



East Suffolk House, Riduna Park, Station
Road, Melton, Woodbridge, 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 on **Tuesday 25 August 2020 at 2.00pm**

This meeting will be conducted remotely, pursuant to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The meeting will be facilitated using the Zoom video conferencing system and broadcast via the East Suffolk Council YouTube channel
at <https://youtu.be/eKnuDMaGqog>

An Agenda is set out below.

Part One – Open to the Public

Pages

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 21 July 2020	1 - 19
5	East Suffolk Enforcement Action - Case Update ES/0456 Report of the Head of Planning and Coastal Management	20 - 39
6	DC/20/1794/FUL - 1 College Green, Felixstowe, IP11 7AP ES/0463 Report of the Head of Planning and Coastal Management	40 - 48
7	DC/20/1909/FUL - Bealings Holt, Martlesham Road, Little Bealings, IP13 6LX ES/0460 Report of the Head of Planning and Coastal Management	49 - 77
8	DC/20/1893/OUT - 21 Fleetwood Avenue, Felixstowe, IP11 9HR ES/0459 Report of the Head of Planning and Coastal Management	78 - 86
9	DC/20/1418/FUL - Iken Hall, Tunstall Road, Iken, IP12 2EP ES/0457 Report of the Head of Planning and Coastal Management	87 - 95
10	DC/20/1836/FUL - Martlesham House, School Lane, Martlesham, IP12 4PG ES/0458 Report of the Head of Planning and Coastal Management	96 - 110
11	DC/20/1429/FUL - 58 High Street, Wickham Market, IP13 0QU ES/0464 Report of the Head of Planning and Coastal Management	111 - 120

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.

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

Filming, Videoing, Photography and Audio Recording at Council Meetings

The Council, members of the public and press may record / film / photograph or broadcast this meeting when the public and press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk (in advance), who will instruct that they are not included in any filming.

If you require this document in large print, audio or Braille or in a different language, please contact the Democratic Services Team on 01502 523521 or email: democraticservices@eastsuffolk.gov.uk



The national Charter and Charter Plus Awards for Elected Member Development
East Suffolk Council is committed to achieving excellence in elected member development
www.local.gov.uk/Community-Leadership

Minutes of a Meeting of the **Planning Committee South** held via Zoom, on **Tuesday, 21 July 2020 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, Councillor Kay Yule

Other Members present:

Councillor Paul Ashdown, Councillor Peter Byatt, Councillor Ray Herring, Councillor David Ritchie, Councillor Rachel Smith-Lyte

Officers present:

Liz Beighton (Planning Manager), Sarah Carter (Democratic Services Officer), Sarah Davis (Democratic Services Officer), Grant Heal (Planner), Matt Makin (Democratic Services Officer), Philip Ridley (Head of Planning and Coastal Management), Katherine Scott (Principal Planner), Rachel Smith (Senior Planner)

1 Announcements

When opening the meeting, the Chairman advised that she had requested for item 7 of the agenda relating to application DC/20/1033/FUL at Easton Farm Park to be deferred, and that it would not be considered at the meeting.

The Chairman explained that this was in order for the Committee to undertake a site visit prior to determining the application; it was considered that a site visit was required so that the Committee could fully understand the potential landscape impact of the proposed development on the site.

2 Apologies for Absence and Substitutions

There were no apologies for absence.

3 Declarations of Interest

Councillor Stuart Bird declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Felixstowe Town Council and the Chairman of its Planning and Environment Committee.

Councillor Mike Deacon declared a Local Non-Pecuniary Interest in item 8 of the agenda as a member of Felixstowe Town Council.

4 Declarations of Lobbying and Responses to Lobbying

There were no declarations of lobbying.

5 Minutes

RESOLVED

That the Minutes of the Meeting held on 30 June 2020 be agreed as a correct record and signed by the Chairman.

6 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/0437** of the Head of Planning and Coastal Management, which was a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action had either been sanctioned under delegated powers or through the Committee up until 30 June 2020.

The Planning Manager provided an update on the enforcement case at 98 Tangham Cottages, Tangham; she advised that both appeals had been dismissed and the enforcement notices upheld, with the timescale for compliance extended from three to six months.

The Chairman invited questions to the officers.

The Planning Manager stated that the enforcement case at Pine Lodge, Hinton, was currently with the Council's legal team to ascertain if compliance had been achieved on the site. The Committee was advised that the campervan was not present on the site when officers last visited the site.

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

RESOLVED

That the report concerning Outstanding Enforcement matters up to 30 June 2020 be received and noted.

7 DC/20/1035/FUL - Former Rendlesham Sports Centre Site, Walnut Tree Avenue, Rendlesham, IP12 2GF

The Committee received report **ES/0438** of the Head of Planning and Coastal Management, which related to planning application DC/20/1035/FUL.

The application site was located within the Rendlesham District Centre and comprised of an area of open land. Previously, Rendlesham Sports Centre had been located on the site. The application proposed the erection of 11 affordable homes and three retail units with associated access and parking.

The application had been presented to the Referral Panel on 23 June 2020 as the Officer's 'minded to' recommendation of approval was contrary to the Parish Council's objection on the

basis that the application was contrary to policy. The Referral Panel commented on the effort that had gone into the production of the Rendlesham Neighbourhood Plan and therefore considered that the application should be presented to the Committee for full consideration.

The Committee received a presentation on the application from the Senior Planner acting as the case officer. The site's location in the centre of Rendlesham was outlined, and its relationship to surrounding buildings was demonstrated.

Photographs of the site detailing the proposed shop access, views in and out of the site and the site's relationship with Sycamore Drive and Rendlesham Primary School were displayed.

The Senior Planner outlined the proposed site layout; the housing element of the development was to be allocated to the north and west of the site, facing on to Sycamore Drive, and the access to the commercial element of the site would be from Walnut Tree Avenue to the south. The Committee was in receipt of detailed layouts of the residential and commercial layouts.

The Committee was provided with the elevations and floor plans for both the proposed residential and commercial units.

The main consideration was outlined as the principle of the development of residential units on the District Centre site and therefore whether the proposal complied with policy RNPP1 of the Rendlesham Neighbourhood Plan.

The Senior Planner stated that whilst the aspirations of Rendlesham Parish Council and the community had been recognised, officers did not consider that the proposal was contrary to policy and therefore the mix of uses proposed for the site including retail and residential was considered an acceptable solution.

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

There being no questions to the officers, the Chairman invited Ms Heelis, representing Rendlesham Parish Council, to address the Committee.

Ms Heelis stated that the Rendlesham Neighbourhood Plan was a solid and community led strategy that would provide a sustainable future for Rendlesham. Ms Heelis noted that the former Suffolk Coastal District Council had voted unanimously to adopt the Rendlesham Neighbourhood Plan in 2015.

Policy RNPP1 of the Rendlesham Neighbourhood Plan was said to have been designed to create a thriving centre for community cohesion and to provide the required infrastructure. Ms Heelis highlighted the Planning Inspectorate appeal decision in 2014 regarding proposals for a housing development, in which RNPP1 was said to have been central to the Inspector's decision to dismiss the appeal; Ms Heelis quoted the comments of the Secretary of State for Housing, Communities and Local Government on policy RNPP1.

Reference was made to the 50 affordable houses that would be provided as part of housing developments elsewhere in Rendlesham; Ms Heelis said that further affordable housing was not needed in the centre of Rendlesham and that the addition of another convenience store was not necessary as the existing shop in the centre sufficiently served residents' needs.

Ms Heelis said that Rendlesham needed a centre fit for purpose for both the present and the future, to serve the expected growth in population that would be caused by other housing developments in the area, and asked the Committee to uphold the policies of the Rendlesham Neighbourhood Plan.

The Chairman invited questions to Ms Heelis.

Ms Heelis confirmed that both Rendlesham Parish Council and the former Suffolk Coastal District Council had offered to purchase the site but that the landowner had not wanted to sell.

A member of the Committee asked Ms Heelis how the provision of additional retail units and affordable housing would not provide a sustainable future for the local community. Ms Heelis replied that 50 affordable housing units would be provided by developments elsewhere in Rendlesham and that this would meet the needs of young people in the town looking to get on the property ladder. Ms Heelis considered that important infrastructure space should not be filled with housing.

In response to a question regarding the prospect of a social centre being developed, Ms Heelis said that the Parish Council had been limited on what it could do as it did not own the site, but wanted to carry through the type of centre proposed in the Rendlesham Neighbourhood Plan. At this point in the meeting, the Chairman reminded the Committee that it was determining the application that was before it on its own merits and not on alternative possibilities for the site.

A member of the Committee asked officers how this application differed from the application refused in December 2019. The Senior Planner explained that the application was broadly the same but that the reasons for refusal, namely the details of the housing mix and surface water drainage issues, had been resolved in the current application.

The Chairman invited Mr Tuck, agent for the applicant, to address the Committee. Also present was Mr Hart, the architect, who was at the meeting to answer any questions the Committee had.

Mr Tuck detailed the reasons given for the refusal of the application on the site in December 2019 and confirmed that these issues had been resolved with the new application, and that the Council and statutory consultees were now satisfied with the application. A RAMS payment had also been made in relation to the application.

Mr Tuck acknowledged the objections raised and explained that the primary drive of the application was its commercial element, which fell within one of the preferred uses for the district centre identified in the Rendlesham Neighbourhood Plan. He considered that if there was an identified demand for the retail units, they would be taken up by businesses.

It was explained by Mr Tuck that the site could not be fully developed for commercial use due to the configuration of underground utility supplies. A marketing assessment had been submitted and there had been a lack of commercial interest on the site; Mr Tuck advised that the site owner had not received any offers.

Mr Tuck confirmed that a registered provider for the affordable housing had been identified and that the Co-Op was the proposed occupier for retail unit A. Mr Tuck added that the Council's Economic Development team were supportive of the application as it would create additional jobs in the area. Changes had also been made to bin store arrangements.

Mr Tuck said that if the application were approved it would be of benefit to the community and hoped that the Committee could support it.

There being no questions to Mr Tuck, the Chairman invited Councillor Ray Herring, Ward Member for Rendlesham, to address the Committee.

Councillor Herring considered the reasons for approval in the Officer's report to be weak and said that the report mostly concentrated on the objections to the application and the details of the scheme. He was of the view that the proposals would not meet the needs of Rendlesham.

Councillor Herring said that this was a new district centre and should be developed in accordance with a defined plan. He considered that the application did not support the needs identified in the Rendlesham Neighbourhood Plan; he wanted the centre to be sustainable, include open space and be within the context of Rendlesham's requirements.

It was the opinion of Councillor Herring that the Committee should not accept a scheme that did not meet the needs of the area. He said the centre should be planned as a whole and noted that the application site did not cover the whole of the site identified for the town centre. Councillor Herring acknowledged that the centre needed to be developed but should be done in the right way and that there would not be a second chance to get it right. Councillor Herring stated that he supported Rendlesham Parish Council's aspirations and position.

There being no questions to Councillor Herring, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee spoke at length in favour of the application. He said he understood Rendlesham Parish Council's aspirations and related the situation to a similar one in his own Ward, where a compromise had been accepted that included housing. He considered the site to be brownfield and that the affordable housing would be a windfall for Rendlesham, and also considered that an additional shop would provide competition and improve the retail offer of the town in addition to improving a currently redundant site.

Another member of the Committee agreed with the previous statement but expressed concern that the application did not appear to accord with the Rendlesham Neighbourhood Plan and therefore what the local community wanted to see on the site, and highlighted that Rendlesham Parish Council had not been able to progress its aspirations as it had not been able to buy the land. He advised that for these reasons, he would be voting against the application.

Several other members of the Committee referred to the Rendlesham Neighbourhood Plan during debate and stated that they could not support the application as it went against what the people of the town wanted to see on the site.

The Chairman stated that she sympathised with the views of the objectors; she invited the Head of Planning and Coastal Management to advise the Committee what weight could be given to the Rendlesham Neighbourhood Plan when determining the application.

The Head of Planning and Coastal Management confirmed that the Rendlesham Neighbourhood Plan had been "made" and should be given significant weight as it was part of the suite of documents that formed the Council's Development Plan. He noted that the Senior Planner's presentation had made it clear that Planning officers considered that the scheme was in accordance with the Rendlesham Neighbourhood Plan.

The Committee was advised that policy RNPP1 of the Rendlesham Neighbourhood Plan did not provide any requirement for the centre to be developed comprehensively and as a whole; the Head of Planning and Coastal Management acknowledged that there had been ongoing issues with this site and the site of the former Angel Theatre for a number of years and that the former Suffolk Coastal District Council, at one stage, had been interested in acquiring the site, but that negotiations had not resulted in a purchase.

The Head of Planning and Coastal Management confirmed that the application was in accordance with RNPP1 and the scheme would positively address matters outlined in the Rendlesham Neighbourhood Plan. He also advised that should the Committee be minded to refuse the application, officers would find it difficult to advise on specific material planning reasons for refusal that could be successfully defended at appeal.

A member of the Committee referred to objections not received from immediate neighbours of the site and considered that it could be assumed they are in favour of the application. The Senior Planner highlighted the map at page 75 of the report that detailed consultation responses; she advised that there had been a mixture of objections and no responses and said that a lack of response could not be seen as implicit support of the application.

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

On the proposition of Councillor Bird, seconded by Councillor Cooper it was by a majority vote

RESOLVED

That the application be **APPROVED** subject to no objections being received in relation to the Air Quality Assessment being carried out, controlling conditions as detailed below and the completion of a S106 Agreement to secure the affordable housing and secure £15,000 for works to the Highway.

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. 7641 24B and 7641 25, Planning Statement, Design and Access Statement and Preliminary Ecological Appraisal received 3 March 2020, Ground Investigation Reports received 17 March 2020, Flood Risk Assessment received 16 April 2020 and Drawing

Nos. 7641 200, 21B, 23D and SLSP/15/0002 Rev 2 received 22 May 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.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

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

4. The construction of Plots 1 to 5 shall not be commenced until the new Sycamore Drive vehicular access, located to the east of Plots 1 to 5, has been laid out and completed in all respects in accordance with the Site Access Strategy Drawing No.SLS P/15/0002 Rev 2; with clear visibility at a height of 0.6 metres above the carriageway level cleared and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 41.4 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y1 dimension), and with clear visibility at a height of 0.6 metres above the footway/cycle track level cleared and thereafter permanently maintained in that area between the back of the footway/cycle track and a line 2.4 metres from the back of the footway/cycle track at the centre line of the access point (X2 dimension) and a distance of 15.8 metres in each direction along the back edging of the footway/cycle track from the centre of the access (Y2 dimension). Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification.

Site Specific Reason: Due to the locational relationship between the building line, the access centreline, the curved kerb and edging lines and the HV cable easement areas, this condition is required to ensure that the building frontage of Plots 1 to 5 does not conflict with the required minimum visibility splays that are to be formed with Y dimensions measured along the relatively tight radius carriageway and back of cycle track edge lines.

5. Within 3 months of the commencement of development, details of the areas to be provided for residents and employees', secure covered 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 the provision of long term cycle storage in accordance with Suffolk Guidance for Parking (2019).

6. Within 3 months of the commencement of development, details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of electric vehicle charging points in accordance with Suffolk Guidance for Parking (2019).

7. Before the development is commenced details shall be submitted to and approved in writing 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.

8. The use shall not commence until the area(s) within the site on 14th May 2020 revision of Drawing Number 7641-20-REV-O for the purposes of Loading, Unloading, manoeuvring and parking of vehicles, and retail element visitor cycle parking, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

9. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 7641-20-REV-O 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.

10. Before the development is commenced, a Service Management Plan (SMP) regarding the retail units shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan (SMP) shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The SMP should identify exactly how and what types of vehicles are anticipated for the retail uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Any measures described in the SMP shall be implemented within the time period identified and adhered to thereafter.

Reason: In the interests of highway safety, the SMP is required to ensure that the impact from retail unit service and delivery traffic operations on existing users of Walnut Tree Avenue is minimised.

11. Prior to commencement of development a Traffic Regulation Order shall be progressed that seeks to extend the existing on street waiting prohibition to prevent parking on the inside bend of Sycamore Drive obstructing the western visibility splay of the new access east of Plots 1-5.

Reason: In line with MfS guidance, any on-street parking should ideally be located outside of visibility splays.

12. 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.

13. 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.

14. Within 28 days of completion of the last dwelling/building become erected 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.

15. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, 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 and 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. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.

16. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, January 2020).

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

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

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

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

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

18. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancements measures will be delivered in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

19. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

- a) A desk study and site reconnaissance, including:
 - a detailed appraisal of the history of the site;
 - an inspection and assessment of current site conditions;
 - an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
 - a conceptual site model indicating sources, pathways and receptors; and
 - a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).
- b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:
 - the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
 - an explanation and justification for the analytical strategy;
 - a revised conceptual site model; and

- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

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.

20. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

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.

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

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.

22. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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.

23. 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 BS10175:2011+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.

24. Prior to commencement of development, a noise survey shall be undertaken and a report submitted. The survey shall be undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233-Guidance on sound insulation and noise reduction for buildings, given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in daytime: 50 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm_{ax})
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax})

The report shall also consider noise from existing and proposed fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level

cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. This shall be based on BS4142:2014 Methods for rating and assessing industrial and commercial sound. All detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that noise from the commercial development is not detrimental to the residential amenity of neighbouring residents.

25. No piling operations shall be undertaken unless the details and method of piling is previously agreed in writing with the Local Planning Authority.

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

26. Prior to the commencement of development, a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled, shall be submitted to and approved in writing by the local planning authority. This should include site working times and should be agreed and approved by the LPA prior to any work on site taking place. All construction works shall be carried out in accordance with the approved Construction Management Plan.

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

27. There shall be no burning of any material on site.

Reason: In the interest of residential amenity.

28. Prior to occupation of any of the properties (residential or commercial) hereby permitted, a management plan for maintenance of the communal areas to include, but not limited to, the access road, parking and turning areas and the landscaped areas shall have been submitted to and approved in writing by the local planning authority. The maintenance plan should include long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of at least 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.

Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.

29. Within 3 months 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.

30. 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.

31. Within 6 months of the commencement of development, precise details of all of the means of enclosure (i.e. hedgerows, fences, gates, walls etc.) shall have been submitted to and approved by the Local Planning Authority. Prior to occupation of any of the dwellings or commercial units hereby approved, all boundary treatments shall have been planted or erected. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

32. Prior to occupation of the 5th dwelling hereby permitted, all three of the commercial units shall have been completed and be made ready for occupation.

Reason: To ensure that the commercial units are delivered in a timely manner ensuring the supply of community infrastructure within the District Centre.

33. Prior to the use commencing, details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and retained in its approved form.

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

34. Prior to the commencement of development, the developer shall deposit a sum of £15,000.00 to cover Suffolk County Council's costs and fees associated with progressing and implementing Traffic Regulation Orders (TRO). Five years after the development's formal completion date, any balance of the £15,000.00 remaining shall be returned to the developer.

Reason: The development is such that a TRO is required to ensure that parked vehicles would not interrupt visibility splays in order to make the application acceptable.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority. The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk. A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action. CIL forms can be downloaded direct from the planning portal: https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5 Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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

4. In relation to Condition 5, details of cycle storage sheds are not yet provided. Sheds are usually located in private secure gardens. Residential Long term Cycle Storage in Communal Areas needs appropriate security measures Sheffield stands are suitable for short term customer/visitor parking but not for longer term employee cycle parking.

5. In relation to Condition 10, the Transport Statement has suggested timings of delivery windows and maximum service vehicle types and sizes (Rigid 10.5m or 12m length).

6. In relation to Condition 11, visibility splay parking on the inside of a bend is more problematic than parking on the outside of a bend. The parking obstruction issue is therefore considered to be primarily to the west of the new access location. SCC as LHA's associated costs and fees to be covered by a S106 obligation.

7. 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 works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

8. The infiltration rate used for design purposes is (21.39mm/hr), a figure obtained through a soakage test undertaken at Trial Pit Number SA05. The soakage test was undertaken at a depth of 5.0mBGL, whereas the invert level of the soakaway is proposed at 4.1mBGL, presenting concerns as to whether the proposed infiltration rate is a realistic representation of the actual infiltration rate at the depth of the soakaway. It is noted that the proposed 4.1mBGL invert level is situated on the border of the clay and sand layers identified within the borehole associated with SA05.

It is recommended that further infiltration testing, in accordance with BRE 365, is undertaken at the location of the proposed soakaway. The depth of the soakage test should be in accordance with the invert level of the proposed soakaway to provide an accurate representation of the infiltration capacity at the proposed soakaway location. The additional soakaway tests would also demonstrate whether the clay layer close to the proposed invert level would have an adverse impact on the achievable infiltration rate. The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient. It would be useful to understand where the pollution mitigation incidences associated with the proposed Polypipe Permaceptor Diffuser derive from as this information does not appear to be present within table 26.4 of the CIRIA SuDs Manual as suggested within the Drainage Strategy.

10. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.

11. The applicant's attention is drawn to the comments from the Designing Out Crime Officer and it is encouraged that as many of these suggestions are incorporated into the scheme to help achieve a safe environment.

8 DC/20/1033/FUL - Easton Farm Park, Sanctuary Bridge Road, Easton, IP13 0EQ

This item was **DEFERRED** in order for a site visit to be held prior to the Committee determining the application; it was considered that a site visit was required so that the Committee could fully understand the potential landscape impact of the proposed development on the site.

9 DC/20/1603/FUL - Seaton Recreation Ground, Seaton Road, Felixstowe, IP11 9BS

The Committee received report **ES/0440** of the Head of Planning and Coastal Management, which related to planning application DC/20/1603/FUL.

The application sought full planning permission for a new welfare hub (including three units positioned on paving slabs to accommodate storage, W/C's and coffee hut), security fencing and security lighting at Seaton Recreation Ground, Seaton Road, Felixstowe. There were no objections from statutory consultees, however, the applicant was East Suffolk Council and the land was owned by East Suffolk Council. In accordance with the Council's adopted scheme of delegation, this application was therefore referred to the Committee for determination.

The Committee received a presentation on the application from the Planner acting as case officer. The site's location was outlined; an aerial view of the site was displayed, and it was noted that the site was accessible from Cornwall Road.

The Committee was shown photographs of site demonstrating views across the Recreation Ground towards the application site and from the site looking out onto the surrounding area.

The proposed block plan was displayed, demonstrating the arrangement of three units on the site. The fencing was specified as being 2.4 metres in height. The compound would be accessed via two double gates.

The proposed floor plans and elevations of the units (east and west) were shown to the Committee. Photographs of the proposed type of units, lighting and fencing to be used were also displayed.

The main considerations were outlined as benefits to community health and social wellbeing, the increased offer of recreational activities and events at Seaton Recreation Ground, improvements to the existing pedestrian entrance, and encroachment on a small area of recreation ground.

The recommendation to delegate authority to approve, as set out in the report, was highlighted to the Committee.

The Chairman invited questions to the officers.

The Planner stated that due to the scale of the development the applicant had originally intended to install two toilet stalls, but this had been changed to one fully accessible toilet. The Planner confirmed that the toilet had been designed to be fully accessible.

A member of the Committee asked for specifics on the lighting that would be used and what impact it would have on neighbouring properties. The Planner said he did not have the lighting specifications but confirmed that the lighting would only be used when the site was in operation and would not be in use outside of those times. Further information would need to be submitted for any additional lighting on the site.

It was confirmed that the site would be operated on evenings and weekends but that specific hours had not been fixed.

There being no public speaking on the application, the Chairman invited the Committee to debate the application that was before it.

Two members of the Committee, who were both Ward Members for Western Felixstowe, opened the debate and spoke in favour of the application. They noted that the use of this site by the Trimley Red Devils football team would have a positive knock-on effect for sporting provision in Felixstowe that would be of benefit for several clubs and organisations in the town. It was highlighted that there had previously been a changing area on the site that had been demolished some time ago, and that this development could be seen as a replacement of sorts.

A member of the Committee sought clarification on use of the site. The Planning Manager confirmed that Seaton Recreation Ground would still be primarily used as a recreation ground and that the proposed facilities would allow the site to be used as an overspill by Trimley Red Devils which in turn would improve and diversify the sports offer in Felixstowe. The Member

expressed some concern about the use of the site for football, given the impact it would have on the land, and the provision of changing rooms for male and female players.

Several other members of the Committee spoke in support of the application and considered that it would be of benefit to the local area in terms of sporting provision.

One member of the Committee, who was in support of the application, asked for the Council to be mindful for future opportunities to expand the site for the use the site for other sports.

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

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

RESOLVED

That **AUTHORITY TO APPROVE** be delegated to the Head of Planning and Coastal Management subject to no additional material planning considerations being raised during the remaining consultation period (expires 9 July 2020) and subject to the conditions set out below.

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with the following approved drawing(s):

- 170 01 Rev F (Proposed site plan) received 18 May 2020;
- 170 03 Rev F (Proposed plan) received 18 May 2020;
- 170 00 (Existing site plan) received 28 April 2020;
- 170 02 Rev A (Proposed elevations) received 28 April 2020;
- and
- 170 04 (Proposed location plan) received 28 April 2020.

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

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

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

4. No additional floodlighting or other means of external lighting shall be installed at the site unless submitted to, and approved by the local planning authority. The details submitted shall include position, operating times, details of luminaires, aiming angles and

vertical and horizontal illuminance on areas outside the site. Thereafter the lighting scheme shall be implemented and maintained in accordance with the approved scheme.

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

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

The meeting concluded at 3:23 pm

.....
Chairman

PLANNING COMMITTEE

Title of Report:

East Suffolk Enforcement Action – Case Update

Meeting Date

25 August 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 28 July 2020. At present there are 19 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 28 July 2020 be received.

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 • 01/03/2016 – Planning Appeal 	30/09/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>dismissed</p> <ul style="list-style-type: none"> • 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. • Review site regarding day block and access after decision notice 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>released for enforcement notice served in connection with unauthorised occupancy /use of barn.</p> <ul style="list-style-type: none"> • 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 remedy sought. Verbal update to be given. 	

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"> • 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-attendance as was required in the Order of 27/03/2019. 	

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"> 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 Site visited. Case currently with the Council's Legal Team for assessment. Charging orders have been placed on the land to recover costs. 	

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. • Further enforcement action to be put on hold and site to be 	April 2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>monitored</p> <ul style="list-style-type: none"> • 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 Notice. Case to be referred to Legal Department for further 	20/01/2021

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>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 days for the site to be cleared before the Notice is served. 	

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"> 01/04/2019 – 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. Awaiting Planning Inspectorate Decision Appeal dismissed with amendments. Compliance period extended to 6 months. 	
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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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 • 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. 	30/09/2020

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"> • 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 owner is required to comply with the Injunction by 03/09/2019 • 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. • Site visited. Case currently with the Council's Legal Team for assessment. • Charging orders have been placed on the land to recover costs. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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. • 17/10/2019 – 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 • Site visited. Case conference to be held • Appeal received in relation to the EN for the residential use 	31/09/2020

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 started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision 	
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. • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. 	05/08/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>Statement due by 30/07/19.</p> <ul style="list-style-type: none"> • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 	
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. • Awaiting Planning Inspectorate Decision • Appeal dismissed and amended. Compliance with both Notices by 13/08/2020 	13/08/2020
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 • Further details required to determine application. 	30/08/2020

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"> • Notice complied with; due requirement of notice was to submit the application. 	
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 • Appeal has been submitted, awaiting a start date. • Start date now received by the Council, Statements due by 12/12/2019 • Awaiting Planning Inspectorate Decision • Appeal Dismissed. Compliance period 3 months. 	21/10/2020
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	<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 	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	28/05/2019. <ul style="list-style-type: none"> • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 	
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. • DC/19/4557/VOC Planning application submitted 21/11/2019 • Application refused 15/01/2020 • Currently within appeal period. • Application received DC/20/1387/AME to amend roof material. • DC/20/1387/AME approved 28/04/2020. • Team monitoring progress 	30/10/2020
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. • Appeal started, statement 	30/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					due by 22 nd June 2020 • Awaiting Planning Inspectorate Decision	
ENF/2019/0391 /SEC215	26/11/2019	North	46 Wissett Way Lowestoft	Untidy Site	• Notice served 26/11/2019 • Compliance visit to be conducted when possible. • Site visit conducted 12/06/2020, notice not fully complied with. Internal discussions taking place regarding next step. • Enquires being made to take direct action.	27/06/2020
ENF/2019/0320 /USE	05/12/2019	North	Boasts Industrial Park, Worlingham	Change of use	• Enforcement Notice served 05/12/2019 • Enforcement Appeal submitted, awaiting Start Letter from PINS • Appeal started; Public Inquiry - statement due by 27 July 2020. • Notice withdrawn, new site visit to be undertaken.	10/10/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
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 Awaiting site visit to check on compliance Site visit undertaken, summer house still in situ. Further action to be considered. 	30/09/2020
ENF/2015/0214 /MULTI	17/01/2020	South	98 Tangham Cottages, Tangham	Change of use of land and building for business, residential and holiday let purposes	<ul style="list-style-type: none"> 17/01/2020 – Enforcement Notice served. Appeal received. Statements due by 27/04/2020 Awaiting Planning Inspectorate Decision Appeal dismissed with amendment. Compliance period extended to 6 months. Judicial Review has been applied for by the appellant. 	26/12/2020
ENF/2017/0336 /SEC215	04/03/2020	North	Harmony Hall London Road Weston	Unauthorised dwelling and use of land for the stationing of a mobile home and outbuilding	<ul style="list-style-type: none"> Notice served 04/03/2020 Compliance by 06/08/2020 	06/08/2020

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2019/0035 /DEV	30/06/2020	South	The White Cottage, 3-4 Queens Head Lane, Woodbridge	Installation of a wheelchair lift	<ul style="list-style-type: none"> 30/06/2020 – Enforcement Notice served. Appeal submitted. 	03/10/2020

Committee Report

Planning Committee - 25 August 2020

Application no DC/20/1794/FUL

Location

1 College Green
Felixstowe
IP11 7AP

Expiry date 22 July 2020 (Extension of time

Application type Full Application

Applicant Mr & Mrs Aguilar-Millan

Parish Felixstowe

Proposal Single Storey Extensions with New Wall

Case Officer Alexis Bruns
01394 444351
alexis.bruns@eastsoffolk.gov.uk

1. Summary

- 1.1. The application seeks permission for Single storey side and rear extensions and new garden wall.
- 1.2. The side and rear extensions and a garden wall have already been granted permission on application DC/19/4442/FUL. The only change proposed through the current application is an extension in length of the garden wall.
- 1.3. The initial submission of this application included proposals for recladding on the front elevation of the property. They have since been removed from the application.
- 1.4. The application is recommended for approval. The application accords with planning policy, the applicant is not an elected member or member of staff or close relative, the land is not owned by the district council and in terms of consultation responses received, the ward member has not commented and the Town Council recommended refusal of this planning application which is contrary to the Planning Officers recommendation of approval hence, the referral triggers being met.

- 1.5. The application was reviewed at the Planning Referral Panel on 11th August 2020 which referred the item to committee, on the basis of the level of public objections, and the previous discussion surrounding the wall at Planning Advisory Panel (24th March 2020), and to enable discussion of the impacts upon visual amenity and the Conservation Area.

2. Site description

- 2.1. Built under planning permission C/98/1673, the host dwelling is a large, two storey detached dwelling that sits on the corner of Foxgrove Lane and College Green in the Felixstowe Conservation Area. The property fronts Foxgrove Lane, with vehicular access from that road, and a side elevation facing College Green.
- 2.2. The residential properties of this area are all similar in character with mock Tudor timber cladding being the prominent focal points on front gables.
- 2.3. The properties are set back from the roads so to provide open space on their frontages, which is a key characteristic of the area.

3. Proposal

- 3.1. The proposal looks to extend the wall in a northerly direction towards Foxgrove Lane. It is proposed to curl the wall round to meet the front corner of the house, rather than joining on to the side extension as it did previously.
- 3.2. It was previously granted consent to be curved around to meet the side of the single storey side extension granted under application DC/19/4442/FUL.
- 3.3. This current application initially included proposals to reclad part of the front of the dwelling. That element has been removed from this application, including from the description of development.

4. Consultations/comments

- 4.1. There have been 25 third party objections received raising the following material planning considerations in relation to the proposed extensions and the additional length of the garden wall:

Visual Amenity and Conservation Area:

- The property is on a generous plot in a prominent location on the corner of College Green and Foxgrove Lane, and within the Felixstowe Conservation Area. The Conservation Area Appraisal identifies this area as being characterised by large properties set in spacious settings. The plot has a large front garden with extensive landscaping which contributes positively to the streetscene and provides a sense of openness, which would be lost by the proposed wall, as they would encroach into and erode the front landscaping of the property.
- This was supposed to be an open plan road with hedges, not a brick wall. Concerned that the relocation of the wall closer to the pavement would be out of keeping with the scheme that created College Green and the high quality of the local environment. It would set a precedent, and create a 'blot' on the area.

- It would harm the visual impact of the very old wall surrounding the entrance to College Green.
- The new extended boundary wall will be dominant in views from College Green, leading to a sense of over-development.
- The scheme would significant impact to the character and appearance of the streetscene and the Felixstowe Conservation Area, contravening Adopted Policies DM21, DM23, and emerging policies SCLP11.1, SCLP11.2 and SCLP11.3.
- The scheme would also be contrary to the aims set out in the Conservation Area Management Plan, to preserve the important characteristic of the spacious nature of the plots. It is into of an appropriate design, scale, form, height, massing and position, and does not retain important features. The scheme would neither preserve or enhance the character of the Conservation Area.

Traffic/ Highway Safety

- The entry to College Green from Foxgrove Lane is currently dangerous despite having an open plan frontage. The open plan frontage of 1 College Green greatly aids in the visibility to cars entering and exiting this road. Any alterations to this layout will have potential repercussions.

Previous Appeal Decisions

- Reference should be made to appeal decisions APP/J3530/W/16/3142410 and APP/J3530/D/17/3170980, both of which proposed garages in front gardens of other spacious plots, and were dismissed on the basis of detrimental impacts upon the character of an area, contrary to policy DM21.

4.2. The representations also raise concerns relating to restrictive covenants, and loss of view. These are not material planning considerations and therefore cannot be considered in the determination of the application.

4.3. The previously proposed cladding has been removed from the application, so comments that refer to that aspect of the proposal have not been included within the list above.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	1 June 2020	22 June 2020
Summary of comments: Committee recommended REFUSAL. The proposed cladding and obtrusive wall would significantly harm the setting of this iconic development and its purposefully designed timber framing in the Conservation Area. Therefore it is contrary to NPPF paragraph 172.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Felixstowe Society	N/A	26 June 2020
Summary of comments: Comment that they consider that the scale and form of the proposal are inappropriate in the Conservation Area setting, and would be detrimental to the character and appearance of the streetscene. Also state that the removal of the half-timbered cladding and replacement with boarding would be inconsistent with the harmonised architecture of the College Green development.		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	11 June 2020	2 July 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: Expiry date:
---------------------	---

5. Planning policy

5.1. 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.

5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))

6. Planning considerations

Visual Amenity, streetscene and Conservation Area

- 6.1. The garden wall that was granted permission in application DC/19/4442/FUL is a 2m high red brick wall, with retained vegetation.
- 6.2. As explained in the proposals section of this report, the scheme has been modified during the course of the application. The horizontal cladding, which would have been particularly prominent in views from public vantage points along Foxgrove Lane, have been removed, reducing the visual impact from this direction.
- 6.3. The replacement garden wall, which remains part of the scheme would still have a visual impact upon the streetscenes of Foxgrove Lane and College Green. However, just because something can be seen, it does not necessarily make it unacceptable. I
- 6.4. The wall would be closer to Foxgrove Lane, than that previously permitted, but a significant area would remain between the back edge of the pavement and the front of the extended wall.
- 6.5. The wall would be no closer to the roadway of College Green than the previously submitted scheme. At the closest point there would be 2.5m between the garden wall and the back of the pavement on College Green. The hedge along the back edge of the pavement is also proposed to be retained which would soften views from public vantage points.
- 6.6. Whilst it is accepted that the extended garden wall would result in a visual change to the streetscene, it is proposed to be of a scale and form which reflects the existing dwelling and garden wall.
- 6.7. Therefore, the design, form, materials and location of the proposed garden wall extension are considered acceptable in terms of visual amenity, including the impact upon street scene and the character of the Conservation Area.

- 6.8. For the reasons outlined above, the proposal with the removal of the new cladding and the garage is now considered to comply with the NPPF, relevant Local planning policies DM21, and SP15, and Supplementary Planning Guidance 16 and the Felixstowe Conservation Area Appraisal 2020 - Character Area 7: East of Brook Lane.
- 6.9. The scheme would also meet the requirements of Planning (Listed Buildings and Conservation Areas) Act 1990, in that it would preserve the character of the Conservation Area.

7. Conclusion

- 7.1. The proposal for a Single Storey Extensions with New Wall, complies with East Suffolk Council - Suffolk Coastal District Local Plan Core Strategy and Development Management Development Plan Document policy DM 21- Design: Aesthetics, Strategic Policy SP15 - Landscape and Townscape and Development Management policy DM23 - Residential Amenity, emerging Planning Policies SCLP11.1: Design Quality and SCLP11.2: Residential Amenity and Supplementary Planning Guidance 16, Felixstowe Conservation Area Appraisal 2020 - Character Area 7: East of Brook Lane. and the NPPF.
- 7.2. The character of the Conservation Area would also be preserved, so the scheme also meets the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Recommendation

- 8.1. Application is recommended for approval subject to conditions.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No's 2632.20.02 (Site Plan), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received on 15 May 2020 and the requirements of other conditions on this consent.
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 in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity
4. Notwithstanding what is shown on drawings 2669:20:01 (existing elevations and floor plans), 2669:20:03 (Proposed elevations) and 2669.20.05 (Proposed Garden Wall Elevations) all received 15 May 2020, the cladding on the existing house above the ground floor level windows shall be retained in its existing form (mock tudor) and shall not be replaced with

Resin Cement Boarding or any other form of cladding, unless otherwise agreed through further application to the Local Planning Authority.

Reason: In the interests of clarity as to the works hereby granted planning permission as this element was removed from the description of development but no revised plans were received for consideration during the application process.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

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

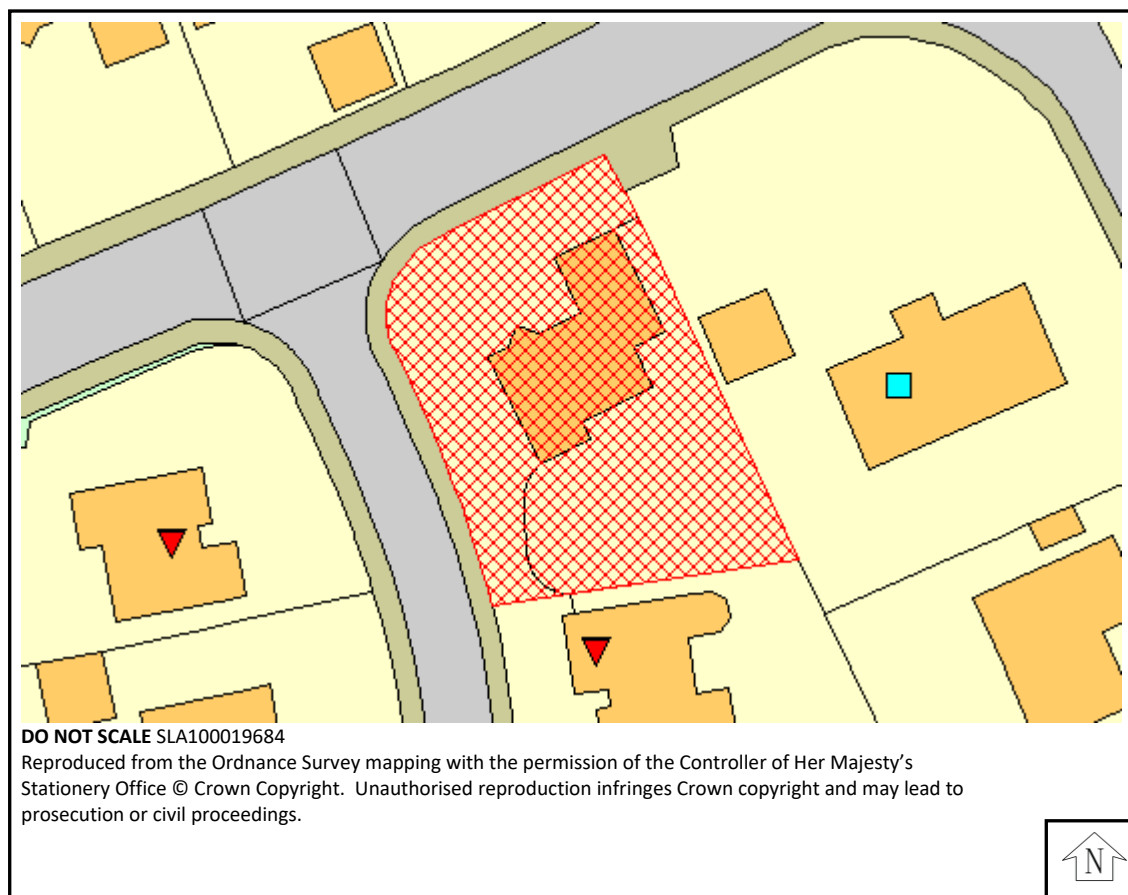
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is hereby advised that the cladding initially proposed during this application and referred to in condition 4 would require Planning Permission. Class A of Part 1 of Schedule 2 of the General Permitted Development Order (England) 2015 (As Amended) allows for the installation of cladding, but not on dwellings within article 2(3) land, which includes Conservation Areas. This property is located within the Felixstowe Conservation Area, and therefore does not benefit from the Permitted Development Rights for the installation of cladding.





Background information

See application reference DC/20/1794/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QADLDQQXJKD00>

Map



Key

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

Committee Report

Planning Committee - 25 August 2020

Application no DC/20/1909/FUL

Location

Bealings Holt
Martlesham Road
Little Bealings
Woodbridge
Suffolk
IP13 6LX

Expiry date 20 July 2020 (extension of time expiry date 26 August 2020)

Application type Full Application

Applicant Mrs A L Wakefield

Parish Little Bealings

Proposal Erection of a two-storey dwelling and formation of vehicular access to Martlesham Road

Case Officer Katherine Scott
(01394) 444503
katherine.scott@eastssuffolk.gov.uk

1. Summary

- 1.1. This application seeks full planning permission on land to the west of Bealings Holt, Martlesham Road, Little Bealings.
- 1.2. The site is located in the countryside, more than 150m from the nearest settlement boundary on a road with no pavement, so the proposed dwelling would not meet the current local plan policy relating to dwellings in clusters in the countryside (policy DM4).
- 1.3. A dwelling has previously been granted on this site under NPPF paragraph 55 (now paragraph 79), and that consent remains extant. However, the current scheme is not proposed under paragraph 79, but under emerging Local Planning Policy SCLP5.4 (Housing in clusters in the countryside).

- 1.4. It is considered that the emerging policy SCLP5.4 can be given significant weight, as the proposed main modifications to the policy do not affect the principle of this proposal, and the examination process is nearing completion.
- 1.5. The proposed dwelling complies with policy SCLP5.4 and is acceptable in terms of all other relevant planning policies and material planning considerations. It is therefore recommended for approval subject to conditions.
- 1.6. As this recommendation is contrary to the current Local Plan, the application is presented to Planning Committee for determination in accordance with the Council's Scheme of Delegation.

2. Site description

- 2.1. The property at Bealings Holt comprises some 3.3 hectares, the western half of which covers some 0.56 hectares and forms the application site. The application site comprises a parcel of land within the western half of the property and is located to the south side of Martlesham Road.
- 2.2. Bealings Holt is located within a ribbon of properties; however, it is outside the Little Bealings physical limits boundary and is therefore, in planning terms, a countryside location.
- 2.3. The applicants land ownership wraps around the application site to the south, east and partially to the north. To the south of the application site beyond the applicants wider land holding, there is a public right of way running west-east along the valley (Footpath 11).
- 2.4. To the north of the main portion of the site is Cedar Cottage, a residential property fronting Martlesham Road; to the west of the site is Marchwood, a large detached dwelling; and, to the east, is the existing dwelling at Bealings Holt: a detached inter-war villa. A public right of way (E-369/011/0) runs adjacent the River affording long range views of the site from the river valley.
- 2.5. The application site comprises the extensive side garden of the existing property and is mostly down to lawn grass and mature trees, however there is a facilities block, machinery store and an electric hook up point located there, all of which used to serve the former caravan park (planning permissions C/98/0053, C/98/0442, C/99/1199).
- 2.6. To the south of the application site the land under the applicants ownership extends down into the river valley and comprises grazed paddocks.
- 2.7. The site is located on the northern edge of the area of 'Estate Sandlands', a landscape character type identified in the Suffolk Landscape Character assessment, published by the Suffolk County Council. It also falls within a locally designated Special Landscape Area (covered by Policy SSP38).
- 2.8. Planning Permission was granted for a dwelling on this site under reference DC/17/4940/FUL. The dwelling was permitted by the decision notice issued 1 January 2019, with a three year time limit for implementation. It was a mix of two-storey and single-storey elements, with a total floor approximately of 650 sqm. Along with the main living accommodation, the dwelling included an Annexe (61 sq.m); Garage and plant room (50

sq.m); Garden store (30 sq.m); and a pool changing facility (25 sq.m). It was to be accessed from Martlesham Road, using the existing access drive serving Bealings Holt.

- 2.9. The 2017 application was submitted for consideration as a dwelling of truly outstanding architectural quality and would therefore meet the special circumstances of National Planning Policy Framework (NPPF) paragraph 55 (now paragraph 79).
- 2.10. The 2017 application was considered and approved by Planning Committee (the then Suffolk Coastal South Area Planning Committee) on 26 March 2018. The minutes for that meeting state that the committee resolved to:

"APPROVED on the grounds that the location was considered to be sustainable and the design of the building was outstanding, sympathetic and unobtrusive, as such, it would enhance the location and immediate vicinity. Further the design was considered to be ecologically outstanding. Appropriate conditions to be included by the Case Officer. The following advisory to be imposed:

1. A defined but light-touch boundary to be included within the design."

- 2.11. DC/17/4940/FUL was the subject to a Section 106 Legal Agreement, to secure implementation habitat and landscape restoration proposals, across the land under the applicants ownership. These proposals were submitted as part of the justification for the scheme being considered to comply with paragraph 55 of the NPPF.
- 2.12. Since that dwelling was permitted, a new access and driveway to serve the approved dwelling was granted under reference DC/18/4896/FUL. The approved access and driveway was proposed between the existing access serving Bealings Holt, and the western boundary of Cedar Cottage. It was granted on 11 January 2019, subject to a 3 year time limit for implementation and conditions relating to the formation of the access on to the highway and associated visibility splays.
- 2.13. In June 2019, Planning Permission was also granted for a single-storey outbuilding (Pool House) to be associated with the existing dwelling Bealings Holt (DC/19/1896/FUL). It was permitted to be sited to the west of the existing dwelling, forward of its front elevation, but further from Martlesham Road than the existing garage. When constructed it would be to the east of the current application site.

3. Proposal

- 3.1. The current application seeks full planning permission for a detached five-bedroomed dwelling, with accommodation set over two-floors. The dwelling itself is proposed to have 3 glazed two-storey height gables on the front (northern elevation), the smaller of which would be located off-centre and contain the entrance hall and stairs. The larger gables on either side are proposed to have juliet balconies on the front elevation. A similar glazed gable arrangement is also proposed on the rear (south facing) elevation.
- 3.2. To the western side of the building an attached forward projecting double garage is proposed, with a studio within its roofspace accessed via an external staircase on the northern elevation.

- 3.3. To the rear of the garage, west of the two-storey part of the dwelling, the scheme proposes a flat roofed single-storey element which provides internal access from the garage to the house, and would have a ground floor living space set at an angle to the main floor plan. Directly above this ground floor living space, a balcony is proposed on the flat roof, which would be accessible via both a first-floor level door from the house and via an external staircase on the north-western side. A second balcony is also proposed towards the eastern end of the rear elevation.

4. Consultations/comments

- 4.1. Two letters of Objection have been received, raising the following material planning considerations:

Principle

- Most policies are designed to stop this type of speculative development in the countryside.
- Believe the applicant has attempted within their statement to twist the meaning of several policies to support the application, and is using the principle of DC/17/4940/FUL (which was granted under old para. 55) as a key argument for this basis development in the countryside.
- The site does not accord with the emerging local plan policy (SCLP5.4).
- Martlesham Road is not a sustainable location.
- In the unlikely event that planning permission is granted, it will set a very dangerous precedent with up to 20 or 30 other houses in the road likely to apply for similar backland and infill permissions.

Design and Residential Amenity.

- Believe the applicant has tried to focus the application on the mostly irrelevant design issues to draw debate away from those key development issues at the heart of the relevant policies.
- The large first floor balcony would overlook the neighbours garden in contravention of policy DM23.
- The applicants drawing 1002 does not show the property in context as it fails to show the neighbouring property, stating 'unable to survey' (do not believe this is an excuse not to show the neighbouring property).

Highway Safety

- This is a busy and narrow part of the road, where the speed limit is 30mph but drivers often travel up to 50mph and sometimes faster.
- The mirror placed opposite Marydene is relied upon by those exiting Marydene as is it on a blind spot. Request that the mirror is kept if an new access is created opposite Marydene to prevent road collisions.
- Suggest other considerations are given to road safety, for example speed warnings, with drivers being shown how fast they are going, with a reminder of the 30mph limit. This may help bring the speed of traffic down and the road safer.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Little Bealings Parish Council	29 May 2020	19 June 2020
<p><i>"The Parish Council is responding to the application in accordance with delegated authority put in place at its meeting on 16 March. In considering its response the Council has taken into account the following:</i></p> <p><i>Planning application DC/18/4896/FUL and the granting of permission for a new access from the highway Planning application DC/17/4940/FUL and the granting of permission for the erection of a new dwelling adjacent to Bealings Holt The existing SCDC Local Plan and the emerging SCDC Local Plan currently being examined by an Inspector</i></p> <p><i>The Council objects to the application for the following reasons:</i></p> <p><i>1 The location of the proposed dwelling is not within the designated settlement boundary of the parish. There is no connectivity from the site to the centre of the village, and no pavement or easily accessible pedestrian routes or public transport. The property would be wholly reliant on private car use. It is not sustainable development.</i></p> <p><i>2 Approval for DC/17/4940/FUL was granted (following consideration at Planning Committee and, the Council understands, on a Chairman's casting vote) as an exception to Local Plan and NPPF policy because the proposed dwelling was considered to be of outstanding design which would enhance the location. It was also considered ecologically outstanding. The current proposal is neither outstanding in design or ecologically to merit similar departure from policy. This is acknowledged in the application Planning Statement. It is noted that the applicant's reason for a completely different design is financial viability. The Council does not consider that provides any justification for approval, especially given that there is no local housing need for the dwelling.</i></p> <p><i>3 The site does not meet the definition of a cluster site within Local Plan policies DM4 and SCLP5.4. The site is not infill in a clearly identifiable gap (SCLP5.4b) but is the sub-division of an existing property garden. The plot has no existing road frontage of its own.</i></p> <p><i>4 Approval of the development would result in the subdivision of an existing large plot for the provision of an unsustainable and unwanted new dwelling. It is likely to set a precedent for the very many similar large properties in Martlesham Road and Playford Road seeking permission to subdivide plots in the same way. This would result in significant harm to the character and appearance of the area, would not be sustainable development and would mean an unsustainable increase in private vehicular traffic. It would also exacerbate problems with road safety for the existing properties exiting on to these roads (which results from significant 'rat running' traffic using this road to avoid the slower Kesgrave Road) and for traffic travelling to and from the village at the Hall Road crossroads."</i></p>		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	29 May 2020	19 June 2020
<p>Summary of comments:</p> <p>This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), close to Prehistoric finds and features (HER ref nos. BEL 004 & BEL 045), and Roman finds (BEL 009). Furthermore, the site overlooks the Finn Valley, a topographically favourable location suitable for occupation of all periods. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.</p> <p>There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.</p> <p>Recommend 2 conditions</p>		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	29 May 2020	18 June 2020
<p>Summary of comments:</p> <p>No Objections, recommend conditions relating to</p> <ul style="list-style-type: none"> - formation of new access, - means to prevent discharge of water on to the highway, - gradient of the access, - provision of parking and turning areas, - refuse/recycling bin storage and presentation, - formation and retention of visibility splays 		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	29 May 2020	29 May 2020
<p>Summary of comments:</p> <p>No objections.</p> <p>Comments relating to potential requirements in relation to Private Water Supplies Regulations (as amended) if the property is to be connected to a private water supply.</p> <p>Recommend standard unexpected contamination condition.</p>		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	29 May 2020	30 June 2020

Summary of comments:
Internal Planning Services Consultee, comments included within planning considerations section.

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	29 May 2020	No response

Summary of comments:
Internal Planning Services Consultee, comments included within planning considerations section.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	29 May 2020	No response

Summary of comments:
No response received

Consultee	Date consulted	Date reply received
Ecology (Internal)	29 May 2020	19 June 2020

Summary of comments:
Internal Planning Services Consultee, comments included within planning considerations section.

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	12 June 2020

Summary of comments:
Standard comments relating to access for fire appliances and recommending sprinklers.

Publicity

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

Category	Published	Expiry	Publication
Departure	4 June 2020	25 June 2020	East Anglian Daily Times

Site notices

General Site Notice

Reason for site notice: Contrary to Development Plan

Date posted:

Expiry date:

5. Planning policy

- 5.1. 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.
- 5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))
 - SP2 - Housing Numbers and Distribution (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - SP3 - New Homes (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))
- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- SP18 - Infrastructure (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- XSP19 - 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))
- DM4 - Housing in Clusters 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))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM28 - Flood Risk (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors

letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

- 5.5. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.
- 5.6. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.
- 5.7. The relevant Policies within the emerging Suffolk Coastal Local Plan are:
- SCLP3.2 – Settlement Hierarchy
 - SCLP3.3 – Settlement Boundaries
 - SCLP5.3 – Housing Development in the Countryside
 - SCLP5.4 – Housing in Clusters in the Countryside
 - SCLP7.2 – Parking Proposals and Standards
 - SCLP10.1 – Biodiversity and Geodiversity
 - SCLP10.4 – Landscape Character
 - SCLP11.1 – Design Quality
 - SCLP11.2 – Residential Amenity
 - SCLP11.7 – Archaeology

6. Planning considerations

Principle

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are detailed in section 4 of this report.
- 6.2. The application site is located in the countryside where new residential development is generally contrary to planning policy; reflected in the Council's adopted settlement policies (SP19 and SP29 of the Core Strategy) - which directs new residential development to more sustainable settlements. Policy DM3, however, sets out a number of exceptions where residential development in the countryside can be acceptable.
- 6.3. One of these defined exceptions is paragraph 79 of the NPPF (2019). The proposal does not meet any of the exceptions laid out in this paragraph
- 6.4. The scheme is being considered on the basis of being an open market dwelling on a site within the countryside, for which Policy DM3 is applicable. It permits dwellings in the countryside for the following exceptional circumstances (in addition to paragraph 55/79):

*"(a) Replacement dwellings on a one to one basis where they are no more visually intrusive in the countryside than the building to be replaced;
 (b) The sub-division of an existing larger dwelling where this would meet a local need;
 (c) Affordable housing on 'exception' sites in accordance with Policy DM1;
 (d) Conversions of existing buildings subject to certain controls (Policy DM13);
 (e) Minor infilling within clusters of dwellings well related to existing sustainable settlements (Policy DM4);....."*

6.5. The current proposal would fail to meet exception (a) as the proposal is not for a replacement dwelling. It can not be considered a replacement dwelling, as there is currently no dwelling on the site to replace. The previously consented dwelling has not been built and occupied.

6.6. The proposal would also not meet exceptions (b), (c) or (d) because the scheme is not the sub-division of a larger dwelling, not affordable dwelling on an exception site, and it is new build, not the conversion of an existing building.

6.7. The proposal would also not meet the requirements of minor infilling within clusters well related to existing sustainable developments as defined in Policy DM4. This policy defines a cluster as:

"A 'cluster' in this context:

- Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway;*
- Contains 5 or more dwellings; and*
- Is located no more than 150 metres from the edge of an existing settlement identified as a Major Centre, Town, Key Service Centre or Local Service Centre. This distance may be extended to 300 metres if a footway* is present."*

6.8. This site is largely separated from Martlesham Road by Cedar Cottage, rather being adjacent to it. It is also more than 150m from the nearest settlement / physical limits boundary of the nearest sustainable settlement. The settlement / physical limits boundaries of both Little Bealings and Martlesham are more than 150m away along roads with no pavements. Therefore, the principle of the current proposal, is contrary to the current Local Plan.

6.9. However, the emerging Local Plan has reached an advanced stage and as set out within Section 5 of this report, its policies can be given material weight in the consideration and determination of planning applications.

6.10. The equivalent policy to DM3 within the emerging Local Plan is Policy SCLP5.4 (Housing in Clusters in the Countryside), which allows for proposals of up to three dwellings within a cluster of five or more dwellings, where:

*"b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;
 c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and*

d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape."

6.11. The current application site has dwellings on three sides, does not represent an extension of the built up area into the wider countryside, and as set out in the visual amenity and landscape considerations section below, would not result in undue harm to the character and appearance of the cluster or result in any harmful visual intrusion in the surrounding landscape. It therefore meets the above sections of the policy.

6.12. This emerging policy SCLP5.4 also redefines 'cluster' as:

*"- Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and
- Contains 5 or more dwellings."*

6.13. It therefore removes the specific distance to the settlement requirement set out in the current planning policy, allowing for new dwellings to be permitted within existing groups further from sustainable settlements with defined settlement limits / physical limits boundaries. Therefore, this site meets the definition of 'cluster' within the emerging local plan, and accords with emerging Local Plan Policy SCLP5.4.

6.14. As part of the Examination Process, two Main Modifications have been proposed to this policy, the first of which is in relation to developments of more than 3 dwellings so is not applicable to this proposal. The second Main Modification is in relation to considerations in sensitive locations, and the relevant paragraph has been changed from:

".....Particular care will be exercised in sensitive locations such as within or in the setting of Conservation Areas, the Area of Outstanding Natural Beauty and special qualities and features of Landscape Character Areas in accordance with Policy SCLP10.4...."

To:

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

6.15. The current application site is located within an area identified as a Special Landscape Area within the current Local Plan, within the Suffolk Landscape Character Assessment, it is identified as being located within the northern fringe of the 'Estate Sandlands', and area 'K5 Kesgrave Sandlands' within the Suffolk Coastal Landscape Character Assessment Final Report July 2018. The consideration of the impacts of the proposal upon the landscape are set out in the section below. They conclude that the scheme is acceptable in terms of impacts upon the landscape. Therefore, the scheme accords with emerging policy SCLP5.4.

6.16. Whilst the principle of a dwelling on this site would not meet the current 'cluster policy' (DM4) due to its distance from the nearest settlement boundary, it would meet the requirements of the 'cluster policy' (SCLP5.4) within the emerging Local Plan. This emerging policy should be given significant weight as the examination process into the emerging Local Plan is nearing completion, with the consultation on the main modifications having been

recently completed and the Examiners final report expected within the next few weeks. It is therefore considered that the principle of a dwelling on this site should be supported in line with the emerging planning policy SCLP5.4.

Landscape and Visual Impact

- 6.17. The proposed dwelling would be significant in scale and massing, but it would not appear out of character with its surroundings. This section of the southern side of Martlesham Road is predominately large detached two storey dwellings set on large plots surrounded by mature trees. The dwellings comprise a mix of various styles and ages, with many appearing to date from the mid-twentieth century, and some more contemporary, such as the adjacent Marchwood, which is an early twenty-first dwelling with a curved footprint and glazed gables (granted planning permission under C/06/0900, with dormer windows subsequently granted under DC/13/2384/FUL).
- 6.18. The proposed dwelling reflects the gabled roofs on Marchwood and Bealings Holt, with a more contemporary external appearance, continuing the evolution of design styles in this area.
- 6.19. Overall, the design approach is appropriate for this location and the size of the plot, and character of the locality. It would accord with current local plan policy DM21 (Design Aesthetics), and emerging Local Plan policy SCLP11.1 (Design Quality).
- 6.20. However, the application is not specific about the external materials proposed to be used, and therefore it is considered appropriate to include conditions on any consent requiring the submission of these prior to implementation, to ensure the overall visual appearance is appropriate in the interests of visual amenity.
- 6.21. Current Local Plan Policy SSP38 - Special Landscape Areas (SLAs), sets out that development will only be acceptable in SLAs where it does not have a material adverse impact on the qualities which make the landscape special. In addition, policy SP15 sets out the Council's strategic approach to both protect and enhance the various landscape character areas within the district (which includes SLAs and landscape types identified in the Suffolk Landscape Character Assessment).
- 6.22. As referred to in the section above, this site is located in the northern fringe of the 'Estate Sandlands' as identified in the Suffolk Landscape Character Assessment, and area 'K5 Kesgrave Sandlands' in the more recent Suffolk Coastal Landscape Character Assessment Final Report July 2018.
- 6.23. The Suffolk Coastal Landscape Character Assessment explains that this area is strongly influenced by the urban edge of Kesgrave and Martlesham, with land use a mix of residential, commercial, arable land and woodland. The landscape character assessment document also explains that much of this landscape is degraded and highly influenced by human activity. The document also explains that the modern land cover, geometric patterns and extensive regular pattern of tree cover give this landscape a degree of capacity to absorb development.
- 6.24. The site includes a significant number of mature trees, which would reduce and soften views of the proposal within the wider landscape, particularly in views from public vantage points along Martlesham Road and from the footpath located on lower ground within the valley to

the south. In views from the south the building would also be seen in the context of the existing dwellings. The built form will not extend beyond the existing band of dwellings set in amongst mature trees which are characteristic of this section of the southern side of Martlesham Road. Subject to the retention of a significant part of the existing mature planning the proposed dwelling would not have a significantly adverse impact upon the character of the wider landscape during day light hours. The Council's Arboricultural and Landscape Manager raises no objections to the proposed impacts of the proposal upon the landscape.

- 6.25. The proposed design includes a significant amount of glazing, including on the southern elevation which would face the open countryside. Therefore, internal lighting within the building is likely to be visible within this rural environment. However, the building would be partially screened by the existing trees and there are existing dwellings on both sides. Therefore the potential for light spillage would not be sufficiently harmful to the landscape after dark to warrant refusal.
- 6.26. The scheme does not include any external lighting, but if it was to be installed it could have a significantly greater impact upon the landscape and ecology (see later section of this report) than light spillage from the building. It is therefore appropriate to condition the submission of any external lighting prior to installation.
- 6.27. It would therefore accord with current Local Plan Policies, SSP38 (Special Landscape Areas) and SP15 (Landscape and Townscape), and the emerging Local Plan Policies SCLP10.4 (Landscape Character) and SCLP5.4 Housing in Clusters in the Countryside).

Trees/ Arboriculture

- 6.28. The arboricultural statement and tree survey plan originally submitted with this application related to the previous application in 2017. Therefore updated documents were requested and have been received. The Council's Arboricultural and Landscape Manager has reviewed both the originally submitted documents and the revised documents. He advises that the proposals are acceptable, in that the access route is straight forward and with the use of minimal dig construction, should present no significant impact on the adjacent trees.
- 6.29. Three individual trees, plus some groupings of closely planted birch and larch are shown for removal, but these are poor quality/suppressed and largely out of the public eye so their removal will have little impact on public amenity, if any.
- 6.30. The application details the trees to be retained and the position of protecting fencing and ground protection in the form of geoweb (or equivalent) along the access drive in order to safe guard the trees during construction. It would be appropriate to include conditions on the consent to ensure the implementation of the tree protection measures and the retention of all the trees on the site, shown to be retained on the submitted drawings. Whilst many of the trees are covered by the Tree Preservation Order, some of those proposed to be retained are not covered by this protection, but should be retained in the interests of amenity.

On site ecology considerations

- 6.31. The Section 106 Legal agreement associated with the previous planning permission included a number of landscape and ecological enhancements to the site, which were required in order for the building to meet the requirements of a NPPF paragraph 79 house in the countryside. As the current application has not been submitted for consideration as a NPPF paragraph 79 house, the Local Planning Authority can not justify seeking the landscape and ecological enhancement on the basis of the requirements of Paragraph 79.
- 6.32. However, in accordance with both national and local planning policies (existing and emerging), and national regulations relating to protected species etc. it is required to consider the impacts of the proposal upon both landscape and ecology and can impose appropriate conditions to ensure that suitable mitigation measures are undertaken in respect of these.
- 6.33. The application includes an Ecology Report which makes recommendations regarding site lighting, boundary features for hedgehogs and the retention of deadwood for stag beetle. The Council's Ecologist has reviewed this document and is satisfied with its contents, recommending that a condition is imposed on the consent requiring compliance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report.
- 6.34. The Ecology Report also explains that lighting during construction and operational phases can impact bat foraging behaviour, which could affect foraging success and population. The report outlines published guidance which should be considered when designing external lighting, to reduce potential impacts upon bats (a protected species), including the types of lamps and the way in which it is directed with no horizontal spillage towards trees, hedgerows etc.
- 6.35. Due to these concerns relating to the impact of external lighting upon a protected species and the previously outlined concerns about light spillage into the wider landscape outlined in the earlier section of this report, it is considered appropriate to condition the submission of details of external lighting prior to installation.
- 6.36. There is no need for a legal agreement for the current application, and therefore it is appropriate to include the above ecological related requirements as conditions on the consent itself.
- 6.37. Subject to the inclusion of the above conditions, the scheme would accord with Paragraphs 170 and 175 of the NPPF, current Local Plan Policies SP14 (Biodiversity and Geodiversity) and DM27 (Biodiversity and Geodiversity), and the emerging Local Plan Policy SCLP10.1 (Biodiversity and Geodiversity) in terms of the on and near site ecological matters.

Off Site Ecology Considerations

- 6.38. Habitat Regulations Assessment's (HRA's) have been completed for Local Plan documents including the Core Strategy and Site Allocations and Area Specific Policies documents. Appropriate Assessment has also been carried out for both of these documents. The conclusion of these is that a number of planning policies, including those relating to housing allocation, would have a likely significant effect on European sites and in the absence of

suitable mitigation measures would adversely affect the integrity of these sites. The Local Plan incorporates strategic mitigation measures to be delivered to avoid adverse effects including: 1km separation of strategic allocations from European sites; improvements to convenient local greenspace for routine use, in order to reduce demand for visits to European sites, provision of a new Country Park to provide an alternative attraction, the provision of wardening and visitor management measures, guided by a visitor management plan, to manage and monitor recreational access within European sites.

- 6.39. The development falls within the 13km zone of influence over the following European Protected sites Sandlings Special Protection Area (SPA), the Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, and the Deben Estuary Special Protection Area (SPA) and Ramsar site.
- 6.40. The strategic mitigation measures outlined in the Core Strategy HRA, raises concern that new housing developments in this area have the potential to have a significant effect upon the interest features of the previously mentioned designated sites, when considered in combination, through increased recreational pressure. By way of mitigation Natural England advise that a suitable contribution to the emerging Suffolk RAMS is required in relation to this development to enable the conclusion of no likely significant effect whilst ensuring the RAMS remains viable.
- 6.41. The application seeks consent for a dwelling, within the Zone A for RAMS. As appropriate mitigation cannot be provided on site, a financial contribution of £321.22 per dwelling is required. The applicant has completed the relevant S111 form and made the payment to the Suffolk Coast RAMS in connection with the previous consent DC/17/4940/FUL, and has confirmed in writing that the monies that they are happy for the monies to be retained and used for either scheme (i.e. whichever is subsequently implemented). It can therefore be concluded that there would be no likely significant effect on the integrity of the protected sites as a result of disturbance through increased visitor pressure.

Heritage and Archaeology

- 6.42. There are no Listed Buildings on or in close proximity to the site, and the site is located outside any Conservation Area. However, there are heritage matters to consider in the form of archaeological deposits. As highlighted in the consultation response from SCC Archaeology:

"This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER), close to Prehistoric finds and features (HER ref nos. BEL 004 & BEL 045), and Roman finds (BEL 009). Furthermore, the site overlooks the Finn Valley, a topographically favourable location suitable for occupation of all periods. As a result, there is high potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist."

- 6.43. Therefore in order to safeguard the heritage assets that could exist in the form of archaeological deposits in accordance with the requirements of the NPPF, it would be appropriate to include conditions on any consent requiring the submission and agreement of a written scheme of investigation, its subsequent implementation, prior to

commencement of development, and the subsequent submission of a post investigation assessment prior to occupation.

Highway Safety Considerations

- 6.44. The concerns raised by Little Bealings Parish Council and third parties in relation to the existing width of Martlesham Road near the application site, and the speeds that users appear to travel along it are noted. However, the Local Planning Authority can not require an application to solve existing highway issues, it can only seek to ensure highway safety issues are not exacerbated by a proposed development.
- 6.45. The proposed access driveway to the development has been previously granted through planning permission DC/18/4896/FUL as a new means of access to serve the dwelling previously granted under planning permission DC/17/4940/FUL. Therefore the principle of an access of this form and in this location to serve a dwelling, has already been established.
- 6.46. The Local Highway Authority also raise no objections to the proposal recommending conditions relating to the formation of the access, and parking etc.
- 6.47. Therefore, the formation of the new access and parking arrangements for the dwelling can not be reasonably resisted, due to the pre-existing establishment of the principle and that the Local Highway Authority raise no objections.
- 6.48. However, it is recommended that the condition relating to refuse/recycling bins recommended by the Local Highway is amended so that it only relates to presentation areas, as it would be unreasonable to require details of storage areas given the size of the plot.

Residential Amenity

- 6.49. Representations have not been received from the occupants of either of the dwellings sharing a boundary with the application site outside of the applicants control (Marchwood and Cedar Cottage).
- 6.50. However, in accordance with current Local Plan Policy DM23 (Residential Amenity) and emerging Local Plan Policy SCLP11.2 (Residential Amenity), the potential impacts upon the amenity of current and future occupants of adjoining dwellings and the proposals are material to the consideration of this application.
- 6.51. Due to the proposed separation distances, there would be no significant impacts upon outlook, daylight and sunlight to the adjoining properties, and as this is for a single residential property the potential impacts in terms of noise and disturbance, the resulting physical relationship with other properties, air quality and other forms of pollution, and safety and security would also be acceptable.
- 6.52. The key consideration in terms of residential amenity relates to privacy and overlooking. However, there would be significant distances between the proposed dwelling and the existing windows and private amenity areas of adjoining properties, with existing vegetation also located between the buildings.

- 6.53. The windows proposed on the eastern elevation would be floor to ceiling style openings on the ground floor with smaller openings on the first floor. They would be a mix of secondary windows to the living room and master bedroom, and the sole windows to shower rooms and en suites. They would therefore not be primary windows. Views from the those on the ground floor towards the host dwelling (Bealings Holt) could be largely obscured with a normal height boundary fence (i.e. 1.8-2m) if the occupants of either property wished erect such a feature. The first floor windows would be at a height above the internal floor level which could enable views, but two of them would serve en suites so are likely to be obscurely glazed, and it would be unreasonable to insist on the remaining opening (a secondary window to the master bedroom) to be obscurely glazed due to the distances involved. The side to side distances between the western elevation of Bealings Holt and the eastern elevation of the new dwelling would be in excess of 31m.
- 6.54. On the rear (southern elevation), the openings would provide views over the valley, rather towards the dwellings immediately adjacent. This elevation also includes a balcony and a roof terrace at first floor level. The balcony could enable views sideways in an easterly direction towards Bealings Holt. However, as set out above the side to side distance between the two dwellings would be well in excess of the 24m minimum distance usually insisted upon. Therefore, a screen on the eastern side of the balcony can not be reasonably insisted upon.
- 6.55. The first floor roof terraces is proposed to be set at an angle on the south-western corner of the proposed dwelling, with an external staircase on the north-western side. It would potentially allow views towards the rear of the dwelling to the north-west and its windows on the south-eastern corner (Marchwood), but these would be limited by the existing tree belt which exists on the boundary, and there would be in excess of 25m between the north-western side of the balcony and the south-eastern corner of Marchwood. Therefore, due to the distances involved and the vegetation forming screening, this relationship would be acceptable.
- 6.56. The ground floor level glazing beneath this terrace would also provide views over the rear garden of the proposed dwelling and potential views towards the end of the rear garden of Marchwood would be largely obscured by the existing tree belt.
- 6.57. The western side of the dwelling is proposed to have a roof light serving bedroom 5, and ground floor level glazing serving the pantry and utility with a pedestrian door into the rear of the garage. Views from these towards Marchwood be largely screened by the tree belt and those at ground floor could be further obscured by the erection of a fence if required in the future.
- 6.58. It is unfortunate that bedroom 5 would only have a roof light and no other external opening, as such an arrangement is not ideal in terms of the amenity of future occupiers. However, as this is the fifth bedroom and the only one with out an ensuite, it is considered likely that the other four bedrooms are likely to be used ahead of bedroom 5, and as such, whilst far from ideal, the Local Planning Authority could not reasonably refuse the application on the basis of the lack of amenity for future occupiers of bedroom 5.
- 6.59. There is also an external staircase proposed on the northern side of the attached garage. Views from its top platform towards Marchwood would be also screened by the boundary trees. It is also 22 metres from the rear boundary of Cedar Cottage, so significantly more

than 24m from the rear elevation of that dwelling. It would also not be large enough to facilitate sitting out, but would simply provide a means of access to the roofspace above the garage, so the potential impact upon Cedar Cottage would not be sufficiently detrimental to warrant the removal of the staircase or a screening panel.

- 6.60. The northern (front) elevation of the proposed dwelling would also incorporate significant levels of glazing a Juliet balconies at first floor level. However, these elements are to be set significantly further from the boundary with Cedar Cottage, than the staircase on the garage. The closest area of significant glazing and first floor level Juliet balcony would be the gable containing Bedroom 2, which would be approximately 28.8m from the boundary with Cedar Cottage. Therefore, the proposed front to back relationship between the dwellings would sufficiently large enough to prevent any significant concerns in relation to overlooking or loss of privacy.
- 6.61. Therefore, the currently proposed scheme is acceptable in terms of overlooking and privacy considerations, and would accord with current Local Plan Policy DM23 (Residential Amenity) and emerging Local Plan Policy SCLP11.2 (Residential Amenity).

Consideration of Permitted Development Rights.

- 6.62. As a new dwelling, this property would benefit from all the usual householder Permitted Development Rights, unless they are specifically controlled/removed via a condition on the consent. These would include:
- Class A (Alterations and Extensions), Class B (Roof alterations and extensions), Class C (other roof alterations), Class D (porches), Class E (Outbuildings, pools and domestic heating fuel tanks), Class F (Hardstanding), Class G (Chimneys and flues etc) and Class H (Microwave Antenna) of Part 1 of Schedule 2 of the General Permitted Development Order ,
 - Class A (Walls, Gates, fences and other means of enclosure) and Class C (painting) of Part 2 of Schedule 2 of the General Permitted Development Order,
- and
- Class A (solar equipment on the dwellinghouse), Class B (solar equipment within the curtilage), Class C (Ground source heat pumps), Class D (water source heat pumps), Class E (flues etc for biomass heating), Class F (flue for combined heat and power), Class G (air source heat pumps), Class H (Wind Turbines on the dwellinghouse) and Class I (wind turbines within the curtilage) of Part 14 of Schedule 2 of the General Permitted Development Order.
- 6.63. The previous consent removed many of these Permitted Development Rights, on the basis that the dwelling was being permitted as an exceptional proposal in line with NPPF Paragraph 55, and therefore it was justifiable to seek to control future alterations and additions which could undermine the fundamental design principles which made it an exception under that policy.
- 6.64. The current proposal is not being considered or permitted under NPPF Paragraph 55 (now 79) so permitted development rights can not be removed in the same way. Permitted

Development Rights can only be removed where it can be justified and is reasonable. Therefore a condition removing them in a blanket wide approach is not acceptable, each type of permitted development right and its potential impact must be carefully considered before that right is removed.

- 6.65. There appears to be significant scope for additional alterations to the roofspace of the proposed dwelling to be made without the need for specific planning permission (i.e. using Permitted Development Rights on Classes B and C of Part 1 of Schedule 2 of the General Permitted Development Order) as the roofspace is relatively large and tall with glazing on the front and rear gables. Any additional openings (rooflights or dormer windows) on the side roof slopes of either the main roof slopes or those over the garage/utility element, would require planning permission unless they are either obscurely glazed and fixed shut or more than 1.7m above the internal floor level. Those inserted on the rear would not require specific planning permission even if openable and clear glazed, provided that if inserted in a dormer they comply with certain size restrictions. However, the insertion of such openings on the rear would not result in any significant concerns in terms of residential amenity. If such openings were to be inserted on the front roof slope, they may also not require consent as the dwelling would not directly front a highway. However, given that they would be further from the rear boundary of Cedar Cottage than the currently proposed glazing within the front gables, there would be no significant concerns in terms of the amenity of Cedar Cottage. Therefore, Permitted Development Rights for future roof openings can not be reasonably be removed.
- 6.66. Permitted Development Rights would also allow for additional openings within the side walls of the proposed dwelling, which could provide views towards Bealings Holt and Marchwood. However, their relationship to the neighbours would be similar to those being permitted by the current proposal, and those at first floor level would also have to be either obscurely glazed and fixed shut or more than 1.7m above the internal floor level, in order to be Permitted Development Rights. It would therefore be unreasonable to seek to remove such rights.
- 6.67. In terms of potential for future extensions to the dwelling, those permitted on the rear and side elevations by Class A of Part 1 of Schedule 2 of the General Permitted Development Order are unlikely to have significant impact upon the adjoining residents due to the distances involved. Unusually Permitted Development Rights would potentially allow for front extensions because the principle elevation would face the rear of Cedar Lodge rather than directly on to the highway. Due to the wording of Class A there are few limitations for such front additions, so potentially a significant addition two or three storey addition could be added that could bring the built form significantly closer to the rear boundary of Cedar Cottage, having a significant impact upon the amenity of the residents of that unit. Therefore it would be reasonable to remove Permitted Development Rights for extensions to the north of the dwelling and attached garage.
- 6.68. Similarly, due to the layout of the plot and relationship with Cedar Lodge, rather than directly fronting Martlesham Road, outbuildings could potentially be erected to the north of the dwelling under Class E of Part 1 of Schedule 2 of the General Permitted Development Order. However, such buildings with both the northern part of the plot and to the sides and rear of the dwelling would be restricted by the usual height restrictions, so could only be single storey using the Class E rights, and as such would have limited potential for significant

impacts upon the adjoining residents. Therefore, it would be unreasonable to seek to remove these rights on the basis of residential amenity considerations.

- 6.69. Such outbuildings (Class E) and the installation of hardstanding (Class F) could potentially affect the roots and thus the health of the trees on the site. However, the trees to be retained are proposed to be protected by condition, and many are already the subject of a Tree Preservation Order. Therefore, it would also be unreasonable to remove Permitted Development Rights for Class E works.
- 6.70. The rights permitted under Class A (Walls, Gates, fences and other means of enclosure) and Class C (painting) of Part 2 of Schedule 2 of the General Permitted Development Order, could also not reasonably be removed. The site and its relationship with neighbouring dwellings is spacious and the trees would also soften views of it from wider public vantage points. Therefore the impacts of changes under these classes would be potentially limited.
- 6.71. As set out above, the rights permitted under Part 14 of the General Permitted Development Order relate to the provision of renewable energy, which is something that planning policy seeks to encourage, and it would be unreasonable to discourage the installation of such features. Therefore these permitted development rights should be left intact.

Land Contamination

- 6.72. The site desktop study and land contamination questionnaire indicate that there is no known contamination at the site that would prevent a grant of planning permission. A condition covering unexpected contamination is recommended if consent were to be granted.

Flood Risk

- 6.73. The application site is located in flood zone 1 - the area at the lowest risk of flooding. Thus, there is no conflict with policy DM28, which directs new housing to low risk areas.

Community Infrastructure Levy (CIL)

- 6.74. As this proposal is for a new dwelling it would be Community Infrastructure Levy (CIL) liable. The site is located within the High Charging Zone, which currently has a rate of £193.44 per sqm (index linked). The CIL questionnaire completed with the application indicates that the applicant does not wish to claim self build exception for the new home, and that the proposed gross internal area would be 388sqm. Therefore, if the consent were to be implemented this financial year this would equate to a CIL Liability of £75,054.72.
- 6.75. The Parish of Little Bealings does not have a 'made' Neighbourhood Plan, so 15% of these monies would go to the Parish, with the remaining 85% being retained in the District Infrastructure CIL Fund, to then be allocated to infrastructure projects.

7. Conclusion

- 7.1. This proposal would not accord with the current local plan, as it would not meet the defined exception for dwellings in clusters in the countryside within policy DM4, the scheme would meet the requirements of the emerging policy for dwellings in clusters in the countryside

(SCLP5.4), because the distance from the settlement boundary criteria is not proposed as part of the new planning policy.

- 7.2. Therefore, this application is contrary to the current Development Plan, but would accord with the new Development Plan, which has significant weight as it is expected to be in place as adopted planning policy in the near future.
- 7.3. The scheme is also acceptable in terms of all other relevant planning policies and material planning considerations.
- 7.4. Therefore, it is considered appropriate to approve this proposal in accordance with the emerging local plan policies, subject to appropriate conditions being included on the consent to safeguard matters of significance such as archaeology, highway safety, ecology, residential amenity and visual amenity.

8. Recommendation

- 8.1. Approve subject to the conditions set out below

Conditions:

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

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

2. The development hereby permitted shall not be carried out other than in complete accordance with
 - Drawing 1001 (Site Location Plan), Drawing 1002 (Block Plan), Drawing 103 (Floor Plans) and Ecology Report (MHE Consulting, May 2020) received 26 May 2020
 - Arboricultural Report (reference LSD11281, July 2020) and Tree Survey and Protection Drawing (reference LSDP11281.03 Rev A), received 13 July 2020,
 - and
 - Drawing 1004 (elevations) received 20 July 2020.

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

3. No development shall commence until details of the roof, wall materials and finishes to be used have been submitted to and approved by the local planning authority.

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

4. No other part of the development shall be commenced until the new vehicular access has been laid out and completed in all respects in accordance with Drawing No. SCC DM01 with an access width of 3m and has been made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and is brought into use before any other part of the development is commenced in the interests of highway safety.

5. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

6. Prior to the occupation of the hereby permitted dwelling, 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. Before the access is first used visibility splays shall be provided as shown on Drawing No. 1001 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action

8. The hereby permitted dwelling shall not be occupied until the area(s) within the site shown on Drawing No. 1002 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained 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.

9. Prior to the occupation of the hereby permitted dwelling details of the areas to be provided for presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

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

10. No development shall take place within the area indicated [the whole site] 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.
- g. 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 (2012).

11. The hereby approved dwelling shall not 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 [1] 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 (2012).

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.

13. No external lighting shall be installed without the prior submission and approval 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, and the luminance levels). There after only the approved lighting scheme shall be installed and maintained in that form.

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

14. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecology Report (MHE Consulting, May 2020) received 26 May 2020.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

15. None of the trees or hedges shown to be retained on the approved plan (drawing LSDP 11281.03 Rev A, received 13 July 2020) shall be lopped, topped, pruned, uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season, with trees or hedges of a size and species, which shall previously have been agreed in writing by the local planning authority.

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

16. No development shall commence or any materials, plant or machinery be brought on to the site until the fencing to protect the trees and the ground protection in the form of geoweb (or equivalent) along the access drive has been erected /installed in accordance with drawing LSDP 11281.03 Rev A, received 13 July 2020. The protective fencing and geo web (or equivalent) shall be retained throughout the period of construction unless otherwise agreed by the local planning authority.

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

17. Notwithstanding the provisions The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) or any Order revoking or re-enacting the said Order] no extensions shall be added forward of the dwelling and its attached garage (the northern elevation) of any kind specified in Part 1, Class A of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity, the protection of the local environment, and to safeguard the amenity of Cedar Cottage.

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@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

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

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

3. 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

4. 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.

5. It is unclear whether the development will involve a connection to the mains, or a private water supply. If the development involves connecting to an existing private water supply, or the creation of a new private water supply advice should be sought from the Environmental Protection Team prior to commencing works. All works undertaken must comply with the Private Water Supplies Regulations 2016 (as amended).
6. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2006 Edition, incorporating 2010 and 2013 amendments Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2006 Edition, incorporating 2010 and 2013 amendments.

Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 220m from the proposed build site and we therefore recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

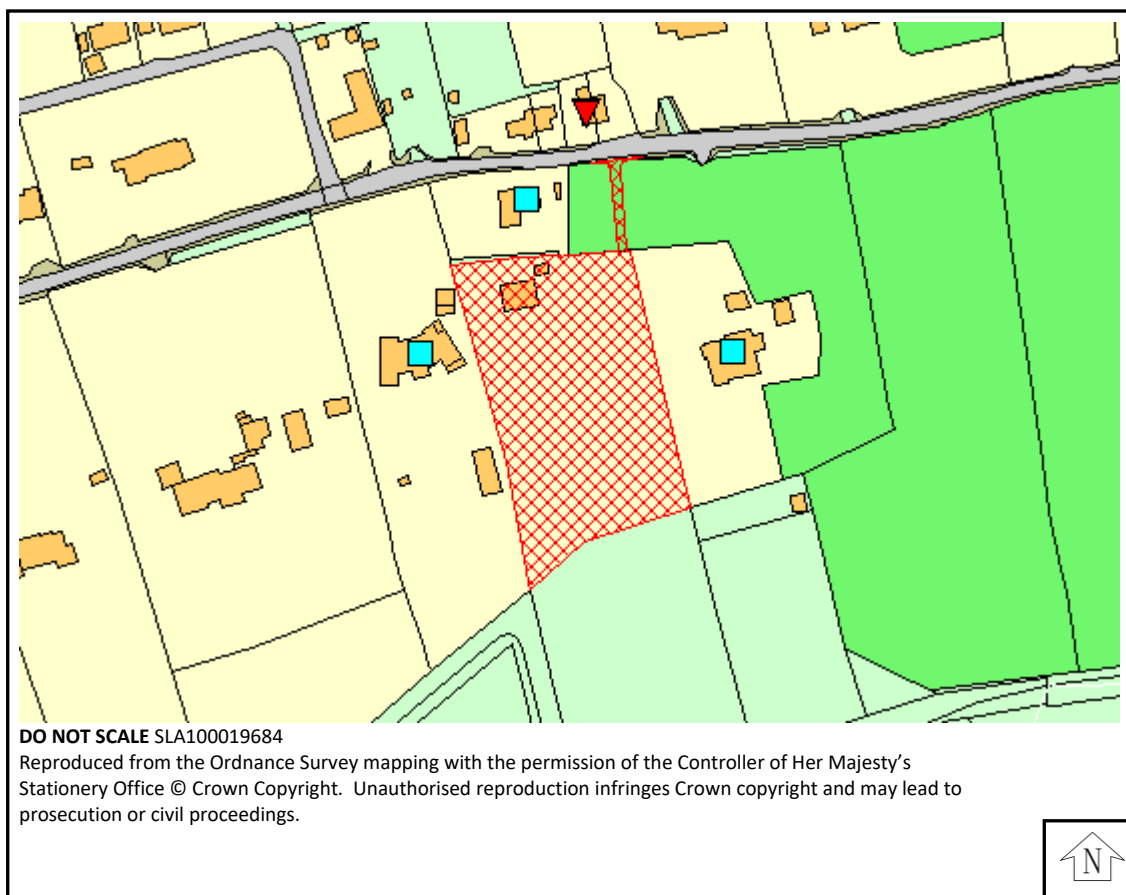
7. The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service. The SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further

investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.





9. Background Papers/ information

See application reference DC/20/1909/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAXYQAQXJS100>

Map



Key

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

Committee Report

Planning Committee - 25 August 2020

Application no DC/20/1893/OUT

Location

21 Fleetwood Avenue
Felixstowe
Suffolk
IP11 9HR

Expiry date 16 July 2020
Application type Outline Application
Applicant Mr A Warner-Lacey

Parish Felixstowe

Proposal Outline application for one dwelling on land to the rear of 21 Fleetwood fronting Dellwood Avenue

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

1. Summary

- 1.1. The application site comprises part of the rear garden of 21 Fleetwood Avenue, Felixstowe. The application is made in Outline form and proposes the erection of a detached dwelling.
- 1.2. The application was presented to the Referral Panel on 30th June with a recommendation of refusal as the Town Council support the application. At this Referral Panel meeting, members were content that the application could be delegated to Officers for a decision. Following this meeting, Officers were supplied with a number of example cases whereby similar proposals had been permitted within Felixstowe. On balance, it was therefore considered that the recommendation of refusal due to the plot being cramped within the streetscene and out of character with the area would be difficult to argue and therefore the recommendation should be to approve. The application was therefore taken back to the Referral Panel on 14th July where members decided that in the interests of transparency, following Officers' change of recommendation that the application ought to be determined by Planning Committee.

2. Site description

- 2.1. The application site comprises part of the rear garden of 21 Fleetwood Avenue in Felixstowe. The property is located on a corner plot with its side boundary fronting Dellwood Avenue. Access to the proposed dwelling would be off Dellwood Avenue.
- 2.2. The site is located within the physical limits boundary of Felixstowe and is mostly surrounded by other residential dwellings however to the north of the site, on the opposite side of Dellwood Avenue are sports pitches.

3. Proposal

- 3.1. The application seeks outline planning permission with all matters reserved for the erection of one dwelling fronting Dellwood Avenue.
- 3.2. An indicative layout has been received but this does not form part of the proposal at this stage.

4. Consultations/comments

- 4.1. One letter of objection has been received from a neighbouring resident raising the following concerns:
- overlooking and loss of privacy from potential first floor rear windows
 - loss of two mature silver birch trees

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	26 May 2020	11 June 2020
Summary of comments: Committee recommended APPROVAL.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	26 May 2020	16 June 2020
Summary of comments: No objections - recommends standard conditions.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	26 May 2020	27 May 2020

Summary of comments:

No objections - recommends standard condition regarding contamination.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	26 May 2020	No response

Summary of comments:

None received

Consultee	Date consulted	Date reply received
Ecology (Internal)	26 May 2020	16 June 2020

Summary of comments:

Comments included in report

Publicity

None

Site notices

General Site Notice

Reason for site notice: General Site Notice

Date posted:

Expiry date:

5. Planning policy

- 5.1. 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.
- 5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
 - The ‘Saved’ Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))
 - SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
 - XSP19 - 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))
 - DM7 - Infilling and Backland Development within Physical Limits Boundaries (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))
 - DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- 5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors

letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

- 5.5. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.
- 5.6. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.

6. Planning considerations

- 6.1. The application site is located within the physical limits boundary of Felixstowe and therefore the principle of development in this location is acceptable in accordance with SP1, SP1a, SP19 and SP21 of the Local Plan and FPP2 of the Felixstowe Peninsular Area Action Plan.

Design

- 6.2. The site is located in a primarily residential area with the exception of the sports grounds opposite. The properties within the immediate area are generally detached dwellings, set back slightly within the streetscene with spacious rear gardens. The proposed plot would be noticeably smaller than its immediate neighbours however there other smaller plots, including those with infill development in relatively close proximity to the site. As there is sufficient space within the streetscene for the erection of a dwelling, despite the relatively short rear garden that the proposed dwelling would have, it is considered that the plot would be capable of accommodating a modest dwelling and would not be out of keeping with the character or appearance of the area. The proposal is therefore considered to be in keeping with DM7 and DM21 of the Local Plan. Particular care should be given at the Reserved Matters stage to ensure that the size and design of the dwelling is appropriate for the size of the plot.

Residential Amenity

- 6.3. Although no details of the proposed dwelling are currently being considered, given the size and location of the site, any new dwelling with first floor windows in the rear elevation would likely result in direct overlooking of this private amenity space at a short distance. It will therefore be important to consider the proposed design and layout of any new dwelling to ensure that there would be no direct overlooking to the neighbouring property to the south, or back towards the host dwelling.
- 6.4. The creation of the dwelling is not considered to have an adverse impact on outlook from any existing dwellings or impact on light to existing dwellings. Other than the proposed dwelling having a relatively small garden area, it is considered that it would have adequate outlook and light to it.

Ecology

- 6.5. The proposed development appears unlikely to result in significant adverse impacts on protected species or UK Priority habitats or species. A small amount of habitat suitable for

nesting birds appears to be lost to the proposed development and therefore, if permission were to be granted conditions to mitigate this impact would be required.

- 6.6. The site is within the Suffolk RAMS Zone of Influence (Zone A) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites). A S111 form in relation to this, along with a financial contribution of £321.22 to the Suffolk Coast RAMS has been made and therefore it can be concluded that the proposal would have no likely significant effects on the protected European Sites.

Highways

- 6.7. The local highways authority has no objection to the proposal and has suggested a number of conditions regarding the access and site layout. As all matters, including access, are reserved, any highways related considerations should be made at Reserved Matters stage when specific details are presented.

7. Conclusion

- 7.1. The application site is located within the physical limits boundary of Felixstowe where the principle of a new residential dwelling is acceptable in accordance with the principles of sustainable development. Although the plot would be smaller than those in the immediate vicinity, it is not considered that it would appear cramped and overdeveloped within the streetscene and there are a number of other, similar infill plots in the wider area that it would not be out of character. Concerns regarding the impact of possible overlooking to neighbouring dwellings could be considered at the Reserved matters stage.

8. Recommendation

- 8.1. Approve, subject to controlling conditions detailed below.

Conditions:

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.
Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such reserved matter to be approved.
Reason: This condition is imposed in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).
3. The development hereby permitted shall be completed in all respects strictly in accordance with Site Plan received 22 May 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.

4. 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 BS10175:2011+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.

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

Reason: To ensure that nesting birds are protected.

6. Commensurate with the Reserved Matters Application details of integrated nesting opportunities for swifts (*Apus apus*) within the new dwelling will be submitted to and approved in writing by the local planning authority. These measures will be delivered in accordance with the approved details.

Reason: To ensure that the development delivers ecological enhancements.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.

2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

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

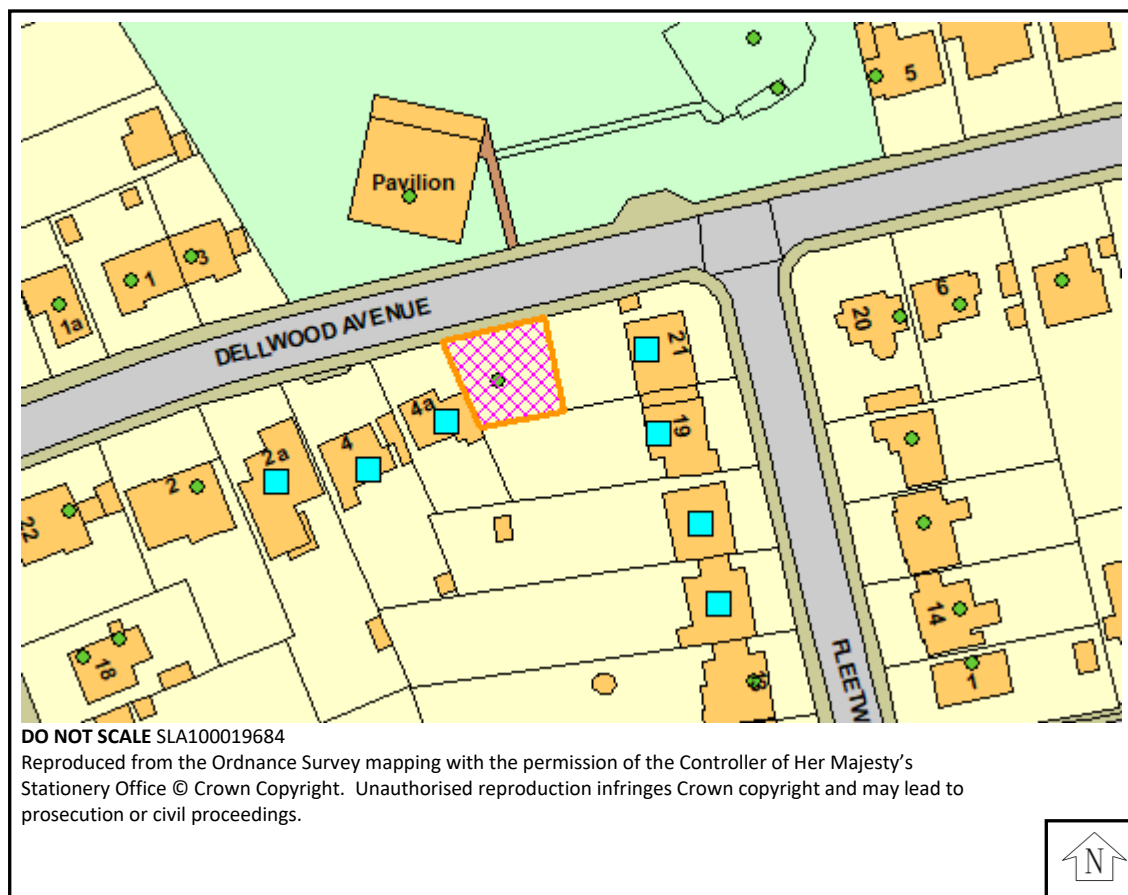
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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





Background information

See application reference DC/20/1893/OUT at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAQK3MQXJQ400>

Map



Key

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

Committee Report

Planning Committee - 25 August 2020

Application no DC/20/1418/FUL

Location

Iken Hall
Tunstall Road
Iken
Suffolk
IP12 2EP

Expiry date	1 June 2020
Application type	Full Application
Applicant	Mr & Mrs A Hutson
Parish	Iken
Proposal	Machinery storage building.
Case Officer	Rachel Smith 01394 444628 rachel.smith@eastssuffolk.gov.uk

1. Summary

- 1.1. The application site is located in the countryside within the parish of Iken. It also lies within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The proposal involves the erection of a building to house equipment for the maintenance of a meadow to the north and west of Iken Hall.
- 1.2. The application was presented to the Referral Panel on 14th July 2020 as the Parish Council objected to the proposal which is being recommended for approval. The Referral Panel considered that given the previous refusals for storage buildings on the site, the application should be determined by Planning Committee.

2. Site description

- 2.1. The application site comprises an area of approximately 5 Hectares to the north of Tunstall Road, in the countryside, within the Parish of Iken. To the north of the site is the River Alde.

Along the southern boundary adjacent to the highway is a hedge line and there is a small area of trees to the east of the site access. A public footpath gives access through the site to the river. The proposed building would be situated to the west of the access to the north of the boundary hedge.

3. Proposal

- 3.1. The application proposal seeks the erection of a storage building required to keep equipment for maintenance purposes in relation to the wider site (approx. 5 Hectares).
- 3.2. The building would be 11 metres wide and 5 metres deep with a maximum height of 6 metres. It would be finished in black stained timber boarding on a brick plinth with a tiled roof.

4. Consultations/comments

- 4.1. No third-party comments received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Iken Parish Council	9 April 2020	19 April 2020
<p>Summary of comments:</p> <p>Customer objects to the Planning Application</p> <ul style="list-style-type: none"> - Loss of open space - Loss of outlook - Loss of view - Other reason <ol style="list-style-type: none"> 1. The plans (of the curtilage) as shown on the previous application were those that local knowledge could support. This plan of the curtilage has included part of a field which has not been part of the curtilage but which was used as a car park for an illegal camping enterprise. 2. There is an area on the plans which touches the new site to the west of the garden area and may be put forward as suggested curtilage of Iken Hall. Any area to the west of the line of trees or even including the trees is far too remote to qualify as curtilage. 3. The new site is positioned in an open field which is an AONB and no development should take place there. In 2006 SCDC refused plans for the same applicant to build a barn/storage building under similar circumstances. 4. There are wooden bases and small wooden sheds dotted around this field which are the remains of a campsite erected without planning permission and subsequently closed by SCDC. These constructions should have been removed. 5. The building would be best kept within the vast curtilage of the main house. <p>The visual impact on the SSSI in Iken parish is key, particularly for Iken PC. Large numbers walk from Snape to Iken beach every year and the site is clearly visible from the river path and the path through the field. The coastal path will make this area more important for tourists. The statement from Nicholas Newton that the PROW is not greatly used is simply not true. And again, this will</p>		

become more important as the Coastal Path gets busier.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	9 April 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	9 June 2020	No response
Summary of comments: None received		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	9 April 2020	16 April 2020
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	9 April 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	N/A	18 May 2020
Summary of comments: Suffolk Fire and Rescue Service records show that the nearest fire hydrant in this location is over 180m from the proposed build site and we therefore recommend that consideration is given to providing extra water for firefighting purposes		

Consultee	Date consulted	Date reply received
Alde And Ore Association	N/A	2 July 2020
Summary of comments: Object		

Consultee	Date consulted	Date reply received
Suffolk Coasts And Heaths Project	N/A	1 May 2020
Summary of comments: Objects		

Publicity

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

Category	Published	Expiry	Publication
Tree Preservation Order	18 June 2020	9 July 2020	East Anglian Daily Times

Category	Published	Expiry	Publication
Tree Preservation Order	16 April 2020	8 May 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Tree Preservation Order In the Vicinity of Public Right of Way Date posted: Expiry date:
---------------------	---

5. Planning policy

5.1. 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.

5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;

- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))
- SP15 - Landscape and Townscape (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))
- DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM15 - Agricultural Buildings and Structures (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

5.5. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.

5.6. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.

5.7. The relevant Policies within the emerging Suffolk Coastal Local Plan are:

- SCLP3.3 – Settlement Boundaries
- SCLP10.4 – Landscape Character

6. Planning considerations

- 6.1. The site is located in a sensitive landscape within the nationally recognised landscape designation, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty. The proposed building would be relatively modest in size and scale and constructed in a traditional design which is considered to be acceptable in design terms.
- 6.2. The application was originally entitled a 'garden machinery store' however the application was made on full planning permission forms, included the planning application fee relating to an agricultural building and is located outside of the residential curtilage of Iken Hall. It was later confirmed that the building would be used for machinery storage in association with the existing agricultural land and the application description has been amended to reflect this.
- 6.3. The site is located in the countryside and development in such areas is generally limited to that which has to be located there because of necessity. As the land on which the building would be located has an agricultural use and extends to approximately 5 Hectares, it is considered reasonable that a storage building is located on the site. Whilst the land is not currently farmed, it would still require some maintenance and the applicant has also set out their plans for planting lavender on the field. The principle of the storage building which is relatively modest in size and proportionate to the land that the applicant has control over is considered to be acceptable and in accordance with Policy DM15 which requires that agricultural buildings would have no adverse impact on landscape, particularly in designated areas and that there would be no highways impact of the development.
- 6.4. The location of the proposed building behind the hedge makes the building less visible from the road, but it is in a more open position in the landscape as a whole. The receptor field is relatively level for around half its width towards the river, before it drops down to the water's edge. Visibility from the popular Snape Maltings to Iken church path is therefore limited with only one location where the top of the building may be visible and where it would be viewed against a backdrop of vegetation. The view from this footpath would therefore not be significantly adversely affected. There will be far greater visibility from the PROW that is adjacent to the site and which runs between the road and riverbank, although this is likely to be a lesser used footpath. Maps showing the location of the PROW show it to be located in close proximity to the location of the proposed building however in reality, it appears to be located further west, on the opposite side of a hedged field boundary, again, providing screening. One existing pine tree towards the east of the site is required to be removed to accommodate the proposed access track however there are no objections to this as the trees would seem to be in need of thinning anyway. Overall, the open position of the barn is not wholly desirable, but it is considered that there are insufficient grounds for objection for reasons concerning landscape and visual impact.
- 6.5. It should be noted that two previous applications have been refused for an agricultural storage building on the site due to the adverse impact on the landscape. One in 2006 (C06/1012) and a second in 2010 (C10/2632). The earlier of these applications proposed a larger building however the latter had a slightly larger footprint however was of a smaller scale than that now being considered. Although the application site was the same as the current application, the Council's records do not show the precise location of the building on

the land for either of these earlier applications. Without knowing the location of the building as previously proposed it is difficult to compare applications however this application was also ten years ago and therefore planting on and around the site could have changed somewhat since then. The recommendation of this application is made based on the current proposal at the current time.

- 6.6. Whilst the concerns of the Parish Council, Alde and Ore Partnership and the AONB Unit are recognised, it is considered that this is the most appropriate location for such a building within the applicant's land. Closer to the river, the building would become more prominent in views from the river path and in its current location it would be screened from the highway by the existing boundary hedge. It is also noted that their comments are based on the description of the building being for garden maintenance which was later corrected.

7. Conclusion

- 7.1. The building is considered to be reasonably necessary for agricultural purposes that would permit the principle of such a development in the countryside and of an appropriate design and location such that it would not have a significantly detrimental impact on the wider countryside. It would therefore accord with the planning policy listed above.

8. Recommendation

- 8.1. 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 Plan and Block Plan received 21 May 2020 and drawing no. 2612/19/1 received 6 April 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.
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. None of the existing trees or hedgerow on the southern site boundary shall be uprooted, felled, wilfully damaged or in any other way destroyed or removed without the prior written consent of the local planning authority. Any trees or hedgerow removed, dying, being severely damaged or becoming seriously diseased within five years of the completion of the development shall be replaced during the first available planting season with trees and/or

shrubs of a size and species which have previously been agreed in writing by the local planning authority.

Reason: To safeguard the visual amenity provided by the trees and hedgerows.

5. The building hereby approved shall be used for storage purposes only in association with the maintenance of the land on which it is situated and shall not be used for any purposes ancillary to a residential dwelling.

Reason: The building is located outside of any residential curtilage and therefore a building in this location would only be approved where it is reasonably necessary for purposes relating to agriculture.

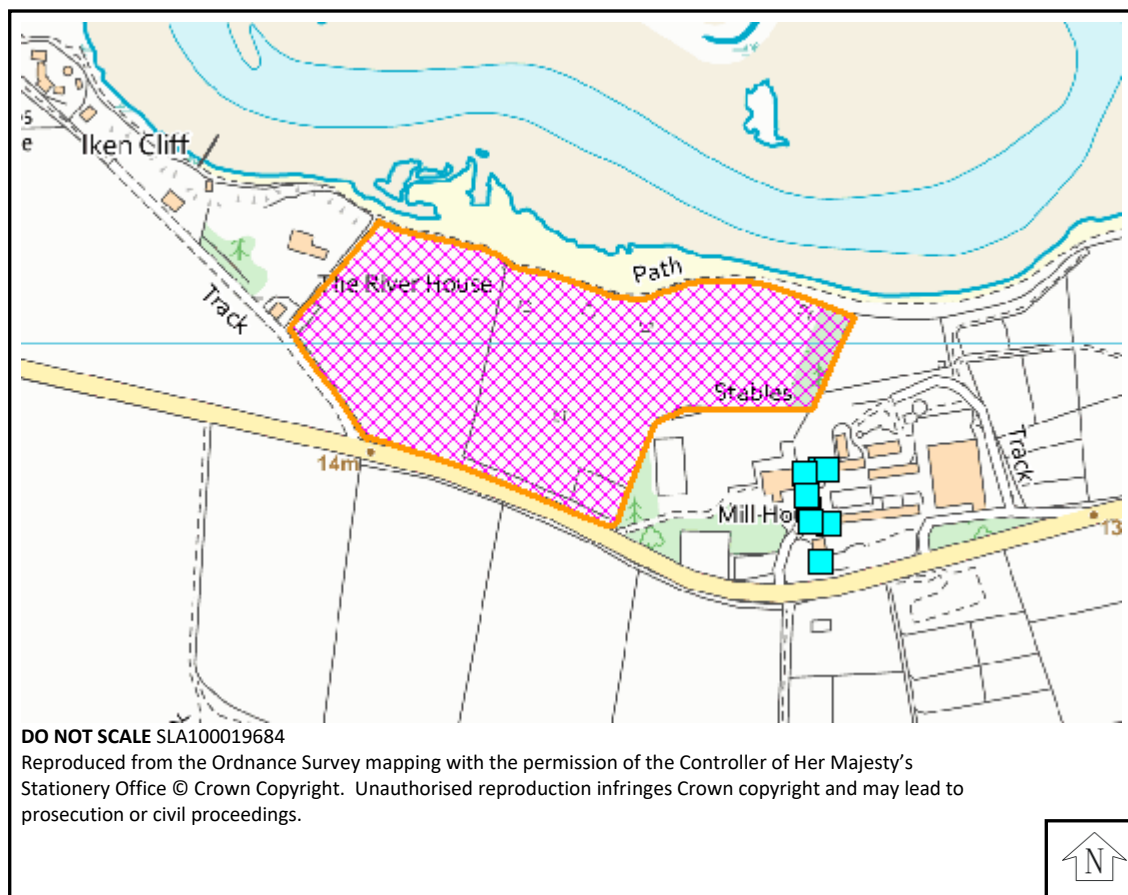
Informatives:

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.

9. Background Papers/information

See application reference DC/20/1418/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8ERRHQX06O00>

Map



Key

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

Committee Report

Planning Committee – 25 August 2020

Application no DC/20/1836/FUL

Location

Martlesham House
School Lane
Martlesham
Suffolk
IP12 4PG

Expiry date 20 July 2020 (Extension of time until 28 August 2020)

Application type Full Application

Applicant GDM & EA de Margary

Parish Martlesham

Proposal Construction of one detached dwelling

Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsoffolk.gov.uk

1. Summary

- 1.1. This application seeks full planning permission for the erection of one detached two-storey dwelling. The application also proposes an outside pool, two detached outbuildings to provide garaging and a summerhouse associated with the proposed pool. The proposal also involves a new access onto Three Stiles Lane and a proposed front boundary wall along the front of the site.
- 1.2. The site crosses the defined settlement boundary. The proposed dwelling, pool and outbuildings would be located outside of this boundary. The scheme therefore constitutes a new dwelling in the countryside, which would be contrary to the Local Development Plan Policies. However, the site has development on two sites, is within a sustainable location, and would not otherwise result in significant material planning harm. It is therefore recommended for approval, contrary to the current local plan.
- 1.3. The positive recommendation, contrary to the current local plan, triggered the items referral for determination by the South Area Planning Committee.

- 1.4. The recommendation is for approval, subject to the receipt of the necessary habitat mitigation measures/payment and subject to controlling conditions.

2. Site description

- 2.1. The site is located within the Parish of Martlesham. It is a parcel of undeveloped land currently appearing to form part of the curtilage of Martlesham House and located on the northern side of Three Stiles Lane. The applicant also owns the existing detached dwelling to the east of the site. That dwelling (Martlesham House) is located to the north of the junction between Three Stiles Lane, and School Lane.
- 2.2. A significant part of the site, including the location of the proposed dwelling is located outside of the settlement boundary as defined within the Martlesham Neighbourhood Plan (NP). Approximately one third of the site lies within the settlement boundary (the northern end of the site), with the remaining area of the site being outside of the settlement boundary and therefore is defined as being within the countryside (approximately the southern two-thirds).
- 2.3. To the west of the proposed site, lies Floyd's, a large detached bungalow with U-shaped footprint. That dwelling has two accesses onto Three Stiles Lane and a detached outbuilding to the west. Further dwellings also exist further to the west, on the northern side of Three Stiles Lane, including a dwelling approved under reference DC/14/4247/FUL.
- 2.4. To the north of the application site, within the defined settlement limits there is a pair of semi-detached dwellings, granted under reference C/05/2122, with further dwellings to the north and north west (Viking Heights).
- 2.5. The site is outside any designated landscape, but land to the east of School Lane is defined as Area of Outstanding Natural Beauty (AONB).

3. Proposal

- 3.1. This application seeks full planning permission for the erection of a two-storey four-bedroomed detached dwelling accessed via Three Stiles Lane. The main roof is proposed to be hipped on all four sides to meet a central flat roof. A single-storey veranda with lean-to roof is proposed on the front and western side of the dwelling, with a single-storey dual pitched element on the eastern side.
- 3.2. The application also proposes an outside swimming pool, with associated summerhouse/changing space, and two other detached outbuildings to provide undercover parking, accessed via paved parking/turning area within the front garden.
- 3.3. The largest of the three outbuilding is proposed to include two covered parking bays (garaging), a storage bay, a home office, wc, storage and plant room for the swimming pool. It would be located so its longest dimension is parallel to Three Stiles Lane, and it would be situated behind the front boundary wall that is proposed as part of this application.

- 3.4. The other parking building is proposed to be located closer to the eastern boundary and could accommodate up to 3 vehicles.

4. Consultations/comments

- 4.1. Two neighbour objections have been received from the two properties to the immediate rear (north) of the application site. The comments raised objects in particular to:

- Design
- Size and Scale
- Overlooking/Privacy
- Flood Risk
- Principle/New development
- Ecology/AONB impact

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Martlesham Parish Council	27 May 2020	16 June 2020
<p><i>"The Parish Council objects to this planning application unless certain concerns can be overcome, particularly with regard to access. Additional information is also required.</i></p> <p><i>The site lies outside the physical limits of Martlesham as defined in the Martlesham Neighbourhood Plan (Policy MAR1). Development proposals outside the physical limits boundary will not be permitted unless:</i></p> <p><i>1. they are in accordance with Suffolk Coastal Local Plan policies in respect of appropriate uses in the countryside;</i></p> <p><i>or</i></p> <p><i>2. they relate to necessary utilities infrastructure and where no reasonable alternative location is available.</i></p> <p><i>We note that a number of sites on the north side of Three Stiles Lane have received planning permission over the years despite the Council's objections and the fact that they were outside the physical limits. The proposal does not comply with the existing Policy SP29 for housing in the countryside as there is no need for the development to be located there. It could however be argued that it does comply with some of the criteria in emerging Local Plan policies SCLP5.4 and SCLP5.7, e.g. "The scale, design and materials would not result in harm to the street scene or character of the area".</i></p> <p><i>However, the access to this site would be off Three Stiles Lane, an un-adopted and un-made road designated as a bridleway. It should be clarified what impact this development will have on the bridleway as the status of a bridleway does not permit vehicular access. Three Stiles Lane is a narrow track which we have previously highlighted as unsuitable for further development and unsuitable for use by construction traffic. Objections to access to the site could possibly be</i></p>		

overcome if this were to be restricted to access from the eastern end of the lane, to avoid increased vehicular access from the Felixstowe Road/Crown Point junction.

Before the application is determined details of drainage should be provided. We would also wish to see a landscaping plan which shows proposals for the whole site of tree removal, retention, and protection, to ensure the retention of screening for the houses in Viking Heights and Burhill.

There appears to be a discrepancy between Groundsure's study site for the Environmental Risk Assessment and the site of the actual development as shown on the site location plan."

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	27 May 2020	22 June 2020
Summary of comments: No objections subject to conditions.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	27 May 2020	No response
Summary of comments: No comments.		

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	27 May 2020	1 June 2020
Summary of comments: No objections, gives standard advice in regards to use of Bridleways.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	27 May 2020	No response
Summary of comments: No comments.		

Publicity

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

Category	Published	Expiry	Publication
Departure	4 June 2020	25 June 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: In the Vicinity of Public Right of Way Contrary to Development Plan Date posted: n/a Expiry date:
---------------------	--

5. Planning policy

- 5.1. 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.
- 5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
 - Martlesham Neighbourhood Plan (made July 2018).
- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))

- SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- XSP19 - 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))
- DM4 - Housing in Clusters 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))
- DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM27 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

5.4. The relevant policies of the Martlesham Neighbourhood Plan are:

- MAR1 - Martlesham Physical Limits Boundaries (Martlesham Neighbourhood Plan - 'Made' July 2018)
- MAR4 - Residential Design and Amenity (Martlesham Neighbourhood Plan - 'Made' July 2018)
- MAR15 - Parking Provision (Martlesham Neighbourhood Plan - 'Made' July 2018)

5.5. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors

letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

- 5.6. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.
- 5.7. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.

6. Planning considerations

Principle:

- 6.1. The proposal is for a new two storey detached dwelling off Three Stiles Lane in Martlesham. The majority of the application site falls outside the defined settlement boundary of Martlesham as defined within policy MAR1 of the Martlesham Neighbourhood Plan and is therefore considered to be countryside (SP29). The proposed dwelling and associated features are proposed within this part of the site, and therefore would be in the countryside.
- 6.2. The proposal is located within the countryside where in accordance with the NPPF, Policies SP1, SP1A, SP19 and SP29 of the Local Plan, and Policy MAR1, there is a general presumption against residential development unless the proposal accords with the one of the exceptions set out in the NPPF, and Local Plan Policies DM1, DM3, DM4 or DM13.
- 6.3. The proposal is for a new open market dwelling, and not proposed under paragraph 79 of the NPPF, therefore it can not be permitted under either the exceptions permitted in paragraph 79 of the NPPF or Local Policy DM1 (affordable housing exception sites).
- 6.4. Local Planning Policy DM3, also permitted dwellings in the countryside, where they are a replacement on a one for one basis, sub-division of a larger dwelling to meet a local need, conversion of an existing building in accordance with policy DM13, or minor infilling within clusters in accordance with policy DM4. This proposal is not a replacement dwelling, sub-division of a larger dwelling or conversion of an existing building. This therefore leaves consideration under Policy DM4.
- 6.5. In this instance, the proposed scheme would meet some of the requirements of DM4, in that it is well related to the existing settlement boundary, with development on two sides, but the scheme ultimately fails the policy test because the existing application site is within not a continuous line of development within a group meeting the definition of cluster set out in the policy, as there are clear gaps between the properties along Three Stiles Lane.
- 6.6. The equivalent policy to DM4 within the emerging Local Plan is Policy SCLP5.4 (Housing in Clusters in the Countryside), which allows for proposals of up to three dwellings within a cluster of five or more dwellings, where:

"b) The development consists of infilling within a continuous built up frontage, is in a clearly identifiable gap within an existing cluster, or is otherwise located adjacent to existing development on two sides;

c) The development does not represent an extension of the built up area into the surrounding countryside beyond the existing extent of the built up area surrounding, or adjacent to, the site; and

d) It would not cause undue harm to the character and appearance of the cluster or, result in any harmful visual intrusion into the surrounding landscape."

6.7. The current application site has dwellings on three sides (Floyd's to the west, 1 and 2 Burhill to the north, and Martlesham House to the east). The scheme does not represent an extension of the built up area into the wider countryside, and as set out in the visual amenity and streetscene considerations section below, would not result in undue harm to the character and appearance of the cluster or result in any harmful visual intrusion in the surrounding landscape. It therefore meets the above sections of the policy.

6.8. This emerging policy SCLP5.4 also redefines 'cluster' as:

*"- Consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and
- Contains 5 or more dwellings."*

6.9. If the dwellings within the settlement boundary are included, there are more than five existing dwellings within the group. However, they do not all front the same highway. Therefore the scheme would not appear to fully meet the requirements of the emerging policy either.

6.10. However, infilling with one dwelling on the proposed site, between the existing dwellings, would meet the other objectives of this emerging local plan policy, and as set out below not result in significant material planning harm.

6.11. It is also relevant to note that previous consents for dwellings on the northern side of Three Stiles Lane have been granted within this existing local plan period, including permission reference DC/14/4247/FUL. At the time of the determination of that application, Three Stiles Lane was considered to be a sustainable location capable of accepting residential development, even though it did not meet local planning policies.

6.12. The NPPF and current Local planning policies SP1 and SP1A seek to promote sustainable development. The proposed application is considered to be a sustainable form of development, in a sustainable location, due to its relationship with the settlement boundary and accessibility to key services and facilities within the settlement.

6.13. It is therefore considered that the principle of a dwelling on this site should be supported in accordance with the principles of sustainable development.

Visual Amenity and Streetscene:

6.14. The proposed external appearance of the dwelling, whilst unusual due to the proposed hipped/flat roofed arrangement is considered to be acceptable. Its size and scale is appropriate for the size of the plot and is not considered to be out of character with the dwellings in the surrounding area.

- 6.15. The proposed dwelling will be well screened from the north and both adjacent side properties by the existing trees that are proposed to be retained on site.
- 6.16. The proposal will also involve the provision of a front boundary wall which will replace the existing boundary frontage on site. Whilst brick boundary walls along frontages are not usually considered to be appropriate in rural locations. Both the adjacent neighbours already have brick front boundary walls and therefore this feature would be in keeping with the locality.
- 6.17. Overall, the proposed dwelling would be of good design and well suited to the size and scale of the plot. The dwelling is proposed to be located in the centre of the plot with the outbuildings to the front and sides located around the parking and pool areas.
- 6.18. The outbuildings whilst unusually proposed to the front of the property, would be in suitable locations, as there are a large amount of trees alongside and to the rear of the property and therefore if they were to be repositioned to the rear of the house, this would impact the existing trees/vegetation significantly.
- 6.19. All three outbuildings would be visible from uses of the public right of way that runs along Three Stiles Lane, but their single-storey scale and the proposed front boundary wall would reduce their potential visual impact.
- 6.20. Other nearby dwellings, including Floyds, located immediately to the west already have outbuildings which are visible from the public right of way. Therefore, the proposals would not be out of character with the locality.
- 6.21. The site lies outside the AONB, and views of it from the designated landscape would be reduced by the modest height of the proposed roof, and the existing hedgerow along Waldringfield Road and School Road. Therefore the scheme would not be harmful to this designated landscape.
- 6.22. Overall the proposal is considered to be suitable in terms of visual impact, and the number of trees to be retained on site which contributes positively to the application site is considered to be a significant benefit. The proposal is therefore considered to be compliant with currently local plan policy, DM21 (Design: Aesthetics), Martlesham Neighbourhood Plan Policy MAR4, and emerging Local Plan Policy SCLP11.1, in terms of visual amenity and design considerations.

Residential Amenity:

- 6.23. The proposal is for a detached dwelling on a large plot containing a number of mature trees, meaning significant screening and separate distances between the proposed dwelling and the existing dwellings and their private amenity areas.
- 6.24. The two neighbouring dwellings to the rear (north) have objected to the application on grounds that include overlooking. However, the existing dwellings to the north (1 and 2 Burhill) are located approximately 21.4m from the shared boundary (at the closest point), and the new dwelling would be approximately 45.5m from the shared boundary (at the closest point, measured from the northern corner of the proposed dwelling). This would be a separation distance between the dwellings of approximately 46.9m, well in excess of the 24m usually sought for back to back distances.

- 6.25. The dwelling is also proposed to be set at an angle within the plot, so the rear elevations of the existing dwellings and the proposal would not be parallel, further reducing the potential for direct views between rear facing windows.
- 6.26. As set out above, the proposed dwelling would be located a substantial distance from the rear neighbouring properties. In addition to this distance, there is a large amount of existing tree cover that will provide suitable screening. It is proposed to be conditioned to be retained along the rear boundary and therefore it would further mitigate any potential overlooking or privacy issues.
- 6.27. Therefore The dwelling is also proposed to be set at an angle within the plot, so the rear elevations of the existing dwellings and the proposal would not be parallel, further reducing the potential for direct views between rear facing windows.
- 6.28. The dwelling is also proposed to be set at an angle within the plot, so the rear elevations of the existing dwellings and the proposal would not be parallel, further reducing the potential for direct views between rear facing windows.
- 6.29. The proposed dwelling would also be located a significant distance from Martlesham House which lies to the west (more than 66m from the eastern corner of the proposed dwelling to the western elevation of Martlesham House), and from Floyds which lies to the west (more than 20m from the western corner of the proposed dwelling to the eastern elevation of Floyds). Therefore there would be no significant loss of privacy or overlooking to those dwellings either.
- 6.30. Overall the proposed dwelling is considered to cause no adverse issues in terms of residential amenity particularly overlooking or privacy issues. The existing trees/vegetation will be retained via condition to maintain the level of screening which will help mitigate any potential overlooking, the proposal is considered to be acceptable in terms of current Local Plan Policy DM23 (Residential Amenity), Martlesham Neighbourhood Plan Policy MAR4, and emerging Local Plan Policy SCLP11.1, in terms of residential amenity considerations.

Access, Parking and Highway safety

- 6.31. The proposal involves the provision of a new access onto the public bridleway (Three Stiles Lane). The existing Bridleway is already used by other properties potentially up to 5 dwellings, including the applicants existing dwelling to the east.
- 6.32. Suffolk County Council as Local Highway Authority initially raised concern regarding visibility splays from the bridleway on to School Lane. However, during the application, the agent has supplied additional information to demonstrate the visibility splays that can be achieved at this junction, and whilst these are not as long as usually expected for this type of access, the Local Highway Authority are now satisfied with the proposed arrangements, as they would be an improvement upon the existing and can be controlled as they are within the applicants ownership.
- 6.33. The Local Highway Authority has recommended that a condition be included requiring the first five metres of the access, measured from the metalled carriageway be surfaced with a bound material. However, such a condition would fail the tests in the NPPF in terms of this

scheme, as the only metalled highway is School Lane, but Three Stiles Lane is not under the applicants control, so they would be unable to comply with such a condition. The condition is therefore not within those recommended below.

- 6.34. The proposal provides more than the required amount of parking needed for one detached four-bedroomed dwelling and is considered to be acceptable in terms of parking and turning provision. There is sufficient space on site for turning and parking that will not be required to be conditioned.

Trees:

- 6.35. The existing site features a large amount of trees. The application has been designed to retain as many of the trees as possible, particularly the trees to the rear of the site which provide screening from neighbouring dwellings. The number of trees to be retained is considered a benefit of the proposal, and therefore it is appropriate to condition their retention and protection during construction works.

Flood Risk:

- 6.36. Concerns have been raised by third parties regarding flood risk. However, the site is within flood zone 1, which means it is outside any area at risk of fluvial or tidal flooding.
- 6.37. The scheme is also for a single dwelling in zone 1, and therefore not of a scale on which the Local Planning Authority insist upon a sustainable drainage strategy.

Ecological considerations

- 6.38. The application site forms part of the curtilage of Martlesham House, and apart from the areas of trees/vegetation proposed to be retained, is largely laid to mown grass, which is considered to be of low ecological potential.
- 6.39. Therefore it is considered that the areas of the site outside the proposed treed areas which are to be retained are of low ecological potential, and as such ecological survey work and mitigation works are not required in this instance.
- 6.40. The application site is within 13km of European Protected sites, so is within the Zone of Influence of these sites. Therefore an appropriate assessment has been undertaken, which concluded that a financial contribution to the Recreational Avoidance Mitigation Scheme would be an appropriate form of mitigation for this scheme as on site mitigation is not feasible. At the time of drafting this report, this RAMS payment was yet to be received, therefore the recommendation is one of authority to approve subject to receipt of this payment.

CIL:

- 6.41. As this proposal is for a new dwelling, it would be Community Infrastructure Levy Liable (CIL). The outbuildings would form part of the CIL liable floorspace and the site is within the Medium Charging Zone.

7. Conclusion

Whilst the principle of this proposed dwelling is contrary to adopted planning policy as it would result in a dwelling outside of the defined settlement boundary, it would represent a sustainable

form of development, providing a dwelling infilling within an existing group, on a site which would not result in expansion of the built form into the wider countryside, and subject to the receipt of appropriate RAMS mitigation, the scheme is acceptable in terms of all other material planning considerations. It should therefore be supported.

8. Recommendation

Authority for the Head of Planning Services to approve, subject to the receipt of the necessary RAMS payment and associated Section 111 form, and subject to the conditions set out below.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawings 050, 055, 102, 104, 200 (Op 2), 201, 202, 300 & TP01 all received 19/5/2020, and 059 received 10/8/2020 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.

3. Prior to going above damp proof course level of the garage outbuildings or house, details of the following will be submitted to and approved by the local planning authority:
 - (i) fence/wall and gates (appearance including materials, and any detailing such as pillars, posts and/or capping),
 - (ii) details of the roof and wall materials to be used for the new dwelling,
 - (iii) details of the roof and wall materials to be used for the new summerhouse and other outbuildings.

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

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

4. No development shall commence or any materials, plant or machinery be brought on to the site until full details showing the position of fencing to protect all trees and hedgerows, shown to be retained on the approved plan, have been submitted to and approved by the Local Planning Authority. 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.

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

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

6. Before the access is first used the visibility splays shall be provided as shown on Drawing No.2740_059 and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles

7. Before the access onto the Bridleway (Three Stiles Lane) is used 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 bridleway). 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.

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. 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.

3. 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

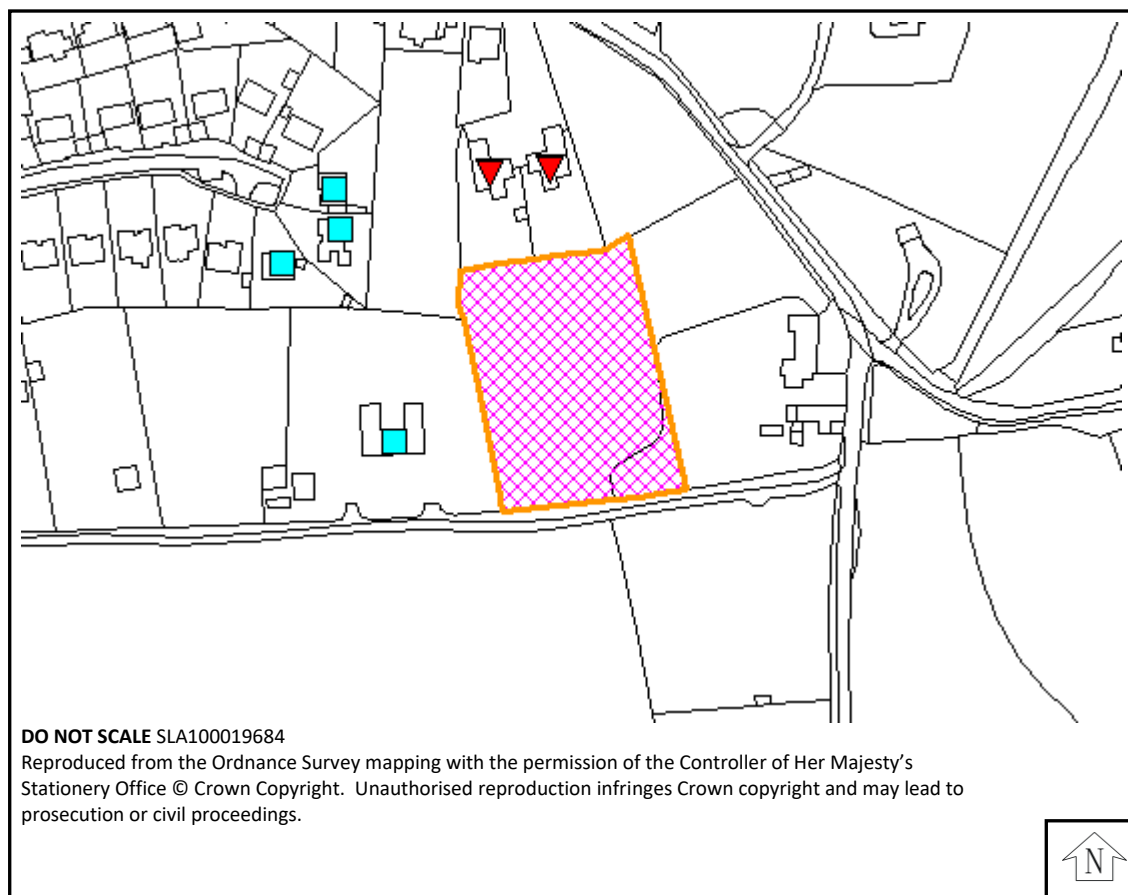
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

4. 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





Background information

See application reference DC/20/1836/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QAL5NNQXJNF00>

Map



Key

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

Committee Report

Planning Committee – 25 August 2020

Application no DC/20/1429/FUL

Location

58 High Street
Wickham Market
Woodbridge
Suffolk
IP13 0QU

Expiry date 23 June 2020 (Extension of time until 28 August 2020)

Application type Full Application

Applicant Mr R Meadows

Parish Wickham Market

Proposal Change of Use of building to revert to former domestic use.

Case Officer Charlie Bixby
01394 444572
charlie.bixby@eastsoffolk.gov.uk

1. Summary

- 1.1. The proposal is for the change of use of 58 High Street, Wickham Market, from two flats and an A2 office type use, to a single dwellinghouse.
- 1.2. The application is before planning committee as the recommendation is to approve the proposal as a departure from the current local plan. It is a departure, because the property has not been marketed in accordance with policy DM10. However, the emerging local plan has no requirement for marketing, when A2 type uses are proposed to be lost.
- 1.3. The recommendation is for approval in line with the emerging Local Plan, subject to receipt of RAMS and controlling conditions.

2. Site description

- 2.1. The application property is a two storey terraced property within the Wickham Market High Street. The building is Grade II listed and has an attached single storey extension to the rear with a garden space.
- 2.2. The site itself is within the defined settlement boundaries of Wickham Market; the site is also within the Wickham Market District Centre (SSP30) and Wickham Market Conservation Area.
- 2.3. The property is mentioned within the Wickham market Conservation Area Appraisal as follows: "No. 58 High Street, next door, is an attractively simple, unspoilt mid-nineteenth century dwelling. It has a slate roof and gault walls. It has a pleasant two-storey canted bay with sash windows with glazing bars. The part glazed panelled door with a curved brick arch over is probably the same date as the windows."

3. Proposal

- 3.1. The application seeks full planning permission for the change of use of 58 High Street, Wickham Market.
- 3.2. The existing currently building consists of two residential flats on the first floor and office space at ground floor. The application seeks planning permission to change the whole building into a single dwellinghouse. There are no external alterations proposed.
- 3.3. The internal alterations proposed do not require planning permission, but would require separate Listed Building Consent.

4. Consultations/comments

- 4.1. No third party representations have been received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Wickham Market Parish Council	30 April 2020	No response
Summary of comments: No comments.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	30 April 2020	19 May 2020

Summary of comments: No objections.
--

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	30 April 2020	19 May 2020

Summary of comments: Requests a Noise Assessment but no objection.

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	30 April 2020	No response

Summary of comments: No comments.

Non statutory consultees

Consultee	Date consulted	Date reply received
CIL (Internal)	30 April 2020	No response

Summary of comments: No comments.

Consultee	Date consulted	Date reply received
Ecology (Internal)	30 April 2020	No response

Summary of comments: No comments.

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	30 April 2020	No response

Summary of comments: No comments.

Publicity

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

Category	Published	Expiry	Publication
Listed Building	6 August 2020	27 August 2020	East Anglian Daily Times

Category	Published	Expiry	Publication
Listed Building	7 May 2020	29 May 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Listed Building Conservation Area May Affect Archaeological Site Date posted: 2 May 2020 Expiry date: 26 May 2020
---------------------	---

5. Planning policy

- 5.1. 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.
- 5.2. 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 Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) and;
 - The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.
- 5.3. The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))
 - SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

- SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))
- DM10 - Protection of Employment Sites (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))
- SPG 10.31 - Guide to the Wickham Market conservation area (East Suffolk Council - Suffolk Coastal District Local Plan -Supplementary Planning Guidance)
- SSP30 - District Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

- 5.4. The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."
- 5.5. The consultation on the Main Modifications has been completed (finished 10 July 2020). A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:
<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>.
- 5.6. In relation to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it.

6. Planning considerations

Principle/Change of Use:

- 6.1. The site is located within the defined physical limits of Wickham Market, where both the existing and emerging local plan policies generally seek to support new residential development subject to the consideration of other planning policies and material planning considerations.
- 6.2. As this proposal would involve the conversion of the commercial ground floorspace (A2: Financial and Professional Services), consideration should be given to the loss of the potential employment use. Current Local Plan Policy DM10 seeks to ensure that

employment uses are safeguarded, and therefore when such uses are proposed to be lost, it requires marketing to demonstrate that the space is not required for an employment use. Usually a period of 12 months is required to demonstrate there is no short or long term viability for the employment space.

- 6.3. The current application does not include an evidence of marketing or demonstration of how short or long term viability for alternative employment uses have been explored. It is therefore contrary to the current Local Plan. However, the equivalent policy within the emerging local plan (Policy SCLP4.4) only requires marketing where the change of use would be from Class B premises, and does not place this requirement on other uses providing employment.
- 6.4. The ground floor of this building is currently in an A2 use, and therefore under the emerging planning policy, there will be no requirement for the marketing to take place.
- 6.5. Due to the advanced stage of the emerging Local Plan, it is considered that considerable weight can be placed upon the requirements (or lack thereof) in Policy SCLP4.4, and therefore it would be unreasonable to insist upon marketing for up to 12 months of this unit, prior to granting an alternative non-employment use.
- 6.6. The site lies within the defined District Centre around the market hill area of Wickham Market. Therefore currently local plan policy SSP30 (District Centres) is applicable. This policy explains that "...Local shopping opportunities and facilities will be supported and safeguarded where possible....", but it does not place an specific requirement for the retention of A2 use class units.
- 6.7. The equivalent emerging local planning policy SCLP4.12 (District and Local Centres and Local Shops), also states that local centres will provide a small range of shops and facilities, and that consideration should be given for retention/restoration of original shopfronts, but similar to the current policy does not require the retention of A2 type uses.
- 6.8. The proposed change will not remove a key facility or business that contributes significantly to the High Street as a whole and its change of use will not cause detrimental harm overall, the proposal is considered to be acceptable under the new emerging policies which do not require marketing but are given significant weight at this time.

Visual Amenity & Streetscene:

- 6.9. The proposal involves no external changes to the building and therefore there will be no visible changes to the external elevations of the building or the streetscene. Therefore, there are no visual amenity concerns relating to the proposal.

Residential Amenity:

- 6.10. The proposal would remove the commercial use on the ground floor, increasing the floorspace used for residential purposes.
- 6.11. This is not considered to have detrimental impact to the surrounding neighbouring properties, the proposed dwelling will have suitable amenity space to the rear and will potentially result in less coming and goings than the existing two residential flats and office space. The proposal is considered to be acceptable in terms of DM23 - Residential Amenity.

Heritage Considerations:

- 6.12. The proposal involves no external changes but a few internal changes like the removal of some walls dividing the existing residential and office spaces with some thin partition walls that are not of any historic value and do not contribute to the listed buildings character. However, these do not require planning permission as they are internal changes, but would need to be the subject of a separate Listed Building Consent application.

Parking Provision:

- 6.13. The application site is in a sustainable district centre location with access to bus stops, several car parks and many good facilities/shops nearby. The need for the property to provide parking is considered unnecessary in such a location. Suffolk County Council as Local Highway Authority has raised no objections to the lack of parking provision.

European Designated Sites and Habitat Mitigation

- 6.14. The application site is within 13km of European Protected sites, so is within the Zone of Influence of these sites. However, as the new dwelling would in part be replacing the existing residential flats, an appropriate assessment and contribution to the Recreational Avoidance Mitigation Strategy (RAMS) is not required.

CIL:

- 6.15. As this proposal is for a new dwelling it would be Community Infrastructure Levy (CIL) Liable. It is within the Medium Charging Zone.

7. Conclusion

- 7.1. The proposed change of use to create one dwelling, resulting in the loss of an A2 use with flats above, would accord with the emerging local plan, and is acceptable in terms of all other material planning considerations, provided appropriate RAMS mitigation is secured.
- 7.2. It is considered that significant weight should be given to the emerging local plan policies, due to the advanced stage of the examination process. It is also considered reasonable to approve this scheme. as the marketing period required under the current local plan policy (DM10) would extend well beyond the likely adoption date of the new policy which will not contain the marketing requirement for the loss of A2 uses, so by the time the marketing is completed, it is likely it would be no longer required.
- 7.3. The application is therefore recommended for approval subject to the conditions set out below.

8. Recommendation

- 8.1. Approve subject to the conditions set out below.

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be carried out other than in complete accordance with drawings 998//1 (ground floor), and Site Plan received on 7 April 2020, and drawing 998/2 (first floor) received 29 April 2020.

Reason: For 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.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

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

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

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

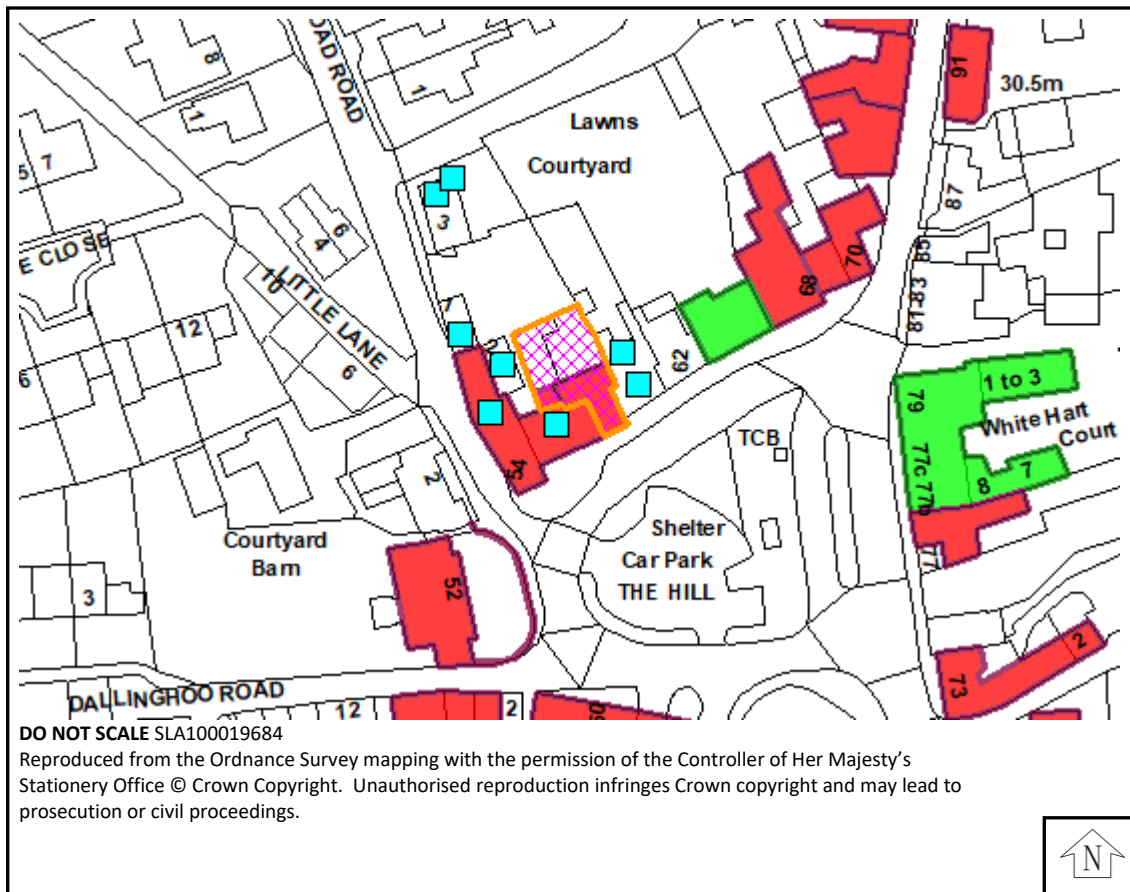
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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
4. The applicant is hereby advised that this property is a Listed Building. Therefore the proposed internal changes to the internal walls etc would require Listed Building Consent.

Background information

See application reference DC/20/1429/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8FAUDQXITL00>

Map



Key

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