

PLANNING COMMITTEE

Date: 21 March 2019

APPLICATIONS FOR PERMISSION TO CARRY OUT DEVELOPMENT OR TO DISPLAY ADVERTISEMENTS (PC 14/19)

Schedule by Head of Planning and Coastal Management

Number of items: 10

FOR THE PURPOSE OF THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985 THE RELEVANT BACKGROUND DOCUMENT IN RESPECT OF EACH ITEM IS THE PLANNING APPLICATION FILE, INCLUDING SUBMITTED PLANS, CONSULTATIONS AND LETTERS OF COMMENT, BUT EXCLUDING INFORMATION EXEMPTED UNDER THE PROVISIONS OF THE ACT AND IDENTIFIED AS SUCH. ANY REPRESENTATIONS AND ADDITIONAL INFORMATION SUBMITTED AFTER THE PREPARATION OF THIS SCHEDULE RECEIVED NO LATER THAN 24 HOURS PRIOR TO THE COMMITTEE MEETING WILL BE REPORTED VIA THE ALTERATIONS AND ADDITIONS REPORT CIRCULATED AT THE MEETING.

PLEASE NOTE THAT THE ORDER OF THE ITEMS LISTED MAY BE CHANGED AT THE MEETING TO ACCOMMODATE PUBLIC SPEAKING.

SHOULD ANY OF THE FOLLOWING APPLICATIONS BE SUBJECT TO A SITE VISIT, THIS WILL NORMALLY TAKE PLACE ON THE SECOND MONDAY FOLLOWING THE DATE OF THE MEETING.

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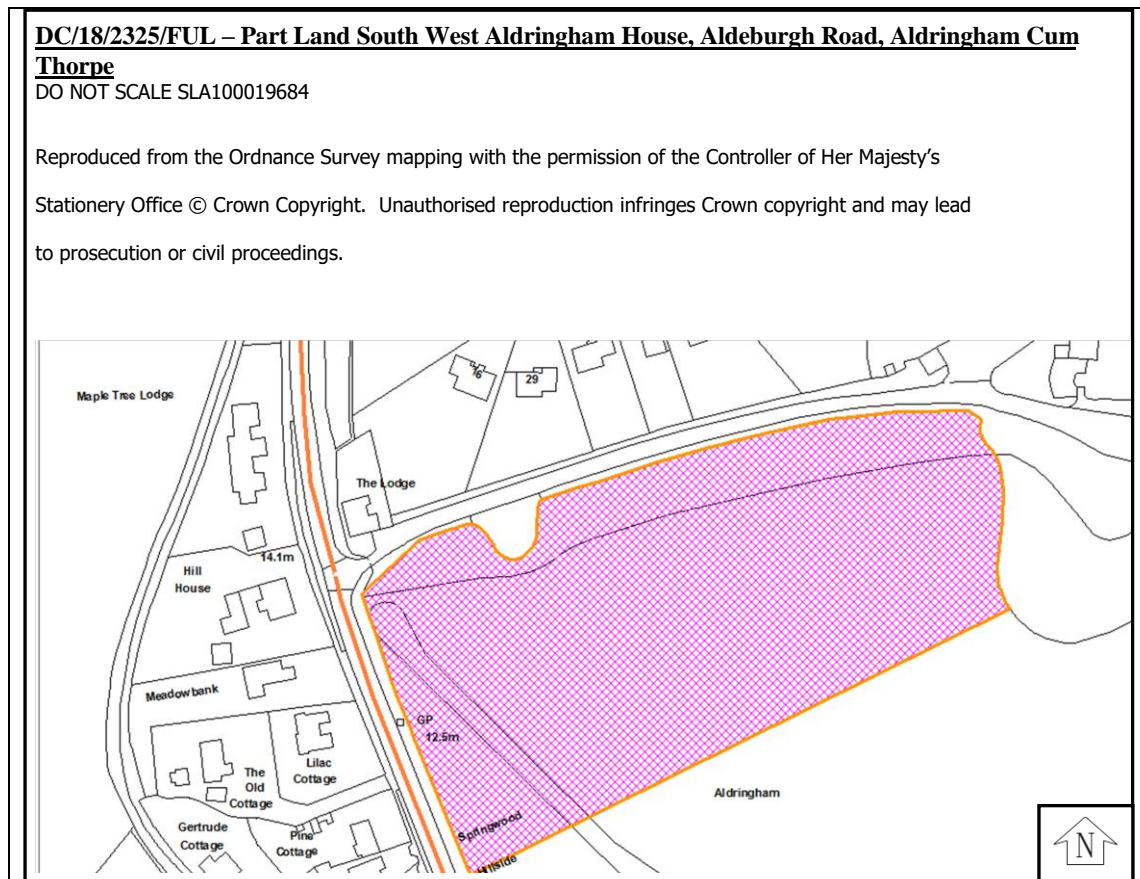
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1. **ALDRINGHAM – DC/18/2325/FUL – Residential development of 40 dwellings, together with associated access roads, garaging and car parking: Part Land South West Aldringham House, Aldeburgh Road, Aldringham cum Thorpe, Suffolk, IP16 4PT for Messers G & H Ogilvie, N Maggs, J Cronk and Hopkins and Moore (Developments) Ltd.**

Case Officer: Stephen Milligan

Expiry Date: 21 January 2019



EXECUTIVE SUMMARY

Full Planning Permission is sought for the erection of 40 dwellings, and associated works, including highway access.

The scheme proposes 13 affordable dwellings and 27 open market dwellings at a density of 24 dwellings per hectare.

The site is allocated as site SSP4 within the Suffolk Coastal District Local Plan Site Allocations and Area Specific Planning Policies DPD.

The development lies within the physical limits of Aldringham and the front part of the site lies within the designated Special Landscape Area. The proposed layout has a single vehicular access and with open space on the northern and western sides of the site. The Highways Authority do not object to the application.

The development lies within the setting of the Grade II listed Elm Tree Farmhouse which lies to the south of the site. The layout includes a tree belt on the southern side to provide mitigation to the setting of the listed building.

There is no statutory or policy objection to the application and the proposal is considered acceptable in all regards and recommended for approval subject to appropriate conditions as listed in the report and the completion of a legal agreement to cover affordable housing provision and RAMS payments and conditions.

1. SITE DESCRIPTION

- 1.1. The application site lies on the eastern side of Aldeburgh Road, within the Parish of Aldringham cum Thorpe. It was allocated under Local Planning Policy SSP4, and is included within the physical limits boundary of the village.
- 1.2. The application site is 1.67ha in area and is located on the south-eastern edge of the village of Aldringham, a settlement situated mid-way between Leiston to the North and Aldeburgh to the South. The small historic core of the village lies to the western side of the B1122 Aldeburgh Road, to the north and south of its crossroads with the B1353 Aldringham Lane, which links Knodishall to the west with Thorpeness to the east.
- 1.3. The Grade II Listed Parrot and Punchbowl Public House lies on the south-western side of the crossroads, with traditional two-storey properties to the north, fronting onto the Aldeburgh Road. More recent development has occurred during the latter part of the 20th Century to the west and south-west, along Aldringham Lane and Mill Hill, and to the north-east, along the eastern side of the Aldeburgh Road.
- 1.4. The current application site lies to the north-east of the crossroads, fronting the eastern side of the B1122 Aldeburgh Road, directly to the south of the 1970's estate of Aldringham Park, and to the south-west of the large 19th Century property Aldringham House, which is in use as apartments. It lies approx. 70m north of Elm Tree Farm House, a Grade II Listed building. The site comprises the northern-most portions of two existing agricultural fields, forming a broadly rectangular parcel of land extending to approximately 1.67Ha in area, with a frontage to the Aldeburgh Road of approximately 95 metres and a depth eastwards of approximately 180 metres.
- 1.5. The site is currently enclosed by a combination of mature trees and hedging along its northern boundary with the driveway to Aldringham House and the rear gardens to properties in Aldringham Park beyond, and the eastern boundary with the extensive curtilage of Aldringham House. The western boundary of the site with Aldeburgh Road is delineated by some lesser, more sporadic hedging and post and wire fencing, with the southern boundary currently undefined. Between the smaller, triangular-shaped frontage field and the larger eastern rear field, a mature hedgerow with trees runs south-eastwards, towards the farm complex and the Grade II Listed Elm Tree Farm House which lies approx. 70m south of the site. The triangular frontage field forms part of a designated Special Landscape Area along with land to the south and west.
- 1.6. There is a single storey dwelling The Lodge which lies on the northern side of the driveway to Aldringham House adjacent to the north western corner of the site. There

is a public bus stop on both sides of Aldeburgh Road, south of the site. This section of Aldeburgh Road has a 30mph speed limit.

2. PROPOSALS

- 2.1. This application seeks full planning permission for the erection of 40 dwellings, comprising of a mix of 13 affordable dwellings and 27 open market dwellings. It is proposed to include a mix of 1 bed apartments, and 2 bed, 3 bed and 4 bed houses.
- 2.2. Off-road parking is proposed for all plots, with many of the plots also having garages. The majority of houses have individual parking and garages, with parking courts for plots 12-20.
- 2.3. Vehicular access is proposed via a singular access point on Aldeburgh Road, within the southern part of the western site frontage. This road is set at 90 degrees to the existing highway. Approximately 35m into the site, there proposed to be a junction to a shared surface spur which would provide access to a private drive. The main access road is proposed to terminate in a turning head in the south eastern part of the site.
- 2.4. There are areas of open space along the site frontage and along the northern site boundary. The northern area contains a number of trees on the boundary with Aldringham house. An area of planting 'planted buffer' is proposed on the southern side of the site.
- 2.5. The current layout plan includes drainage infrastructure within the open space at the front of the site.

3. CONSULTATIONS

- 3.1. Aldringham cum Thorpe Parish Council:
"This site SSP4 was brought forward under the SCDC Site Allocation and Area Specific Policies document in 2016 when, despite concerns raised by the Parish Council at the time, the site was accepted and included in the Plan.

Now full planning is being sought for the site we believe significant mitigation should be applied to address the constraints and alleviate the concerns raised at the time of the plan review. The constraints identified and that the site is outside the physical limits of the village and therefore in a rural area, and is a site of Special Landscape Area (SLA) located on the south west portion of the site adjacent Aldeburgh Road. Two grade 2 listed buildings are close to the site, Elm Tree House 83M to the south and the Parrot and Punchbowl Public House 110M to the South. Aldringham House is located immediately to the north west of the sites northern boundary, which also runs alongside the driveway to Aldringham House. The site is also located to the east of the busy Aldeburgh Road with the village and footpaths located on the opposite (west) side of the road.

The Parish Council accepts that the developer has in the layout of the site gone some way to addressing a number of these concerns, including the provision of the required proportion of Affordable homes. However, the overall density of the development still remains a concern.

In early discussions with SCDC and Aldringham-cum-Thorpe Parish Council the developer agreed to keep the SLA clear of dwellings and only make use of this area to provide the required access to the site. The proposed dwellings have also been kept some distance from the drive to Aldringham House with the provision of some open space and an informal footpath. Tree planting is also proposed to the south boundary to provide some screening to the listed buildings.

However, we believe that further work is required to achieve all that is necessary to fully mitigate the development impacts upon the rural area surrounding this site. We wish to see the site treated as an ecological exemplar and follow the principles identified in the ecological appraisal of the site and those identified in the pre-planning advice from SCDC.

These included:

The north-west corner of the development would become highly visible from the Aldeburgh Road and Aldringham Lodge with the current proposals to remove all the trees and scrub from the area. The number of trees and scrub to be removed should be kept to a minimum in order to maintain adequate screening. The removal or repositioning of dwellings numbered 40 and 39 should be undertaken if it is the only way that this can be achieved.

Additional planting in the North-East corner of the site to improve the screening to Aldringham House should be carried out.

The southern boundary of the site which faces Elm Tree Farm should be planted with a hedge of native species, as indicated in SCDC's pre-planning advice, in addition to the trees shown on the plan.

The area of SLA which includes the access road is shown in the landscape plan to have been given an urban look and feel with most of the existing natural hedges and some trees being removed and then replanted with trees in a more formal arrangement, these are to be under planted with bulbs and the open areas planted with grass and wildflowers, with ongoing management to maintain this look. This is not appropriate for this Special Landscape Area. The existing hedges and trees should be maintained and, only where it is essential to remove them on the west boundary to form the access splay, minimum removal should be undertaken and replanting of native hedge species should be carried out to restore the hedge to its existing dimensions as indicated in SCDC's Pre-application advice. The hedge to the east of the SLA should also be kept in its natural form. Not only will this retain much of the rural feel to the site entrance, it

will improve screening from the road, provide habitat for wildlife and reduce the noise levels on the development.

It should be noted that the noise assessment survey was carried out with hedges in place. We also note that area of the SLA was not surveyed during the ecological appraisal. This should be carried out and where identified further mitigation measures appropriate to its SLA status put in place.

The ecological appraisal recommended that replacement planting is provided to compensate for any tree losses. This recommendation does not appear to be implemented to the landscape plan and should be.

The roadside footpath to the north of the entrance to the site, up towards the crown of the hill and the blind bend, should be removed in order to encourage pedestrians to cross the Aldeburgh Road to the south of the entry point to the site, which is a much better place to cross the road. Although the volume and speed of traffic on the B1122 will make crossing the road at any point a very dangerous activity.

The ecological appraisal recommended that, prior to development, breeding bird surveys should be carried out between Mid-March and end of June, a reptile survey is undertaken between April and October and bat emergence surveys May and August/September and tree use assessments all year. If not already done these should all be carried out and appropriate mitigation measures put in place.

Although individual bird boxes are shown they are limited in number and do not address the fact birds such as swifts and house sparrows nest in colonies which require multiple boxes to be provided in a given location. This should be addressed.

For information, we are led to believe that the original gas supply pipe to Aldringham House runs though the site parallel to the drive of Aldringham House. Although a new pipe was installed to the house, the original pipe may still supply Garden Cottage.

The following policies from the SCDC Local Core Strategy and Development Management Policies document, were taken into account when forming these comments

SP15 Landscape and Townscape

SP19 Settlement Policy

SP27 Key and Local Service Centres

DM21 Design: Aesthetics

DM22 Design: Function

DM27 Biodiversity and Geodiversity."

- 3.2. Suffolk County Council - Highway Authority: raises No Objections, recommending that any permission should include conditions concerning access construction in accordance with Drawing No 1711-129-SK001; visibility splays; construction of footways as shown on Drawing Nos ALD-002-A and ALD-003-A, extending north to

suitably safe crossing point and south to the existing bus stop. Details to be provided of areas for the manoeuvring and parking of vehicles; details of the areas to be provided for secure cycle; details of the estate roads and footpaths, construction of carriageways and footways serving; details of the areas to be provided for storage and presentation of Refuse/Recycling bins.

- 3.3. Suffolk Police – Designing Out Crime Officer: raises No objections, with comments in relation to:

– a suggestion that the development should consider applying for a Secured by Design Award.

The layout is considered to have a good movement framework without too much permeability. Most properties are orientated to provide active frontages and the majority of parking appears to be in curtilage or has good natural surveillance which is the preferred option of Secured by Design. There are some concerns about the level of natural surveillance to some of the communal parking areas.

The timber posts to the boundary of the open space to the north of the site should be positioned with centres to prevent vehicular access.

- 3.4. Suffolk County Council – Archaeological Service: No objection subject to conditions

- 3.5. Suffolk County Council - Emergency Planning: raise No Objections stating that the proposed development falls within the Sizewell DEPZ but outside the area where urgent countermeasures might be advised during any radiation emergency. This proposed development does not impact on the ability to extend emergency arrangements for potentially more serious accidents.

- 3.6. Suffolk County Council - Fire and Rescue Service (Water Office): raises No Objections and recommends that fire hydrants be installed within this development

- 3.7. Suffolk County Council – Local Lead Flood Authority: No objection subject to conditions

- 3.8. SCDC - Head of Environmental Services and Port Health: has no objection in principal to the development. However, there are areas which could give rise to annoyance and possible nuisance:-

1) The foul drainage discharge from 40 new residential properties will be a significant increase to the public sewer system network and shall require approval by Anglian Water prior to the commencement of the development.

2) The Phase I Geo-Environmental Desk Study Report has identified contaminants associated with former site use. The report recommends further investigative works be undertaken in order to assess for the potential presence of identified contaminants.

3) Constructional noise, vibration and dust of the new development does not appear to have been assessed and further details in the form of a Construction Management Plan will be required.

4) No details have been submitted in respect to site lighting and its impact on existing residents.

conditions are recommended

3.9. SCDC – Head of Housing: raise No Objections, and state:

- a) The affordable housing provision at 32.5% is close to the 33% required under the affordable housing policy ,
- b) The proposed rented housing mix (6x1bed flats and 3x2/3 bed houses) appears reasonable. As this isn't a rural exception site I would suggest that no local lettings policy is required in the 106 (as this will just lead to higher void levels),
- c) The 69%/31% rent to SO split is almost the current requirement (70/30).

3.10. Anglian Water: raise No Objections subject to a condition regarding Surface Water Disposal.

3.11. Office of Nuclear Regulation Emergency Planning: No Objections advising that the proposed development does not present a significant external hazard to the safety of the nuclear site.

3.12. Disability Forum: No Objections advising

- ALL Houses appear to have non-level access to front doors.
- There is no mention of accessible housing
- Although the site is level, local facilities are located in Leiston, a good distance away if you are disabled & don't have a car.

3.13. Suffolk Wildlife Trust: no comments received.

3.14. Third Party Representations: Seven letters of Objection have been received raising the following material matters:

- Dominating/Overbearing
- Loss of outlook
- Loss of Privacy
- Loss of view
- Trees
- Wildlife
- The development will adversely affect the Special Landscape Area.
- The development will affect two listed buildings: Elm Tree Farm House and The Parrot and Punchbowl and indeed the historic Aldringham House and its preserved gardens.
- The number and size of the dwellings, shown on the map accompanying the proposal, would seem to exceed the space available and have a negative impact on the surrounding rural setting.
- The development results in the disproportionate increase in the size of this small rural village. It has a high density at 30 dwellings per Ha, the highest density of any development in SCDC's current Site Allocations Plan, higher even than those

in towns such as Saxmundham where a high density may be appropriate and not at all appropriate to a small rural village with no shops, no community facilities, just one public house and virtually no employment opportunities other than for carers at Old People's Care Home.

- The decision to allocate the site for 40 dwellings was based on incorrect market sales data for the generic post code IP16 which includes Leiston. Average price paid for houses sold in Aldringham-cum-Thorpe Parish was 59% above the average for IP16 as a whole. The Viability Model should now be reviewed in the light of the above and the recalculations of viability corrected as necessary. Should it be found that, according to the correct viability model calculations, to build significantly fewer than 40 dwellings at this site would be a viable development and consequentially would provide a sufficient return on investment to be an attractive proposition for a developer, this application for high density housing should be refused.
- The dangerous position for access to/from Site from/to Aldeburgh Road
- The lack of any safe link such as pavement to and from the site for pedestrians and cyclists

4. RELEVANT POLICIES

4.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the setting of a listed building.

4.2 NPPF

4.3 NPPG

4.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development
SP1 – Presumption in Favour of Sustainable Development
SP2 – Housing Numbers and Distribution
SP3 – New Homes
SP14 – Biodiversity and Geodiversity
SP15 – Landscape and Townscape
SP18 – Infrastructure
SP19 – Settlement Policy
SP27 – Key and Local Service Centres
DM2 – Affordable Housing on Residential Sites
DM21 – Design: Aesthetics
DM22 – Design: Function
DM23 – Residential Amenity

DM26 - Lighting
DM27 – Biodiversity and Geodiversity
DM28 – Flood Risk

- 4.5 The Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Document (January 2014):
- SSP1 - New Housing Delivery 2015-2027
 - SSP2 - Physical Limits Boundaries
 - SSP4 – – Land to the East of Aldeburgh Road, Aldringham.

5 PLANNING CONSIDERATIONS

Principle of development

- 5.1 This site is allocated in the Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Document, under policy SSP4, which states:

“1.66ha of land to the east of Aldeburgh Road, Aldringham, as shown on the Policies Map, is identified for residential use for approximately 40 units.

Development will be expected to accord with the following criteria:

- *Design and layout should enhance the character of the site and surrounding landscape through high quality design, including planting schemes and boundary treatments and be sympathetic to the setting of nearby listed buildings;*
- *Any loss of native species hedgerow will need to be replaced with additional native species hedging;*
- *Provision of affordable housing;*
- *Appropriate access arrangements regarding the provision of off road parking, and securing acceptable access sight lines;*
- *A biodiversity survey will be required and, if necessary, appropriate mitigation provided;*
- *An archaeological assessment will be required;*
- *Provision of a pedestrian crossing point;*
- *Surface water disposal must be in accordance with the water management hierarchy; and*
- *A flood risk assessment will be required.”*

- 5.2 Therefore the principle of residential development of this extent on this site is acceptable.

Housing Mix

- 5.3 The proposal is for more than five units. Therefore policy SP3, which relates to housing mix is applicable. Similarly, as the site is for more than ten units, the requirements of the NPPG, mean that the affordable housing requirements of Policy DM2 is triggered. This means that one third of the units are required to be affordable.

- 5.4 The scheme proposes 13 affordable dwellings and 27 open market dwellings at a density of 24 dwellings per hectare. Therefore the total percentage of affordable units meets the requirements of policy
- 5.5 The application proposes the following mix of housing:

	<u>Tenure</u>		
<u>Unit size</u>	<u>Affordable</u>	<u>Open Market</u>	<u>Total</u>
1 Bed	6 units (plots 12,13,14,15, 16 & 17)	0 units	6 units
2 Bed	5 units (plots 9, 10, 11, 20 and 21)	10 units (plots 8, 22, 23, 28, 30, 31, 32, 33, 34, 35)	15 units
3 Bed	2 units (plots 18 & 19)	11 units (Plots 6, 7, 24, 25, 26, 27, 29, 36, 37, 38, 40)	13 units
4 Bed +	0 units	6 units (Plots 1, 2, 3, 4, 5 & 39)	6 units
Total	13 units	27 units	40 units

- 5.6 This equates to the following percentage mix (percentages are rounded up to 0.1 of a percent, so do not total 100%):

	<u>Tenure</u>		
<u>Unit size</u>	<u>Affordable</u>	<u>Open Market</u>	<u>Total</u>
1 Bed	15%	0	15%
2 Bed	12.5%	25%	37.5%
3 Bed	5%	27.5%	32.5%
4 Bed +	0	15%	15%
Total	32.5%	67.5%	

- 5.7 The housing team comment that the affordable housing provision and mix is adequate. Overall the proposed mix is in reasonable compliance with DM3.

Heritage and Archaeology Considerations

- 5.8 Policy SSP4 highlights the need for archaeological investigation.
- 5.9 SCC Archaeology confirms this site lies in an area of archaeological potential recorded on the County Historic Environment Record. The results of an archaeological Evaluation (CGMS, Archaeology South East, 2018) at pre-application stage show several features of Early Iron Age and medieval date and numerous features of unknown date. Thus, there is high potential for the discovery of further below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. They confirm that there are no grounds to consider refusal of permission to achieve preservation in situ of any important

heritage assets. However, conditions are recommended to ensure appropriate investigation and the publishing of results.

- 5.10 The site abuts the historic medieval core of Aldringham and also encroaches upon the upper section of the medieval green. The site is also identified as part of Aldringham Common on the 1783 Hodskinson's map.
- 5.11 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the setting of a listed building.
- 5.12 Elm Tree Farmhouse is a Grade II listed building that lies to the south of the site. The tree line along the driveway to Aldringham House, the village green, and surrounding farmland are all important parts of the setting to the listed farmhouse and contribute importantly to its significance. This is because of the evidential and illustrative value they provide of the rural, farmed and historic relationship between farmhouse and the surrounding landscape. The application site falls well within the farmhouse's setting, by this measure.
- 5.13 There will be some harm arising to the setting of the listed building by development encroaching upon its setting. There will be built form in the place of farmland, vehicle activity and external lighting, all of which will have adverse impacts. In addition, the green backdrop to the farmhouse in certain key views will be partly compromised by the introduction of a built edge forming the new countryside boundary.
- 5.14 The inclusion of tree planting as the southern edge of the development is a vital component to preserve the farmhouse's setting and the Principal Design and Conservation Officer raises no objection to the development.
- 5.15 The layout has observed the historic layout of the village through the set back of the development from the triangular field at the front of the site. The inclusion of a tree belt along the southern part of the site will in time continue the treed backdrop to Elm Tree Farmhouse and will help to preserve the setting of this Grade II Listed building.

Visual Amenity

- 5.16 The density at 24 dwellings per hectare and pattern of development are reasonably akin to that found elsewhere in the village although the estate form and close grouping of the development gives a generally urban character. The simple linear road provides access to the depth of the development site and creates an internal street scene that, as a consequence, means that very few of the dwellings face outwards to the attractive views of the countryside or to the green edges of the site. However, the layout does contribute positively to the local street scene where the site engages with Aldeburgh Road and provides a small group of five dwellings fronting the open space and facing onto the Aldeburgh Road. The addition of neo-Georgian house styles and neo vernacular styles will add to the mix of styles and periods that is a feature of the village.

- 5.17 The retention of open space on the northern and western sides of the site will provide an attractive setting to the development from Aldeburgh Road and the driveway to Aldringham House. The southern tree belt provides an important edge to the SLA and countryside to the south.
- 5.18 The dwellings are all proposed to be two storey or 1.5 stories high which is reflective of the prevailing character of the village. The dwellings are designed to front the northern and western open space areas creating an attractive setting to these areas. The development would have a positive relationship to Aldeburgh Road, with plot 40 having the appearance of fronting the road. The relationship of the dwellings to the highway will result in the removal of scrub which would result in a more urbanising appearance reflecting the character of the properties on the opposite side of the road. It is not considered that the impact of this plot and the adjacent plot 39 on the character of the area will be so detrimental so as to justify the omission of the units as recommended by the Parish Council.
- 5.19 Whilst the potential crime deferent benefits of external lighting are recognised, this is a rural environment, where external domestic and street lighting can adversely affect amenity and result in unacceptable levels of light pollution. External lighting can also be detrimental to wildlife. Therefore any external lighting scheme will need to be carefully designed, and it would be appropriate to include a condition on any consent relating to the submission and implementation of an external lighting scheme.

Trees, Landscaping

- 5.20 The site layout has been revised from the pre-application versions to take account of the triangular area of roadside land that is included within the Special Landscape Area boundary and is associated with Elm Tree Farm. The landscape strategy plan shows retention of existing trees and hedges except where needed for access, as well as significant new planting on this triangle of open land and along the southern boundary of the site. Provided that retained trees are fully protected during construction, and new planting in these areas fully respects the prevailing local landscape character, there is no objection in this respect.
- 5.21 Elsewhere across the site, existing trees have been fully assessed and the layout of the development proposal takes account of the root space requirements of retained trees. The arboricultural related implications of the proposal have been considered by the Arboriculture and Landscape Manager, are as follows:
- 1 In addition to trees which require felling irrespective of development, it is necessary to fell sixteen low quality individual trees and parts of eight low quality landscape features in order to achieve the proposed layout. Additionally, two trees and three landscape features require minor surgery to permit construction space or access.
 - 2 One tree has been identified for removal irrespective of any development proposals. The removal of T024 coincides with the requirements of the proposed layout.

- 3 The alignment of the new dwellings does not encroach within the Root Protection Areas of any trees that are to be retained. In view of this, and as assessed in accordance with BS5837:2012, no specialist foundation designs or construction techniques will be required to prevent damage to tree roots.
Specialist foundations may still be required for other reasons, including mitigating the influencing distance of tree roots, subject to expert advice from a structural engineer.
 - 4 The alignment of shared surfacing nominally intrudes within the Root Protection Areas of four trees/landscape features to be retained. This has only minor influence on the Root Protection Areas and as such it is considered appropriate to undertake linear root pruning, thus obviating the need for specialist “no dig” construction techniques at this location
 - 5 Furthermore, the alignment of some the new access road encroaches within the Root Protection Areas of six trees/landscape features that are to be retained but given the use of modern “no dig” construction techniques this is not considered to be a substantial issue.
- 5.22 Given the amount of indicated new tree planting, the removal of some existing low quality small trees is not regarded as being of significant impact on landscape amenity. All trees and landscape features that are to remain as part of the development should suffer no structural damage provided that the findings of the arboricultural implications report are complied with in full.
- 5.23 Subject to achieving Planning Permission, a detailed Arboricultural Method Statement and Tree Protection Plan will be required. This will include the following: fencing type, ground protection measures, “no dig” surfacing, access facilitation pruning specification, phasing and an extensive auditable monitoring schedule.

On site Ecology

- 5.24 The submitted application includes a Preliminary Ecological Appraisal of the site. It identifies that the site has potential to support bats, reptiles, and breeding birds. The following recommendations have been made:
- Ground level tree inspections to assess their potential to support roosting bats.
 - Reptile surveys of the northern semi-improved grassland field between April and October, inclusive.
 - Programming of works outside of the bird nesting season (March to August inclusive).
 - Breeding bird survey (mid- March to the end of June).
- 5.25 Some of the additional reports/assessments have been provided by the applicant and identify the absence of reptiles and bat roosts at the site. Breeding bird surveys are proposed from Mid March 2019. Mitigation measures are proposed to avoid adverse impacts on ecological considerations during construction and ecological enhancements post construction. These include retention of existing trees and hedgerows, creating additional trees/hedgerow along the south boundary of the

development, designing lighting to avoid light spillage along trees/hedgerows, and the installation of bat and bird boxes.

- 5.26 No comments have been received from Suffolk Wildlife Trust in this instance, however the ecological mitigation and enhancement measures in respect of on site ecology is considered adequate.

Residential Amenity

- 5.27 The development is designed to be generally self contained. There are two residential properties close to the site, a single storey dwelling The Lodge which lies on the northern side of the driveway to Aldringham House close to the north western corner of the site and Aldringham House its self, which lies to the north-east.
- 5.28 Plot 40 is proposed to be within 17m of The Lodge. The new dwelling would be a two storey property, to the south-east of the Lodge, with a single first floor window facing north which would serve a bathroom. It is not considered that the relationship between the Lodge and Plot 40 will give rise to adverse impact upon the amenity of this existing property.
- 5.29 The flats on plots 12-17 would be the closest to Aldringham House. There are proposed to be first floor windows in the block facing towards Aldringham House. However the proposed fenestration would be located over 41m from Aldringham House and at this distance will not give rise to significant adverse impact upon the privacy of neighbours within this property.
- 5.30 Internally the closest relationship between dwellings, would be between plot 19 and plot 22. These are proposed to be set with a back to back distance of 21m and to be set at an angle of approx. 40 degrees. On balance, impact will not be so detrimental so as to be considered contrary to policy DM23.
- 5.31 There is also proposed to be a close relationship between plots 18 and 19 and plot 30, however the first floor windows in plot 30 proposed to face 18 and 19 would be high level rooflights some 1.9m above floor level. This height will avoid impact upon the privacy of these properties.

Highway Safety

- 5.32 The application has been modified since submission to introduce a pavement along the road frontage as far as the junction with the Thorpeness Road in the direction of the bus stops to the south.
- 5.33 The single access onto Aldeburgh Road has adequate visibility to north and south and was a requirement of policy SSP4. The access has been considered by the Highway Authority who raise no objections to the application. The Highway Authority recommends the imposition of conditions and the proposal is considered to have a satisfactory impact upon highway safety.

- 5.34 The layout provides parking for all properties in accordance with the Suffolk Guidance for Parking.

Surface Water Run-Off and Contamination Issues

- 5.35 Policy SSP4 highlight that surface water disposal must be in accordance with the water management hierarchy; and a flood risk assessment is required.
- 5.36 During the course of this application, documentation has been submitted by the applicant in respect of surface water drainage strategy and flood risk assessment. The details included microdrainage calculations for the disposal of surface water.
- 5.37 Suffolk County Council Flood and Water Management team are the lead local flood authority on such matters. They are satisfied with the proposals and recommend approval subject to conditions to ensure the surface water strategy is implemented, that appropriate SUDs are included, and that surface water is managed during construction.
- 5.38 A condition is recommended that details of surface water management during construction is provided pre-application. The applicant raises no objections to the imposition of such a condition.
- 5.39 Planning Officers are satisfied that appropriate means of surface water drainage can be secured, through the inclusion of these conditions, and as such the scheme would be acceptable in terms of surface water drainage considerations and Local Policy DM28.
- 5.40 The proposed residential development is classed as a vulnerable use, in terms of contamination, and therefore any potential sources of contamination need to be identified and appropriately dealt with.
- 5.41 A Phase II contamination report has been provided which indicates that there is no ground contamination.
- 5.42 A condition is recommended by Head of Health regarding unexpected contamination.

Foul Water Drainage

- 5.43 Anglian Water, the operator of the mains foul water system in this area, have confirmed that the site is within the catchment of Thorpeness Water Recycling Centre, which has capacity for the predicted flows from the development via a gravity discharge regime.

Other Infrastructure

- 5.44 This application seeks full planning permission for dwellings. It is therefore CIL liable. It lies within the High CIL charging zone. The CIL rate is £199.18 and the floorspace of the market housing is 3416.12sqm giving a total of £680,422.78.

AA & RAMS

- 5.45 The application site lies within the 13km 'zone of influence' for the Minsmere to Walberswick Heaths & Marshes Special Area of Conservation, Sandlings Special Protection Area and the Alde-Ore Estuary Special Protection Area and Ramsar. It is expected that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of these European Sites, due to the risk of increased recreational pressure caused by development.
- 5.46 A contribution of £12848.80 to the emerging Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) should be secured from this residential development. This can be secured via Section 106 as recommended.

Economic Benefits and Benefits verses Harm.

- 5.47 The proposal will provide economic benefit during construction phase and residents will provide spend within the local economy to the benefit of commercial premises in Leiston and the Parrot and Punchbowl PH in the village. There will be CIL contribution of £680,422.78.
- 5.48 The proposed development would deliver 40 dwellings in a sustainable location in accordance with Local Plan policy SSP4. There are currently limited opportunities within the village for residential development and the proposal will include 13 affordable units. There would be further economic benefits accruing from the proposed development: in the initial period short-term construction jobs; and, once complete, occupiers and users of the development will likely support local shops and services.
- 5.49 This is weighed against the less than substantial harm to the setting of Elm Tree Farm House. Impact is mitigated by the southern tree belt.

Conclusions

- 5.50 The principle of residential development on this site has been agreed through the allocation of the site under Policy SSP4.
- 5.51 The proposed scheme meets the requirements of Policy SSP4, that it meets the criteria set out in the policy in the following ways:
- 13 units of Affordable housing are proposed, and these would be secured via a Legal Agreement,
 - The proposal includes a surface water management scheme, and the implementation of this scheme will be secured via condition.
 - The application includes a flood risk assessment,
 - Archaeological investigation will be secured via condition,

- There is space for planting along the southern boundary, the details and implementation of which are proposed to be secured by condition,
- The scheme includes a mix of housing density and types, including terraces, semi-detached and detached dwellings, with open market and affordable dwellings with a variety of numbers of bedrooms.
- The surface water disposal is to be in accordance with the water management plan,

- 5.52 Subject to suitable planting along the boundaries to soften the edges of the development, it is considered that the development has an acceptable impact upon the setting of listed buildings and SLA.
- 5.53 Subject to the RAMS payments, which are to be secured via the Legal Agreement, the scheme would be acceptable in terms of the Habitats Regulation Requirements in mitigating potential impacts upon European Designated Sites.
- 5.54 The design, form and level of development on this site is acceptable, represents a sustainable form of development, and would accord with Local and National Planning Policy, provided certain elements/details are secured via conditions. These include matters relating to materials, landscaping, ecology, archaeology, construction management, contamination, foul and surface water drainage, highway works, and other matters relating visual and residential amenity.

RECOMMENDATION: Delegate to the Head of Planning Services **Authority to APPROVE** subject to a Legal Agreement to secure the provision of the affordable housing and appropriate mitigation to protected European Sites (RAMS), and 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 be completed in all respects strictly in accordance with the following drawings 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.
Drg No ALD2 002A Planning Layout received 13.11.2018
ALD2 003A External Works Layout received 13.11.06.2018
ALD005 Materials Plan received 04.06.2018
HOPK 428/24-001 REV A Concept Landscape Proposals received 04.06.2018
6514-D-AIA Tree Survey and Arboricultural Impact Assessment received 04.06.2018
ALD2 100 House type 1300 Floor Plans and Elevations received 04.06.2018
ALD2 101 House type 1300 Floor Plans and Elevations received 04.06.2018
ALD2 102 House type 1762 Floor Plans received 04.06.2018

ALD2 103 House type 1762 Elevations received 04.06.2018
 ALD2 104 House type 660 Floor Plans received 04.06.2018
 ALD2 105 House type 660 Elevations received 04.06.2018
 ALD2 106 House type 1042 Floor Plans and Elevations received 04.06.2018
 ALD2 107 House type 1200 & 1050 Floor Plans received 04.06.2018
 ALD2 108 House type 1200 & 1050 Elevations received 04.06.2018
 ALD2 109 House type 750 Floor Plans received 04.06.2018
 ALD2 110 House type 750 Elevations received 04.06.2018
 ALD2 111 House type 855 Floor Plans received 04.06.2018
 ALD2 112 House type 855 Elevations received 04.06.2018
 ALD2 113 House type 1050 & 892 Floor Plans received 04.06.2018
 ALD2 114 House type 1050 & 892 Elevations received 04.06.2018
 ALD2 115 House type 1050 & 892 Elevations 2 received 04.06.2018
 ALD2 116 House type 1567 Floor Plans received 04.06.2018
 ALD2 117 House type 1567 Elevations received 04.06.2018
 ALD2 118 House type 892 Floor Plans received 04.06.2018
 ALD2 119 House type 892 Elevations received 04.06.2018
 ALD2 120 House type 1567 Floor Plans received 04.06.2018
 ALD2 121 House type 1567 Elevations received 04.06.2018
 ALD2 122 House type 1762 Floor Plans received 04.06.2018
 ALD2 123 House type 1762 Elevations received 04.06.2018
 ALD2 124 House type 1104 Floor Plans received 04.06.2018
 ALD2 125 House type 1104 Elevations received 04.06.2018
 ALD2 126 House type 861 & 892a Floor Plans received 04.06.2018
 ALD2 127 House type 861 & 892a Elevations received 04.06.2018
 ALD2 128 House type 861 Floor Plans received 04.06.2018
 ALD2 129 House type 861 Elevations received 04.06.2018
 ALD2 130 House type 495 Floor Plans received 04.06.2018
 ALD2 131 House type 465 Elevations 1 received 04.06.2018
 ALD2 132 House type 495 Elevations 2 received 04.06.2018
 ALD2 133 House type 750, 1045, 1050 Floor Plans received 04.06.2018
 ALD2 134 House type 750, 1045, 1050 Elevations received 04.06.2018
 ALD2 301 Garages 1 received 04.06.2018
 ALD2 302 Garages 2 received 04.06.2018
 ALD2 303 Garages 3 received 04.06.2018
 ALD2 304 Garages 4 received 04.06.2018
 ALD2 305 Substation received 04.06.2018
 Drg No 1711-129-002 Rev C Engineering Layout received 28.01.2019
 Reason: For the avoidance of doubt as to what has been considered and approved.

The materials and finishes shall be as indicated within the submitted application and thereafter retained as such

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

3. Within three months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass,

earthworks and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.

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

4. The approved scheme of landscape works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of five 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 thereafter and shall be retained and maintained.

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

5. No development shall commence until an Arboricultural Method Statement and Tree Protection Plan have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the works undertaken in the vicinity on trees to be retained at the site are carried out in a way that minimises/prevents damage to them.

6. Unless otherwise agreed in writing with the local planning authority no development shall commence or any materials, plant or machinery be brought on to the site, until the approved scheme of protective fencing has been implemented. At no time during the development shall there be any materials, plant or equipment stored, or building or excavation works of any kind undertaken, beneath the canopies of the trees and hedges. All fencing shall be retained and maintained until the development is complete.

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

7. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning

Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to the commencement of development, an Ecological Mitigation Strategy and Landscape and Ecological Management Plan should be produced for the site for approval in writing. The approved Strategy and Management Plan should be followed throughout the construction process and post construction period where applicable.

Reason: In the interests of ecological mitigation and enhancement.

9. The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated January 2019, ref: 1711-129 Rev D) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

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

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

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

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

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

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan.

12. No other part of the development shall be commenced until the new vehicular access has been laid out and completed to at least Binder course level or better in accordance with Drawing No 1711-129-SK001 and been made available for use.

Thereafter the access shall be retained in the specified form.

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

13. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension).

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

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

14. Before first occupation a footway fronting the site shall be constructed in accordance with details, which previously shall have been submitted to and approved in writing by the Local Planning Authority. The lengths of footway are shown indicatively, on Drawing Nos ALD-002-A and ALD-003-A, extending north to suitably safe crossing point and south to the existing bus stop.

Reason: To secure appropriate improvements to the existing highway in the interests of highway safety and access to sustainable transport in the form of the local footway and bus networks.

15. The areas to be provided for the (loading, unloading,) manoeuvring and parking of vehicles shall be in accordance with Drg No ALD2 002A Planning Layout received 13.11.2018. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

16. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads/footways are constructed to an acceptable standard.

17. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of residents and the public.

18. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

a. The programme and methodology of site investigation and recording b. The programme for post investigation assessment c. Provision to be made for analysis of the site investigation and recording d. Provision to be made for publication and dissemination of the analysis and records of the site investigation e. Provision to be made for archive deposition of the analysis and records of the site investigation f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

19. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

20. Within 3 months of the commencement of development a scheme of external lighting on the site shall be submitted to the local planning authority for approval in writing. The approved scheme of lighting shall be implemented prior to occupation of the final dwelling.

Reason: In the interests of amenity and ecology.

21. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. The proposed route for access to the site by plant, operatives and delivery vehicles;
- b. Loading and unloading of plant and materials;
- c. Storage of plant and materials used in the construction of the development;
- d. Materials/plant delivery times;
- e. Construction times;
- f. Parking for construction workers and visitors;
- g. Wheel washing facilities; measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/2325/FUL

Committee Date: 21 March 2019

2. **FELIXSTOWE – DC/19/0445/FUL – Removal of existing unsafe concrete cliff steps & construction of new purpose made metal/concrete steps with guarding's & handrails: Cliff Steps to Promenade, Cliff Road, FELIXSTOWE, IP11 9SH for Suffolk Coastal District Council.**

approve once the consultation period has expired (11 March 2019); and subject to no material planning objections being received in the intervening period.

The item has come before members because the applicant is Suffolk Coastal District Council.

1. SITE DESCRIPTION

- 1.1 The application site is located in the town of Felixstowe, to the west side of Cliff Road. The site is broadly L-shaped and covers an area of 0.0175 hectares, comprising the coastal steps that connect the Cliff Road area to the promenade. The steps provide pedestrian access down the steep bank to the promenade, which is some 12 metres below the level of Cliff Road. The existing steps are constructed of concrete with a metal handrail running adjacent one side; the other side is open to the grass bank.
- 1.2 Felixstowe's long promenade - which is almost continuous - stretches from Felixstowe Ferry in the north, to Martello Park in the south, and provides direct access to the beach and sea. Natural England is undertaking work on the England Coast Path 14 and the Felixstowe promenade will become part of this national trail which provides opportunity to access the coast across the entire country. The promenade forms an important part of Felixstowe's tourism offer along with the other traditional seaside activities located in and around this area.

2. PROPOSALS

- 2.1 The proposed development is to remove the existing concrete steps and erect a replacement staircase, constructed of galvanised metal posts with timber handrails and suspended concrete steps. The proposal would involve the laying of concrete landing areas at the top and bottom of the bank, with the lower steps (Nos.1-21) connecting to this area being concrete and cast in-situ.
- 2.2 The proposed steps would largely follow the gradient of existing although, because the majority of the steps are suspended, they would be raised above ground levels, by up to 1.4 metres, in some instances. The replacement steps would be positioned slightly north of existing, utilising the existing grassed bank.

3. CONSULTATIONS (Consultation period closes 11 March 2019)

- 3.1 Felixstowe Town Council: recommended approval of the application.
- 3.2 Environment Agency: No comments received.
- 3.3 Suffolk County Council - Archaeological Service: No comments received.
- 3.4 Suffolk County Council - Flooding Authority: No comments received.
- 3.5 Suffolk County Council - Highway Authority: No comments received.
- 3.6 SCDC - Head of Environmental Services and Port Health: No comments received.
- 3.7 Third Party Representations: None received.

4. RELEVANT POLICIES

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 National Planning Policy Framework 2019 (NPPF)
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1A – Sustainable Development
- SP1 – Presumption in Favour of Sustainable Development
- DM21 – Design: Aesthetics
- DM22 – Design: Function
- DM28 – Flood Risk
- SP15 – Landscape and Townscape
- 4.4 Suffolk Coastal District Felixstowe Peninsula Area Action Plan (DPD 2017) policies:
- Policy FPP18 - Felixstowe Ferry Golf Club to Cobbolds Point

5. PLANNING CONSIDERATIONS

Design of Development and Impact on Character/Appearance of the Area

- 5.1 The Felixstowe frontage from Felixstowe Ferry Golf Club House to Cobbolds Point is characterised by the low impact uses of beach huts and traditional green open spaces on the cliff top. These non commercial tourist activities provide a more tranquil and peaceful environment which makes a significant contribution to the town and the district.
- 5.2 However the existing coastal steps are displaying obvious signs of wear and tear: there are cracks in many of the steps; some areas of loose brick and concrete; and the grassed area adjacent has turned to dirt where it meets the existing steps. The existing set of coastal steps is therefore unsightly and, being very prominent, detracts from the visual quality of this area of the seafront between Cliff Road and the promenade.
- 5.3 In contrast, the proposed steps would represent a significant visual improvement through a comprehensive re-construction that would deliver a well-designed staircase.
- 5.4 The proposal is therefore considered to be good design that would offer a visual enhancement of the site area in its seafront context. For these reasons, the design of the development accords with policies DM21 (Design: Aesthetics) and SP15 (Landscape & Townscape).

Public Benefits of the Development

- 5.5 The existing steps are open to the grass bank with no handrail to the north side. This clearly presents a public safety issue, as acknowledged in the applicant's description of development. Thus, to remove the existing steps and erect a replacement staircase - with handrails on both sides - will make use of the coastal steps much safer for members of the public. The steps will also be wider than existing, allowing pedestrians

to pass each other easily when travelling in opposite directions. The proposed development therefore comprises good functional design that will deliver a significant public safety benefit. The proposal thus accords with the objectives of functional design policy DM22 (Design: Function).

Other Matters

- 5.6 The eastern portion of the application site, where the proposed steps terminate at the promenade, is located in flood zones 2 and 3. However in this area the proposed steps and landing would be concrete, cast in-situ. Therefore this section of the coastal steps within and immediately adjacent the higher flood risk area(s) would not be at risk of movement from any tidal surge. The suspended concrete steps are much higher up the bank, and located in flood zone 1 (the lowest risk area). Furthermore, neither the Local Lead Flood Authority or Environment Agency have raised any concerns regarding flood risk.
- 5.7 The proposed development is not considered to represent a flood risk, and thus no conflict with policy DM28 (Flood Risk).

Conclusion and Recommendation

- 5.8 Policy FPP18 of the FAAP sets out that new development between Cobbolds Point and Felixstowe Ferry Golf Club House will only be acceptable in exceptional circumstances where it contributes or is essential to support existing tourist activities. For the reasons set out above, the proposed development is considered necessary for public safety purposes, but will also offer a visual amenity benefit through good design that will enhance the appearance of the site area in its seafront context; this can only be of benefit to the tourism offer by enabling safer and easier access from Cliff Road to the promenade.
- 5.9 The proposed development is considered acceptable with regard to the key relevant policies and there are no other material planning issues that weigh against it.

RECOMMENDATION: DELEGATE AUTHORITY TO APPROVE subject to no material planning objections being received prior to the end of the prescribed consultation period (11 March 2019); and subject to the conditions as follows:

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 Drawing Nos. 16152 7, 16152 6, 16152 5C; and the submitted application form, received 31 January 2019; for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise approved by the local planning authority.

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

DETERMINATION:

Committee Date: 21 March 2019

3. **FELIXSTOWE – DC/18/5160/VLA – Variation of Legal Agreement on Section 52 Agreement dated 19 November 1982 at Cowpasture Farm, Gulpher Road, Felixstowe, Suffolk, IP11 9RD for Heather Stennett**

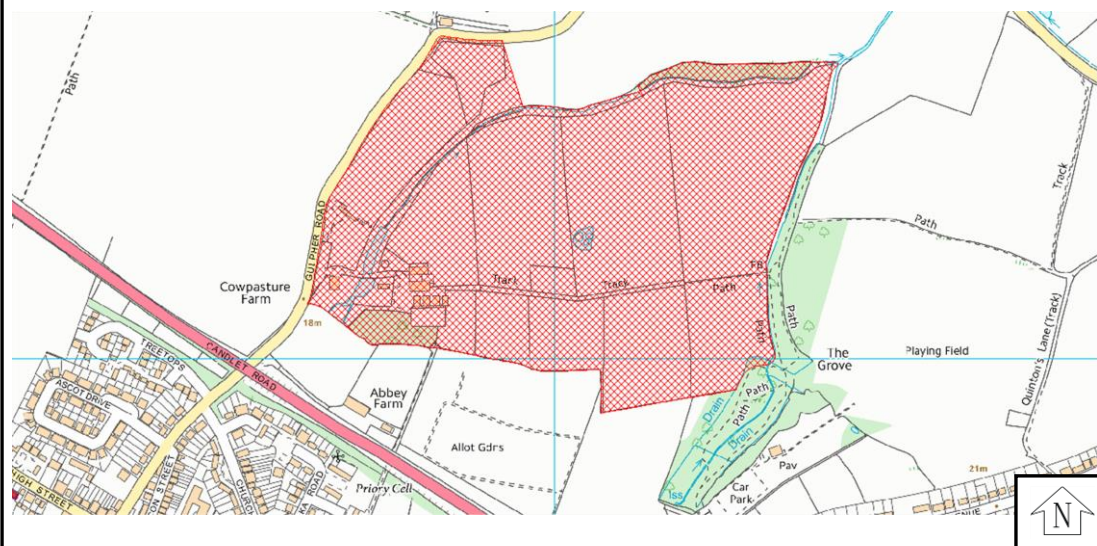
Case Officer: Danielle Miller

Expiry Date: 13 February 2019

DC/18/5160/VLA – Cowpasture Farm, Gulpher Road, Felixstowe

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EXECUTIVE SUMMARY

This application seeks to discharge a planning obligation under Section 106A of the Town and Country Planning Act 1990. On implementation of planning permission C/6582 the S.52 agreement restricted the use of the farmhouse to be used solely as a farmhouse in connection with the surrounding land known as Cowpasture Farm. It is considered that the S.52 no longer serves a purpose as such can be discharged.

A certificate of lawful use, application reference DC/18/4174/CLE, for Use of Cowpasture Farm house as a C3 dwellinghouse in breach of condition 5 of planning permission C6583 (agricultural occupancy condition) was approved via delegated powers on 18th December 2018 which states that the house has been used for the required period of time unconnected to the farm land.

This item has been referred to committee as officers do not have delegated powers to determine Variation of Legal Agreements outside of Planning Committee.

1. SITE DESCRIPTION

- 1.1. The site relates to Cowpasture Farmhouse, Gulpher Road, Felixstowe, the applicant owns the property and surrounding land which includes an equestrian centre and former golf centre. The property is not listed. Cowpasture Farm extends to 26.3 hectares (65 acres) of land and is located outside the settlement boundary of Felixstowe, but not covered by any specific landscape as shown on the adopted local plan proposals map. The proposals map in the adopted Area Action Plan does not include the site within any special designation.
- 1.2. The main business run from the farm is an equestrian enterprise with 23.6 hectares (58 acres) of permanent pasture incorporating a farm ride, show jumping field, 40 purpose built stables for DIY liveries, 2 manages and a horse walker. The farm runs a number of competitions throughout the year including dressage and jumping shows.
- 1.3. In addition Cowpasture Farm has a field which is used for wedding marquees. When there are no weddings booked the site has been used as a CL site for touring caravans. Part of the holding (2.7 hectares) had been rented out and utilised as a golf driving range for 22 years, however the driving range closed at the end of 2015.
- 1.4. Cowpasture Farmhouse was built following the grant of detailed planning consent; C6583, to house the owner of the agricultural holding. A standard condition was imposed requiring its occupation to be limited to a person solely or mainly employed in agriculture or forestry.
- 1.5. On implementation of planning permission C6583 the S.52 Agreement restricted the use of the farmhouse to that solely in connection with the surrounding land known as Cowpasture Farm.
- 1.6. The site has a varied planning history, with the most relevant listed below.
 - C6583(2) - Use of land for the erection of farmhouse for farm manager/owner -Approved
 - C/03/1556 - Erection of extension to existing building to provide additional storage and two pony stables - Approved
 - C/90/0587 - use of land as golf driving range, erection of building for covered tee-off area, ancillary works including car-parking and septic tank drainage - Approved
 - DC/17/3268/FUL - Change of Use of land for the storage of caravans (resubmission of DC/16/4127/COU) - Refused (Appeal Withdrawn)DC/15/1128/OUT - Application for Outline Planning Permission for up to 560 dwellings, including a Local Community Centre, a 60 Bedroom extra Care Home and 50 assisted Living Units, 2 small Business Units and open space provision with associated Infrastructure. Approved at Appeal (APP/J3500/W/15/3138710)DC/18/4174/CLE - Use of Cowpasture Farm

house as a C3 dwelling in breach of condition 5 of planning permission C6583 (agricultural occupancy condition). Application Permitted via delegated powers on 18.12.2018, which states that the house has been used for the required period of time unconnected to the farm land.

PROPOSALS

- 1.7. Prior to permission being granted for planning application reference number C6583 for the erection of a new farmhouse, a the Section 52 Agreement was entered into between Neil Edward Stennett the owner of the Site at that time Brittain Holdings Limited the chargee of the Site and the Council which bound the then owner and any successors in title as owners of the Site that in the event the permission was implemented the proposed farmhouse would be used solely as a farmhouse in connection with the surrounding land as edged red on the plan attached to the Section 52 Agreement and the proposed farmhouse and the surrounding land would at all times be occupied as a single agricultural unit.
- 1.8. In 1993 the applicant became the current owner of the Site. An outline planning application for the development of the Site for up to 560 dwellings including a local community centre 60 bedroom extra care home 50 assisted living units 2 small business units open space provision and associated infrastructure was submitted to the Council in March 2015. Planning permission was granted on appeal on 31 August 2017 and the Owners wish to implement the planning permission and now seek to discharge the planning obligations set out in the Section 52 Agreement to enable the farmhouse to be occupied as a residential dwelling separate from the surrounding land and for the farmhouse and surrounding land to no longer be an agricultural unit.

2. CONSULTATIONS

- 2.1. Felixstowe Town Council: No comments received

3. RELEVANT POLICIES

- 3.1. NPPF
- 3.2. Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
 - SP1 - Sustainable Development
 - SP1A - Presumption in Favour of Sustainable Development
 - SP19 - Settlement Policy
 - SP21 - Felixstowe with Walton and the Trimley Villages
 - SP29 – The Countryside
- 3.3. Suffolk Coastal District Site Allocations and Area Specific Policies (adopted January 2017) policies:
 - SPP2 – Physical Limits Boundary

4. PLANNING CONSIDERATIONS

- 4.1. The applicants submitted a certificate of lawful use, DC/18/4174/CLE, for the use of Cowpasture Farm house as a C3 dwelling in breach of Condition 5 of planning permission C6583 (agricultural occupancy condition), which stated that the property had been occupied without compliance to the agricultural tie for more than 10 years as such there had been a breach of planning consent C6583 condition 5 is said to have been continuous for a period of ten years at the property.
- 4.2. Neil Stennett died in 1993 following which his daughters' Heather and Jemma became owners of the farmhouse and surrounding land. Heather Stennett lived in the farmhouse from this time operating a livery business from the land, in breach of the S.52 Agreement restrictions. She did not occupy the land and farmhouse as a single agricultural unit; she ran a livery from the land from 1994 onwards.
- 4.3. In this instance the Applicant provided evidence which clearly showed that neither herself nor any dependent residing with her at the property has been solely or mainly employed, or last employed in agricultural as defined by the Town and Country planning act 1990 for the past ten years as such the certificate of lawful use was granted on 18th December 2018.
- 4.4. The applicants have obtained outline planning permission for an extensive housing development on their land, DC/15/1128/OUT, for up to 560 dwellings, including a Local Community Centre, a 60 Bedroom extra Care Home and 50 Assisted Living Units, two small Business Units and open space provision with associated Infrastructure. The house at Cowpasture Farm was not part of the housing development and the applicants are now looking to overcome agricultural occupancy restrictions that affect the house.
- 4.5. Officers consider, given the planning history of the site, the council have accepted that the land is used for equestrian purposes rather than those relating solely to agriculture and this has been mentioned by officers in a number of applications at the site. Given the applicant's declaration and use of the land, it is considered reasonable to acknowledge that she has lived at Cowpasture farmhouse since 1995, well in excess of 10 years without complying with the agricultural occupancy condition on application C6583 and the S.52 Agreement.
- 4.6. The S.52 Agreement restrictions have been breached for the past 24 years and the redevelopment of the land will mean that the S.52 Agreement can never be complied with in the future. Since the land can no longer be farmed and because the associated planning condition is no longer enforceable, the S.52 Agreement restrictions serve no useful purpose and can be discharged.
- 4.7. Given the above it is reasonable to assume that this property will not be required to serve any small holding in the future, as such the council would not seek to retain the agricultural occupancy restrictions imposed by both condition and a section 52 agreement in this situation.

RECOMMENDATION: DISCHARGE LEGAL AGREEMENT

DETERMINATION:

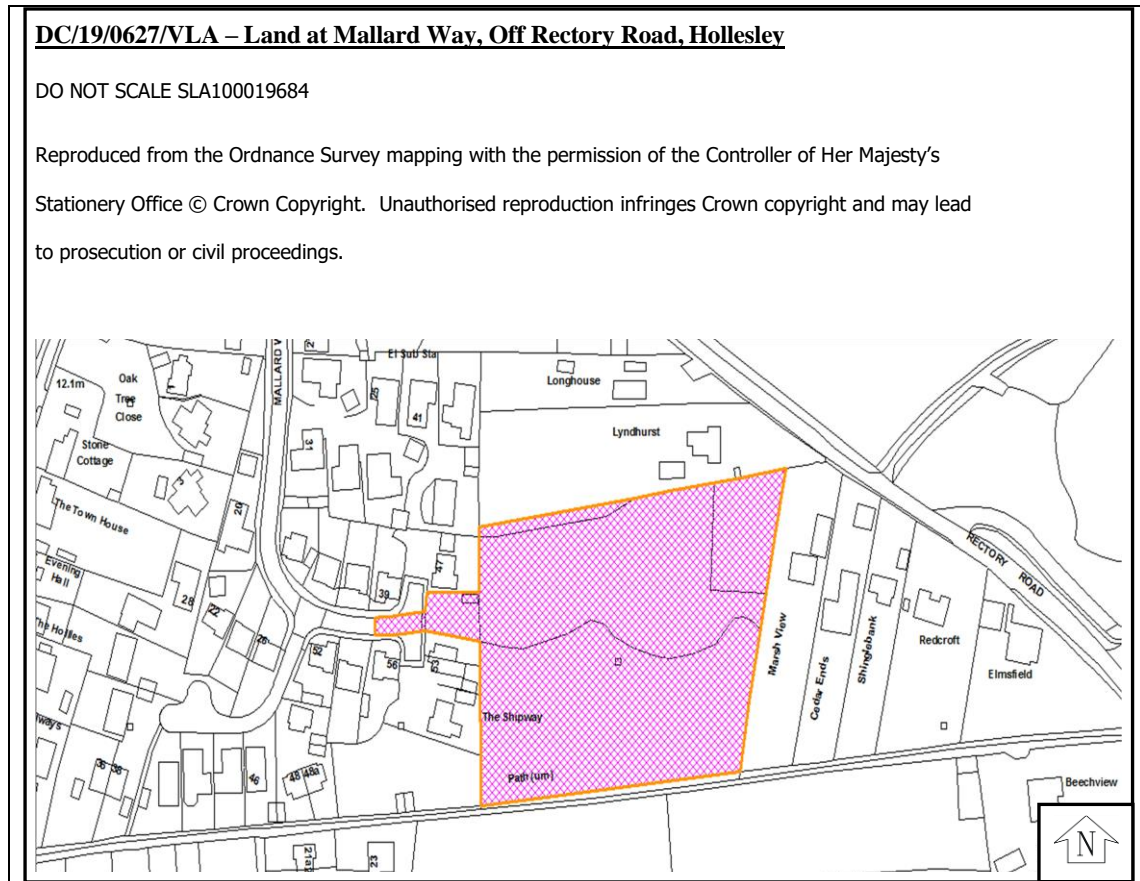
BACKGROUND PAPERS: Planning Application File Ref No DC/15/1128/OUT and DC/18/4174/CLE

Committee Date: 21 March 2019.

4. **HOLLESLEY – DC/19/0627/VLA – Variation of Legal Agreement – Section 106 Agreement:
Land at Mallard Way, off Rectory Road, Hollesley, IP12 3FS for SEH (Developments) Ltd.**

Case Officer: Rachel Smith

Expiry Date: 8 April 2019



EXECUTIVE SUMMARY

The application seeks to vary the Section 106 Agreement relating to application C/13/0320 which permitted the erection of 16 dwellings. Five of the properties as permitted were required to be Discount Market Housing as set out in the Section 106 Agreement. This item has come before members because the Head of Planning and Coastal Management does not have delegated authority to determine applications to vary Legal Agreements. The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The site is located at the end of Mallard Way and to the rear of properties fronting Rectory Road in Hollesley. Planning permission for the erection of 16 dwellings was granted on 19th June 2015 and the permission has been implemented.

2. PROPOSALS

- 2.1 The proposal involves amending the details in relation to the Discount market housing as set out in the accompanying Section 106 Agreement. The original application was determined by the Planning Committee and recommended for approval by officers with the provision of Discount Market Housing instead of affordable housing given the Parish Council's support of such a scheme.

3. CONSULTATIONS

- 3.1 Hollesley Parish Council: has "no objections to this amendment to the S106 agreement"
- 3.2 Third Party Representations: None received

4. RELEVANT POLICIES

- 4.1 NPPF
- 4.2 NPPG
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- DM2 – Affordable Housing on Residential Sites

5. PLANNING CONSIDERATIONS

Table showing extracts from existing S106 and proposed changes

	Agreed Section 106 Agreement	Proposed Changes
Definition of "Discounted Market Dwellings"	That part of the Development comprising five Dwellings being three two bed houses and two three bed houses located as plots 12-16 inclusive on the approved layout plan No.3116-05W or any amendment thereto in respect of the above agreed in writing with the District Council and being Dwellings for sale at a price which shall in perpetuity be 75% (seventy five percent) of the Open Market Value of such dwelling and that will be available to eligible households as hereinafter defined as their sole or principal residence whose needs are not met by the market for them to afford	A Dwelling only Occupied as herein set out with the freehold purchased with a Discounted Market Restriction whereby up to a maximum initial share of 75% of the equity in the Discounted Market Dwelling is sold to the purchaser with the remaining initial equity transferred for no consideration to a Registered Provider or the District Council or Community Land Trust by way of a second charge or covenant in favour of a Registered Provider or the District Council or Community Land Trust and the purchaser paying no rent in respect of the remaining initial 25% equity. Such second charge or covenant

	determined with regard to local incomes and local house prices.	shall not be redeemed or removed by the purchaser otherwise than on or after the 2nd anniversary of the first occupation of the Discounted Market Dwelling and only for consideration the equivalent of 25% of the Market Value at that time, PROVIDED THAT a Chargee shall be entitled but not obliged to redeem or remove the second charge or covenant at any time.
Insertion		Definition of “Eligible Person” : A person or persons currently resident within the Suffolk Coastal District area (unless otherwise agreed with the District Council on a case by case basis) subject to Clause 2.7-2.10 who are unable to rent or buy on the local open market nominated by the District Council in accordance with the relevant Nomination Agreement.
Insertion		Definition of “Nomination Agreement”: Nomination rights granted to the District Council in respect of the Discounted Market Dwellings substantially in the form set out in the appendices to this Deed’.
Definition of “Subsequent Sale”	The remaining future sales or disposals of a Discounted Market Dwelling after the initial sale.	The remaining future sales or disposals of a Discounted Market Dwelling sold at a Discounted Price after the Initial Sale.
2.2	The Owners covenant that from the date of Practical Completion of the Discounted Market Dwellings they shall not be used other than for the	Add an exception to the end to cover the event that the whole unit is purchased.

	purposes of Discounted Market Dwellings as set out herein	
2.7	If no Buyer is introduced by the District Council to the Owners in accordance with 2.6 above, the Owners will be entitled to dispose of that Discounted Market Dwelling at the Discount Price to a person who is considered by them to be in need of such accommodation and unable to compete in the normal open market for property...	If within ten working days of receipt of the Owners Notice the Council has not disputed the open market value the Owners are entitled to dispose of that Discounted Market Dwelling to an Eligible Person in accordance with the relevant Nomination Agreement ...
2.8	If no buyer is found within sixteen weeks of the Owners Notice falling within paragraphs 2.6 and 2.7 above then the owners shall be entitled to dispose of the Discounted Market Dwellings at the Discounted Price to a person who is considered by them to be in need of such accommodation and who is unable to compete in the normal open market for property in one of the neighbouring Parishes (that is to say the Parishes of Boyton, Shottisham, Alderton, Orford, Sutton, Sutton Heath, Capel St. Andrew or Bawdsey.....	Sixteen weeks changed to ten weeks.
2.9	If no buyer is found within twenty weeks of the Owners Notice falling within paragraphs 2.6, 2.7 and 2.8 above then the Owners shall be entitled to dispose of the Discounted Market Dwellings at the Discounted price to a person who is considered by them to be in need of such accommodation and who is unable to compete in the	Clause 2.9 replace 'an applicant from the Common Housing Register operated in the District of Suffolk Coastal or any housing waiting list taking its place' with 'an Eligible Person'.

	normal open market for property and who is an applicant from the Common Housing Register operated in the District of Suffolk Coastal or any housing waiting list taking its place seeking accommodation in the Parish of Hollesley.	
2.10	If no buyer is found within twenty four weeks of the Owners Notice falling within paragraphs 2.6, 2.7, 2.8 and 2.9 above then the Owners shall be entitled to dispose of the Discounted Market Dwellings at the Discounted Price to a person who is considered by them to be in need of such accommodation and who is unable to compete in the normal open market for property.	Twenty four weeks changed to thirty weeks.
2.18	For the avoidance of doubt it is hereby agreed and declared that the requirements of this Deed shall not apply to 2.18.1 a transfer of an interest in Discounted Market Dwelling between joint owners 2.18.2 a transfer of the Discounted Market Dwelling or an interest in Discounted Market Dwelling pursuant to an Order of the Court.	Clause 2.18 add 'a person who has acquired 100% of a Discounted Market Dwelling'
Additional paragraph		In the event that 100% of the Discounted Market Dwelling is purchased:- The proceeds from the sale of the remaining 25% of the property are to be transferred to the beneficiary of the second charge or covenant and used for the provision of Affordable Housing within the parishes of

		Bawdsey, Ramsholt, Alderton, Shottisham, Sutton, Hollesley, Sutton Heath or Boyton.
Additional paragraph		In the event that 100% of the Discounted Market Dwelling is purchased allowing the beneficiary of the second charge or covenant have the first right to buy the home back when put on the market at its market value.

- 5.1 The existing Agreement involves a potentially lengthy process involving a number of stages and there is no right to buy out of the restriction. Very few mortgage companies will lend on this basis (instead requiring a stair-casing provision). The lack of availability and increased cost of mortgages to suit the current scheme will put potential buyers off.
- 5.2 The proposed variations will, in short, simplify and shorten the process of finding a buyer for the properties and the option to buy 100% of the property will ensure that getting a mortgage is more easily available. The 25% extra fee would then be held/managed by the District Council or a Registered Provider to provide further affordable housing at a later date.
- 5.3 The Council's Housing Team have been involved in pre-application discussions with the applicant regarding this matter and they have no objections to the proposed amendments.
- 5.4 This 'affordable' housing provision in this application was originally granted as an exception to the usual policy on the basis that it would provide lower cost housing to local people and the Parish Council were in support of this. The Parish Council have no objection to the proposed changes and as the Council's Housing team believe that it would make the scheme more workable, it is considered that the proposed changes should be supported.

Conclusions

- 5.5 The proposed changes would permit the option of the owners of the properties to buy out the full market value of the property with the remaining 25% of the sale price being held and managed by the District Council or Registered Provider. This would ensure that the scheme is more workable as potential buyers would be able to access a mortgage more easily. The proposed changes would therefore encourage the development and to ensure that the low cost market houses are made available.

RECOMMENDATION: GRANT AUTHORITY for the variation of the legal agreement relating to C13/0320 to allow: the option to purchase 100% of the property and a change in the length of time the properties are advertised to different groups.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No C/13/0320, DC/19/0627/VLA

Committee Date: 21 March 2019

Site Visit:

5. **ORFORD – DC/18/4844/FUL – Construction of new dwelling in the grounds for use as short term holiday let: The Great House, Church Street, Orford, IP12 2NT for Mr and Mrs Gerard.**

Case Officer: Rachel Smith

Expiry Date: 17 January 2019

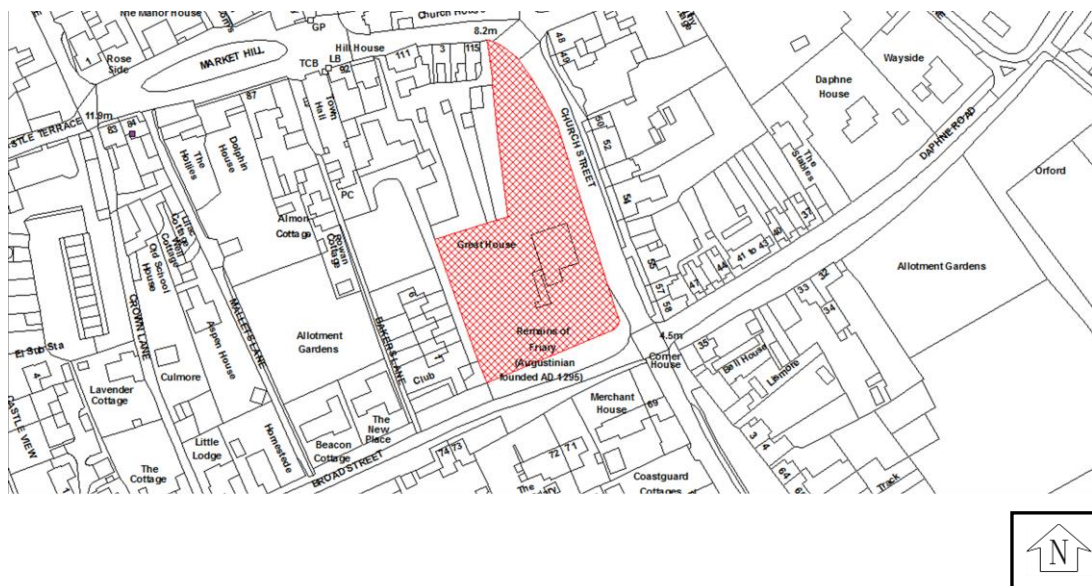
DC/18/4844/FUL - The Great House, Church Street, Orford, IP12 2NT

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EXECUTIVE SUMMARY

Planning Permission is sought for the erection of a detached building within the curtilage of The Great House to be used as holiday accommodation. The Great House is a Grade II Listed building and the site lies within the Orford Conservation Area and is a designated Area to be Protected from Development.

This item came before members following a meeting of the Referral panel. It was deferred from the meeting in February 2019 to fully consider the existing use of the property. The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The property is a Grade II Listed dwelling located centrally in Orford. The property fronts onto Church Street and the garden also extends along Broad Street to the south of the site. The site lies within the physical limits boundary of Orford, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and the Orford Conservation Area. It is a two-storey red brick property with slated brick roof. Vehicular access to the property is off Church Street.

2. PROPOSALS

- 2.1 The proposal involves the erection of a detached building within the curtilage of The Great House to provide holiday accommodation. It also involves the creation of an opening within the existing garden wall fronting Broad Street to allow for pedestrian access to the proposed building.
- 2.2 The proposed building would be located to the south western corner of the plot, close to Broad Street. The proposed building would be 4 metres deep by 7.5 metres wide and have a maximum height of 3.5 metres. It would provide a similar level of accommodation to a studio flat comprising one room with kitchenette, living and sleeping space with a separate bathroom.
- 2.3 The building would have a soft red brick plinth, vertical painted weatherboarding and a pantile roof. It would have a catslide roof to the rear with rooflights and French doors opening into the garden.
- 2.4 The proposal also involves the creation of an opening in the existing boundary wall off Broad Street and the installation of a two metre high oak gate to enable pedestrian access close to the proposed building.

3. CONSULTATIONS

- 3.1 Orford Parish Council: *"objects to this planning application as the entire garden is a protected open space. The outer wall of the garden is also a listed item which should be protected."*
- 3.2 Suffolk County Council - Highway Authority: does not wish to restrict the grant of permission.
- 3.3 Suffolk County Council – Archaeological Service: recommends standard conditions requiring a written scheme of investigation.
- 3.4 SCDC - Head of Environmental Services and Port Health: require a land contamination and environmental search to be completed. Otherwise, the full suite of conditions would be required.
- 3.5 Third Party Representations: 13 Letters of Objection have been received raising the following points:
- It would have an adverse impact on the character of the area and setting of the Listed Building
 - It is in the Conservation Area and the proposal would not preserve this
 - There is a high proportion of second homes/holiday lets in Orford and this application will not help to supply necessary housing. Further holiday accommodation would have a serious socio-economic effect on the viability of the village as a functioning community

- The site is an Area to be Protected from Development
- It would set a precedent for development of other protected areas
- The site is designated as an Important Open Space which would be ruined if built on
- Orford has a serious parking problem and this extra housing would add to it
- The village green would be threatened and the development would lead to more pressure to park on it
- There is no justification for gates onto the village green and a break in the wall would affect its character
- The existing house is currently being used as a hotel (unauthorised)
- It would result in a detrimental Impact on an 'Important Open Space'
- The proposed gate would inevitably lead to an additional pathway resulting in further environmental impact
- The proposed building would impact on the biodiversity of the village
- The proposed development would spoil the quiet enjoyment of the village green and therefore be an environmental nuisance
- Infilling of the site would be detrimental to the character of the area
- A further holiday let would result in further noise and disturbance to neighbours
- A copper beech tree on the neighbouring site has not been considered
- The proposed building would impact on the view from Broad Street towards Rosehill, the Great House and the church
- The building is too small to be an independent dwelling
- The design is not appropriate for its setting
- There is likely to be pressure to extend it at a later date

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP8 – Tourism

SP14 – Biodiversity and Geodiversity

SP15 – Landscape and Townscape

SP19 – Settlement Policy

SP27 – Key and Local Service Centres

DM7 – Infilling and Backland Development within Physical Limits Boundaries

DM21 – Design: Aesthetics

DM23 – Residential Amenity

4.4 Site Allocations and Area Specific Policies:

SSP39 – Areas to be Protected from Development

The following Suffolk Coastal Supplementary Planning Guidance/Documents are of particular relevance to the determination of this application:

SPD: Orford Conservation Area Appraisal

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 The site lies within the physical limits boundary of Orford, a Key Service Centre as set out in the Suffolk Coastal Local Plan (Policy SP19). The principle of residential accommodation is therefore acceptable in accordance with the principles of sustainable development.
- 5.2 The application proposes tourist accommodation which is a new unit of residential accommodation. In many cases, such proposals would have a condition imposed on the relevant permission restricting use to that of a genuine holiday use to avoid permanent residential accommodation in inappropriate locations, often the countryside. In this case, however, the site lies within Orford and therefore the principle of a permanent dwelling would be acceptable. Having said this, there are further considerations to be made to establish whether a separate unit of accommodation would be acceptable in this case and if so, whether its occupation should be controlled.
- 5.3 In this case, given the designations of the site detailed below, it is not considered that a separate unit of accommodation would be appropriate. In this case it is also not considered that a condition restricting occupancy be appropriate as this would still, in effect, grant permission for a separate unit. It is therefore considered that a Legal Agreement would be required to ensure that the building be retained in the same ownership as The Great House to ensure that the building retains its ancillary relationship and function to the property and was not sold off independently.

Setting of the Listed Building

- 5.4 The Great House is an imposing Grade II Listed dwelling located in a prominent location on the western side of Church Street. It occupies a corner plot with its curtilage extending up Church Street to the north and to the south to meet Broad Street. The garden of the property contributes importantly to its significance, as map regression shows that it is likely to be in the same form and to the same extent as when the house was first built in the later eighteenth Century. Development within the garden of the property therefore has the potential to impact the significance of the heritage asset. The proposed new building is at some remove from the host dwelling and to the furthest edge of the site adjacent its boundary. It will be enclosed by an existing brick wall, high fencing and high hedges that create the impression of a fully enclosed outdoor space. This visual and physical separation from Great House will mitigate a lot of its impact on the setting of the listed building as will the modest size of the building, in addition to its sympathetic design.

Conservation Area

- 5.5 The Orford Conservation Area Appraisal has identified the garden setting to the Great House as an Important Open/Green/Tree space. This would usually preclude development that would erode the important contribution that the garden makes to the conservation area in its current form. However, it is not considered that this identification would preclude garden type buildings or annexes, for example, that have been designed for use in conjunction with the host dwelling. It would preclude site severance and the addition of separate new dwellings.

Area to be Protected from Development

- 5.6 The site is allocated as an Area to be Protected from Development. Policy SSP39 of the Site Allocations and Area Specific Policies refers to a number of local scale sites, gaps, gardens and spaces that make an important contribution to the character and setting of a settlement in their undeveloped form. It states that “accordingly, development within these areas will be severely restricted”.
- 5.7 Although this policy is one of restraint, it does not preclude any development of any type. This policy can be considered in a similar way to the recognition of the site as an ‘Important Open/Green/Tree Space’ within the Orford Conservation Area Appraisal. Given the modest scale of development, it is considered that the building that would have the appearance of an ancillary outbuilding would not seriously detract from the character of the area to warrant a reason for refusal.

Design

- 5.8 In respect of the detailed design of the building, the simple form and quasi-traditional appearance are appropriate and the fenestration design attractive.
The choice of materials is considered to be acceptable
- 5.9 There is no objection to the insertion of a gate opening and gate into the curtilage listed brick boundary wall. This will involve the loss of a small amount of older brickwork but the gate and opening will not be unexpected features within a garden wall and the gate is attractively designed and of appropriate materials.

Impact on Residential Amenity

- 5.10 Concern has been raised regarding the potential noise and disturbance resulting from a further holiday let on the site. Some letters have raised that The Great House is currently used as a hotel or holiday let and groups of visitors can create noise and disturbance to nearby residents. The applicants have said that they currently do rent the property out on occasions however that they intend to occupy the property as a permanent home in the future.
- 5.11 Given the modest scale of accommodation proposed, it is not considered that a unit of this size would result in a significant number of people occupying the property and therefore it is unlikely that there would be a significant level of noise and disturbance from the site as a result of this application.

5.12 The use of residential properties as holiday lets does not normally require planning permission unless it is considered that there has been a change of use. Given the size of The Great House (a 6 bedroom dwelling) and following the comments received in respect of the current use of the property, the use of the property has been considered but at the current time it is not considered there has been a change of use. If the use of the property changes such that it is primarily used as a holiday let for large groups on a regular basis it may be that a change of use has occurred. The local planning authority would need to consider any such application at the time it was made or any such complaint raised at the time given information available.

5.13 Following the previous Planning Committee meeting, the applicants have provided the following information:

“Fiona and I are very concerned that we are doing something we shouldn’t, a premise drawn from the decision to defer the little house at the last planning committee meeting.

We have taken the decision to make all Great house holiday nights, available in 2019, unavailable, until we understand if we are guilty of a planning sin. It maybe that we are a victim of our own success by making the Great House too attractive from an amenity perspective and perhaps also from a value perspective.

Going forward we would be very happy to guarantee a frequency or number limit if this helps? In the future we expect to be living in the Great House with the little house providing a modest source of income to help with the up keep of the house and it gardens.

You will note from the table below that the use of homes in Orford for Holiday letting is far from unusual. The one agent that we use Suffolk Country Cottages has 39 Orford properties on their books. It is also relevant to mark the obvious that the holiday lettings in Orford add hugely to the vibrancy and local economy of the village.

I thought it might be useful if I clarified what we have been doing in a transparent way such that we can be guided going forward.

Last year we let the house for 85 nights, it would have been more had we not had cancellations. These are single family and friends bookings for weekends or weeks we have been approached for weddings and have refused these. We also opened the house and gardens with local artists for three weeks. On all three occasions we had preview evenings with quite large numbers of people enjoying sculptures, paintings, prosecco and a saxophone or piano. These preview events raised funds for the Alde and Ore Estuary Trust and the lighthouse.

Last year we hosted a dinner for the Orford Sailing Club Cruising division with 24 people around the table. This was arranged and funded by the club with any profit accruing to the sailing club. We provided the use of the house free. No one stayed

over. Finally we allowed the sailing club to auction a weekend stay at the house in April last year which generated £1200 for their use.

The average numbers using the house during the holiday lettings are 8 last year and 9 this year. The greatest number of people allowed to stay over, is 12, we know two of our guests have had more than 12 for a celebratory meal. The dining room table can seat 20.”

- 5.14 The comments above detail that the property was let out for 85 nights last year (January 2018- December 2018) which equates to less than 25% of the year. This level of occupancy is not considered to result in a change of use of the property. The other events listed in the applicant’s submission are privately organised events and unless these were occurring on a much more regular basis, these again are not considered to constitute a change of use of the property.

Habitats Regulations Assessment

- 5.15 The site lies within the 13km Zone of Influence of the Alde-Ore Estuary Alde-Ore Estuary Special Protection Area (SPA) and Ramsar site, the Deben Estuary SPA and Ramsar site, the Orfordness-Shingle Street SAC and Sandlings SPA. An Appropriate Assessment was therefore carried out in accordance with the Habitats Regulations which concludes that a proportionate financial contribution should be secured in line with the Suffolk Coast RAMS requirements. When this is made, it can be concluded that this planning application will not have an adverse effect on the integrity of the protected European sites from recreational disturbance, when considered ‘in combination’ with other development.

Trees

- 5.16 Concern has been raised regarding the potential impact on a copper beech tree on the adjacent property. This is a large tree of substantial stem girth that generates the maximum root protection area radius of 15m. as defined by BS5837:2012. That places the proposed building well within the root zone, as is the proposed gate. In order to minimise any risk of harm to the tree, the applicant will need to submit an arboricultural method statement that demonstrates working methods during construction, and specifications for all below ground and ground level interventions.

Parking

- 5.17 Concern has been raised that the proposed accommodation would not have its own off road parking and that this would result in increased pressure for parking on the village green on Broad Street. As the proposed accommodation would be linked to Great House, which has ample off road parking space, it is not considered that the development would result in a significant problem.
- 5.18 Concern has also been raised regarding the possible erosion of a footpath to the new pedestrian gate. Although the provision of a gate would result in a particular, directed

route across the green, the nature of the use would mean that it is unlikely to be permanently occupied, there is a separate access onto Church Street available where parking is and the scale of development is unlikely to result in a large number of occupiers of the building. It is therefore considered that it is unlikely to have a significant impact on the green.

6. CONCLUSIONS

- 6.1 On balance, it is considered that providing the site remains in the same ownership, it is considered that the design of the building and its modest scale of impact would not result in any harm to the setting of Great House or to its boundary wall or the designated heritage asset that is the conservation area nor detract from the character of the site when considered as an Area to be Protected from Development. Thus, the listed building's setting and the conservation area will be preserved.
- 6.2 Subject to the completion of the necessary Legal Agreement restricting sale of the site and requiring the appropriate mitigation to the Suffolk Coast RAMS Scheme and providing that no serious concerns regarding the potential impact on nearby trees are raised by the Council's Arboriculture and Landscape manager, the application can be approved.

RECOMMENDATION: AUTHORITY to APPROVE subject to no serious concerns being raised regarding the impact on trees and following completion of a S106 Legal Agreement ensuring that the building is not sold off independently from Great House and that a contribution to the Suffolk Coast RAMS Scheme is made. Any approval should include the following controlling conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 5855/401A received 15 January 2019 and 5855/402, /403 and /404 received 23 November 2018, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. Prior to the construction of any part of the building hereby permitted, details of the following have been submitted to and approved in writing by the local planning authority:
 - (i) Schedule of materials (including brick bond, mortar type, rainwater goods, flue fascias and bargeboards),
 - (ii) Rooflights,
 - (iii) Folding doors

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

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

4. Prior to the commencement of development, precise details of the build heights to eaves and ridge shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the exact size of the building is known to ensure that it remains small and therefore would not harm the character or appearance of the area.

5. The premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the site is outside any area where planning permission would normally be forthcoming for permanent residential development.

6. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the

Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Otherwise, to **REFUSE** on the grounds that either there would be unacceptable harm to trees thereby having an adverse impact on the character and appearance of the area; or that the potential separation of the plot would result in a detrimental impact on the character and setting of the Listed Building, the open area of the Conservation Area or the Area to be Protected from Development, as appropriate.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4844/FUL and DC/18/4845/LBC

Committee Date: 21 February 2019

Site Visit:

Committee Date:

6. **ORFORD – DC/18/4845/LBC – Creation of pedestrian access in boundary wall: Great House, Church Street, Orford, IP12 2NT for Mr and Mrs Gerard**

Case Officer: Rachel Smith

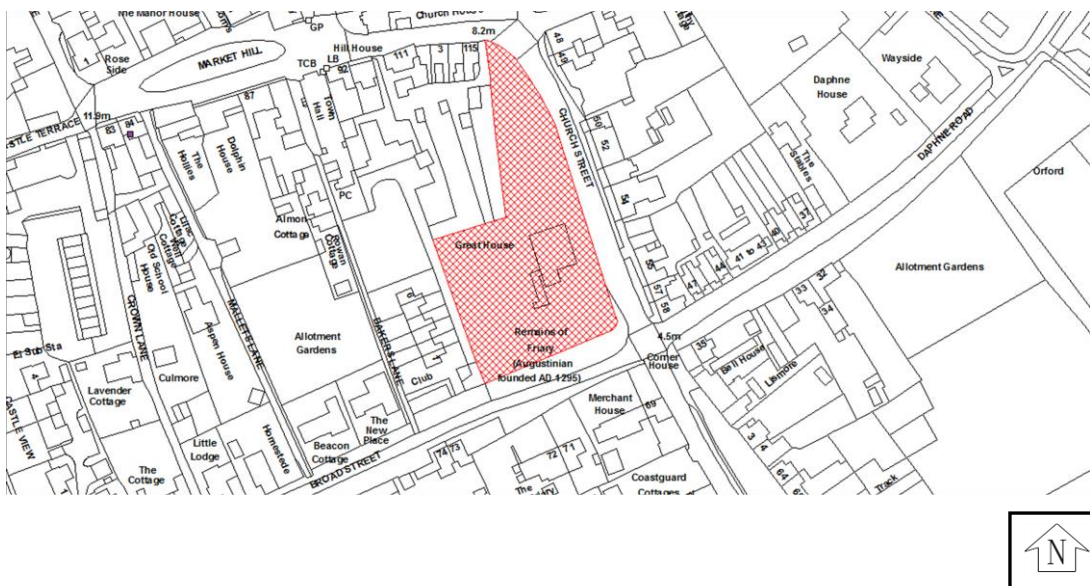
Expiry Date: 17 January 2019

DC/18/4845/LBC - The Great House, Church Street, Orford, IP12 2NT

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EXECUTIVE SUMMARY

Listed Building Consent is sought for the creation of a pedestrian access in an existing boundary wall and the insertion of a gate within the wall. This item has come before members following a meeting of the referral panel and the link with the associated application DC/18/4844/FUL which also proposes the erection of a holiday let within the garden of the property. The application is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The property is a Grade II Listed dwelling located centrally in Orford. The property fronts onto Church Street and the garden also extends along Broad Street to the south of the site. The site lies within the physical limits boundary of Orford, the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the Orford Conservation Area. It is a two-storey red brick property with slated brick roof. Vehicular access to the property is off Church Street.

2. PROPOSALS

- 2.1 The proposal involves the creation of an opening within the existing brick garden wall on the Broad Street frontage and the insertion of an oak pedestrian gate.

3. CONSULTATIONS

- 3.1 Orford Parish Council: “objects to this planning application as the entire garden is a protected open space. The outer wall of the garden is also a listed item which should be protected.”

- 3.2 Third Party Representations: 14 Letters of Objection have been received raising the following points:

- It would have an adverse impact on the character of the area and setting of the Listed Building
- It is in the Conservation Area and the proposal would not preserve this
- There is a high proportion of second homes/holiday lets in Orford and this application will not help to supply necessary housing. Further holiday accommodation would have a serious socio-economic effect on the viability of the village as a functioning community
- The site is an Area to be Protected from Development
- It would set a precedent for development of other protected areas
- The site is designated as an Important Open Space which would be ruined if built on
- Orford has a serious parking problem and this extra housing would add to it
- The village green would be threatened and the development would lead to more pressure to park on it
- There is no justification for gates onto the village green and a break in the wall would affect its character
- The existing house is currently being used as a hotel (unauthorised)
- It would result in a detrimental Impact on an ‘Important Open Space’
- The proposed gate would inevitably lead to an additional pathway resulting in further environmental impact
- The proposed building would impact on the biodiversity of the village
- The proposed development would spoil the quiet enjoyment of the village green and therefore be an environmental nuisance
- Infilling of the site would be detrimental to the character of the area
- A further holiday let would result in further noise and disturbance to neighbours
- A copper beech tree on the neighbouring site has not been considered
- The proposed building would impact on the view from Broad Street towards Rosehill, the Great House and the church
- The building is too small to be an independent dwelling
- The design is not appropriate for its setting
- There is likely to be pressure to extend it at a later date

4. RELEVANT POLICIES

4.1 NPPF

4.2 NPPG

4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
DM21 – Design: Aesthetics

5. PLANNING CONSIDERATIONS

Principle of development

5.1 There is no objection to the insertion of a gate opening and gate into the curtilage listed brick boundary wall. This will involve the loss of a small amount of older brickwork but the gate and opening will not be unexpected features within a garden wall and the gate is attractively designed and of appropriate materials.

Neighbours concerns

5.2 The neighbours concerns raised in response to this application are the same as those raised regarding the accompanying planning application. This application is solely related to the creation of the opening in the wall, the proposed gates and the impact of this on the curtilage listed structure.

Conclusion

5.3 The proposed opening and new gate would not harm the character or appearance of the Listed Building or its curtilage wall.

RECOMMENDATION: APPROVE subject to controlling conditions including the following:

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 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 5855/402, /403 and /404 received 23 November 2018 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.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/18/4844/FUL and DC/18/4845/LBC

Committee Date: 21 February 2019

Site Visit:

Committee Date:

7. **PETTISTREE – DC/19/0153/FUL – This application is for the change of use without further development of a redundant agricultural grain store, which is a steel framed building 18m by 20m span constructed in 1979, to the storage of marquee components (aluminium frames, PVC covers) and accessories such as tables and chairs, etc., also for panel vans used to deliver the same at Hungarian Hall, Byng Hall Lane, Pettistree, IP13 0JF for Mr. David Boardley**

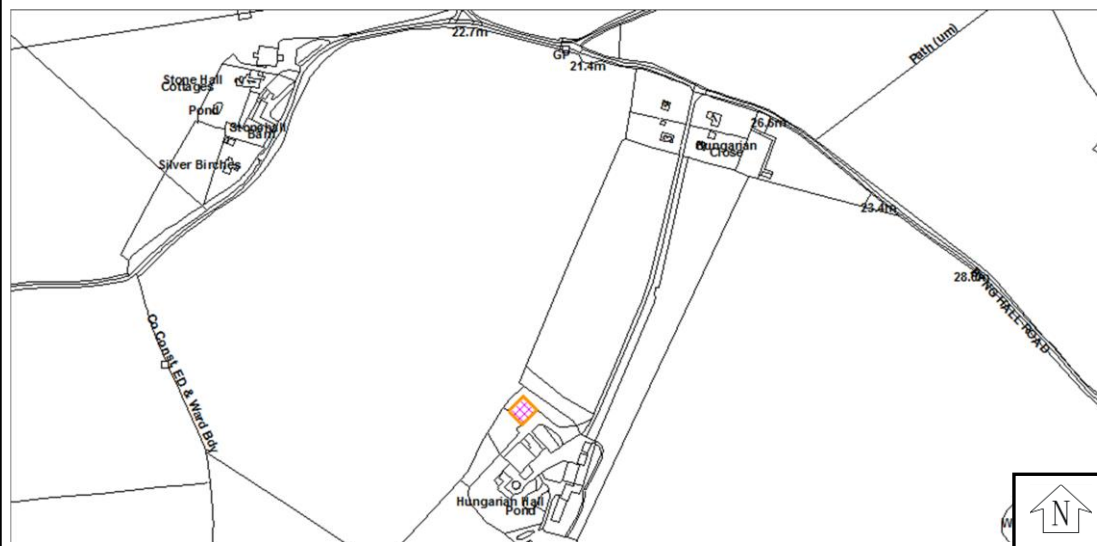
Case Officer: Rachel Smith

Expiry Date: 14 March 2019

DC/19/0153/FUL – Hungarian Hall, Byng Hall Road, Pettistree IP13 0JF

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EXECUTIVE SUMMARY

Planning Permission is sought for the retention of the use of a former agricultural building as a storage building for use in connection with a marquee business running from the site. This item has come before members because a storage use in the countryside is contrary to Policy DM11 of the Local Plan however as the use is small scale, is related to the wedding/event business also running from the site and has been running for eight years with no known problems. The application is considered acceptable and is recommended for approval.

1. SITE DESCRIPTION

- 1.1 The site is located in a relatively isolated rural location in between the settlements of Ufford and Pettistree. The site is accessed off Byng Hall Lane and a private drive leading down to the site which includes a residential dwelling, a number of agricultural buildings and buildings and structures associated with the wedding/events business operating from the site.

2. PROPOSALS

- 2.1 The proposal involves the continued use of a former agricultural building for storage use in connection with a marquee hire company operating from the site.
- 2.2 Hungarian Hall was purchased by its current operators in 1974 as a working farm. As agricultural incomes started to decline, in the late 1980s, alternative forms of income were researched and as a result, an outdoor leisure business started at the site. This business led to contact with Mini Marquees Ltd who provided marquees for use at the site and at other venues. This led to marquee hire starting at Hungarian Hall in 1992. Following expansion of this part of the business, Anglia Coastal marquees was formed in 2002.
- 2.3 In 2007 planning permission was granted for wedding ceremonies and receptions to be held at Hungarian Hall (the latter in a marquee). The start up of this business has led to the closure of the leisure activities in favour of weddings and marquee hire. Up until 2012, marquee storage had been retained in areas previously used for leisure equipment storage but since then it has become necessary to expand this storage use into a former grain store on the site.
- 2.4 The current business uses vans and trailers to transport equipment to sites. It employs eight full time and four seasonal workers who all live locally.

3. CONSULTATIONS – consultation expires on 25.03.2019

- 3.1 Pettistree Parish Council: no comments received.
- 3.2 Suffolk County Council Highways Authority: No comments received.
- 3.3 Third Party Representations: None received

4. RELEVANT POLICIES

- 4.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 National Planning Policy Framework 2019 (NPPF)
- 4.3 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:

SP1a – Sustainable Development

SP1 – Presumption in Favour of Sustainable Development

SP7 – Economic Development in the Rural Areas

SP19 – Settlement Hierarchy

DM11 – Warehousing and storage

DM12 – Expansion and Intensification of Employment Sites

5. PLANNING CONSIDERATIONS

Principle of development

- 5.1 The site is located in the countryside where a B8 use such as this would not normally be permitted due to the unsustainable location, poor highways links and impacts on neighbouring residential uses. Having said this, there is an existing business on the site which has been operating from the site for a number of years with marquee hire starting in 1992 and the Local Planning Authority are unaware of any complaints being raised as a result of the business.
- 5.2 Expansion of the business at the site has led to the need to use a former grain store for extra storage. Although this is not a true farm diversification proposal as there is no link between the business and any agricultural operation, the proposal makes use of a former agricultural building that is no longer required.

Residential amenity

- 5.3 There are four residential properties at the junction of Byng Hall Road with the access track to the site however these are not in close proximity to the site. There are other residential dwellings further along Byng Hall Road within Ufford. The occupiers of these properties could be affected by a B8 use at the Hungarian Hall site if it were used frequently and/or by larger vehicles given that Byng Hall Road is relatively narrow. However, given the nature of the use, it does not result in continuous vehicle movements to and from the site, nor does it involve movements at unsociable hours or the use of large HGVs. It is therefore not considered that the current specific use results in a detrimental impact on neighbours' amenity. It is however, considered necessary to impose a condition restricting the use of the building to storage associated with the current business to ensure that another business which could be more impacting does not occupy the building without first obtaining consent.

Highways Impact

- 5.4 Although Byng Hall Road is a narrow, single track road, it is close to the A12 and therefore the impact on the local road network is minimal. The expansion of the business and subsequent use of the former grain store as a storage building would not result in a significant increase in vehicle movements to and from the site compared to the other function as a wedding venue or the previous outdoor leisure activity uses. There is ample space for parking and turning on site without impacting on the highway.

Conclusions

- 5.5 Although the use is not generally supported in the countryside, it is considered that the expansion of the existing business has not resulted in any known problems in respect of highway safety or residential amenity and therefore the benefits of supporting the continued growth of a local business outweigh any negative impact of the site's location.

RECOMMENDATION: APPROVE 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 be completed in all respects strictly in accordance with Site Plan and Block Plan received 14 January 2019 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

3. Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the use hereby permitted shall be for storage in connection with Anglia Coastal Marquees only.

Reason: The location of the site is such that the local planning authority may not permit a general B8 storage and distribution use or alternative uses in the interests of Highway Safety and/or Protection of the local environment.

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/19/0153/FUL

Committee Date: 21 March 2019

Site Visit:

Committee Date:

8. **TRIMLEY ST MARY – DC/19/0063/FUL – Removal of existing barn and reconstruction, with single storey extensions, on land to the rear of the existing dwelling, and associated works at The Limes, 200 High Road, Trimley St Mary IP11 0SP for Mr and Mrs Pickover**

Case Officer: Liz Beighton

Expiry Date: 7 March 2019

DC/19/0063/FUL – The Limes, 200 High Road, Trimley St Mary

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EXECUTIVE SUMMARY

Planning Permission is sought for the relocation of the existing curtilage listed barn to an alternative position within the residential curtilage associated with The Limes and subsequently secure its conversion, with the inclusion of single storey additions, to a residential dwelling. It is important to draw attention to the fact that permission was granted in 2014 for its residential conversion but this was not implemented.

This item has come before the Planning Committee because the proposed location of the barn, with its residential use, albeit being within the residential curtilage, is outside the settlement boundary and in an Area to be Protected from Development (APD) as annotated in the Felixstowe Peninsular Area Action Plan (AAP).

There are no technical objections to the application and the Parish Council are supportive. Officers consider that this is an existing, well thought out scheme which seeks to retain a heritage asset whilst creating an additional unit of accommodation in a sustainable location.

Officers note the site is outside the settlement boundary but there would be no wider landscape issues or coalescence issues should permission be granted and the site reads as residential in nature rather than open countryside and is bounded on all sides by garden landscaping, fencing and walls.

The application is recommended for approval subject to the imposition of appropriate and necessary conditions.

1. SITE DESCRIPTION

- 1.1 The application site comprises the existing dwelling and residential curtilage associated with The Limes, 200 High Road. The host dwelling is a detached two storey dwelling set within a 0.42 residential curtilage spreading in a linear easterly direction. Within the garden are a variety of trees, mainly planted by the applicant, a summerhouse and garden buildings. The whole curtilage is bounded by fencing.
- 1.2 Immediately due north of the site is St Marys Church (recently occupied by Two Sisters Theatre Group) and No.2 Church Lane a detached substantial listed building set within a generous plot. The church forms the boundary to Trimley St Martin village. Due south are residential properties fronting High Road, a commercial building bordering the site and open space which is associated with the residential development by Bloor Homes on the opposite side of Thurmans Lane.
- 1.3 The Limes is a Grade II Listed Building, listed on 25 May 1983 (entry list number 1198247). The listing states the following:

"House. Late C18 with probably later addition to the south end. Red brick with slated roof and brick stack to the south return gable. 2 storeys. Fenestration 2:1. Gauged flat brick arches to recessed sash windows with glazing bars. Entrance doorway with gauged brick segmental arch; panelled door with sidelights and radial fanlight."

- 1.4 The barn associated with this application is not listed in its own right but curtilage listed. It is of traditional timber framed construction with a weatherboarded finish and is positioned less than 10m due north of the host dwelling. It comprises a brick plinth above which the braced frame includes three pairs of doors and a cross wall which has been inserted after the barn was raised. The footprint of the barn is approximately 80sqm (5m by 16m). The barn is built on the boundary wall to St Mary's Church so that its north doors face into the adjacent churchyard. The external walls are weatherboarded beneath a slated roof, and there are a number of modern window openings.
- 1.5 The barn is currently being used for domestic storage purposes associated with the host dwelling.

2. PROPOSALS

- 2.1 Planning permission is sought to relocate the existing barn further east within the site to enable its use as a units of residential accommodation separate to The Limes. The existing barn would provide for two floors of accommodation and two additional single storey wings are proposed. Once completed the dwelling would comprise four bedrooms (one on the ground floor) and ancillary living accommodation.
- 2.2 Vehicular access would be via the existing access to the site. This would lead to parking to both the existing and proposed dwelling at a level which exceeds the County Council parking standards.

3. CONSULTATIONS

- 3.1 Trimley St Mary Parish Council: The Parish Council supports the application
- 3.2 Suffolk County Council - Archaeological Service: No objection subject to conditions
- 3.3 Third Party Representations: One letter of support has been received stating *"I support this application for this family home, it will be lovely to see this barn brought to life and I know this family will preserve it and the land around it to enhance the existing area."*

4. RELEVANT POLICIES

- 4.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 S66 Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.3 National Planning Policy Framework 2019 (NPPF)
- 4.4 NPPG
- 4.5 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
 - SP1a – Sustainable Development-
 - SP1 – Presumption in Favour of Sustainable Development
 - SP15 – Landscape and Townscape
 - SP19 – Settlement Hierarchy
 - SP29 – The Countryside
 - DM3 – Housing in the Countryside
 - DM13 – Conversion and Re-Use of Redundant Buildings in the Countryside
 - DM21 – Design
 - DM23 – Residential Amenity
- 4.6 Felixstowe Peninsular Area Action Plan (adopted January 2017) policies:
 - FPP2 – Physical Limits Boundaries
 - FPP28 – Areas to be Protected from Development

5. PLANNING CONSIDERATIONS

- 5.1 There are two main issues associated with this application – the principle of development and impact on the heritage asset.

Principle of Development

- 5.2 The application site lies part in and part outside of the settlement boundary, noting that the existing barn lies inside but the proposed location of the barn is outside. Trimley St Martin is classed as a Key Service Centre in the Local Plan (Policy SP19) in recognition of the good provision of services and facilities that it offers existing and new residents. The application site is within easy walking distance of most services and facilities required to support additional development.
- 5.3 The conversion would enable the current occupiers to remain in the village they currently reside but enable them to downsize from their existing large property into one which is smaller and fit for their requirements. The barn at present is used for domestic storage but is of a size which is significantly larger than required for such purpose and its large size inhibits its use as a building ancillary to the main dwelling. Its role and function as an associated building is therefore limited and a conversion is an appropriate way to ensure that it retains its integrity now and for future generations.
- 5.4 The existing barn has been previously been granted planning permission for conversion to residential use (reference C/13/0031 refers – approved 12 April 2014) but this permission was not implemented and has subsequently lapsed. The principle of conversion has however been accepted and this is a valid material planning consideration.
- 5.5 The difference from the previous consent to this current proposal is that the earlier consent sought to retain the barn in its current location whereas the current proposal seeks to re-locate elsewhere on site. The justification for such being that there is insufficient amenity space and parking provision for two dwellings in the current locations and relief between both units would be necessary to enable them to function in an acceptable manner without undue harm to residential amenity.
- 5.6 It is accepted that the proposed location lies outside the settlement boundary where there are policies of constraint. However, the site does not read as an open, sensitive site and reads already as an enclosed garden and any wider, long distance views would not be significant with the barn reading as part of the urban form. Policy DM3 of the Local Plan also allows for 1:1 replacement and it could be argued that the relocated position is replacing an existing residential use, albeit within the settlement boundary.
- 5.7 Finally, Policy DM13 allows for the conversion of heritage assets in both rural and urban settings to residential use. The barn is a heritage asset by virtue of its curtilage listing and is a good example of a traditional barn. Officers are of the opinion that this

policy is complied with in this instance. The policy does add caution to buildings that need to be re-constructed. In this case, officers advise that the building is being re-positioned but the applicant has submitted evidence to this Authority that the building will be carefully taken down and assembled to an agreed specification so that it is re-constructed in an identical manner.

- 5.8 The site where the barn is proposed to be re-positioned is within an Area to be Protected from Development (APD) in the AAP. Policy FPP28 refers. In this instance this policy seeks to maintain the separation between the two Trimley villages noting that such separation retains the character and identity of those two settlements and avoids coalescence. The policy does not however preclude limited development and advises that small scale development will be permitted where the character of the area, setting of listed buildings and coalescence is not compromised.
- 5.9 In this instance it is considered that there would be no harm to the aims and purpose of this policy, and Members may recall that a new dwelling was approved within the garden of a dwelling in Thurmans Lane, also within the APD area. As the site is contained within the residential curtilage and bounded by fencing and landscaping, there would be no wider harm and will not extend development further into the APD area than currently exists. Therefore, officers feel that the principles of the APD would be retained.

Impact on Heritage Asset

- 5.10 S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:
*“(1)In considering whether to grant planning permission **[F152**or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 5.11 The requirement to have special regard to heritage assets is carried though in the NPPF, namely paragraphs 189 through to 196 of the 2019 version.
- 5.12 The application has been carefully considered by the Council’s Principal Design and Conservation Officer having due regard to the legal tests and provisions in the NPPF, and follows a detailed site visit and assessment of supporting information submitted by the applicants heritage consultant.
- 5.13 Officers are supportive of the principle of relocating and repurposing the barn on the following bases:
- The proposal will not involve the severance of the historic garden curtilage to the listed building which did not include the area of land to the rear that is now proposed for separation and creation of a new garden curtilage.
 - The proposal is physically feasible i.e. the dismantling and re-erection of the timber framed barn and this has been confirmed by the eminent and respected practice of conservation engineers, The Morton Partnership, a copy of whose opinion we were provided at pre-application stage.

- The proposal will retain the barn within the setting of both The Limes and also the adjacent Grade II parish church, albeit within an altered position; and re-purpose it for a new use to ensure its future conservation.
- 5.14 On these bases, officers support the principle of this application and judge that there will be no harmful impacts arising from the relocation of the barn in respect of the physical fabric of the barn; and the settings of the listed farmhouse and the church. It would be hard to argue that the barn contributes in any way to the significance of the church; but it does do so to The Limes and will still do so.
- 5.15 The submitted Heritage Statement and Justification and Impact Assessment are acceptable for the purposes of paragraph 189 of the NPPF. This confirms that the barn had attached ranges on either side and that there were further outbuildings to its rear. The barn is either contemporary with the late C18th dwelling or, more likely, C19th in origin with its high brick plinth. It is an attractive building that is now an unusual feature within the built-up urban context of Trimley St Mary.
- 5.16 In respect of the detailed design of the proposal, the following comments are made:
- Welcome that the extensions proposed to the barn will be single storey, only. This ensures that they will remain as subordinate features as will their design which is in the style of attached ranges. Their configuration attached to the barn is conventional and this is appropriate.
 - It is noted that the extensions will have the largest glazed areas thus ensuring that openings created within the barn will be relatively restricted in area which is always a desirable approach in respect of a barn conversion.
 - The extensions will be to the garden side of the barn and that the barn's alignment and main flank elevation will 'present' itself on view from the listed building in a similar approach fashion to the existing layout
 - The barn structure is essentially retained and the insertion of a first floor can be achieved without impact on the position of the roof ties. In this way the integrity of the frame is retained which is vital as, otherwise, the basis for this proposal would be undermined.
 - There is an important conservation gain proposed here which is the reinstatement of the lost clay pantile roof covering which the barn would originally have enjoyed (it is too young to have had a thatched roof).
 - The design of the barn conversion in terms of layout, new openings, character of the internal space, materials choice and quality typify this hybrid building type and are unobjectionable.
 - It is welcomed that the brick wall will be raised and reinstated to the churchyard in the position of the barn following its removal. The agent suggests that plinth bricks to the barn can be re-used for this purpose.
- 5.17 On this basis, therefore, it is judged that the significance of the listed building at The Limes will be preserved by the relocation of the barn within its setting as the principle and design of the relocation and reconstruction are fully acceptable. There will be no harm arising to designated heritage assets and the relevant tests of the NPPF are not, thereby, engaged.

- 5.18 A number of conditions are proposed to be attached should Members be minded to support the application. It is noted that the Archaeology Written Scheme of Investigation (WSI) has already been submitted to both the LPA and County Archaeology Team.

Conclusion

- 5.19 The proposal would result in a new dwelling in a sustainable location and within an area already forming residential curtilage. The refurbishment will secure the retention of a heritage asset which complies with Policy DM13 of the Local Plan. Although outside the settlement boundary, the site is considered sustainable and would not result in any adverse harm to the character of the landscape and in addition would not result in coalescence of the village, the purposes of the APD designation.
- 5.20 The proposal has not received any technical objections and has the support from the Council's Principal Design and Conservation Area. Accordingly, subject to appropriate conditions it is recommended for approval.
- 5.21 In this instance it is not considered appropriate to require RAMS payment as the barn already has the benefit of planning permission and therefore any activity as a result has already been considered.

RECOMMENDATION: APPROVE 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 following plans
195/2A - proposed block plan
975/5A - proposed elevation and floor plans
975/6 - proposed elevation
received 11 January 2019;, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
Reason: For the avoidance of doubt as to what has been considered and approved.
- 3 Prior to taking down, the existing barn is to be recorded to Historic England Level 2 as described in 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016). The subsequent record to be submitted to the Suffolk County Council Historic Environment Record prior to completion of the project.
Reason: To secure a record of the existing barn
- 4 Prior to the re-building of the barn, a full specification of external materials to include roof coverings, wall construction, doors, windows, flue, vents and including brick bond

and mortar type shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in full accordance with the approved details.

Reason: To secure appropriate design and appearance of the building

- 5 All new rainwater goods shall be in painted cast metal, only

Reason: In the interest of visual amenity and preservation of a heritage asset

- 6 Prior to the re-building of the barn, full details of hard landscaping and boundary treatments including to the churchyard of St Mary's shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with these details.

Reason: To secure appropriate landscaping and boundary treatment

- 7 Prior to the dismantling of the barn, a Method Statement for the dismantling and re-erection of the timber-frame to the existing barn shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in complete accordance with the approved details.

Reason: In the interest of ensuring the integrity of the heritage asset.

- 8 Prior to the re-building of the barn, samples and details of the external door and windows shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interest of securing the integrity of the heritage asset.

- 9 In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 10 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved by the Local Planning Authority.

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

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2012).

- 11 No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Policies SP1 and SP 15 of Suffolk Coastal District Council Core Strategy Development Plan Document (2013) and the National Planning Policy Framework (2018).

DETERMINATION:

BACKGROUND PAPERS: Planning Application File Ref No DC/19/0063/FUL and DC/19/0063/LBC

Committee Date: 21 March 2019

9. **TRIMLEY ST MARY – DC/19/0064/LBC – Removal of existing barn and reconstruction, with single storey extensions, on land to the rear of the existing dwelling, and associated works at The Limes, 200 High Road, Trimley St Mary IP11 0SP for Mr and Mrs Pickover**

Case Officer: Liz Beighton

Expiry Date: 7 March 2019

DC/19/0064/LBC – The Limes, 200 High Road, Trimley St Mary

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EXECUTIVE SUMMARY

Listed building consent is sought for the relocation of the existing curtilage listed barn to an alternative position within the residential curtilage associated with The Limes and subsequently secure its conversion, with the inclusion of single storey additions, to a residential dwelling.

This item has come before members because the proposed location of the barn, with its residential use, albeit being within the residential curtilage, is outside the settlement boundary and in An Area to be Protected from Development (APD) as annotated in the Felixstowe Peninsular Area Action Plan (AAP).

There are no technical objections to the application and the Parish Council are supportive. Officers consider that this is an exiting, well thought out scheme which seeks to retain a listed building whilst creating an additional unit of accommodation in a sustainable location. Officers note the site is outside the settlement boundary but there would be no wider

landscape issues or coalescence issues and the site reads as residential in nature rather than open countryside and is bounded on all sides by garden landscaping, fencing and walls.

This application accompanies that reference DC/19/0063/FUL which seeks planning permission.

The application is recommended for approval subject to the imposition of appropriate and necessary conditions.

PLANNING CONSIDERATIONS

This application accompanies that reference DC/19/0063/FUL which seeks planning permission for the relocation of the barn. That recommendation includes appropriate conditions to secure the historical integrity of the heritage asset. It is not considered appropriate to re-attach those conditions.

There are no additional matters subject to the LBC application and consent is therefore required.

RECOMMENDATION: APPROVE 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 18 of the Act (as amended).

- 2 The development hereby permitted shall be completed in all respects strictly in accordance with the following plans

195/2A - proposed block plan
975/5A - proposed elevation and floor plans
975/6 - proposed elevation

received 11 January 2019;, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

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

DETERMINATION:

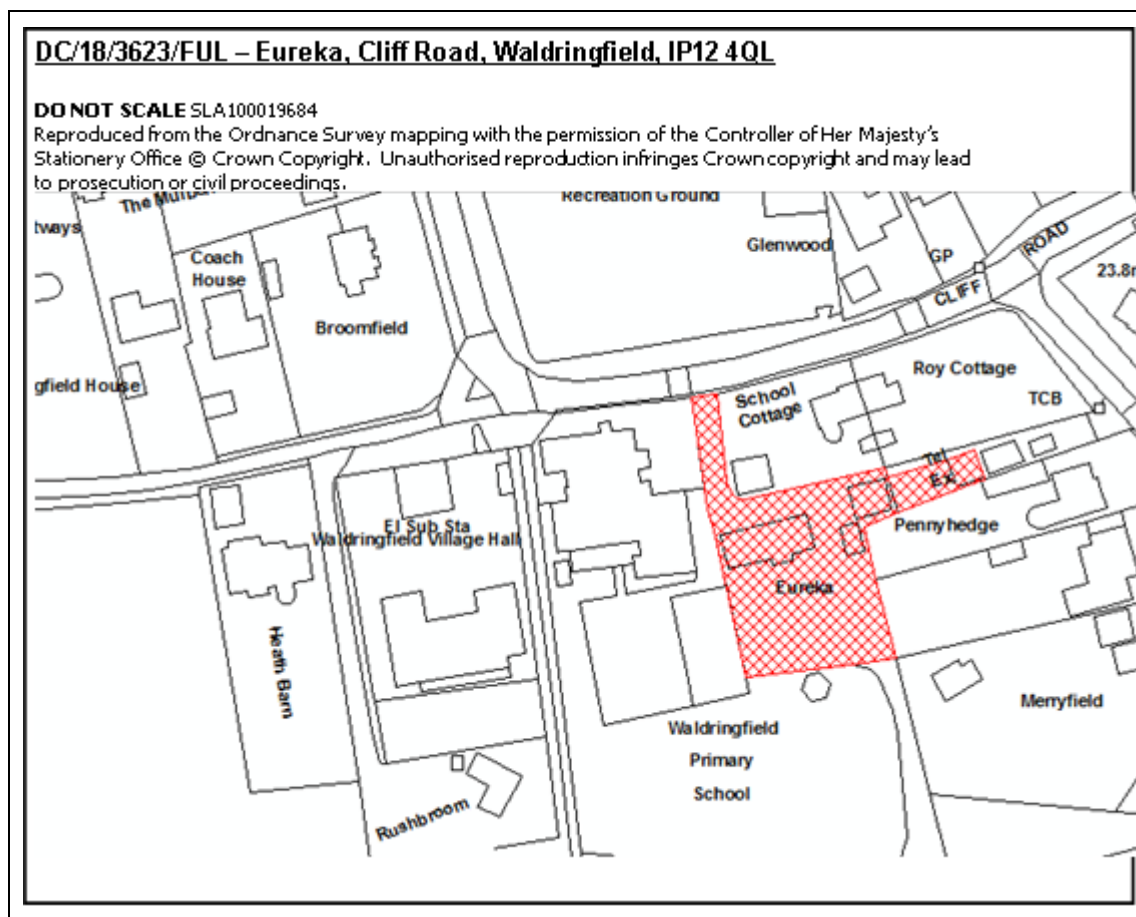
BACKGROUND PAPERS: Planning Application File Ref No DC/19/0063/FUL and DC/19/0063/LBC

Committee Date: 21 March 2019

10. **WALDRINGFIELD – DC/18/3623/FUL – Demolition of existing dwelling and outbuildings. Erection of three houses and one bungalow. Alterations to existing access at Eureka, Cliff Road, Waldringfield, IP12 4QL for Westgreen Commercial Ltd**

Case Officer: Grant Heal

Expiry Date: 13 January 2019 (Extension of time until 29 March 2019)



EXECUTIVE SUMMARY:

Full Planning Permission is sought for the replacement of one large detached dwelling with three two-storey dwelling's and one single storey dwelling at Eureka, Cliff Road, Waldringfield. The application is presented to the Planning Committee via the referral process.

The proposal represents the provision of one additional dwelling to replace a similar scale cartlodge/storage structure approved within extant planning permission DC/17/1055/FUL for three two-storey dwellings. Access improvements, including the provision of a new stretch of paving linking an existing footway with a pedestrian school access, is also included. The application is recommended for approval with conditions.

1. SITE DESCRIPTION

- 1.1 The site falls within the defined physical limits boundary of Waldringfield as shown in the Site Specific Policies DPD and is listed as a Local Service Centre in the settlement hierarchy in Policy SP19 of the Local Plan. The site is 0.13 hectares and comprises a large single storey dwelling (Eureka) with a separate single-storey twin-bay garage and shed. If development were to be endorsed by the Planning Committee the development would amount to a density of 30 dwellings per hectare.
- 1.2 The site's irregular shape takes the form of a large square with two linear protrusions extending northward (from the north-west corner) and eastwards (from the north-east corner). The former is a driveway, providing access to Cliff Road between School Cottage (east) and Waldringfield Primary School (west), and the latter is occupied by the existing garage with shed behind.
- 1.3 The primary school abuts the full extent of the site's western and southern boundaries, while a cluster of large detached dwellings (including School Cottage, Roy Cottage, Pennyhedge and Willows) are party to its northern and eastern boundaries. Neighbouring properties range in height between two and one-and-a-half storeys.
- 1.4 A large mature Oak tree (TPO no.0262) is positioned on the site's western boundary, close to the site's access onto Cliff Road. Vehicles emerging from the site enter a 20 M.P.H speed limit zone. A speed-bump positioned directly adjacent the site's entrance slows traffic flow in the direction of WPS.
- 1.5 A pedestrian access into the school is positioned to the east of the proposal site, however there is currently no footway beyond the driveway of School Cottage, meaning pupils must step into the carriageway to pass Eureka's driveway to reach the school gate.
- 1.6 Much of Waldringfield, including the proposal site, falls within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

2. PLANNING HISTORY:

- 2.1 DC/15/3797/FUL: Demolition of existing dwelling and erection of three dwellings and garages. Alterations to existing access - withdrawn 11 November 2015;
- 2.2 DC/16/0501/FUL: Demolition of existing dwelling and erection of three dwellings and garages. Alterations to existing access. (Resubmission of DC/15/3797/FUL) – Refused 31 March 2016 as contrary to policies SP15, DM7, and DM21 in-light of inappropriate design;
- 2.3 APP/J3530/W/16/3151160: DC/16/0501/FUL allowed on 20 October 2016. The inspector concluded that (see appended full decision notice):

- *'...the proposed dwellings would be set within adequate space on the site itself, and would not be close enough to adjoining properties to create a sense of enclosure or to diminish the overall sense of openness in the immediate area. They would not therefore appear as overdevelopment of the site, or particularly cramped, and would not therefore be harmful to that character'.*
- *'...although the development of the site would generate a greater number of car journeys, I consider that the redesign of the access where it enters Cliff Road would be an improvement on the current situation, where there is no footway, and the exit is directly onto the road between a hedge and the oak tree. The presence of the footway would serve to slow down drivers using the access drive. I do not therefore; consider that the appeal development would have a harmful impact on highway safety'.*
- *'...noise and disturbance and extra parking caused by construction would be for a temporary period only. A collection point for bins has been identified on the access drive close to Cliff Road. No evidence has been put before me to demonstrate a realistic prospect of flooding from surface water runoff as a result of the development'.*
- *'...the proposed dwellings would be set sufficiently far from adjoining houses not to have a significant effect on the living condition of occupiers of those houses in respect of light reaching them or overlooking. Although the creation of additional housing on site would generate additional vehicle movements, these would be commensurate with their use as private dwellings, and at a sufficient distance from adjoining dwellings not to have a harmful effect on the living conditions of their occupiers in terms of noise and disturbance'.*

2.4 DC/17/1055/FUL: Demolition of existing dwelling and erection of three dwellings and garages. Alterations to existing access - approved 8 May 2017 including a revised garage detail to provide three carports with three enclosed storage areas to the rear.

3. PROPOSAL:

- 3.1 The proposal would provide three four-bedroom properties and one one-bedroom property.
- 3.2 Similar to approved application DC/17/1055/FUL, the proposal includes the existing dwelling's demolition and replacement with three two-storey detached dwellings.
- 3.3 The main difference from the extant permission is the inclusion of an additional single-storey dwelling positioned to the east of the site that would replace an approved cartlodge/ storage building and an existing shed retained to the rear.
- 3.4 Each dwelling includes proportionate curtilage space including off-road parking spaces to the front and a patio, shed and oil tank in garden spaces located to the rear. Two off-road parking spaces per two-storey dwelling are included, while the single storey dwelling has one. A visitors parking space for deliveries is also evident along the shared driveway, as is a refuse collection point positioned close to the site entrance.

- 3.5 As part of proposed surfacing upgrades to the existing driveway, the application also includes a new footway extension that would provide a link between the existing kerb edge and the primary school's pedestrian entrance.

4. CONSULTATIONS:

- 4.1 Waldringfield Parish Council: Objects to this application, stating the following:
'Waldringfield Parish Council objects strongly to this application and urges SCDC to refuse this application for the following reasons:

1. Non-compliance with SCDC's Planning Policies

i) SCDC's policy DM7 Infilling and Backland Development within Physical Limits Boundaries

ii) Development Management Policy DM21;

2. Non-compliance with the minimum visibility splay requirements when driveways join the public highway;

3. Non-compliance with minimum effective width requirements of shared driveways;

4. Noise or disturbance resulting from use;

5. Extending the footway could cause surface water flooding on highway.

1. Non-compliance with SCDC's policy DM7 Infilling and Backland Development within Physical Limits Boundaries. This states that development would not be permitted "if it would result in a cramped form of development out of character with the area or the street scene".

SCDC has previously refused permission for the application to build 3 detached houses on this site and this decision was overturned at appeal, however the addition of a further 2 bedroom dwelling will most definitely result in a "cramped" and overcrowded development of this backland plot, currently occupied by a single bungalow. The access to the rear of the individual plots is less than 1 metre wide. By trying to shoehorn in the additional dwelling there is insufficient parking and no provision for garaging or outside storage. The plans show oil tank provision for each plot located in each of the rear gardens, immediately next to the primary school playing area. There is no provision for access by oil delivery tankers to the rear of the properties. There is insufficient room for delivery vehicles, such as oil delivery etc to turn within the site. There is no viable visitor parking provision, this will result in off- site parking which will cause unacceptable levels of obstruction on Cliff Road.

2. Non-compliance with NPPF para 32-35 re the minimum visibility splay requirements when driveways join the public highway, and highway safety.

Suffolk County Council Highways, in its response dated 3rd December, recommending that the application is refused, makes it very clear that inadequate visibility splays have been evidenced and that a minimum splay of 2.4 x 43m should be shown in both directions. The NPPF para 32-35, goes further and states that the visibility splay should be drawn from a central point, setback 2.4 metres from the public road and extending

70 metres. Due to the restrictions of the site, this application does not and cannot comply with this requirement.

It is impossible to see traffic approaching from the eastern direction and virtually impossible to see traffic from the west. Visibility is further reduced as this area of Cliff Road is frequently lined with parked cars, particularly at the start and end of the school day.

Cliff Road is a busy road as it is the main access road into Waldringfield for visitors and residents and as is shown in the Parish Plan, carries a great number of vehicles.

The application incorporates a limited extension to the footway, which the driveway will now have to cross. We understand that in "these circumstances there should normally be visibility splays between a driver's viewpoint 2m back into the access and a distance measured along the back of the footway for 2m on each side of the viewpoint."

This cannot be achieved by the current application, the restrictions of the site will prevent it. The fixed boundary walls and hedging of the adjacent properties extend to the end of the application driveway. Drivers of emerging vehicles would therefore not be able to see pedestrians and vice versa, until the vehicle has crossed the footway. Pedestrians, particularly those attending the adjacent primary school, will be placed at risk.

The extension of the footway to just beyond the adjacent school gate does not therefore increase the safety of pedestrians, in particular, children using the gate. On the contrary, the presence of the footway could create a false sense of security when children pour out of the school gate, only a few feet from where the "blind" access driveway crosses the new footway.

In addition, the extension of the footway appears to merge with the existing speed bump across Cliff Rd with little or no clear demarcation to show where the footway ends and the raised section of highway begins, thereby increasing the potential risk to the children, particularly when they are leaving the school. We understand that the school has significant concerns regarding pupil safety if this application was approved.

3. Non-compliance with minimum effective width requirements of shared driveways.

In the 3rd December response from Suffolk County Council Highways they state that the minimum effective width requirement for a shared driveway is 4.5 metres. However, the regulations go further, an additional 0.5m is required if bounded by a wall, fence, hedge, line of trees or other similar obstruction on one side, and an additional 1m if bounded on both sides.

The driveway on this application is bounded on both sides by hedges and fences, (not owned by the applicant) plus a large oak tree, which means that it should measure a minimum of 5.5metres. The plan for the driveway shows that even if widened to its full potential, it will only be 4.2m.

Furthermore at the Cliff Road entrance the large, well-established oak tree (with TPO) on the side of the drive, restricting the width of the driveway to 3.2m, more than 2m below the minimum width required. Such a restricted width will not allow private vehicles to pass and, just as importantly, will not allow safe ingress/egress to commercial vehicles or to the heavy plant which will be required during construction.

In Addition WPC feels that it is important that this application goes to the planning committee for the following reason. We had been encouraged to see the responses from SCC Highways dated 3rd December which confirmed this application's obvious non compliance with regulations setting the minimum standards for shared drives and visibility splays and SCC Highways recommended refusal of the application. It is extremely disturbing that after WPC had submitted its consultation response and after the closing date for consultations, 12/12/2018, additional documents were added to the SCDC planning website. These show correspondence between SCDC planning and SCC Highways which resulted in SCC Highways withdrawing its objections. In other words completely disregarding its own regulations and those of the NPPF. We say that SCC Highways was entirely correct in its assessment of 3rd December and that this recommendation should stand and the application be refused. Furthermore we suggest that the response of 3rd December highlights what we see as the flaws in SCC Highway's response to the previous application for this site, 16/0510/FUL and a worrying lack of consistency in its recommendations.

4. Non compliance with SCDC policy DM23 re Noise or disturbance resulting from use.

The increase in the number of vehicles using the driveway and parking areas will cause significant disturbance to the adjacent properties, in particular, School Cottage. This would be further exacerbated by the proposed use of a shingle surface on the roadway within the development.

5. Extending the footway could cause surface water flooding on highway.

The plans show an extension to the current footway. The new raised footway appears to merge with the raised speed bump, effectively creating a dam by preventing surface water to run off the road'.

- 4.2 Suffolk County Council - Highway Authority(HA): Initial response recommended refusal due to inadequate 3.3 metre width for shared access (4.5 metres required) and lack of clarity on visibility splays. In the interest of consistency, the officer recommended the HA review the extant approved application DC/17/1055/FUL, which was not taken into account during the HA's assessment. Amended comments were subsequently received confirming acceptability in principle the proposal's access arrangement, as largely identical to that proposed. Notwithstanding, additional information was requested demonstrating vehicle turning areas for residents, which was provided by the applicant and accepted by the HA, however, demonstration of sufficient space for delivery vehicle turning remains outstanding.

- 4.3 SCDC - Head of Environmental Services and Port Health: Initial response requested additional information to assess potential for contamination. A questionnaire and desktop study was subsequently submitted by the applicants. Standard contamination conditions recommended to any planning consent in the event unforeseen contaminants are discovered during construction.
- 4.4 SCDC Economic Services: Responded with no comment.
- 4.5 Suffolk Coast and Heaths Project: No comments received.
- 4.6 Third Party Representations: Ten letters of Objection have also been received raising the following matters:
- Access and highway safety;
 - Overdevelopment;
 - Residential amenity;
 - Impact on TPO tree;
 - Surface water issues.

5. **RELEVANT POLICIES:**

- 5.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 National Planning Policy Framework 2019 (NPPF).
- 5.3 National Planning Practice Guidance (NPPG).
- 5.4 Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (adopted July 2013) policies:
- SP1 – Sustainable Development;
 - SP1A – Presumption in favour of Sustainable Development;
 - SP3 – New Homes;
 - SP15 – Landscape and Townscape;
 - SP19 – Settlement Policy (Physical limits boundary);
 - SP27 – Key and Local Service Centres;
 - DM7 – Infilling and backland development within physical limits boundaries;
 - DM19 – Parking Standards;
 - DM21 – Design: Aesthetics;
 - DM22 – Design: Function;
 - DM23 – Residential Amenity;
 - DM28 – Flood Risk.
- 5.5 Suffolk Coastal District Council - Site Allocations and Area Specific Policies Development Plan Document (adopted January 2017):
- SSP2 – Physical Limits Boundaries.

6. PLANNING CONSIDERATIONS:

The key issues associated with this application are:

- Principle of Development
- Design;
- Parking provision;
- Access and turning provision;
- Impact on TPO;
- Noise disturbance;
- Surface water issues.

Principle

- 6.1 Waldringfield is designated as a Local Service Centre within the settlement hierarchy set out in Policy SP19 (Settlement Policy) . In accordance with policies SP19 and SP27 (Key and Local Service Centres), the planning principle for new residential development within the defined physical limits of Local Service Centres is accepted.
- 6.2 The application site is located inside the physical limits of the village and the proposal promotes housing that will *'encourage and enable young and old to remain in their local communities'*, as required by SP27 (C). The site's use for the type of development proposed is therefore considered appropriate, subject to a positive assessment of other relevant policies in the Development Plan.

Design

- 6.3 Policy SP3 (New Homes) dictates that the strategy for providing new homes within the district will be to provide for a full range of housing that will *'encourage and enable younger people to remain in the district'*, while addressing the immediate and longer-term needs of the population
- 6.4 The proposal provides for a one-bedroom single-storey and three four-bedroom two-storey dwellings. The fourth bedroom of the two-storey dwellings are notably smaller and would likely only be appropriate for occupation by a small child or serve as a home office space. As such, the officer judges that the proposed mix of dwelling sizes would help to fulfil the longer term needs of Waldringfield by providing a cluster of smaller dwellings for young families and one single storey dwelling appropriate for use by the elderly or those with mobility impairment.
- 6.5 As many of the existing dwelling's that make up Waldringfield are larger detached properties, the officer considers the proposed mix of dwellings would contribute towards the longer-term sustainability of the village by providing accommodation for new families or those seeking to downsize and who wish to remain in the village.
- 6.6 While the officer accepts that the proposal represents an increased density of development over that approved by DC/17/1055/FUL (From 23 dph to 30 dph) , the inclusion of one additional single storey dwelling in the place of a similar scale single

storey structure would not, in the officer's opinion, represent an over development of the site as there would still be adequate space within the site itself to accommodate the additional dwelling, amenity space and required levels of parking, without appearing cramped or resulting in unacceptable curtilage sizes or causing a harmful relationship to surrounding land uses. The proposed development in the opinion of officers represents efficient use of land, as advocated by NPPF paragraph's 122 and 123, which notes:

'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site'.

- 6.7 Furthermore, the dwellings would not be close enough to adjoining properties to diminish the overall sense of openness in the immediate area. With this in-mind, the officer judges that the inspector's comments (see Appendix 1: Appeal Decision APP/J3530/W/16/3151160) relating to DM7 for the already approved development, remain relevant to this proposal.
- 6.8 Considered against DM21 (Design: aesthetic), the proposed dwelling's form and materials would result in a contemporary aesthetic, reflective of other more recent residential development, such as Church Meadows; where the similar use of timber cladding and render finishes above brick plinths have been implemented to good effect, creating an attractive development in a similar cul-de-sac arrangement to the proposed.
- 6.9 The surrounding character of residential development comprises a mix of one-and-a-half and two storey properties, ranging from larger detached properties set within generous curtilage in amongst the occasional small cluster of terraced dwellings. The officer therefore judges that the proposal would not appear out of place in this regard, and the new dwellings would be absorbed within the wider townscape with little impact on the village's existing character or wider landscape value, when considered against SP15 (Landscape and Townscape). The site's position as set back from Cliff Road would also mean the wider streetscene would be unimpacted.

Highways Considerations

- 6.10 Concerning parking, each two-storey four-bed dwelling includes two parking spaces. The single storey dwelling includes one parking space and there is one visitors space (eight spaces total).
- 6.11 The officer notes that DM19 (Parking Standards) refers to the adopted parking standards which require a 'maximum' of two spaces for three bedroom properties and three spaces for four bedroom properties. Notwithstanding, the officer judges that the provision of two spaces per four-bedroom dwelling and one space for the two-bed dwelling could be considered acceptable given the additional visitor space and the fact

that the fourth bedroom of each two-storey dwelling would, given the small size, is unlikely to be used for anything other than a home office or by a small child.

- 6.12 In comparison to the layout approved under application DC/17/1055/FUL, the removal of the three-bay cartlodge/storage structure and replacement with an additional single storey one-bed dwelling with a parking space represents a negligible impact over that already approved. As such, officers believe that the proposed parking arrangement could be considered acceptable and notes that there have been no comments received from the Highways Authority to the contrary.
- 6.13 Considered against DM22 (Design: Function), the officer judges that the intensified use of the approved access resulting from one additional one-bed dwelling would not represent an unacceptable increase towards compromising highway safety and there have been no concerns raised by the Highway Authority in this regard, nor in relation to visibility splays or access width. Furthermore, the proposed footway extension would improve highway safety for pedestrians on Cliff Road and the existing speed-bump would work in tandem with the 20 m.p.h speed restriction to provide additional traffic calming measures. The existing Oak tree, positioned at the site's entrance, will also provide some traffic calming function as would restrict flows to and from the site. Notwithstanding, the Oak tree would remain unaffected as a result of this proposal.
- 6.14 A request for further information by the Highway Authority towards demonstrating satisfactory space for vehicle turning within the site was submitted and accepted. However, the applicant's have not directly responded to the Highway Authorities request to demonstrate turning areas for delivery vehicles. With this in-mind, the officer notes that the layout of the proposed driveway represents a very similar arrangement compared with that included within the extant permission. As such, the officer judges that the design of the driveway should not be considered a reason for refusing this proposal.
- 6.15 The proposed removal of a second tree to enable a bin collection point is judged to have only a limited impact on public amenity by the Council's Arboricultural and Landscape Manager. Equally, officers are content that the residential character of development would not result in any undue impacts on surrounding countryside or the wider AONB.
- 6.16 Concerning comments received in relation to surface water flooding, a desk-top study undertaken by the officer does not reveal the site to fall within a flood zone or be at risk from any surface water issues, as concerned by DM28 (Flood risk). Furthermore, no evidence to support such claims have been received.

Residential Amenity

- 6.17 Concerning potential impacts on residential amenity (DM23), with reference to APP/J3530/W/16/3151160 (appendix 1) the officer maintains that the dwellings would be set at an appropriate distance from neighbouring properties, so as not to have a significant effect on the existing living conditions of occupants in respect of overlooking or access to light. The single storey design of the additional one-bed

dwelling would also not allow for any overlooking of School Cottage. Additional disturbance from moving vehicles is also unlikely to result in an unacceptable impact, given the existing character of the area and proximity between to adjoining properties.

CIL and RAMS Contributions

- 6.18 Planning permission DC/17/1055/FUL permits three dwellings on the proposal site and was granted on 8 May 2017. Given this permission remains extant, the council will seek contributions towards Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) for one additional dwelling only
- 6.19 The site falls within Zone B of the charging schedule and a contribution of £321.22 will therefore be sought.
- 6.20 The development is also CIL liable with appropriate contributions sought on the combined floor area of the proposed four dwelling's.

Summary And Conclusion:

- 6.21 This application represents three four-bedroom two-storey dwellings, each with two parking spaces, a one-bed single storey dwelling with one parking space, a visitor's parking space and improved access including a new stretch of footway along Cliff Road and a bin presentation area.
- 6.22 In comparison to extant planning permission DC/17/1055/FUL for three two-storey dwellings, the proposal represents the provision of one additional dwelling to replace a similar scale cartlodge/storage structure approved. The officer therefore does not believe the proposal represents an unacceptable form of development and that the marginal intensification of the proposal site's access would be negligible.
- 6.23 The proposal would provide a mix of new homes suited to younger families and the elderly to the benefit of Waldringfield's long-term sustainability. As set out within the above assessment, the proposal is considered in accordance with all relevant planning policies and material considerations. The officer therefore recommends approval for the application, subject to appropriate conditions, as set out below.

RECOMMENDATION: AUTHORITY to APPROVE subject to the receipt of appropriate RAMS payments and 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 following approved drawings:
 - 5207 8 (Site location plan);
 - 5207 6 (Plans elevations and sections plots 2-3);
 - 5207 7 (Plot 4 floor plan and elevations);
 - 5207 5 (Plans elevations and sections plot 1);

- 5207 4 (Site layout plan);
- 5207 10 (Elevations of existing buildings).

Reason: To secure a properly planned development.

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

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

4. The dwellings hereby permitted shall not be occupied until internal and external boundary treatments have been put in place according to a scheme that has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

5. The dwellings hereby permitted shall not be occupied until the improvements to the highway and driveway have been constructed in accordance with details shown on drawing 5207 4 (Site layout plan);

Reason: In the interests of highway safety.

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

Reason: To reduce the potential impacts of noise pollution and additional vehicular movements in the interest of amenity and the protection of the local environment including the neighbouring primary school.

7. The areas to be provided for storage of refuse/recycling bins as shown on drawing number 5207 4 (Site layout plan) shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose;

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

8. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the

Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

DETERMINATION:

BACKGROUND PAPERS:

- Planning Application File Ref No DC/18/3623/FUL
- Appendix 1: Planning Appeal ref: APP/J3530/W/16/3151160

Committee Date: 21 March 2019

Appeal Decision

Site visit made on 20 September, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th October, 2016

Appeal Ref: APP/J3530/W/16/3151160

Eureka, Cliff Road, Waldringfield, Suffolk, IP12 4QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs K Moodie against the decision of Suffolk Coastal District Council.
 - The application Ref DC/16/0510/FUL, dated 30 January, 2016, was refused by notice dated 31 March, 2016.
 - The development proposed is demolition of existing dwelling; erection of three dwellings and garage; alterations to existing access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling; erection of three dwellings and garage; alterations to existing access at Eureka, Cliff Road, Waldringfield, Suffolk, IP12 4QL in accordance with the terms of the application, Ref DC/16/0510/FUL, dated 30 January 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Eureka is a large bungalow with a wide frontage and large back garden, set back from Cliff Road at the end of an access drive. It sits on an irregularly shaped plot which has a side extension containing a large shed and a garden room. It is a building of no particular architectural merit, and its potential demolition is not at issue.
 4. The site is towards the edge of Waldringfield, and within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). It is separated from Cliff Road by School Cottage and its large garden, and flanked to one side by the primary school, and to the other by the houses and gardens set along Mill Road. It has largely well-established boundary treatment including substantial hedges and boundary fences. The site and bungalow are therefore unobtrusive, and bar a glimpse along the access drive, are not easily visible from the public realm. The rear boundary of the site has a low chain link fence, and adjoins a playing field belonging to the primary school, which is bounded on its far side by a substantial hedge and mature trees.
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5. There is no dispute that the appeal site is within the physical limits of the village of Waldringfield, which is designated as a Local Service Centre, capable of accommodating new residential development in the form of infill or small groups. Policy SP27 of the Suffolk Coastal District Local Plan 2013 (LP) seeks to manage the allocation of sites for housing development, but does not preclude the possibility of windfall sites coming forward. The principle of development of this as a windfall site is therefore not at issue.
6. The appeal development would entail the replacement of the bungalow with three two-storey houses set in a closely spaced group, separated by pedestrian access on both sides of each, with garden spaces to the rear and landscaping and parking areas to the front. The Council has confirmed that the curtilage spaces associated with each house are of a reasonable size. The proposed houses would sit close to the flanking boundaries of the site, but in doing so would adjoin the garden spaces of houses along Mill land and a landscaped area to the rear of the primary school rather than other buildings, and would only be relatively close to the primary school where it faces the appeal site across the access drive. The existing shed would be converted to accommodate parking, and the side extension to the site behind it would remain as amenity space.
7. This part of Waldringfield is mixed in character, and includes both two storey houses and bungalows set in plots of differing sizes ranging from the very generous to the adequate. The village as a whole is not without groups of very closely spaced or terraced houses. While properties directly adjoining the appeal site are characterised by large garden spaces, close by, at Church Meadows is a recently constructed group of substantial, two storey and closely spaced houses with garages and parking spaces to the fore.
8. I conclude therefore that in the context of an area of mixed character of this kind, the proposed dwellings would be set within adequate space on the site itself, and would not be close enough to adjoining properties to create a sense of enclosure or to diminish the overall sense of openness in the immediate area. They would not therefore appear as overdevelopment of the site, or particularly cramped, and would not therefore be harmful to that character.
9. The site is not in a conspicuous location within the village, being set back from and largely concealed from view from Cliff Road and Mill Land, and shielded from view on one flank by the primary school. Although higher than fronting buildings, by virtue of this set back only the upper storeys or roofs of the proposed houses would be glimpsed from outside the site. The appeal development is not therefore likely to have a significant impact on the townscape of the area. Although the rear of the proposed dwellings would be visible over the boundary fence to the school playing field, this is proposed to be raised in height, while the substantial hedgerow on the far side of the playing field would screen views of the site from the open country beyond. I do not consider therefore that it would have a significant impact on the AONB.
10. I consider therefore that as the appeal proposal would not have a harmful effect on the character and appearance of the area it would not conflict with Policy SP15 of the LP which seeks to protect and enhance the character of the AONB, Policy DM7 of the LP which seeks to ensure that the subdivision of plots to form additional dwellings will not result in cramped development which is out of character with the area, or Policy DM21 which seeks that development

proposals should relate well to the scale and character of their surroundings. As it would not have a harmful effect on the character and appearance of the area, the appeal development would not conflict with the presumption in favour of sustainable development in the Framework.

Other Matters

11. The submitted plans indicate an access drive of sufficient width to accommodate passing vehicles, albeit narrowing where it passes the protected oak tree and a visibility splay of 25 metres on either side. Cliff Road is a narrow road, but subject to a 20 M.P.H. speed limit. I note the concern that there are high volumes of traffic outside the primary school at points in the morning and afternoon. However, although the development of the site would generate a greater number of car journeys, I consider that the redesign of the access here it enters Cliff Road would be an improvement on the current situation, where there is no footway, and the exit is directly onto the road between a hedge and the oak tree. The presence of the footpath would serve to slow down drivers using the access drive. I do not, therefore, consider that the appeal development would have a harmful impact on highway safety.
12. Noise and disturbance and extra parking caused by construction would be for a temporary period only. A collection point for bins has been identified on the access drive close to Cliff Road. No evidence has been put before me to demonstrate a realistic prospect of flooding from surface water runoff as a result of the development.
13. The proposed dwellings would be set sufficiently far from adjoining houses not to have a significant effect on the living condition of occupiers of those houses in respect of light reaching them or overlooking. Although the creation of additional housing on site would generate additional vehicle movements, these would be commensurate with their use as private dwellings, and at a sufficient distance from adjoining dwellings not to have a harmful effect on the living conditions of their occupiers in terms of noise and disturbance.

Conclusion

14. For the reasons given above, and taking into account matters raised, I consider therefore that the appeal should be allowed.

Conditions

15. I have had regard to the conditions suggested by the Council and the requirements of the Framework. For the clarity a condition is added requiring that development is carried out in accordance with the approved plans. A condition requiring approved details of external facing materials to be followed is added in the interests of protecting the character and appearance of the area. A condition requiring the submission and approval of details of internal and external boundary treatments is also required in the interests of protecting the character and appearance of the area. A condition is added requiring that details of the highways and driveway improvements are implemented prior to occupation of the site in the interests of highways safety.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3409/10/E, 3409/11/A, 3409/12, 3409/13, 3409/14, 3409/15, 3409/16, 3409/17/A, 3409/18 and 3409/19.
- 3) Materials to be used on the external surfaces of the dwellings shall be as specified in the approved plans, or as otherwise submitted to and approved in writing by the local planning authority.
- 4) The dwellings hereby permitted shall not be occupied until internal and external boundary treatments have been put in place according to a scheme that has been submitted to and approved in writing by the local planning authority
- 5) The dwellings hereby permitted shall not be occupied until the improvements to the highway and driveway shall have been constructed in accordance with details shown on drawing 3409/18.

