.

- 6.3. The submitted Statement of Significance meets the requirements of paragraph 189 of the NPPF and is comprehensive and well detailed. It is considered that it confirms the identification that the local planning authority had previously made of the building's status as a Non-Designated Heritage Asset (NDHA) and why it should be retained as an unlisted building that contributes positively to the character and appearance of the Conservation Area.
- 6.4. In respect of the existing cottage, the local planning authority had previously expressed the view that any proposal to alter and extend it should demonstrate clear conservation benefits in terms of restoration although this can only be loosely applied given that there is no control over its interior. This meant, ideally, the removal, remodelling or reversal of later unsympathetic changes and additions and its re-fenestration in a traditional manner. It was also suggested that some of the existing buildings were re-used or incorporated. This approach would ensure that comprehensive change to the site would be avoided. The current scheme proposes a number of alterations which are considered to result in positive changes to the character and appearance of the property, including
- Existing uPVC windows to be removed and replaced in traditional timber casement windows to a sympathetic design,
 - Infill and repairs will be undertaken re-using bricks salvaged from other areas of change to the cottage or a matching brick; ditto for the clay pantile roof covering,
 - A former chimney will be reinstated for which there is historical photographic evidence,
 - Existing additions will be remodelled to provide a differentiation from the cottage's original form providing a more creative and contrasting resultant visual effect,
 - The modern conservatory addition and conservatory and monopitch outbuildings would be removed.
- 6.5. It is therefore considered that the key objective of conserving and enhancing the Non-Designated Heritage Asset would be achieved as a result of this proposal.
- 6.6. In respect of the design of the additions and incorporations, Officers note that the designer's approach is to differentiate these by using a contrasting palette of materials and forms (to the cottage), consisting of charred/blackened timbers to form the cladding and roof covering; and corrugated metal cladding to the existing outbuildings; and highly characterised pitched roof forms of scale. These latter do reflect the importance of the roofscape to townscape views from the castle mound and keep, itself, and are an acknowledgment of this key aspect of the castle's setting. The materials choice does use the language of ancillary buildings that can be found locally and also at the quayside (now included within the Conservation Area) and the dark colour will ensure a degree of visual recession which is welcome given the mass of the principal extension.
- 6.7. The architectural expression of the additions is starkly contemporary with extensive areas of glazing in a varied pattern that takes account of aspect, orientation and views. The overall effect is considered to be creative, interesting and of high quality. The combination effect of the cottage with its modern additions is harmonious and complementary. The modelled forms of the additions, that incorporate an existing outbuilding, maintain the group effect of individual buildings such that the overall result will appear neither unexpected or undesirable in views from the castle or nearby areas from where this site

can be viewed i.e. across the adjacent allotments; nor will it appear as over-development of the site, in terms of the proportion of built form to open space in this village centre site. It is for these reasons, therefore, that it is considered that there will be no harm arising to the setting of the nearby listed buildings at Orford Castle and 117-119 Castle Hill nor to the Non Designated Heritage Asset; and that the design will both preserve and enhance the character and appearance of the Orford Conservation Area.

- 6.8. Officers would not argue that the application site contributes to the significance of Orford Castle but it does fall within its setting. The submission clearly illustrates the visual impact of the modern additions via photomontages when viewed from the castle (mound and keep) and the scale relationship between the castle and them; and that these are acceptable. The proposal would therefore not result in any harm arising such that the relevant statutory test is met (s.72 Planning (Listed Buildings and Conservation Areas) Act 1990; and that the relevant NPPF tests at paragraphs 196 and 197 are not engaged).
- 6.9. The second page of Historic England's letter states that the development is in a part of the conservation area that forms an important part of the castle's setting and which contributes to the significance of the designated assets. The local planning authority agrees that that the site falls within an important part of the Castle's setting due to its physical proximity. However, it is not clear in what way the site contributes to the significance of Orford Castle (outside of the area of the site that is actually included within the Scheduled Monument). The existing building and its historic use (as a smithy and smithy shop) are C19th in origin and the site appears to have always fallen outside the area of Castle Green i.e. the extent of the keep and associated earthworks. At page 45 of the submitted Statement of Significance, its author, Michael Collins, states that "the cottage does not contribute to the special interest of the listed terrace nor the keep, having no architectural or historic association with either building". Officers tend to agree with this view and also that "the cottage may only be partially glimpsed in filtered views from Castle Green" (p45). By contrast, Historic England's letter states that the development site is "highly visible from the outer earthworks and from the castle itself. Following a recent site visit we can confirm that the development site is particularly prominent in winter views when the small stand of trees that sit on the edge of the castle and between the earthworks and the development area are particularly permeable".
- 6.10. Officers made a further site visit on December 11th and from this visit would say that this is somewhat arguable and that visibility of the site from Castle Green itself, is limited. It is unarguable, however, that the site enjoys high visibility from the top of the Keep.
- 6.11. The thrust of Historic England's objection relates to the extent, character and nature of the additions to the cottage. It appears that Historic England's view can be summarised where it states that "*substantial additional accommodation could be provided in a simple range with a traditional tiled pitched roof which would not draw attention to itself, but blend into the setting*". This design approach i.e. fitting in in a quiet way can be valid and is likely to be supportable, in principle, however this approach is not what it currently being considered. Historic England's assessment of the design of the cottage additions dismisses aspects of them as '*alien*', over-prominent, using forms which are not traditional, and '*needlessly complicated*'. Historic England fears that the site would acquire a prominence out of proportion to its significance. Nowhere does Historic England acknowledge, however, the quality of the creative response that has been brought to the design such that the assembled roof forms and attached elements will, in fact, be complementary to

the local townscape, where buildings with roofs of varied scale and form are seen in juxtaposition and grouped.

- 6.12. The townscape views of Orford from Castle Green and the top of the Keep are very wide. The significance of the Castle is neither undermined nor threatened by this high quality contemporary design in one small part of it close by. The Orford Conservation Area will be enhanced by the addition of a high quality contemporary extension to an unlisted cottage that, itself, will be partly restored as a benefit.
- 6.13. Therefore the proposal would accord with the requirements of the Listed Buildings and Conservation Areas) Act 1990, the NPPF and Local Planning Policies SP15 and DM21.

Procedural matters

- 6.14. Historic England can request that the Secretary of State (for Housing, Communities and Local Government) can direct that the application is referred to him for their decision instead of our planning committee. This can be done at any point up to the issuance of a planning decision. Once the formal permission or consent has been issued, the application can no longer be called-in. The Secretary of State may therefore put a temporary stop on the local planning authority issuing a planning permission whilst he or she is deciding whether to call it in. Generally, the Secretary of State will only consider the use of his call-in powers if planning issues of more than local importance are involved.
- 6.15. Historic England is a statutory consultee on this application because the development site falls within the setting of a Grade I listed building (Orford Castle) and may affect it. Historic England is also a statutory consultee in respect of the Orford Conservation Area. This is because the development which affects the character or appearance of the Conservation Area and which involves the extension of an existing building involves an area of land, in respect of which the application is made, of more than 1,000 square metres. The site area is approximately 1,500 square metres.
- 6.16. Landscape The application has been accompanied by a well considered landscape and visual impact assessment, as well as an arboricultural impact assessment. The former concludes that, as far as critical views from the Castle and Castle Green are concerned, the visual impact will be low to medium. From the allotments this drops to low or negligible. In terms of landscape impacts, these are negligible because the application site is already domestic curtilage and there will be no impact on prevailing landscape character types. Overall effects are considered to be neutral-positive on account of the well contained nature of the site, and where the development is seen, the sensitive choice of materials is respectful of the sensitive historic village setting.
- 6.17. As far as the tree assessment is concerned, the proposal requires the removal of some fruit trees and a group of Lawson cypress trees. The most apparent of these removals will be the Lawson cypress trees but these are unsympathetic to this rural village setting and their removal is not opposed. The loss of the fruit trees will be mitigated by new tree planting.
- 6.18. Ecology
A preliminary Ecological Appraisal was submitted as part of the application. This concludes that the site is low in potential to support protected, priority or rare species and no evidence of such was observed during the survey visit. Further ecological surveys or

mitigation were considered unnecessary, however, to minimise any residual risk of impact, precautionary measures, detailed in the report, should be followed. With the recommendations followed as described, the proposed development could proceed with a minimal risk of harm or impact to protected, priority or rare species or notable habitats. With the biodiversity enhancements followed as described, the proposed development would be enhanced for the benefit of local wildlife in accordance with national planning policy. Therefore the scheme accords with policy DM27.

6.19. Residential amenity

The proposed alterations and extensions would not result in a significant change in the overall scale or built form of the property. The most significant changes would be to the north and west of the property which is the furthest point from any neighbouring properties. The modest levels of first floor accommodation would result in some first floor fenestration which is not a feature currently found on the site however these would face west towards the allotment gardens and across the very rear of the garden serving No. 122 Gedgrave Road, some significant distance from the dwelling and its most private amenity area. It is therefore not considered that the proposed alterations and extensions would result in any loss of amenity to neighbouring residents as a result of either a loss of light, outlook or privacy. Therefore, the scheme accords with Policy DM23.

7. Conclusion

- 7.1. The proposed alterations to Pettistree are considered to make a positive impact on the character and appearance of the existing property. The proposed extension to the property is a contemporary addition to the dwelling and although it does not replicate the scale, design or form of the existing property, it is considered that it would result in a very high quality modern element to the property and due to the lack of inter-visibility between the site and the castle, it is not considered that it would detract from the setting of the Scheduled Monument.

8. Recommendation

- 8.1. Approve subject to controlling 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 be completed in all respects strictly in accordance with Drawing Nos. 01 P3, 20 P4, 30 P4, 31 P4, 50 P4, 51 P4, 100 P3, 201 P3, 202 P3 and LSDP 1015.01 all received 31 October 2019 and Ecological Appraisal, Landscape and Visual Appraisal, Design and Access Statement, Statement of Significance and Heritage Statement all received 31 October 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. No building work shall commence until details of the following have been submitted to and approved in writing by the local planning authority:

- (i) Schedule of repairs to Pettistree
- (ii) Full specification of external materials to existing buildings and proposed additions
- (iii) Representative fenestration details to the cottage and proposed additions
- (iv) Landscaping details including boundaries and surfacing

Thereafter, all work must be carried out using the approved materials and in accordance with the approved details.

Reason: To ensure that any new detailing and materials will not harm the traditional/historic character of the building and wider Conservation Area: the application does not include the necessary details for consideration.

4. Prior to the commencement of development, a copy of the Statement of Significance shall be deposited with the Suffolk County Council Historic Environment Record. Within one week of this being done, confirmation of this shall be sent, by email, to the local planning authority.

Reason: The Statement is considered to be of sufficient merit and quality to form part of the public record.

5. No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).

6. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2019).

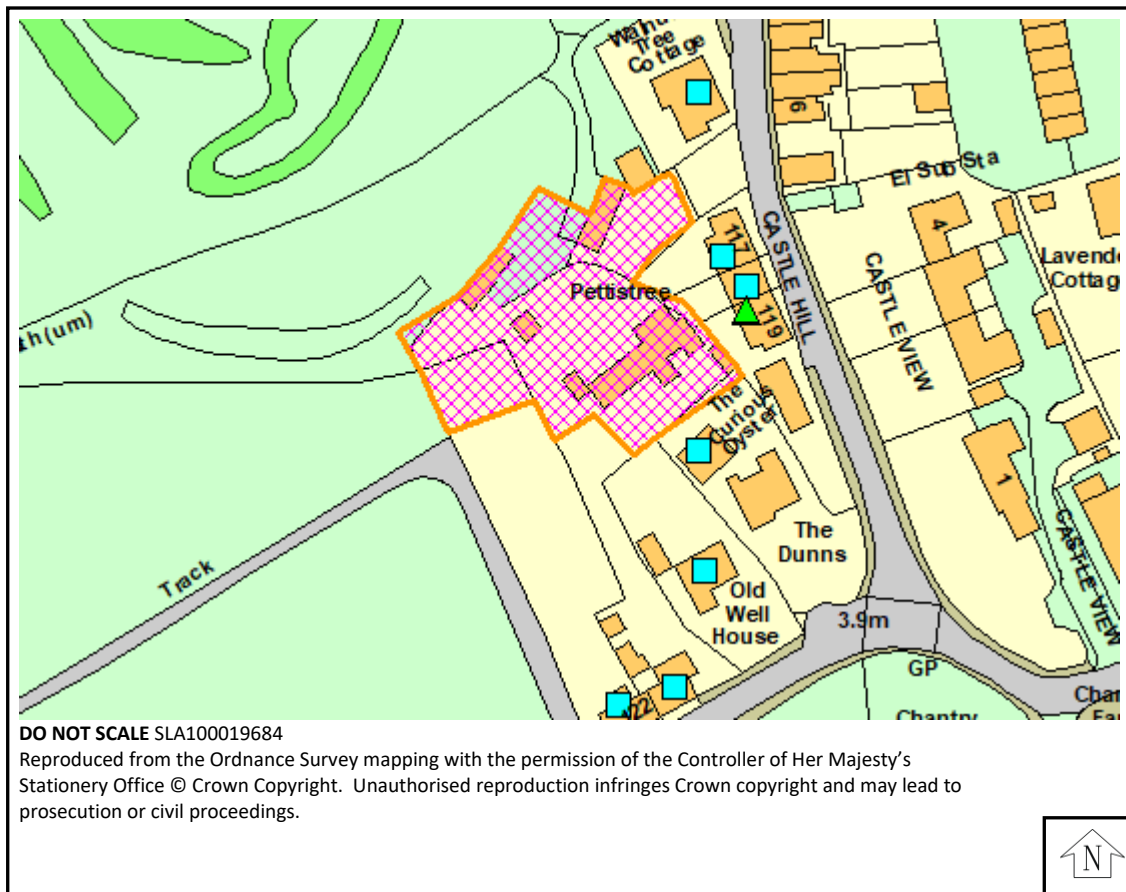
Informatives:

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. In respect of Condition 4 of this planning permission, please email planning@eastsuffolk.gov.uk quoting reference DC/19/4258/FUL.





Background information

See application reference DC/19/4258/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q08JPDQXFR000>

Map



Key

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

Committee Report

Planning committee - 28 January 2020

Application no DC/19/4471/ROC

Location

Cowpasture Farm
Gulpher Road
Felixstowe
Suffolk
IP11 9RD

Expiry date 9 January 2020

Application type Removal of Conditions

Applicant Mrs J and Miss H Stennett

Parish Felixstowe

Proposal Removal of Condition 5 of C6583/2 - Erection of farmhouse (submission of details under Outline Planning Permission C6583. - Removal of Agricultural Occupancy Condition

Case Officer Michaelle Coupe
(01394) 444440
michaelle.coupe@east Suffolk.gov.uk

1. Summary

- 1.1. This application seeks to remove an agricultural occupancy condition imposed on the original outline planning consent for this single storey dwelling.
- 1.2. Given the sites location in the countryside outside the settlement boundary of Felixstowe to retain the dwelling without any restriction would be contrary to the provisions of the Development Plan.
- 1.3. The application is recommended for approval, as the occupancy of the dwelling without compliance with the occupancy condition has been established through the granting of a Certificate of Lawfulness.

- 1.4. Also relevant is that planning permission has been granted for residential development on the agricultural holding that this dwelling served and the dwelling lies within the proposed North Felixstowe Garden Neighbourhood within the emerging Local Plan.

2. Site description

- 2.1. The single storey detached dwelling was originally built to house an agricultural worker in the 1980's. A condition restricted the occupation to a person employed or last employed in agriculture.
- 2.2. In December 2018 a certificate of lawful development was issued that confirmed the lawful occupation of the dwelling without compliance with that condition (DC/18/4174/CLE). A S52 agreement that also restricted the occupation of the dwelling has also been rescinded (DC/18/5160/VLA).
- 2.3. The site is alongside land granted planning permission on appeal for up to 560 dwellings, north of Candlet Road (DC/15/1128/OUT). This land is largely in equestrian use. Part of the land has in the past been used as a golf driving range.
- 2.4. Access to the property is via the track leading to the main equestrian buildings from Gulpher Road.

3. Proposal

- 3.1. The application is seeking to remove condition 5 which restricts the occupation of the property to those employed or last employed in agricultural.

4. Consultations/comments

- 4.1. No third party representations have been received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	20 November 2019	6 December 2019
Summary of comments: Recommend approval.		

6. Publicity

- 6.1. The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	12 December 2019	7 January 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Contrary to Development Plan Date posted: 10 December 2019 Expiry date: 3 January 2020
General Site Notice	Reason for site notice: General Site Notice Date posted: 26 November 2019 Expiry date: 17 December 2019

7. Planning policy

- 7.1. On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.
- 7.2. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.
- 7.3. East Suffolk Council's Development Plan, as relevant to this proposal, consists of:
- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
 - East Suffolk Council Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017);
- and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations;
- 7.4. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:
- SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP21 - Felixstowe with Walton and the Trimley Villages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM3 - Housing in the Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- 7.5. The relevant policies of the Suffolk Coastal District Local Plan – The relevant policies of the Suffolk Coastal District Local Plan – Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017) are:

FFP2 – Physical Limits Boundaries – Suffolk Coastal District Local Plan - Felixstowe Peninsula Area Action Plan Development Plan Document (Adopted January 2017)

- 7.6. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the Examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination.
- 7.7. Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under Paragraph 48 of the National Planning Policy Framework (2019).
- 7.8. At this stage in the Plan Making process, the policies which received little objection (or no representations) can be given more weight in decision making if required, as outlined under paragraph 48 of the NPPF. There are no policies of that nature relevant to the consideration of this application, but there are policies which received some or more objection that are relevant to the consideration of this proposal, which are:

SCLP5.6: Rural Workers Dwellings

SCLP12.3: North Felixstowe Garden Neighbourhood

8. Planning considerations

- 8.1. Planning consent was originally granted for the dwelling in this countryside location, as an exception to policy on the basis it was essential for an agricultural worker to reside on site, the original farmhouse having been sold away.
- 8.2. Current Development Plan policy DM3 lists the exceptions where new housing in the countryside would be acceptable and refers to development that would otherwise accord

with the special circumstances in the NPPF which includes where there is an essential need for a rural worker to live permanently at or near their place of work.

- 8.3. Emerging Local Plan policy SCLP5.6: Rural Workers Dwellings, supports the provision of houses for rural workers subject to certain criteria being met including a functional need and the rural activity is established and viable. The policy also lists criteria that would have to be met to remove occupancy conditions related to rural workers.
- 8.4. Given the agricultural holding that this dwelling served has planning consent for residential development it is accepted the original need for an agricultural workers dwelling no longer exists.
- 8.5. Whilst there would normally be an expectation to market the property to assess demand for agricultural workers dwellings in the area before removing the condition, given the certificate of lawful use has been granted for occupancy of the dwelling without compliance with the agricultural workers condition, it would be unreasonable to require marketing of the property in this case.
- 8.6. Furthermore, the site is within the area allocated in the emerging Local Plan for North Felixstowe Garden Neighbourhood (policy SCLP12.3), although this has not yet been adopted and has limited weight.
- 8.7. The extant planning permission for residential development on the land around this property will mean the dwelling will be surrounded by new residential development and will no longer appear as an isolated dwelling in the countryside.
- 8.8. Having regard to all the above considerations the removal of the condition is considered acceptable.

9. Conclusion

- 9.1. There have been significant changes in circumstances since the dwelling was approved for an agricultural worker, such that it would be difficult to justify a dwelling with any restriction on occupation and therefore the removal of the condition is supported.

10. Recommendation

- 10.1. Approve

11. Conditions:

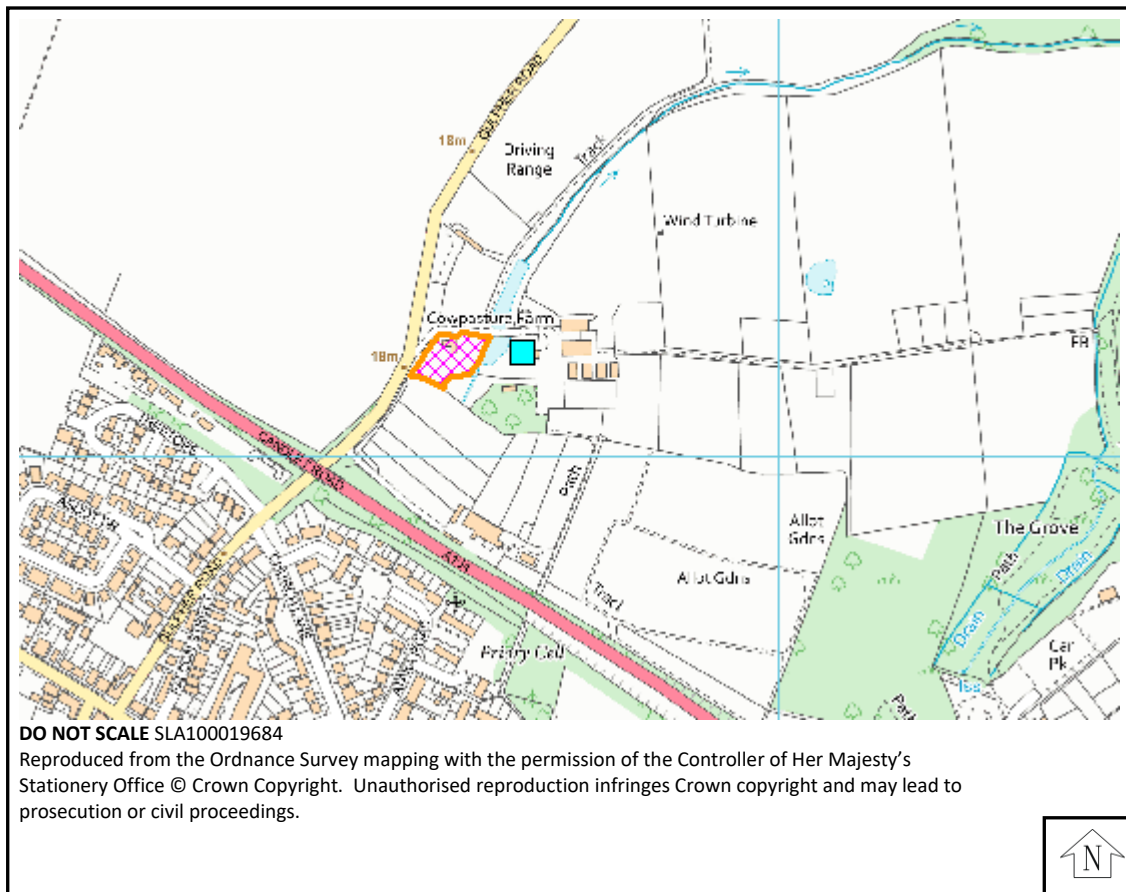
The development hereby permitted relates to the site plan approved under outline planning consent C6583 received 18/03/1982

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





12. Background information

See application reference DC/19/4471/ROC at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1065BQXG2000>

Map



Key

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

Committee Report

Planning committee - 28 January 2019

Application no DC/19/4406/FUL

Location

41 Wacker Field Road
Rendlesham
Suffolk
IP12 2UT

Expiry date 7 January 2020

Application type Full Application

Applicant Mr David Brous

Parish Rendlesham

Proposal Change of use of land to private residential garden space and erection of fence on 2two sides (two sides already fenced).

Case Officer Danielle Miller
01394 444594
Danielle.miller@eastsuffolk.gov.uk

1. Summary

- 1.1 The application site relates to land to the north east of 41 Wacker Field Road, Rendlesham. The site is located within the physical limits boundary and is not within a specially designated area.
- 1.2 The application seeks permission for an extension of a private residential garden and erection of a 1.83m high close boarded fence on the two open sides to match the existing fence already in place on the other sides.
- 1.3 The proposal accords with local policies DM8, DM21 and DM23, in that the resulting size of the curtilage reflects the scale and location of the property; it would not result in a visual intrusion and the design of the fence reflects the character of the surrounding area. There would remain adequate open space between the proposed curtilage and the public footpath, and the proposed fencing would not have a negative impact on the streetscene.

1.4 The District Council is the owner of the site and therefore in accordance with the Scheme of Constitution contained in the Constitution, the application is required to be determined by the Planning Committee.

1.5 This application is recommended for approval.

2. Site description

2.1 The application site relates to land to the north east of 41 Wacker Field Road, Rendlesham. The site is located within the physical limits boundary and not within a specially designated area.

3. Proposal

3.1 The application seeks permission for an extension of a private residential garden and erection of a 1.83m high close boarded fence on the north east and south east side of the land, the fence will match the existing fence already in place on the other north west side.

4. Consultations/comments

4.1 No third party representations have been received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Rendlesham Parish Council	15 November 2019	10 December 2019
Summary of comments: The Planning Meeting considered the above application in meeting on 9th December 2019 and has no objection.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	15 November 2019	25 November 2019
Summary of comments: This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a highway authority does not wish to restrict the granting of permission.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted: 20 November 2019

Expiry date: 11 December 2019

5. Planning policy

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM8 - Extensions to Residential Curtilages (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

National Planning Policy Framework

6. Planning considerations

- 6.1 This area of land subject of this application is currently a reasonably well-maintained grass space closed in on three sides by fencing and natural vegetation. No neighbouring properties overlook this area, and the communal footpath is a reasonable distance from the area indicated.
- 6.2 Further investigation into this site indicates that this area of land is freehold land owned by East Suffolk Council. Alongside this area of land, a larger stretch that fronts the A1152 is under the same ownership and the landscaping is a feature as required under planning permission consent C/88/0235. However, the area of land adjacent (North) to 41 Wacker Field Road does not contribute in the same way and is considered suitable for use as a garden.
- 6.3 The material consideration for this application is DM8 for extensions to residential curtilages; the resulting size of the curtilage reflects the scale and the location of the dwelling; its use would not result in visual intrusion caused by developments ancillary to the residential use, it does not remove or enclose an existing native species hedgerow and the proposed boundary fence reflects its location. This area of land has been maintained by the applicants for some time, there is a footpath which runs to the north east, where the proposals do not extend all the way to the footpath leaving public open land on either side. The area already appears to relate to 41 Wacker field and looks to form part of its front garden. The position of the property is well screened from the road due to its angle and foliage around. The proposed fence at 1.8 metres high is considered appropriate in this location the area to the south east is still open as it forms part of the shared drive. Officers do not consider that the proposed extension to the curtilage will cause any harm or intrusion to neighbouring properties as such accords with policy DM8; DM23 and DM21.
- 6.4 Beyond this required change of use application, the applicant is advised to contact the East Suffolk Council Estates Office to discuss ownership of this land.

7. Conclusion

7.1 The proposal accords with local policies DM8, DM21 and DM23.

8. Recommendation

8.1 Officers recommend approval in line with local policy.

9. 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 buy a plan block plan received 11th November 2019 and fence details received on 15th January 2020, 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.

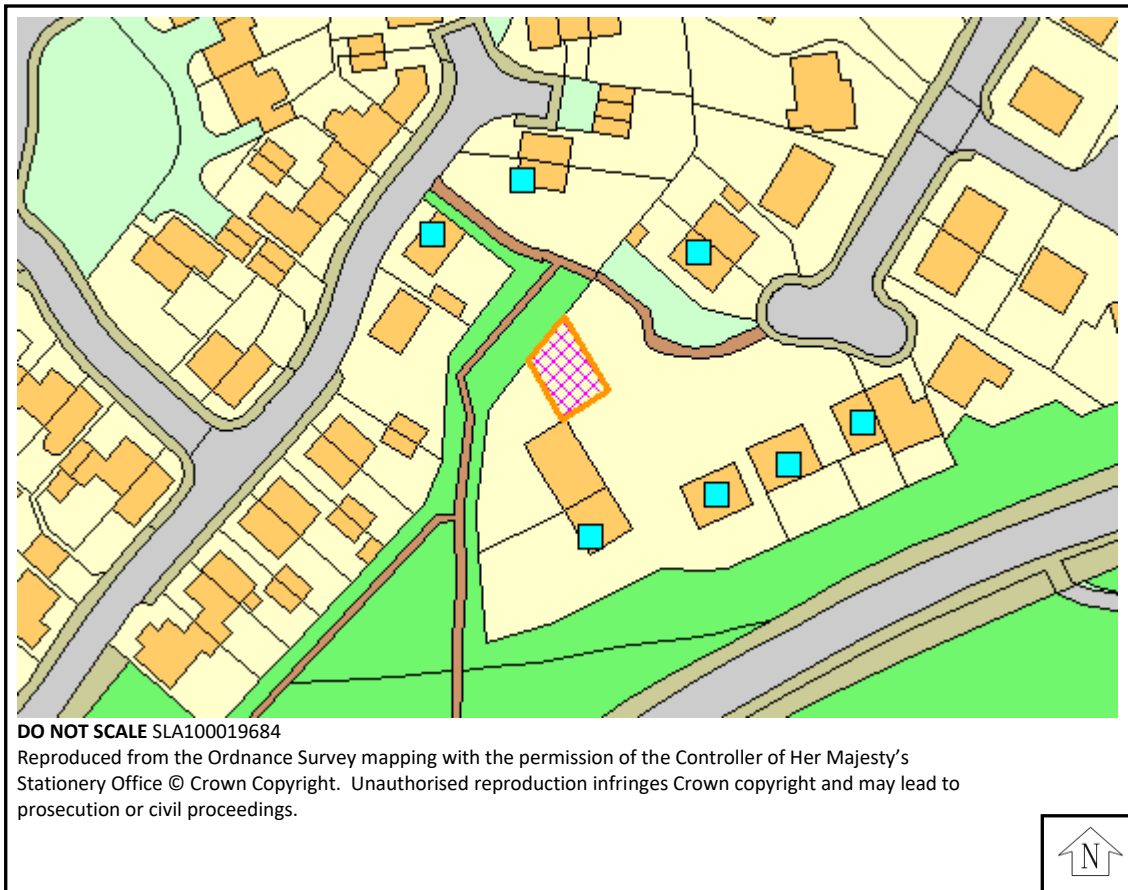
Informatives:

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/19/4406/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0SONWQXFYG00>

Map



Key



Notified, no comments received



Objection



Representation



Support