



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

Planning Committee South

Members:

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

Members are invited to a **Meeting of the Planning Committee South** to be held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 23 August 2022 at 2.00pm**

This meeting will be broadcast to the public via the East Suffolk YouTube Channel at <https://youtu.be/nhg3EJY16Vw>.

An Agenda is set out below.

Part One – Open to the Public

Pages

1 Apologies for Absence and Substitutions

2 Declarations of Interest

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

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| 3 | Declarations of Lobbying and Responses to Lobbying
To receive any Declarations of Lobbying in respect of any item on the agenda and also declarations of any response to that lobbying. | |
| 4 | Minutes
To confirm as a correct record the Minutes of the Meeting held on 26 July 2022 | 1 - 22 |
| 5 | East Suffolk Enforcement Action - Case Update ES/1250
Report of the Head of Planning and Coastal Management | 23 - 40 |
| 6 | DC/22/0573/OUT - Land to the north of 18 Mill Road, Newbourne ES/1251
Report of the Head of Planning and Coastal Management | 41 - 52 |
| 7 | DC/22/0665/FUL - 29D Quilter Road, Felixstowe, IP11 7JJ ES/1252
Report of the Head of Planning and Coastal Management | 53 - 62 |

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/speaking-at-planning-committee> to complete the online registration form. Please contact the Customer Services Team on 03330 162 000 if you have any queries regarding the completion of the form.

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

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

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

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

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Unconfirmed



Minutes of a Meeting of the **Planning Committee South** held in the Deben Conference Room, East Suffolk House, Melton, on **Tuesday, 26 July 2022 at 2.00pm**

Members of the Committee present:

Councillor Stuart Bird, Councillor Chris Blundell, Councillor Tom Daly, Councillor Mike Deacon, Councillor Colin Hedgley, Councillor Debbie McCallum, Councillor Mark Newton, Councillor Kay Yule

Other Members present:

Councillor Chris Mapey

Officers present:

Mark Brands (Planning Officer (Development Management)), Karen Cook (Democratic Services Manager), Nick Clow (Energy Projects Co-ordinator), Grant Heal (Planner), Rachel Lambert (Principal Planner (Major Sites)), Matt Makin (Democratic Services Officer (Regulatory)), Dominic Starkey (Assistant Enforcement Officer (Development Management)), Ben Woolnough (Planning Manager (Development Management, Major Sites and Infrastructure))

Announcement

The Chairman announced she was reordering the agenda to bring forward an item with public speaking; item 10 would be heard after item 5 and before item 6.

1 Apologies for Absence and Substitutions

Apologies for absence were received from Councillor Tony Cooper.

2 Declarations of Interest

Councillor Stuart Bird declared an Other Registerable Interest in item 11 of the agenda as both a member of Felixstowe Town Council and the Chairman of that body's Planning & Environment Committee.

Councillor Chris Blundell declared a Non-Registerable Interest in item 9 of the agenda as the applicant was known to him.

Councillor Mike Deacon declared an Other Registerable Interest in item 11 of the agenda as a member of Felixstowe Town Council.

Councillor Colin Hedgley declared an Other Registerable Interest in item 9 of the agenda as the Ward Member for the application area.

Councillor Kay Yule declared Other Registerable Interests in items 9 and 10 of the agenda as the Ward Member for the application areas.

3 Declarations of Lobbying and Responses to Lobbying

Councillor Kay Yule declared that she had been lobbied on item 10 of the agenda and had not responded to any correspondence.

4 Minutes

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

RESOLVED

That the Minutes of the Meeting held on 28 June 2022 be confirmed as a correct record and signed by the Chairman.

5 East Suffolk Enforcement Action - Case Update

The Committee received report **ES/1230** 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 been sanctioned under delegated powers up until 27 June 2022. At that time there were 16 such cases.

The report was taken as read and the Chairman invited questions to the Assistant Enforcement Officer.

The Assistant Enforcement Officer confirmed that he had conducted another site visit to Sandy Lane, Martlesham to monitor progress on the site and had also corresponded with the site owner, who was making attempts to comply with planning enforcement. The Assistant Enforcement Officer advised that he would continue to monitor the site to ensure that compliance was achieved.

The Assistant Enforcement Officer explained that he had liaised with Suffolk County Council regarding outstanding enforcement action at Main Road, Kesgrave, to ensure that the fences being moved back formed a singular fence line.

In response to a question from Councillor Hedgley, the Assistant Enforcement Officer stated he would seek further information on enforcement action related to car sales at Martlesham Road, Little Bealings and update Councillor Hedgley after the meeting.

There being no further questions, the Chairman sought a proposer and seconder for the recommendation set out in the report. On the proposition of Councillor Hedgley, seconded by Councillor Deacon it was by a unanimous vote

RESOLVED

That the outstanding enforcement matters up to 27 June 2022 be noted.

10 DC/22/1303/FUL - 5 Gladstone Road, Woodbridge, IP12 1EF

The Committee received report **ES/1235** of the Head of Planning and Coastal Management, which related to planning application DC/22/1303/FUL.

The application sought planning permission for the construction of a single storey rear and side extension and alterations to 5 Gladstone Road in Woodbridge.

As the officer recommendation of approval was contrary to Woodbridge Town Council's recommendation of refusal, the application was considered by the Planning Referral Panel on 22 June 2022 where the Panel referred the application to the Committee for determination.

The site's location was outlined and the Committee was shown aerial photographs of the site, as well as photographs of the front and rear elevations of the host dwelling. The Committee received the existing block plan, which demonstrated the site's proximity to neighbouring Grade II listed dwellings.

The Committee was shown the existing and proposed elevations along with the proposed block plan; the Energy Projects Co-ordinator highlighted that the application had been reduced in size to reduce the impact of the new extension on visual amenity.

The Committee received photographs of the site taken by the case officer of the rear of the host dwelling and photographs supplied by the residents of one of the neighbouring properties from within their home, demonstrating their view of where the extension would be located along the boundary between the two properties. The Committee was also shown photographs of the application site within the surrounding area.

The Energy Projects Co-ordinator displayed a drawing demonstrating the application of the 45-degree sunlight test to the proposed north elevation of the extension, noting that although the line passed through the middle window of the neighbouring property, the north-north-west orientation of the property provided a significant mitigation and officers considered that the extension would not have an adverse impact on the sunlight to 3 Gladstone Road.

Further photographs were displayed, showing current overlooking from the site into 6 Gladstone Road and vice-versa.

The material planning considerations and key issues were summarised as visual amenity, residential amenity, impact on listed buildings and impact on the conservation area.

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

The Chairman invited questions to the officers.

The Energy Projects Co-ordinator stated that due to the size and nature of the proposed development, a construction management plan would not be required should the application be approved.

In response to a question on using zinc as a roof material, the Energy Projects Co-ordinator advised that it was deemed to be a common material and officers considered it would not have an adverse or detrimental impact on the conservation area.

The Chairman invited Emma Pryse-Jones, who objected to the application, to address the Committee.

Mrs Pryse-Jones said that she was a neighbour of the site and objected to the application due to the proposed height and size of the extension, which would be overbearing, considering it would cause a dramatic loss of sunlight to her dining room. Mrs Pryse-Jones highlighted that the host dwelling already reduced the sunlight to her property and was of the view it should not be reduced further as this would set a precedent to disregard "right to light".

Mrs Pryse-Jones set out that the applicant did not have a fallback position under permitted development for a similar extension and that anything that could be built on the site under permitted development would fail the sunlight test. Mrs Pryse-Jones considered that the light tests undertaken to be insufficient and questioned why it had not been more thorough, displaying images which she considered demonstrated the proposed extension failed the 45-degree sunlight test.

Mrs Pryse-Jones asked for more testing on sunlight and noted another case where the impact on sunlight had been less than what was proposed, where the application had been refused. Mrs Pryse-Jones considered that this demonstrated that no form of extension was suitable for the site and asked for someone to view the site from her garden. Mrs Pryse-Jones highlighted four objections to the application had been received and not two as stated in the report.

There being no questions to Mrs Pryse-Jones the Chairman invited Councillor Robin Saunders, representing Woodbridge Town Council, to address the Committee.

Councillor Saunders said that following a visit to the site, Woodbridge Town Council had resolved to recommend the application be refused, noting concerns about the impact of sunlight reaching the ground floor of 6 Gladstone Road. Councillor Saunders addressed the officer's recommendation of approval but considered that an appropriate level of light testing had been completed to the required standard, which he said was a reasonable request.

Councillor Saunders referred to the mention of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) Schedule 2, Part 1, Class A in the officer's report and questioned if its application in a conservation area was correct, noting that the GPDO did not refer to walls.

Councillor Saunders highlighted that the proposed extension would have a sloped roof which further impacted the light testing that should be undertaken and concluded that Woodbridge Town Council remained of the view that the application should be refused and asked the Committee to carefully consider the points he had raised.

There being no questions to Councillor Saunders the Chairman invited Chris McManigan, agent for the applicant, to address the Committee.

Mr McManigan advised that the scheme before the Committee was the result of a detailed pre-application process and the initial scheme had been revised following continual dialogue with officers at the Council.

Mr McManigan highlighted other, similar extensions that had been approved in close proximity of the application site and noted that none of these examples had been recommended for refusal by Woodbridge Town Council despite some local opposition; Mr McManigan was of the view that this application was similar to the examples he had provided and was less visible than other approved extensions in the conservation area.

Mr McManigan acknowledged the overlooking that currently existed between 5 and 6 Gladstone Road and said that the development would improve privacy to both residences. Mr McManigan added that the orientation of the host dwelling meant there would be no loss of sunlight to 6 Gladstone Road as the rear of both dwellings were in their own sun shadow and said that the extension accorded with the 45-degree sunlight test.

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

Councillor Yule, who was also the Ward Member for Woodbridge, said it was difficult to compare extensions in the conservation area and each one should be looked at in isolation. Councillor Yule did not consider that what was proposed would be detrimental to the area and was similar to other extensions in Woodbridge, citing the improvement to overlooking as a positive aspect of the application and stated that she was in favour of the application.

Councillor Hedgley said the slope of the land was unfortunate and was of the view that the objections from neighbours had demonstrated a lack of communication between them and the applicant on the proposed development. Councillor Hedgley acknowledged that the height and length of the proposed extension had been reduced and although uneasy about the application, saw no material planning reason to refuse it.

Councillor Daly sought clarity on the points raised about light testing. The Planning Manager advised that "right to light" was a civil matter and not a material planning consideration and that the application had to be determined on impact to residential amenity; he noted that the BRE guidance had been utilised and there was no specific planning policy on this. The Planning Manager reiterated the comments earlier in the meeting regarding the orientation of the host dwelling and that the extension would be wholly in its profile, where direct sunlight did not reach.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Yule, seconded by Councillor Bird it was by a unanimous vote

RESOLVED

That the application be **APPROVED** subject to the following 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 the site location plan received on 05.04.2022, revised floor plan received on 07.06.2022 and revised elevation and block plans received on 10.06.2022 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

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

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

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>.

6 DC/21/4002/ARM - Land to the South and East of Adastral Park

The Committee received report **ES/1231** of the Head of Planning and Coastal Management, which related to planning application DC/21/4002/ARM.

The application sought the approval of reserved matters – the construction of 173 dwellings (including 80 affordable houses) together with associated works, landscaping and infrastructure for Brightwell Lakes (Phase W1) - on DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of the Brightwell Lakes proposal, particularly as it formed part of the first reserved matters application(s) for the design of housing.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Committee's attention was drawn to the information contained within the update sheet, which had been published on the Council's website and circulated to Members on Monday 25 July 2022.

The Principal Planner summarised the planning history on the site, including the conditions agreed as part of the outline and variation of condition applications relating to the Brightwell Lakes development.

The Committee received an outline of the Brightwell Lakes site plan, as well as a master plan for the wider site. The Principal Planner displayed a site context map which set out the phased development for the site and highlighted the construction phase that the application applied to, phase W1. The application site was outlined.

The Committee was shown the character area plan and access strategy, along with the site layout. The Principal Planner advised that the required density for the site was met by the application.

The Principal Planner outlined the housing mix plan and noted that it incorporated the provision of affordable housing in line with the Section 106 Agreement and that phase W1A, subject to a separate application to be determined by the Committee later in the meeting, was included in the calculation. The Principal Planner said that given the extent of the wider Brightwell Lakes development and its phased approach, it was considered to consider the proposed housing mix in the context of the wider site. The Committee also received a table detailing the proposed mix of housing for phase W1.

The Committee was advised that the proportion of affordable housing provision for Brightwell Lakes would be addressed across the wider site and there would be reserved matters policies to provide greater and lesser quantities and proportions dictated by the characteristics of each parcel. The Principal Planner also displayed a table of the proposed housing mix across phases E1, E1a, W1 and W1a.

The Committee received the storey height parameter plan, the materials parameter plan, refuse strategy plan, parking plan and earthworks plan. The Principal Planner outlined that further detail on materials to be used was outstanding and would need to be discussed with the Council's Design & Conservation team when received.

The Principal Planner displayed street scene drawings showing proposed views of the entrance to the site from the A12, further along the spine road and the southern aspect of the site.

The Principal Planner summarised the planning considerations that had been addressed within the reporting.

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

The Chairman invited questions to the officers.

In response to a question on the consultation responses from Historic England and Natural England and the issues raised therein, the Planning Manager (Development Management, Major Sites & Infrastructure) said that officers had contacted Historic England via email on 25 July 2022 as it appeared they had misunderstood the concept of the application.

The Planning Manager raised that considerable consultation had taken place with Historic England at the outline application stage to address concerns related to heritage assets and outlined the heritage park area of the wider Brightwell Lakes site. The Planning Manager explained that everything to the north of the heritage park had to be designed as a whole to minimise the effect on heritage assets but the southern area, in which the application was located, would not have a visual effect on these assets once the north area was developed. The Planning Manager confirmed that the comments of Historic England had been noted as objections to the application.

In respect of Natural England, the Planning Manager confirmed that the proposed mitigations had been secured at the outline application stage and highlighted the large SANG area and network of recreational routes that would be part of Brightwell Lakes, along with the RAMS contribution of approximately £300,000.

The Principal Planner noted that Natural England's consultation response confirmed they did not object to the application subject to the appropriate mitigation being secured and added that an updated Habitats Regulation Assessment had been produced by the Council's ecologist and submitted to Natural England.

The Planning Manager explained that a lower provision of affordable housing on the site, 25% rather than 30%, was a result of a viability exercise conducted at the outline stage concluding that to deliver all required infrastructure for Brightwell Lakes, 25% was the maximum provision of affordable housing that would be viable.

The Committee was informed that although Suffolk County Council was progressing with a major network bid that would bring improvements to the A12, several conditions in the outline planning consent for Brightwell Lakes would bring forward highway improvements to the A12 at specific trigger points, regardless of this bid.

The Principal Planner advised that initial concerns on the proposed designs in the application had been addressed over time and this information had been summarised in the update sheet. The Principal Planner highlighted that the design of plot 7, near to the entrance to the

site, had been revised and was now considered acceptable by the Council's Principal Design and Conservation Officer.

It was confirmed to the Committee that phase W1 would have 80 affordable housing units in total; these would be tenure blind in design and distributed predominantly along the spine road, consisting mostly of flats. The Principal Planner explained that there had been further discussions with the Council's Housing team and it had been agreed that future housing mix would be appropriately distributed in line with the requirements of each phase of development.

The Chairman invited Jordan Last, representing the applicant, to address the Committee.

Mr Last said that the applicant had worked with officers over the last 18 months to address constraints and opportunities on the site and noted that phases W1 and W1a would be the first area seen entering the site, stressing the importance of the development setting the tone for Brightwell Lakes. Mr Last said this would be achieved through the spine road and creation of enclosed streets, with the heights along the boulevard chosen to create this enclosure and dwellings arranged to address the green edge of the site.

Mr Last confirmed that there would be a variety of trees and wildflower planted on the site which would address both native and resilient planting.

Mr Last stated that all dwellings would have air source heat pumps and there would be no gas supply to the site; electric vehicle (EV) charging points would also be provided. Mr Last considered the proposed density of the site would be in line with the outline planning consent and that phases W1 and W1a would be delivered alongside each other with an appropriate mix and distribution of dwellings.

Mr Last said that the applicant was looking to deliver a cohesive community and create a sustainable development with a strong sense of place and character.

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

Councillor Blundell, who was Ward Member for the application, noted that a new estate was being created in an area that had been discussed and developed in consultation with local councils and most issues had been addressed to the satisfaction of neighbouring areas. Councillor Blundell complimented the Community Forum as a mechanism for keeping the community updated on the site's progress and considered that the application should be approved so the development could move forward.

Several other members of the Committee concurred with Councillor Blundell's points, adding that it was positive that the development had been adapted to provide environmentally friendly heating solutions.

Councillor Daly highlighted that it was important that any objections from Historic England and Natural England be addressed and said he was encouraged by what he had heard at the meeting.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor Blundell, seconded by Councillor Bird it was by a unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to no new material issues being raised during the latest re-consultation period, all outstanding matters being resolved, and agreement of conditions.

Conditions and informatives to be agreed upon receipt of all consultation responses and covered in the Committee update sheet. These are expected to be minimal, with extensive conditions already applied on the outline consent still applicable.

7 DC/21/4003/ARM - Land to the South and East of Adastral Park

The Committee received report **ES/1232** of the Head of Planning and Coastal Management, which related to planning application DC/21/4003/ARM.

The application sought the approval of reserved matters – the construction of 22 dwellings together with associated works, landscaping and infrastructure for Brightwell Lakes (Phase W1a) - on DC/20/1234/VOC.

In accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution, the Head of Planning and Coastal Management had requested that the application be determined by the Committee due to the significance of the Brightwell Lakes proposal, particularly as it formed part of the first reserved matters application(s) for the design of housing.

The Committee received a presentation from the Principal Planner (Major Sites), who was the case officer for the application. The Committee's attention was drawn to the information contained within the update sheet, which had been published on the Council's website and circulated to Members on Monday 25 July 2022.

The Principal Planner summarised the planning history on the site, including the conditions agreed as part of the outline and variation of condition applications relating to the Brightwell Lakes development.

The Committee received an outline of the Brightwell Lakes site plan, as well as a master plan for the wider site. The Principal Planner displayed a site context map which set out the phased development for the site and highlighted the construction phase that the application applied to, phase W1a. The application site was outlined.

The site layout plan was displayed and the Principal Planner confirmed that density requirements were met. Although there was no affordable housing on the site, phase W1a when combined with phase W1 (previously considered by the Committee at the meeting) these two phases collectively met the affordable housing provision required by the outline planning consent. The Principal Planner displayed a table detailing the proposed housing mix for the site.

The Committee received the character area plan, access strategy plan, housing mix plan, boundary treatment plan, parking plan and earthworks plan. The Principal Planner noted where on the boundary treatment plan that changes had been made.

The Principal Planner summarised the planning considerations that had been addressed within the reporting.

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

There being no questions to the officers the Chairman invited Jordan Last, representing the applicant, to address the Committee.

Mr Last said he had nothing further to add to his address on the previous application for phase W1 and was happy to answer any questions the Committee might have.

The Chairman invited questions to Mr Last.

Mr Last explained that this parcel of land had been split from phase W1 as it will incorporate the showroom area of the Brightwell Lakes site and prior to knowing what the applicant did now about the site, had been separated off to avoid any potential delays with the larger parcel of land. Mr Last said now that there was a better understanding of the earthworks and drainage requirements both phases would be brought forward at the same time.

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

Councillor Blundell was pleased to see that there would be gardens and allotments on the site and thanked the Principal Planner for her polite and professional engagement with Martlesham Parish Council in relation to the Brightwell Lakes development.

Councillor Daly highlighted concerns raised by both the Suffolk Coastal Disability Forum and the Police's Design Out Crime Officer. The Planning Manager said that the Police were engaged on both policing matters and for an architectural input on urban design considerations and acknowledged there had been a degree of conflict in this particular instance.

The Principal Planner noted that the proposed footpath widths met highways requirements but that further conditions would be delivered through future reserved matters applications to ensure footpaths were accessible. The Committee was advised that the number of compatible dwellings being delivered was lower than the requirement set out in the Local Plan but was what had been secured at the outline planning stage.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application to the Head of Planning and Coastal Management, as set out in the report. On the proposition of Councillor Deacon, seconded by Councillor Hedgley it was by a unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to no new material issues being raised during the latest re-consultation period, all outstanding matters being resolved, and agreement of conditions.

Conditions and informatives to be agreed upon receipt of all consultation responses and covered in the committee update sheet. These are expected to be minimal, with extensive conditions already applied on the outline consent still applicable.

Following the conclusion of this item, the Chairman adjourned the meeting for a short break. The meeting adjourned at 3.32pm and reconvened at 3.39pm.

8 DC/21/5698/FUL - 60 Old Barrack Road, Woodbridge, IP12 4ER

The Committee received report **ES/1233** of the Head of Planning and Coastal Management, which related to planning application DC/21/5698/FUL.

That application sought planning permission for a single storey outbuilding within the rear garden of no. 60 Old Barrack Road, Woodbridge to be used for food preparation by the occupiers/owners in connection with their catering company.

The application was presented to the Planning Referral Panel on Tuesday 19 April 2022 as the 'minded to' decision of the case officer was contrary to Woodbridge Town Council's recommendation to refuse the application. In light of concerns raised in relation to potential impacts on local amenity from deliveries and noise/odour nuisance, the Planning Referral Panel considered there were sufficient grounds to debate the merits of the application at Committee.

The Committee received a presentation from the Planner, who was the case officer for the application.

The site location was outlined and the Committee was shown an aerial image of the application site.

The Committee received photographs of the site showing the front and rear of the host dwelling, the rear garden and an approximate position of the proposed location of the development, the rear access to the site and Peterhouse Crescent's proximity to the rear access to the site.

The proposed block plan was displayed and the Planner explained that the applicant had indicated the proposed outbuilding's use would be facilitated via access from Old Barrack Road only.

The Committee received the proposed elevations and floor plans for the proposed outbuilding.

The Planner summarised the Planning Practice Guidance on if planning permission was required to work from home and the application of the key test of whether the overall character of the dwelling will change as a result of the business. The Planner considered that, based on the evidence provided by the applicant, the primary use of the dwelling would remain as a home.

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

The Chairman invited questions to the officers.

The Planner confirmed that the casual waiting staff employed by the applicant would not be visiting the site.

In response to a question on footfall on Peterhouse Crescent, the Planner said that the application did not propose accessing the site from that location and the proposed conditions restricted this, so no survey of pedestrian use had been completed as the road did not form part of the application site. The Planner explained that due to the size and nature of the application, it was not anticipated there would be a marked increase in the traffic on Old Barrack Road.

The Planning Manager advised that although planning permission could condition where waste was stored, waste disposal was not a material planning consideration.

The Chairman invited Daniel Smith, the applicant, to address the Committee.

Mr Smith explained that he operated a family run catering business founded by his mother, which was currently operated from a similar kitchen outbuilding at her home in Knodishall. Mr Smith described the company as providing outside catering and said that it employed staff on an ad hoc basis at booking venues only. Mr Smith said that prior to joining the business he had worked as a chef but owing to ill health had needed to moderate his hours since 2013, which he had been able to do working for the business.

Mr Smith said that his mother, following her own ill health in 2019, had elected to retire and subsequently there was a need to relocate the business operations. Mr Smith said that it had been concluded that the best option would be to relocate the operations to his own home in Woodbridge.

Mr Smith outlined that the application sought to create a similar setup to the one operated by the business in Knodishall, where it had enjoyed a positive relationship with neighbours. Mr Smith confirmed that all deliveries would either be collected by him or delivered with other household groceries. Mr Smith advised that a high-quality ventilation and extraction unit would be installed as part of the development.

The Chairman invited questions to Mr Smith.

Mr Smith confirmed that the individual dinner deliveries supplied by the company were not for one person but for groups up to a maximum of 10.

Mr Smith said that the size of outbuilding proposed was required to ensure that the operations could meet food hygiene and environmental health requirements and provide storage for items such as crockery and cutlery.

Mr Smith, when asked about the number of functions catered for in the space of week, noted that in the last week he had catered for two events and used the existing premises in Knodishall from Thursday to Saturday. Mr Smith explained that there would be some weeks

where there was no work and other weeks where the work might be in the early part of the week. Mr Smith confirmed that the work was often seasonal.

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

Councillor Yule, who was the Ward Member for the application, considered that the proposed development and use was not suitable for a compact residential area and concurred with the objections raised by Woodbridge Town Council that it would negatively impact traffic on Old Barrack Road and Peterhouse Crescent, the latter being a busy road.

Councillor McCallum said she had been concerned about this application but in light of the information heard at the meeting and viewing the business' website was confident that the application was suitable for the area.

Councillor Bird said he had also listened to all the information presented and noted that the officer's report stated that the proposed operations could be undertaken in a domestic condition. Councillor Bird questioned why then such a facility as the one proposed was required, expressing concern that the outbuilding would be similar in size to a small bungalow. Councillor Bird said the cooking was likely to be in excess of scale for domestic usage and agreed with Councillor Yule's comments about the suitability of the operation for a residential area.

In response to points raised during the debate, the Planning Manager (Development Management, Major Sites and Infrastructure) explained that planning permission was sought for the construction of the building and that the scale of operation by itself would not require planning permission. The Planning Manager clarified that the point in the officer's report about the scale of use being accommodated in a domestic kitchen had been made theoretically to show that the scale of operation could be classified as "working from home".

Councillor Hedgley supported the application and noted that the Council had encouraged people to work from home since COVID-19 and that it should be in favour of supporting endeavours like the one proposed.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Hedgley, seconded by Councillor McCallum it was by a majority vote

RESOLVED

That the application be **APPROVED** subject to the following 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):

- Site location plan (Received 21 December 2021);

- 8093 - PA/21/01 A (Floor plan);
- 8093 - PA/21/03 A (Elevations);
- 8093 - PA/21/02 A (South West Elevations);
- 8093 - PA/21/04 A (Block Plan).

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 construction work shall commence on site before 08:00 and shall not continue after 19:00 Monday to Saturday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.

Reasons: To prevent noise pollution to adjacent residential properties.

5. Deliveries to and collections from the site as required in connection with the construction phase of the hereby approved development shall not be undertaken between the hours of 07:30 to 09:00 and 15:00 to 16:30 Monday to Friday, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed by the Local Planning Authority.

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

6. The hereby permitted use relates only to those activities reasonably required in connection with food preparation and for no other purpose whatsoever, unless otherwise agreed by the Local Planning Authority.

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

7. The hereby permitted food preparation use shall be operated solely by the owners/occupiers of the host dwelling with no other employees or third-parties whatsoever shall be allowed to operate from the site in connection with the permitted use unless otherwise agreed by the Local Planning Authority.

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

8. The working hours in connection with the hereby permitted food preparation use, shall only be between 08:00 and 20:00 Monday to Saturday, and between 10:00 and 16:00 on Sundays/ Bank Holidays, unless otherwise agreed by the Local Planning Authority.

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

9. Apart from loading and unloading of produce, no activities or process in connection with the hereby approved food preparation use shall be carried out outside the hereby approved building unless otherwise agreed by the Local Planning Authority.

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

10. Except for the owner's own personal or business vehicle, deliveries to and collections from the site in connection with the hereby permitted food preparation use shall only be made via Old Barrack Road with none being made via the site's Peterhouse Crescent entrance unless otherwise agreed by the Local Planning Authority.

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

11. Prior to the occupation of the hereby approved development, an odour and noise risk assessment in accordance with the updated current guidance (i.e. 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems - An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs') shall be submitted to and approved by the Local Planning Authority.

The risk assessment shall identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed. The Local Planning Authority will be expecting that a rating level (LAeq) of at least 5dB below the typical background (LA90) is achieved. Any required mitigation/control measures shall thereafter be fully implemented in accordance with the approved measures.

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

12. The hereby permitted use shall not commence until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the use commencing and thereafter retained and maintained unless otherwise agreed by the Local Planning Authority.

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

13. Before the installation of any extractor systems, fans, air-conditioning plant or refrigeration plant, and any other fixed plant, details of a scheme to attenuate noise and vibration shall be submitted to and approved by the Local Planning Authority.

The noise assessment must be undertaken by a competent person should 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. Only the approved shall be implemented and retained thereafter.

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

14. Prior to the hereby approved development's first use, a suitably surfaced footpath linking the proposed outbuilding with the host dwelling's existing rear patio area shall be fully provided. The footpath shall thereafter be retained in connection with the permitted food preparation use.

Reason: To ensure that safe and suitable access between the permitted outbuilding and host dwelling is retained in connection with the permitted food preparation use.

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.

Councillor Deacon left the meeting at this point (4.15pm).

9 DC/22/1162/FUL - Woodside, Martlesham Road, Little Bealings, Woodbridge, IP13 6LX

The Committee received report **ES/1234** of the Head of Planning and Coastal Management, which related to planning application DC/22/1162/FUL.

The application sought retrospective planning permission for the construction of a 4-bay cart lodge with studio above at Woodside, Martlesham Road, Little Bealings, IP13 6LX.

As the 'minded to' recommendation was one of approval, contrary to the comments of Little Bealings Parish Council, the application was referred to the Planning Referral Panel in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution. The application was presented to the Planning Referral Panel on 24 May 2022, where it was referred to the Committee for determination.

The application was first presented to the Committee at its meeting of 28 June 2022, where the Committee resolved to defer determining the application to allow the Committee to visit the site. The site visit took place on the morning of 26 July 2022, prior to this meeting of the Committee.

The Committee received a presentation from the Energy Projects Co-ordinator, who was the case officer for the application.

The site's location was outlined and the Committee was shown an aerial image of the application site.

The Committee received photographs of the site demonstrating views from Martlesham Road, the outbuilding constructed on the site, the outbuilding's relationship with the host dwelling and wider street scene photos.

The Energy Projects Co-ordinator outlined the previous consent approved on the site for a cart lodge and the proposed elevations and block plan of the current application, detailing the differences between what had been applied for and what had been approved.

The Committee received information on the consented alterations to the host dwelling which had not yet been built out. The Energy Projects Co-ordinator confirmed that the implication of these consented alterations in respect to the outbuilding's relationship with the host dwelling had been considered when forming the recommendation to approve the application.

The Energy Projects Co-ordinator displayed drawings overlaying the consented alterations with the cart lodge that had been built on the site.

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

The Chairman invited questions to the officers.

In response to the question on the maximum size for a cart lodge, the Planning Manager (Development Management, Major Sites and Infrastructure) explained that this was dependent on its proportion to its host dwelling and how it would fit into its surrounding, acknowledging that what was proposed was on the larger end of the scale for a cart lodge.

The Energy Projects Co-ordinator stated that the difference between a garage and a cart lodge was on a case-by-case basis.

The Chairman invited Audrey Harrington, who objected to the application, to address the Committee.

Mrs Harrington said that the retrospective application was very concerning as it was seeking planning permission for something that had already been built; she considered that if the application had been made prior to construction it would have still generated local opposition.

Mrs Harrington was of the view that the application provided no reason or apology for what had been built on the site and highlighted that what had been built should have accorded with the previous scheme that had been approved. Mrs Harrington highlighted that what had been constructed was an excessively large building in comparison to what had been approved, which had a detrimental impact on visual amenity and the street scene.

Mrs Harrington stated that the conditions in the extant consent to protect trees and hedging had been ignored and considered that Members would have been able to see where vegetation had been removed when they had visited the site earlier that day.

Mrs Harrington acknowledged the contentious nature of the planning application process but said that the rules were there so that all applicants followed the same process to obtain planning permission and build out to what was approved.

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

Several members of the Committee expressed concern that what had been constructed on the site was not in accordance with the extant consent granted and that a retrospective planning application had now been made to obtain approval for an existing structure. Members considered that the applicant was an experienced developer and therefore should have been cognisant of what was required of them and stated they would be voting against the application, noting its detrimental impact to visual amenity and the street scene of Martlesham Road.

Councillor Bird reminded the Committee that retrospective items must be considered on their own merits and not against any other applications that may or may not have been approved on the site; he acknowledged the size of the cart lodge but considered that the size of the site meant it was still subservient to the host dwelling, was not larger in size and was conditioned to be ancillary to the host dwelling. Councillor Bird said that the site visit had demonstrated

there was no impact on residential amenity caused to neighbouring properties and that the development was not out of scale or excessive in appearance and was in support of the application.

In response to points raised during the debate, the Planning Manager advised the Committee that despite the retrospective nature of the application, planning decisions must not be punitive and the application needed to be determined against local and national planning policies, regardless of its retrospective nature. The Planning Manager assured the Committee that should the application be refused then enforcement action would be taken and the Council needed to be confident it could robustly defend any appeals against either the decision of the Committee or enforcement action.

There being no further debate the Chairman sought a proposer and seconder for the recommendation to approve the application, as set out in the report. On the proposition of Councillor Bird, seconded by Councillor Newton it was by a majority vote

RESOLVED

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

1. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing numbers 22108/2, 22108/3 and site plan received on the 24.03.2022 and 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.

2. The cartlodge and studio above hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Woodside.

Reason: Having regard to the special circumstances put forward by the applicant in relation to a proposal which is inappropriate for use as a separate dwelling.

3. Within 3 month(s) of the date of this consent, satisfactory precise details of a tree and/or hedge planting scheme (which shall include species, size and numbers of plants to be planted) for the area between the western and southern elevations of there hereby consented outbuilding and the southern and western boundaries of the application site, shall be submitted to and approved by the local planning authority.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

4. The approved tree/shrub planting scheme shall be implemented not later than the first planting season (November - April) following the issuing of this consent (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 to soften the appearance of the building in the wider streetscene in the interest of visual amenity.

Informatives

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

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

Please note as this consent is being granted retrospectively, self-build exemption can not be sought, and the full CIL payment will be liable in full upon the issuing of this planning decision notice.

Failure to comply with the correct process as detailed in the regulations may result in surcharges and enforcement action. Full details of the process for the payment of CIL can be found at <https://www.eastsuffolk.gov.uk/planning/developer-contributions/community-infrastructure-levy>

11 DC/22/1996/FUL - Kiosk Site near Bent Hill, The Promenade, Undercliff Road West, Felixstowe, IP11 2AB

The Committee received report **ES/1236** of the Head of Planning and Coastal Management, which related to planning application DC/22/1996/FUL.

The application sought full planning permission for the replacement of a beachside kiosk adjacent to the promenade in Felixstowe. As the applicant and landowner was East Suffolk Council, the proposal was referred to the Committee for determination in accordance with the Scheme of Delegation set out in the East Suffolk Council Constitution.

The Committee received a presentation from the Planning Officer (Development Management), who was the case officer for the application.

The site's location was outlined and the Committee was shown the proposed block plan and aerial views of the site. The Committee received photographs showing views of the site from Felixstowe Promenade and what the previous kiosk on the site had looked like. The proposed elevations were also displayed.

The material planning considerations and key issues were summarised as visual amenity, impact on the conservation area, coastal environment and flood risk.

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

There being no questions to the officers, the Chairman invited the Committee to debate the application that was before it. There being no debate, the Chairman sought a proposer and seconder for the recommendation to delegate authority to approve the application, as set out in the report. On the proposition of Councillor Bird, seconded by Councillor Yule it was by a unanimous vote

RESOLVED

That **AUTHORITY TO APPROVE** the application be delegated to the Head of Planning and Coastal Management, subject to both the submission and confirmation from East Suffolk Council Coastal Management team that a 'Level B CEVA' submission satisfies their requirements and the conditions below:

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 the application form, design and access statement, flood risk assessment, drawings 202201-01, 202201-02 received 16 May 2022.

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

3. The kiosk shall only be in use between 8:00 and 18:00 Monday - Sunday (including bank holidays), and no work or deliveries etc shall be carried out outside of the specified hours.

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

4. The development shall be carried out in accordance with the approved Level B Coastal Erosion Vulnerability Assessment, unless otherwise agreed by the local planning authority.

Reason: In the interests of coastal change management and to ensure that access to coastal defences is not inhibited by new and/or replacement development.

Informatives:

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

The meeting concluded at 4.45pm.

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Chairman

PLANNING COMMITTEE SOUTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

23 August 2022

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 21 July 2022. At present there are 15 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 outstanding enforcement matters up to 21 July 2022 be noted.

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 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. 27/06/2018 – Compliance visit conducted to check on whether the 2010. 06/07/2018 – Legal advice being sought. 10/09/2018 – Site revisited to check for compliance with Notices. 11/09/2018 – Case referred back to Legal Department for further action to be considered. 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive 	

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

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 03/09/2019. • 05/09/2019 – Site visit undertaken; file passed to Legal Department for further action. • Court date arranged for 28/11/2019. • 28/11/2019 - Officers returned to the High Court. A new three month suspended sentence for 12 months was given and the owner was required to comply in full with the Injunctions and the Order of the Judge by 31/01/2020 • Site visited. Case currently with the Council's Legal Team for assessment. 	

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"> Charging orders have been placed on the land to recover costs. 	
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. 	July 2023

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 – Legal advice sought; letter sent to site owner. • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. • 13/04/2021 – Letter sent to owner to establish current situation • Given until the end of June to either comply or supply the Council with any other information • Case being reviewed. • 22/05/2021 – contact received from site owner. Case reviewed • Due to the receipt of confidential information formal action has been placed on hold. • 06/07/2021 – Further enforcement action to be placed on hold and monitored, not expedient at 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					present to pursue. Review in two years.	
ENF/2016/0292	11/08/2016	South	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. Enforcement Notice to be drafted Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/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. 	31/08/2022

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"> • 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 • Appeal started. Statement submitted for 16th June 2020 • Awaiting Planning Inspectorate Decision • Appeal dismissed with some amendments. Compliance by 11/12/2020 • Site visit to be undertaken after 11/12/20 	

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"> Site visited, no compliance with Enforcement Notices, case passed to Legal Department for further action. Further visit to be done on 25/03/2021. Site visit completed, Notices not complied with, file passed to Legal services for further action. 	
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. 	31/08/2022

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 served by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. • Awaiting Planning Inspectorate Decision • Appeal dismissed. Compliance with both Notices by 05/08/2020 • Further legal advice being sought in relation to the buildings and fencing. Extension of time given until 30/04/21 for removal of the lake and reverting the land back to agricultural use due to Licence being required for removal of protected species. • Court hearing in relation to structures and fencing/gates 03/03/2021 • Case adjourned until 05/07/2021 for trial. Further 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>visit due after 30/04/21 to check for compliance with steps relating to lake removal.</p> <ul style="list-style-type: none"> • Further visit conducted on 04/05/2021 to check for compliance on Notice relating to the lake. No compliance. Case being reviewed. • 05/07/2021 – Court hearing, owner was found guilty of two charges and had already pleaded guilty to one offence. Fined £550 and £700 costs • 12/07/2021 – Letter sent to owner giving until the 10th August 2021 for the structures to be removed • Site visited on 13/08/21 all structures removed from the site. 	
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,	<ul style="list-style-type: none"> • Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 	30/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<ul style="list-style-type: none"> • Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 • Stop Notice Served 25/05/2019 comes into effect 28/05/2019. • Appeal has been submitted. Awaiting Start date. • Appeal to be dealt with as a Hearing. Deadline for Statements 03/08/2020 • Awaiting date of hearing from Planning Inspectorate. • Hearing date set for 02/02/2021. • Hearing adjourned until 09/03/2021 • Hearing adjourned again until 21/04/2021 as was not completed on 09/03/2021. • Awaiting Decision • Appeal dismissed and partial costs to the Council • Compliance with Notice by 18/08/2021 	

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<ul style="list-style-type: none"> • Extension of time granted for compliance until 31/10/21. • Further extension granted until 15/11/2021. • Site visited on 18/11/21 – no works undertaken, case to be referred to legal department for further action to be considered. • Certificate of Lawful Use (Proposed) application submitted. • Certificate of Lawful Use (proposed) refused. • Appeal submitted in relation to LDC refusal. Statements by 08/07/2022 	
ENF/2019/0307/CON D	21/10/2021	North	The Southwold Flower Company, Land at Wangford Rd/Reydon Lane, Reydon	Breach of conditions, 2, 4 and 8 of Planning Permission DC/18/0335/FUL	<ul style="list-style-type: none"> • 21/10/2021 – Enforcement Notice served. Date effective 25/11/2021. 3/5 months for compliance, requiring the building to be converted to be in full compliance with the permission within 5 months. To cease all retail sales from the site and to submit a 	25/02/2022 and 25/04/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
					<p>scheme of landscaping within 3 months.</p> <ul style="list-style-type: none"> • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal notice received. Statement due to Planning Inspectorate by 21/01/2022. • Awaiting Planning Inspectorate Decision 	
ENF/21/0441/SEC215	03/02/2022	North	28 Brick Kiln Avenue, Beccles	Untidy site	<ul style="list-style-type: none"> • S215 (Land adversely affecting amenity of Neighbourhood) Notice served 07/02/2022- compliance due by 11/06/2022 • Site visit undertaken on 17th June 2022 to check compliance. Site remains untidy. Internal discussion to be held regarding further action. • File passed to Legal Department for further action. 	11/08/2022
ENF/21/0051/USE	10/03/2022	North	Land West Of Guildhall Lane, Wrentham	Change of use and unauthorised operational development (mixed use including storage of materials, vehicles and caravans and residential	<ul style="list-style-type: none"> • 10/03/2022 - Enforcement Notices served and takes effect on 11/04/2022. 4 months for compliance. 	11/08/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				use /erection of structures and laying of hardstanding)		
ENF/20/0131/LISTL	17/03/2022	North	6 Upper Olland Street, Bungay	Unauthorised works to a Listed Building (Installation of roller shutter and advertisements)	<ul style="list-style-type: none"> • 17/03/2022 - Listed Building Enforcement Notice served and takes effect on 18/04/2022. 3 months for compliance. • Appeal submitted. Waiting for start date from the Planning Inspectorate. • Appeal started. Statements due by 07/06/2022 • Awaiting Planning Inspectorate Decision 	18/08/2022
ENF/21/0003/DEV	07/04/2022	North	26 Highland Drive, Worlingham	High fence adjacent to highway.	<ul style="list-style-type: none"> • 07/04/2022- Enforcement notice served and takes effect on 09/05/2022. 2 months for compliance. • Appeal submitted. Awaiting start date. • Appeal started. Statements by 30/06/2022 • Awaiting Planning Inspectorate Decision 	30/09/2022

LPA Reference	Date of Authorisation (Panel/ Delegated)	North/South	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/21/0408/COND	12/05/2022	South	Land at Dairy Farm Cottage, Sutton Hoo	Breach of conditions attached to DC/21/0008/FUL relating to removal of summerhouse and steps	<ul style="list-style-type: none"> 12/05/2022 – Breach of Condition Notice served. Three months for compliance 	12/08/2022
ENF/21/0027/USE	16/06/2022	North	18 The Esplanade, Lowestoft	Mobile homes for residential use	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022
ENF/21/0359/CONL	16/06/2022	North	40 Victoria Street, Southwold	Insertion of a rooflight on principal elevation	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 25/07/2022. 3 months for compliance 	25/10/2022
ENF/21/0411/COND	16/06/2022	North	Paddock 2, The Street, Lound	Change of use of land for residential use and stationing of mobile home	<ul style="list-style-type: none"> 16/06/2022 – Enforcement Notice served. Take effect on 18/07/2022. 4 months for compliance 	18/11/2022

Committee Report

Planning Committee South – 23 August 2022

Application no DC/22/0573/OUT

Location

Land To The North Of 18 Mill Road
Newbourne
Suffolk

Expiry date 7 April 2022

Application type Outline Application

Applicant The Executor of PA Taylor

Parish Newbourne

Proposal Outline Application (Some Matters Reserved) - Construction of up to two dwellings and access.

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

1. Summary

- 1.1. This application seeks outline planning permission with some matters reserved for the construction of up to two dwellings and access on and to the north of 18 Mill Road, Newbourne.
- 1.2. The proposed development would not meet any of the exemptions for new residential development in the countryside outlined by East Suffolk Council - Suffolk Coastal Local Plan (September 2020) Policy SCLP5.3, with specific regard to SCLP5.4 (Housing in Clusters in the Countryside). Furthermore, it is considered that the development would result in harm to the character of the former Land Settlement Association Holdings area identified by Local Plan Policy SCLP11.9 and SCLP5.4.
- 1.3. Therefore, the development would be contrary to Local Plan Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in

with the character of their surroundings. The application is therefore recommended for refusal.

- 1.4. The application was presented to the referral panel on 9 August 2022 as officers are 'minded to' refuse the application contrary to the parish council's support. The referral panel concluded that there were material planning considerations which warranted discussion by the planning committee.

2. Site Description

- 2.1. The site is located on the eastern side of Mill Road. It is comprised of an area of approximately 0.47 ha of land which is within part of the Former Land Settlement Association Holdings area of Newbourne.
- 2.2. To the south of the site is the host dwelling (18 Mill Road), a detached, two storey dwelling and respective outbuildings. To the north of the site is the Village Hall and public right of way no.9. There is scattered built form to the west and south of the site.
- 2.3. It is noted that a small section of the eastern side of the land within the applicant's ownership lies within Flood Zone 3; the site itself is outside of this. Beyond there is an area of woodland.
- 2.4. The site is not located within a conservation area, area of outstanding natural beauty or affects the setting of a listed building. The Newbourne Springs SSSI and Deben Estuary SPA, RAMSAR and SSSI are located approximately 450m to the north and 1.5km to the east of the site respectively.

3. Proposal

- 3.1. The application is an outline application for the erection of up to two dwellings and access with all other matters (appearance, landscaping, layout and scale) reserved.
- 3.2. The proposed access point is towards the centre of the site, which will arc into two driveways within the site serving each unit. New hedging is proposed along the site frontage with the highway to replace that to be removed to provide the access and visibility splays. Hedging is also proposed along either side of the access and to mark the boundary between the two plots. Post and rail fencing is proposed along the eastern boundary.

4. Third Party Representations

- 4.1. A total of two representations were received which object to the application on the following grounds;
 - Dominating/overbearing
 - Landscape impact
 - Loss of open space
 - Loss of outlook
 - Overdevelopment
 - Setting of precedent
 - Traffic or highways

- Trees
- Wildlife

4.2. Comments further noted that Newbourne is a small village with a unique, rich Land Settlement Association history where allowing infill and backland development sets a precedent to turn this quaint country village into a housing estate. The dwellings would be located close to the centre of the village and will be particularly noticeable.

4.3 The above is a summary of comments received; full comments can be viewed on the Council's website.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Newbourne Parish Council	1 March 2022	9 March 2022
"Newbourne parish council supports the outline application."		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	1 March 2022	3 March 2022
Summary of comments: No objection - recommends conditions should permission be granted.		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	1 March 2022	8 March 2022
Summary of comments: Recommends a condition for the unexpected discovery of contamination.		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	1 March 2022	25 March 2022
Summary of comments: Further information is required in respect of protected species and habitats prior to the determination of the application.		

Reconsultation consultees

Consultee	Date consulted	Date reply received
East Suffolk Ecology	27 June 2022	12 July 2022
Summary of comments: Following the initial comments, the results of further surveys for reptiles and great crested newts have been submitted in support of this application. No objection subject to conditions should permission be granted.		

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 5 March 2022

Expiry date: 25 March 2022

6. Planning policy

National Planning Policy Framework 2021

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

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

SCLP5.2 - Housing Development in Small Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

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

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

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

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

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

SCLP11.9 - Newbourne - Former Land Settlement Association Holdings (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Principle of Development including Landscape Impact

- 7.1. Newbourne is defined as a Small Village in the Settlement Hierarchy (SCLP3.2). The part of Newbourne which comprises the Former Land Settlement Association Holdings is a unique area within the plan area. Due to its unique nature, Newbourne does not have a defined Settlement Boundary in the same way as other settlements in the plan area. Newbourne is therefore considered to be countryside for planning purposes, where Policies SCLP5.2 and SCLP5.7 are not applicable to the proposed development as these relate to development within settlement boundaries.
- 7.2. Whilst it is preferable to maintain the plots and their associated horticultural and agricultural buildings in those uses, it is recognised that a number are not being used for their original purpose or have become derelict. There may be instances therefore where low key employment uses would be appropriate on the site of former horticultural and agricultural buildings, where this does not result in the functional or physical separation of the dwelling and the wider plot.
- 7.3. The Land Settlement Association was set up in 1934 as an experimental scheme to provide unemployed workers from depressed industrial areas with employment on the land. The scheme and its legacy can still be seen in the number of large regular shaped plots, some of which still contain commercial scale greenhouses. The rear of the site contains buildings formerly used for the small holding, however, the dwellings are predominately indicated to be located forward of these on previously undeveloped land, with the buildings removed to provide curtilages.
- 7.4. The prevailing form of development in this part of Newbourne is various size (often larger) dwellings in generous plots, with space between each unit. The application site is an example of one of the more spacious verdant plots which has not seen redevelopment and retains its former holdings character.
- 7.5. To retain the character of Newbourne, it is important to continue to control changes which may occur through new dwellings or the replacement or enlargement of dwellings and consideration will be given to the impact on the character of the Former Land Settlement Association Holdings area of Newbourne in this respect.
- 7.6. Policy SCLP11.9 states that the Council will encourage the retention of suitable buildings in horticultural or agricultural use of those parts of the former Land Settlement Association Holdings shown on the Policies Map, not currently used or required in connection with the

residential curtilages, taking account of any physical features which currently mark garden limits. SCLP11.9 also states that:

"The erection of new or replacement dwellings, or extensions to existing dwellings or ancillary residential development will be supported where:

e) Their scale and design would not harm the character of the former Land Settlement Association Holdings area; and

f) In the case of new dwellings, it would represent infill development within the existing frontage and not result in backland development."

- 7.7. Whilst details of appearance, landscaping, layout and scale are held for reserved matters, the indicative layout shows how two dwellings could be delivered with an active frontage on the streetscene; thus, the proposals would not comprise backland development.
- 7.8. The character of the site is very open and rural when compared to the more developed areas of Newbourne; with the exception of a few dwellings, village hall and former nursery site to the south, the eastern side of Mill Road is very open towards the AONB and River Deben.
- 7.9. The creation of development in this part of Newbourne would result in a more intense urbanisation of the very rural character, which is uncharacteristic of this part of Newbourne and in turn is considered to harm the character of the former Land Settlement Association Holdings area.
- 7.10. Recent appeal decision APP/X3540/W/21/3281480 on Jackson Road, Newbourne confirmed that countryside policies are applicable to development in Newbourne, due to the lack of settlement boundary.
- 7.11. Local Plan Policy SCLP5.3 states that outside of the defined Settlement Boundaries, new residential development will be limited to:
- a) Affordable housing to meet identified local needs on exception sites adjacent to, or well related to, Settlement Boundaries or clusters of housing in the countryside (in accordance with Policy SCLP5.11 and Policy SCLP5.4);*
- b) Limited development within existing clusters (in accordance with Policy SCLP5.4);*
- c) Replacement dwellings on a one to one basis where these are no more visually intrusive in the countryside than the building to be replaced;*
- d) Subdivision of an existing larger dwelling;*
- e) Conversion of an existing building (in accordance with Policy SCLP5.5);*
- f) Rural workers dwellings, where there is an essential need for a rural worker to live permanently at or near their place of work (in accordance with Policy SCLP5.6);*

g) Other residential development consistent with policy on residential development in the countryside contained in the National Planning Policy Framework.

- 7.12. Criterion 'a' and 'c-g' are not applicable in this instance. As such the proposed development will be considered against criterion 'b' - development within existing clusters, in accordance with Policy SCLP5.4.
- 7.13. Clusters can vary in size, and can include those settlements in the countryside which do not have the range or amount of facilities to be classed as a Major Centre, Town, Large Village or Small Village. The geography of the former Suffolk Coastal District is such that there are many small, dispersed communities and clusters of houses outside of the Towns, Large Villages and Small Villages. Whilst they do not have the level of services and facilities to support larger scale new housing development, some locations where there are existing clusters of five or more dwellings may be suitable for a small amount of development. Such an approach will help to meet local housing needs by enabling people to stay within their communities, reflecting the aims of the Council's Housing Strategy as well as helping to sustain rural communities and the services within them.
- 7.14. The policy therefore would support up to three new dwellings in clusters of at least five existing dwellings, or up to five new dwellings in clusters of at least ten existing dwellings which are well related to services and facilities. The policy does not intend to support development which would have an adverse impact upon the natural or historic environment or the landscape, but that can integrate with an existing cluster of houses, and the scale and design of schemes will be expected to not cause harm to the character of the cluster or the surrounding landscape.
- 7.15. Alongside seeking to maintain and enhance the vitality of rural areas there is a need to protect sensitive environments and landscapes and to seek to minimise the need to travel and reliance on the private car as far as is possible. Whilst it is acknowledged that within these more rural locations there is likely to be dependency on the private car for transport, it is considered appropriate to recognise that this may be reduced in some locations which are closer to settlements with services and facilities. In accordance with SCLP5.4, proposals for new dwellings within 'clusters' in the countryside will be supported where:

a) The proposal is for up to three dwellings within a cluster of five or more dwellings;

Or The proposal is for up to five dwellings within a cluster of at least ten existing dwellings which is well related to a Major Centre, Town, Large Village or Small Village;

And

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

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

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

- 7.16. 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.
- 7.17. The cumulative impact of proposals will also be a consideration in relation to the criteria above.
- 7.18. Before assessing the proposal against the above criteria of Policy SCLP5.4, it must first be considered whether the proposal meets the definition of a 'cluster.' A 'cluster' in the context of this policy consists of a continuous line of existing dwellings or a close group of existing dwellings adjacent to an existing highway; and contains 5 or more dwellings.
- 7.19. The proposed dwellings would have the host dwelling to the south, former land settlement association holding dwellings opposite and a village hall to the north. Due to the significant amount of greenspace surrounding the existing development form, which would have formed the agricultural/horticultural holdings historically, it is not considered that the application site would form a continuous line or close group of existing dwellings as required by the above definition.
- 7.20. It is also important to note that the 'close group' of dwellings should be adjacent to each other, and not separated by extensive open areas. There may, for example, be garden space or other buildings between dwellings, however, separation by fields or open land would not constitute a close group. A lot of the land associated with the dwellings in Newbourne is not garden space, rather is in agricultural or horticultural use which is not often marked by any form of boundary treatment.
- 7.21. Had the proposal been considered to meet the definition of a cluster, it would have otherwise failed SCLP5.3 as the development would not be infilling of an identifiable gap within an existing cluster (criterion b) and would cause undue harm to the character and appearance of the surroundings (criterion d).
- 7.22. Whilst formal comments from the Council's Landscape team have not been provided as part of the application, the Principal Landscape and Arboricultural Officer has advised that the development would result in a visual intrusion into the surrounding landscape.
- 7.23. With particular regard to the emphasis on the impact to the landscape character, the Suffolk Coastal Landscape Character Assessment specifically refers to this landscape:

"Some parts of the river are associated with intact natural habitats. Newbourne Springs is a nature reserve comprising wet carr woodland, marshy meadows and broadleaf woodland cloaking the steep slopes on the east side. It is a highly scenic combination with a strong sense of time depth and naturalness. It features in the dense network of footpaths in the area with some well known walks, which bring visitors at the weekends to enjoy the relative peace and scenery and the local pubs.

The marginal valley bottom landscapes are managed less intensively than the farmland on either side, and this contributes to their more natural feel, to which people are drawn.the topography and woodland combine to contain views, and the feel is very intimate.

Overall the views are generally more confined, richer and more textured than those experienced on the plateau farmland to either side."

- 7.24. There are gaps in the roadside hedge, it being unmanaged elm with varying degrees of dutch elm disease damage, and thus there are views out to the east which contain all the features described above, including wet woodland, grazing meadows and a strong sense of time depth and naturalness.
- 7.25. Whilst the submitted tree survey shows that no trees need to be felled to achieve the indicated house positions, the land itself will of course lose its naturalness and become domestic curtilage with mown lawn, garden planting in contrived planting beds and borders, play equipment and sheds.
- 7.26. All of this will erode the critical landscape value contained in this eastward view as described in the Landscape Character Assessment. Whilst some of the fundamental landscape fabric (trees and hedges) will remain intact, their 'in combination' value and the loss of meadowland will give rise to notable harm to landscape character.
- 7.27. Therefore, the development proposal fails to protect and enhance the special qualities and features of the area, and has the potential to have a significant adverse impact on this rural river valley landscape. It also fails to protect and enhance this significant view towards a key landscape, contrary to the aspirations of Local Plan Policy SCLP5.4 (d) and SCLP10.4.
- 7.28. The Principal Landscape and Arboricultural Officer considered that there are grounds for refusal of notable harm to landscape character and a failure to protect and enhance the same.
- 7.29. The proposal would therefore be contrary to Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 of the East Suffolk Council - Suffolk Coastal Local Plan (September 2020) which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in with the character of their surroundings.

Highway Safety

- 7.30. Suffolk County Council as Local Highways Authority has not raised any objection in respect of the proposed development. Conditions have been recommended for:
- Access to be laid out and completed in accordance with highways drawing DM01.
 - Gradient shall not be steeper than 1 in 20.
 - First 5m of the access with the highway shall be surfaced in a bound material.
 - Visibility splays to be provided in accordance with submitted plans.
- 7.31. Details in respect of parking provision, cycle storage, etc are matters which would be considered at a reserved matters stage; however it is noted that there is ample site frontage to provide off road parking to serve the development.

Ecology & RAMS

- 7.32. The Council's Senior Ecologist initially reviewed the submitted Ecological Assessment (Parker Planning Services, February 2022) and noted the conclusions of the consultant. The report concludes that whilst the site has habitats which could support a number of protected and/or UK Priority species (including reptiles and great crested newts), no further surveys are required and only mitigation measures in relation to bats and lighting, nesting birds and hedgehogs are proposed. However, it was considered that the site does provide suitable habitat for reptiles and therefore, in accordance with the NPPF; ODPM Circular 06/2005 and Local Plan policy SCLP10.1, further surveys were required in order to determine what the likely impacts of the development will be on this species group and what mitigation measures are required to be secured.
- 7.33. The results of further surveys for reptiles and great crested newts were submitted on 27 June 2022 in support of this application. The ecologist has read the Assessment for Reptiles and Great Crested Newts report (Parker Planning Services, June 2022) and noted the conclusions of the consultant. With regard to great crested newts, it is noted that eDNA surveys of the two ponds closest to the site identified that great crested newts are likely absent. Officers therefore agree with the conclusion of the consultant that specific mitigation measures in relation to this species are not required.
- 7.34. With regards to reptiles, a small population of common lizard has been recorded at the site, although it is noted that the number of survey visits undertaken was below the number generally recommended in the published best practice guidance (five visits as opposed to seven). It is therefore considered that the size of the reptile population recorded on the site should be considered to be a lower estimate, with the potential for more animals to be present than recorded. However, given the low number of animals recorded, it is not considered that the overall impact of the proposed development on local reptile populations will be beyond that set out in the report. It is therefore considered that appropriate mitigation measures can be secured via condition, should planning permission be granted.
- 7.35. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Stour and Orwell Estuaries SPA; the Stour and Orwell Estuaries Ramsar Site; the Deben Estuary SPA; the Deben Estuary Ramsar Site; the Sandlings SPA; the Orfordness-Shingle Street SAC; the Alde-Ore Estuary SPA and the Alde-Ore Estuary Ramsar Site) 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) arising from new residential development. The required contribution has been made and therefore an HRA record can be completed and filed. There is no policy conflict in respect of SCLP10.1

Residential Amenity

- 7.36. Due to the outline nature of the application, residential amenity would be considered at reserved matters stage, once detailed designs were known (SCLP11.2). Due to distances with neighbouring properties, it is likely that a scheme could be provided to accord with SCLP11.2.

8. Conclusion

- 8.1. For the reasons outlined above, the proposal is not considered to accord with SCLP3.2, SCLP3.3, SCLP5.2, SCLP5.3, SCLP5.4, SCLP5.7 or SCLP11.9 and is therefore recommended for refusal.

9. Recommendation

- 9.1. Refuse permission for the following reason:

1. This application seeks outline planning permission with some matters reserved for the construction of up to two dwelling and access on and to the north of 18 Mill Road, Newbourne.

The proposed development would not meet any of the exemptions for new residential development in the countryside outlined by East Suffolk Council - Suffolk Coastal Local Plan (September 2020) Policy SCLP5.3, with specific regard to SCLP5.4 (Housing in Clusters in the Countryside). Furthermore, it is considered that the development would result in harm to the character of the former Land Settlement Association Holdings area identified by Local Plan Policy SCLP11.9 and Policy SCLP10.4 with regard to the impact on local landscape character as identified in The Suffolk Coastal Landscape Character Assessment.

Therefore, the development would be contrary to Local Plan Policies SCLP3.2, SCLP3.3, SCLP5.3, SCLP5.4 SCLP10.4 and SCLP11.9 which seek to ensure that new development understands and enhances local character, responds to local context and that layouts fit in with the character of their surroundings.

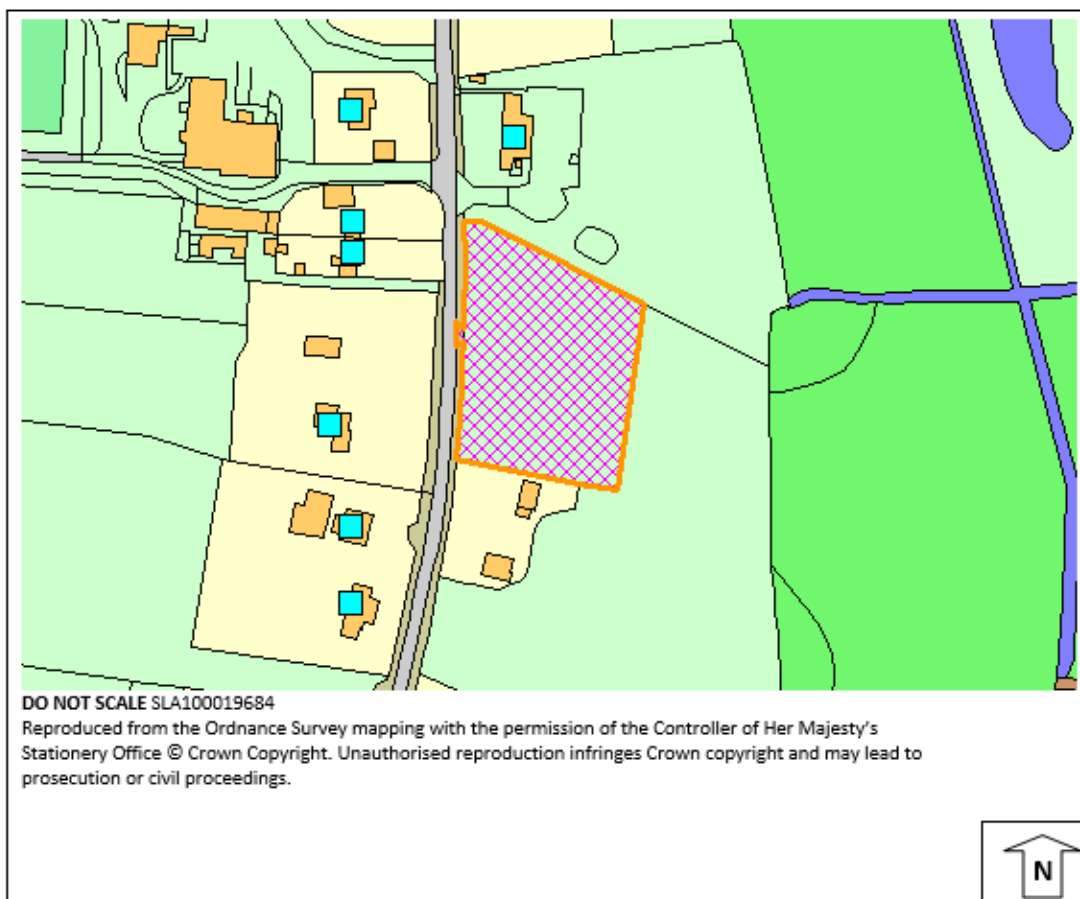
Informatives:

1. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.
2. In determining this application the Local Planning Authority has considered Drawing Nos PPS21-3110-TD1, PPS21-3110-VBP1 and PPS21-3110-ELP1 received on 11 February 2022.





Background information

See application reference DC/22/0573/OUT on [Public Access](#)

Map



Key

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

Committee Report

Planning Committee South – 23 August 2022

Application no DC/22/0665/FUL

Location

29D Quilter Road
Felixstowe
Suffolk
IP11 7JJ

Expiry date 17 May 2022

Application type Full Application

Applicant Mr John Clemence

Parish Felixstowe

Proposal Construction of replacement dwelling following demolition of existing.

Case Officer Mark Brands
07881 234242
mark.brands@eastsuffolk.gov.uk

1. Summary

- 1.1. Planning permission is sought for a replacement dwelling at 29D Quilter Road in Felixstowe.
- 1.2. Officers are minded to refuse the application contrary to the Town Council's recommendation of approval, and the application was therefore presented to the referral panel to confirm if the decision can remain delegated or will be determined by the Planning Committee, in accordance with the scheme of delegation.
- 1.3. Following the referral panel meeting on 19th July 2022, members considered this item should be determined by the planning committee.
- 1.4. 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 there have been no objections from statutory consultees.

2. Site Description

- 2.1. 29 Quilter Road is an impressive semi-detached Victorian dwelling that has been extended to the rear and converted into flats. The building that is the subject of this application is a small detached single storey former outbuilding to no. 29 that has been converted into a standalone residential dwelling. This building is referred to as 29D Quilter Road. The site lies within the Felixstowe Conservation Area and within the physical limits boundary of Felixstowe.
- 2.2. The building is rectangular in footprint within a small rectangular plot, located adjacent to the boundary line between 29 and 27 Quilter Road. The host building itself has a front building line approximately level with the rear building line of the neighbouring property 27 Quilter Road to the south, while the existing rear building line is approximately level with the rear building line of 29 Quilter Road to the north, which as mentioned has been converted into flats.
- 2.3. The existing host detached building is 6.0 metres wide by 9.3 metres in depth, with an eaves height of 2.95 metres and a maximum height of 4.4 metres. The roof line hips in from all four directions with a small crown roof. There is an approximate distance of 2.6 metres from the side flank wall of 29 Quilter Road and the application building.
- 2.4. The site has been subject to the following previous planning applications:
- E4818/1 - Installation sanitary fittings and to provide a self-contained unit of living accommodation. Permitted.
 - E4818 - Construct additional flats. Permitted.
 - DC/17/4138/FUL - Replacement dwelling. Refused 23 November 2017.
 - DC/18/0820/FUL - Replacement Dwelling (Resubmission of DC/17/4138/FUL). Permitted 19 April 2018.
- 2.5. The principle of demolishing the property was established through the 2018 permission which was a resubmission of the previously refused 2017 scheme but with more supporting evidence. This evidence included a structural report on the state of the building that identified a number of defects and concluded that extensive repair and reconstruction was required. At that time it was concluded that given the condition of the building, its demolition and replacement with another building of an appropriate design could be supported. This justification was required to overcome a key reasoning for refusal of the previous application, as the building in question makes a positive contribution to the conservation area; its loss was considered contrary to the NPPF and Local Plan.

3. Proposal

- 3.1. The proposal is for the construction of a replacement dwelling following the demolition of the existing. This would be in the form of a detached two storey dwelling, with a width of 6m, a depth of around 10.8m, and a height of 3m to the eaves and 7.2m to the ridge.

4. Third Party Representations

4.1. Objections have been received from two neighbouring properties, raising the following summarised concerns (see full comments on public website):

- Negative design and detailing
- Dominating / overbearing / overdevelopment
- Inappropriate in Conservation Area
- Loss of light, privacy, view, overshadowing
- Inappropriate scale
- Land ownership / boundary concern regarding overhangs
- Property value
- Setting of precedent

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Felixstowe Town Council	30 March 2022	6 April 2022
Summary of comments: Committee recommended APPROVAL. We welcome the fact that the Design and Access Statement recognises that that property is within the Conservation Area.		

Statutory consultees

Consultee	Date consulted	Date reply received
SCC Highways Department	30 March 2022	11 April 2022
Summary of comments: No objections subject to conditions		

Non statutory consultees

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	12 April 2022	No response
Summary of comments: No response received, consultation period has expired		

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	30 March 2022	12 April 2022
Summary of comments: No objections subject to condition		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	30 March 2022	No response
Summary of comments: No response received, consultation period has expired		

Publicity

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

Category	Published	Expiry	Publication
Conservation Area	31 March 2022	25 April 2022	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: Conservation Area Date posted: 11 April 2022 Expiry date: 5 May 2022
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6. Planning policy

National Planning Policy Framework 2021

SCLP3.1 - Strategy for Growth (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.7 - Holistic Water Management (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

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

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

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

SCLP11.3 – Historic Environment (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.5 - Conservation Areas (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

Historic Environment Supplementary Planning Document (East Suffolk Council, Adopted June 2021)

7. Planning Considerations

Design and Heritage Impact

- 7.1. The property is within the Felixstowe Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions. The NPPF identifies the conservation and enhancement of the historic environment as an important element of sustainable development. Paragraphs 199 and 200 of the NPPF requires planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be. The statutory duties of The Act and heritage objectives of the NPPF are also reflected in the Built and Historic Environment section of the Local Plan (policies SCLP11.1, 11.3 and 11.5 being relevant in this case) and the Historic Environment SPD.
- 7.2. While no Conservation Officer comments have been provided on this application (partly due to staffing constraints, with consultations currently limited to responses to Listed Building Consent applications), comments were provided on the two previous applications for a replacement dwelling on the site that are of relevance. These make particular reference to the character of the area and the significance of the building in question, see excerpt from the 2017 comments below:

"Quilter Road is characterised by predominantly semi-detached and terraced Victorian dwellings with traditional decorative architectural features and sash windows, along with some more recent infill development. No 29 is unusual in that it has a separate single storey ancillary building, which according to the Heritage Statement was formerly the billiard room to no 29. Although converted to a separate dwelling, it still retains its rather quirky, traditional external appearance, being of red brick with a truncated, pyramidal slate roof, which overhangs to form a veranda on the front elevation supported on timber posts with curved brackets and has timber sash

windows and front door and a brick chimney. The building therefore makes a positive contribution to the character of the Conservation Area."

7.3. Comments from the 2018 application:

"...as a general principle, given the current condition of the existing building, the extent of repairs and the degree of reconstruction required, as identified in the report, its demolition and replacement with another building of appropriate design could be supported. The proposed replacement dwelling has also been revised to address the concerns raised in relation to the previous design. The building is slightly smaller in scale and the palette of materials is to match the existing building including red brick and slate, but in particular white painted timber sash windows of a traditional design, rather than uPVC as previously proposed. It has also been designed to reflect the traditional character and appearance of the existing building including the veranda posts and brackets to the front (street facing) elevation."

Overall, subject to deletion of the roof light, my conclusion is that the development will preserve the character and appearance of the Conservation Area and I would therefore recommend approval."

7.4. The 2018 permitted scheme largely replicated the existing building in situ with the same profile, features and design, but modestly increasing the footprint.

7.5. The site is not specifically referred to in the Felixstowe Conservation Area Appraisal, however, as confirmed by the conservation team the building makes a positive contribution to the conservation area. The loss of the building is therefore considered to result in less than substantial harm to the conservation area, and such harm to a designated heritage asset would need to be weighed against the public benefits including securing its optimum viable use (in accordance with paragraphs 202 and 207 of the NPPF).

7.6. Local policy SCLP11.5 sets out that proposals for development within a conservation area should:

- a) Demonstrate a clear understanding of the significance of the conservation area alongside an assessment of the potential impact of the proposal on that significance;
- b) Preserve or enhance the character or appearance of the conservation area;
- c) Be of an appropriate design, scale, form, height, massing and position;
- d) Retain features important to settlement form and pattern such as open spaces, plot divisions, position of dwellings, hierarchy of routes, hierarchy of buildings, and their uses, boundary treatments and gardens; and
- e) Use high quality materials and methods of construction which complement the character of the area.

7.7. Additionally, policy SCLP11.1 sets out the design criteria the council would expect proposals to adhere to including requiring development to respond to local context and the form of surrounding buildings in relation to scale and character, layout, site coverage, height and massing of existing buildings, relationships between buildings and spaces, and making use of materials and detailing appropriate to the local vernacular. The policy also looks to support innovative and distinct designs with use of high quality materials.

- 7.8. The principle for the building's demolition has been established through evidence in the previous submissions that it is beyond repair, and this is considered to remain the case based on the dilapidated appearance of the building in situ. The proposed replacement dwelling however is considered to be overdevelopment of the site and to adversely impact neighbouring amenity.
- 7.9. The current former outbuilding is incidental in form and scale to no. 29, and as set out in the supporting information was formerly a billiards room. The replacement of the dwelling was permitted under DC/18/0820/FUL, however, the replacement dwelling was a similar design and style of property and was considered appropriate given the character of the existing building, its former relationship with no.29 and also the proximity of neighbouring dwellings. The submitted Design and Access Statement suggests the dwelling now proposed has been influenced by the architecture of the existing building and that of other buildings nearby and follows a design philosophy to produce a dwelling which appears as if it may have been a converted outbuilding. This is evidently not the case.
- 7.10. While the red brick and slate are compatible materials with those in situ on the building, it is evident that the current scheme completely disregards the architecture and design of the building in situ, and will not bear any resemblance to a converted outbuilding as suggested, nor will it read as a converted outbuilding as suggested given the overdeveloped nature of the layout and the building's scale. While the principle for the loss of the building has been accepted, this was on the basis of a similar replacement that positively reflects the characteristics of the building in situ and its relationship with the former host dwelling. The proposed replacement dwelling will neither preserve or enhance the character of appearance of the conservation area, and will not be of a sympathetic form given the context of the site and characterful building in situ and its relationship with the former host dwelling.
- 7.11. Whilst the submitted Design and Access Statement acknowledges that less than substantial harm to the conservation area would result from the development, it suggests this is outweighed by the public benefits of providing a modest dwelling. This is somewhat contrived as the proposed replacement is notably larger than the building in situ and of an unsympathetic design that disregards the character of the building and relationship with the former host dwelling. It is not therefore accepted that the cited benefits of the scheme would outweigh the harm as suggested; a replacement dwelling could be provided on the site of a more appropriate scale and sympathetic design than that submitted, and this has been demonstrated by the permitted scheme in 2018. The previous scheme was of a sympathetic design, style, character, scale and form, and was considered to preserve the character and appearance of the conservation area. It would be advisable to revisit the previously approved scheme, as the principle of a two storey development, given the context and character of the site, would not be supported.

Amenity

- 7.12. When considering the impact of proposals on residential amenity, the council seeks to ensure developments provide for adequate living conditions for future occupiers and will not cause an unacceptable loss of amenity for existing or future occupiers of development in the vicinity under policy SCLP11.2 of the Local Plan (in accordance with

paragraph 130 of the NPPF that seeks to ensure developments result in a high standard of amenity).

- 7.13. The building is in close proximity to neighbouring properties and the addition of a first floor is not considered acceptable as it will result in significant overlooking, particularly of residential properties to the rear (with around 5.7m to the neighbouring boundary). Additionally, the increase in height, adding over 3m to the scale of the dwelling will impact light levels to the neighbouring property to the north - particularly the ground floor principal windows distanced around 2.6m from the side wall. Although the existing building will have some impact in this respect, the increased height will significantly impact lighting levels to the ground floor rooms based on the proposed building being located to the south. The dwelling will also appear overbearing to the adjacent properties, and generally appear overdeveloped given the proximity to the boundaries and limited garden space available for the property.
- 7.14. Having regard to the above considerations, the proposal would adversely impact neighbouring amenity contrary to policy SCLP11.2.

Highway Safety

- 7.15. The highways team have raised no objections subject to conditions that will be attached to the decision notice, with sufficient parking and manoeuvring on the site to accommodate the proposed dwelling, in accordance with SCLP7.2 and the NPPF.

8. Conclusion

- 8.1. The proposed replacement dwelling is considered to result in overdevelopment of the site, and the increased scale and addition of a first floor will adversely impact the amenity of the adjacent properties through loss of privacy, reduction of lighting, and having an overbearing effect. In addition to this the existing building has many characterful features and its scale, design and form retains an associated relationship with the former host property. Its loss and replacement with a dwelling of such an unsympathetic form will erode this character, to the detriment of the site and its contribution to the conservation area.

9. Recommendation

- 9.1. Refuse permission for the following reason:
1. The existing building makes a positive contribution to the Felixstowe Conservation Area. The proposed replacement dwelling would result in overdevelopment of the site and is of an unsympathetic design and scale, given the character of the building in situ and its former relationship with the neighbouring property. The proposal would harm the character and appearance of the conservation area and adversely impact neighbouring amenity due to its overbearing scale, resulting in a loss of privacy and reduction of lighting levels. The proposed development is therefore considered contrary to policies SCLP11.1, SCLP11.2 and SCLP11.5 of the Suffolk Coastal Local Plan 2020 and the relevant provisions of the National Planning Policy Framework (paragraphs 130 and 202).

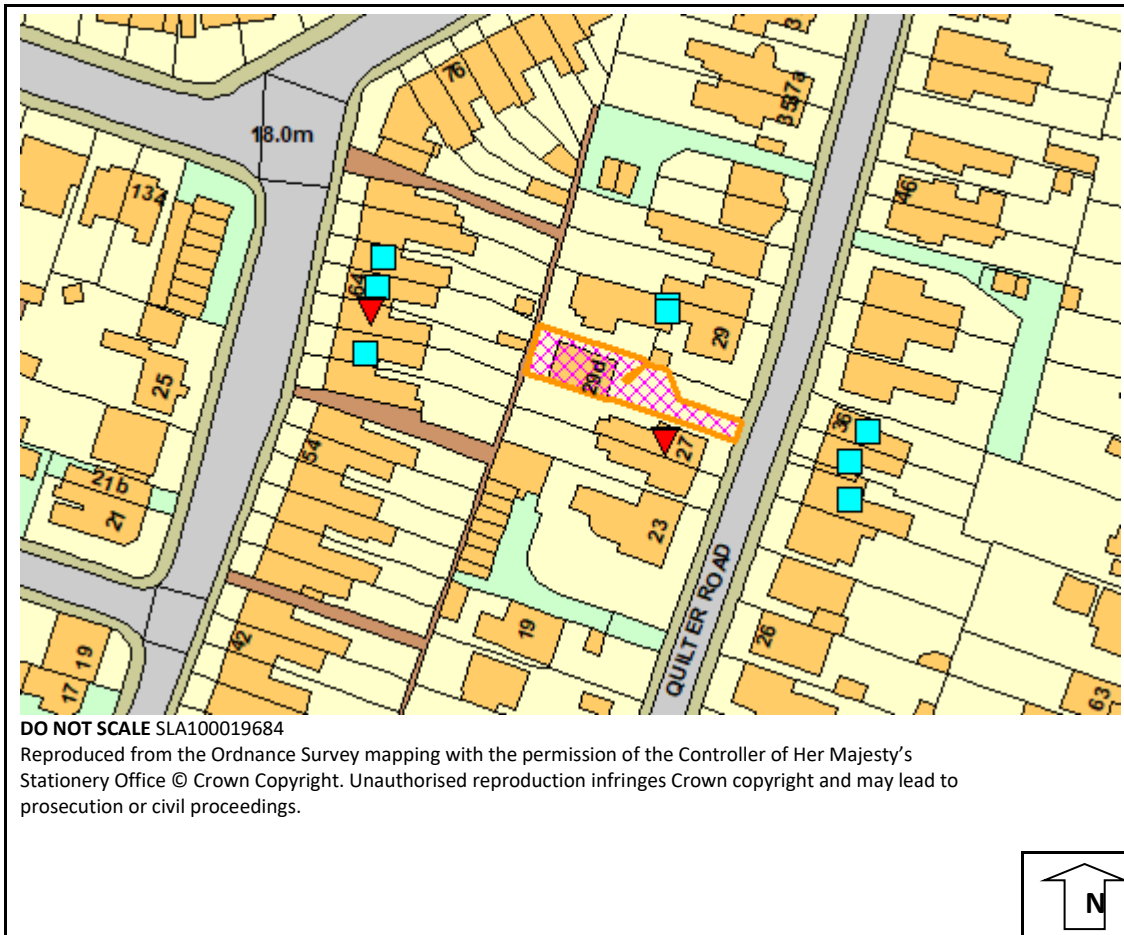
Informatives:

1. The Council offers a pre-application advice service to discuss development proposals and ensure that planning applications have the best chance of being approved. The applicant did not take advantage of this service. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework and local plan to deliver sustainable development.
2. In determining this application, the local planning authority has considered the following documentation submitted in association with the application:
 - Application form
 - Design and access and heritage statement
 - 4291-01 (site location plan)
 - 4291-02 (existing plans)
 - 4291-03 (existing elevations)
 - 4291-04 (proposed site plan)
 - 4291-05 (proposed plans and elevations)
 - land contamination report and questionnaire





Background information

See application reference DC/22/0665/FUL on [Public Access](#)

Map



Key

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